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SITTING DAYS—2010

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FORTY-THIRD 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 Bob 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
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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
Hon. Mark Dreyfus QC, MP

Efficiency
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<td>Leader of the Opposition</td>
<td>Hon. Tony Abbott MP</td>
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<td>Hon. Julie Bishop MP</td>
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<td>and Shadow Minister for Trade</td>
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<tr>
<td>Leader of the Nationals and Shadow Minister for Infrastructure and</td>
<td>Hon. Warren Truss MP</td>
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<td>Manager of Opposition Business in the House</td>
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<td>Shadow Minister for Indigenous Affairs and Deputy Leader of the</td>
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<td>and Leader of the Nationals in the Senate</td>
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<tr>
<td>Shadow Minister for Finance, Deregulation and Debt Reduction and</td>
<td>Hon. Andrew Robb AO, MP</td>
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<td>Chairman, Coalition Policy Development Committee</td>
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<td>Hon. Bruce Billson MP</td>
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[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
SHADOW MINISTRY—continued

Shadow Parliamentary Secretary for Regional Health and Indigenous Health
Mr Andrew Laming MP

Shadow Parliamentary Secretary for Supporting Families
Senator Cory Bernardi

Shadow Parliamentary Secretary for the Status of Women
Senator Michaelia Cash

Shadow Parliamentary Secretary for Environment
Senator Simon Birmingham

Shadow Parliamentary Secretary for Citizenship and Settlement
Hon. Teresa Gambaro MP

Shadow Parliamentary Secretary for Immigration
Senator Michaelia Cash

Shadow Parliamentary Secretary for Innovation, Industry, and Science
Senator Hon. Richard Colbeck

Shadow Parliamentary Secretary for Fisheries and Forestry
Senator Hon. Richard Colbeck

Shadow Parliamentary Secretary for Small Business and Fair Competition
Senator Scott Ryan
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers.

NOTICES

Postponement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.30 am)—I move:

That government business notices of motion Nos 1, 2 and 3 standing in his name for today, be postponed till a later hour.

Question agreed to.

GOVERNOR-GENERAL’S SPEECH

Address-in-Reply

Senator PRATT (Western Australia) (9.31 am)—I move:

That the following address—in-reply be agreed to:

To Her Excellency the Governor-General

MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Australia in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the speech which you have been pleased to address to Parliament.

I welcome this opportunity to move the address in reply to Her Excellency the Governor-General’s speech at the opening of this—

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Senator Pratt, before you continue I would remind senators that everyone will get an opportunity to reply to the address that was given yesterday.

Senator PRATT—I welcome this opportunity to move that the speech given by Her Excellency the Governor-General at the opening of the 43rd Parliament be agreed to. History was made yesterday as our first female Governor-General marked the opening of the Australian parliament with an address that outlined our new government’s plans for the future, a government headed by Australia’s first female Prime Minister.

Like our Prime Minister, Australia’s first female political candidate, Catherine Helen Spence, hailed from South Australia. Spence ran for the Australasian Federal Convention in 1897. Today she is better known as an advocate of women’s suffrage, but in her own day she was best known as an advocate for effective voting, or what we call ‘proportional representation’. Spence wrote:

The fundamental principle of proportional representation is that majorities must rule but that minorities shall be adequately represented. An intelligent minority of representatives has great weight and influence. Its voice can be heard. It can fully and truly express the views of the voters it represents.

Spence hoped that more effective representation would reduce the bitterness of party strife and strengthen independent thought and the integrity of our electoral system. She said:

The minority represented is the true sharpener of the wits of the ruling powers, the educator of the people and the animator of the press.

She looked for an end to ‘war by election’, where the winner takes all no matter how slim its majority. She wanted to restore to representation ‘its true meaning, that the elected body, the parliament, should be the mirror of the convictions and aspirations of the whole people’.

In this place we have some experience of what the weight and influence of an intelligent minority of representatives can mean in practice—more experience, I venture to say, than many of those in the other place. It sharpens the wits of the ruling powers, as any government without a majority in the Senate and any minister who has been grilled at estimates can attest. It can engage the public in parliamentary processes, as evidenced
by the Senate committees’ robust system of public inquiries. And when the fourth estate deigns to focus on our proceedings, the result is often more issues based reporting and less obsession with personalities and political conflict.

In this place, we also know that effective representation of minorities is compatible with stable and effective government. We know that about 85 per cent of legislation is passed in this place with bipartisan support. Why is this the case? It is largely because many matters that come before the parliament are not controversial; they do not divide the nation or its major parties to any significant degree. On these matters, it is appropriate that the view of the overwhelming majority should prevail—and it does. It always has prevailed in this chamber and in the other place, and will prevail in this parliament—provided that ‘Her Majesty’s loyal opposition’ acts in good faith.

Where bipartisan support is lacking or unstable, and where public opinion is unclear or divided, the adequate representation of minorities becomes important. It is then that genuine consultation and good faith negotiation becomes critical if a way forward is to be found. It is then that the nation most needs a parliament that is a mirror of the convictions and aspirations of the people. On many such matters in the last parliament, the Labor government was able to negotiate with a diverse crossbench in the Senate to secure important reforms and gain support for vital initiatives. Where such negotiations failed, this more often than not reflected a lack of any deep lasting consensus in the community.

Those who maintain that strong minority representation is incompatible with effective government simply fail to comprehend what Spence grasped over a century ago—namely, that the effective representation of minorities can work to enhance majority rule, not undermine it. As a Labor government senator, I look forward to the continuing opportunity to work with all my parliamentary colleagues to this end.

It is ironic to say the least that some of those who seek to portray the current parliament as unworkable and the new government as unstable and impotent are the very same people whose government was fatally weakened when it mistook a majority in both houses for a mandate to act with impunity. The fate of the Howard government and its Work Choices legislation in 2007 illustrates just what happens when ruling powers mistake a majority for a mandate, ride roughshod over dissent and institute radical changes without community support. Neither the government nor the legislation survived. There is no stability, and no real potency, in making changes that are swiftly reversed because they lack real support. That is not strong leadership; it is simply a waste of time at best and dangerously destabilising at worst.

On the other hand, there are many examples of minority governments that have worked. And, reassuringly, some of the best examples are drawn from jurisdictions that share our political culture. We have seen such governments work in our own states. For a national example, we need only look across the Tasman. New Zealand’s first elected female Prime Minister led minority Labor governments for almost a decade, becoming the fifth-longest-serving Prime Minister in her nation’s history.

I am proud to be part of a government led by Australia’s first female Prime Minister—a government that welcomes the opportunities which this finely balanced parliament presents to be more open and more accountable, to build bridges, to think laterally and to lead by virtue of the power of our ideas and the
persuasiveness of our arguments, not by weight of numbers alone. That is why it was so gratifying yesterday to hear the new government’s plans outlined by Her Excellency the Governor-General. Our plans for this parliamentary term make clear the strength of our vision for this country’s future—a vision founded squarely on Labor values that have broad appeal and wide application. Our plans offer a firm foundation for reform. They offer a sound basis on which to build the bridges necessary to bring real and lasting reforms to fruition.

The cornerstone of these plans is the sound management of our economy. Sound economic management will secure our prosperity by providing for sustainable growth—growth that endures, growth that is compatible with the preservation of our planet and our continent’s natural assets rich and rare, growth that delivers benefits for all Australians regardless of the circumstances of their birth or where they now live. This is not just because this outcome is more equitable, but also because it is more efficient.

A modern nation like ours, which competes in the global economy, cannot afford to waste the talents of its people. Such wastage breeds frustration, marginalisation and social dysfunction; more specifically, it breeds unemployment, poverty, crime, child abuse and neglect. We want the opposite. We want all shoulders to the wheel. And if we want all our citizens to take real responsibility for building a better future we must give everyone a real stake in the outcome—a real chance to benefit from the rewards that flow from hard work, initiative and innovation. Entrenched inequality and opportunity curtailed are incompatible with a peaceful and prosperous nation. That is why Labor is committed to a high-productivity high-participation economy that engages all our citizens in the economic life of the nation, develops their potential, fully utilises their talents, maximises reward for effort and minimises barriers to innovation, initiative and achievement.

This is why we are committed to a prudent fiscal strategy. It is a strategy that will see us returning to surplus in three years—long before most of the rest of the developed world—so that public sector debt does not become a drag on our economy. As the recovery picks up speed and the private sector expands, the strategy is about creating new businesses and new jobs. It is why we are committed to further micro-economic reform and deregulation—a process begun under the Hawke-Keating government and continued through our COAG reforms. These reforms are designed to create a seamless national economy and drive competition so that private sector initiative and enterprise is rewarded rather than stymied by arbitrary or unnecessary regulation.

Our commitment to sustainable prosperity is also why we support a price on carbon. A carbon price will not only help save the planet but will also keep us ahead of the game when it comes to investing in the infrastructure, skills and technologies needed to secure the jobs of the future so that Australians win rather than lose as the world shifts to a low-carbon economy. Our belief in a high-productivity high-participation economy is fundamental to our passion for health reform. It is unjust that the burden of ill health falls unevenly on Australians and it is a human tragedy that so many in our community suffer from preventable illnesses. It is also a colossal waste of human potential—a waste that costs our economy very dearly in terms of both medical expenditure and lost productivity. That is why when we weigh up the worth of the NBN we must take into account the benefits of the e-health services it can deliver—economic as well as social benefits that are no less great for being hard to calculate.
Our commitment to sustainable prosperity is why we believe we should accept the extra tax that our most successful mining companies say they can pay. That extra revenue will help fund much-needed infrastructure, especially in our mining regions. It will help fund tax cuts for all businesses and tax breaks targeted at small business—tax relief that will maximise rewards for enterprise and help drive private sector job creation and innovation.

Furthermore, the minerals resource rent tax will help support improvements to superannuation. Improvements in super will help secure better retirement incomes for working Australians and reduce public expenditure on income support as the population ages. They will also increase the pool of national savings, reduce reliance on foreign capital and facilitate further investments in our economic capacity. These investments are critical to both maximising the rewards of this mining boom and to minimising its risks—risks that threaten to divide us into winners and losers, not just between the boom states and others but also within the states that generate our mining wealth.

In many ways the risks posed by the mining boom are greatest in states like my own state of Western Australia. It is there that skills shortages will be most acute if we do not act decisively, and it is there that such shortages are most likely to put upward pressure on wages. Such pressure feeds inflation and can undermine the viability of businesses in the non-mining sectors, where most people are employed, even in Western Australia. Anyone who lived through the last mining boom in WA can testify to its impact on housing affordability throughout the state. That is why we must invest in the infrastructure and the corporate tax relief that will help ensure that all our industries, all our regions and all our citizens can prosper. That is why we must act decisively to confront looming skills shortages.

Above all, our belief in a high-productivity high-participation economy necessitates a commitment to continuing the education revolution and building first-class facilities for our schools and tertiary institutions so that they are equipped to prepare the next generation for life and work in a highly competitive 21st century globalised economy; a commitment to greater transparency and a focus on quality in our schools and universities so that failures can be addressed and success recognised and rewarded; and a commitment to training and immigration strategies that more tightly target current and emerging skills shortages. We should give preference to equipping our own citizens for the jobs of today and tomorrow wherever possible. This is the best way to ensure that more of the jobs created by the mining boom benefit all Australians. It is about ensuring that we stand ready to take advantage of new opportunities as they emerge over the long term.

If we get the management of the economy right, more of our citizens will enjoy the benefits and dignity of work, and we will be able to spend less on the social ills that unemployment and poverty bring. It will leave more room for further tax reform and further investment in all those things that enrich Australians’ lives and lighten the burdens of our neighbours. As a nation we can invest in sport and culture and in being good global citizens while making our fair contribution to peace and prosperity in our region and beyond.

I conclude by reiterating how much I welcome and appreciate this opportunity to move the address-in-reply and how proud I am to be part of a government that stands ready to lead through the strength of its values, the quality of its ideas, the persuasive-
ness of its arguments and the inclusiveness and integrity of its processes.

Senator Furner—I second the motion and reserve the right to speak later in the debate.

Senator ABETZ (Tasmania) (9.51 am)—I congratulate Senator Pratt on being chosen by her colleagues to move the address-in-reply. Her Excellency’s address to this place yesterday highlighted the ongoing deficiencies of this ongoing Labor government—a government that failed when it had an absolute majority in the House of Representatives and is already continuing to fail without a majority. In the speech yesterday there was no mention of what the government was going to do for the thousands of Australians who still have electrified roofs and are living in danger of their houses burning down because of Labor’s bungled pink batt and insulation scheme. It has been simply airbrushed out of the pages of history. That is what Labor thought. But it is not so, because we as a coalition will continue to make the government accountable.

Similarly, there was no mention in the speech about the green loans scandal. It has been simply airbrushed out. But no way: we will put it back onto the agenda. Similarly with the waste we saw with Building the Education Revolution. On the ‘quality buildings’ that Senator Pratt referred to, I recall campaigning in the seat of Riverina during the election campaign and seeing one of these quality structures absolutely and utterly collapsed. It was an absolute debacle. But, according to Labor, this is a quality building of which they stand proud. I wonder which Labor minister is going to be opening that one!

The speech provided to Her Excellency by the government was full of spin, not substance. Indeed, at the very beginning we were told:

... 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.

Great words, great inspirational stuff, but what did Ms Gillard do as soon as she left this chamber? She went to the House of Representatives with a deliberate ploy to sack the female Labor Deputy Speaker in favour of a male coalition Deputy Speaker. There you have it: absolute gender equality with the Labor Party! Why did they do this? Because it was worth a political stunt. As a result, by a deliberate decision of Ms Gillard and Labor to remove the existing female Labor Deputy Speaker from her position, the three speakers in the House of Representatives are all male. Where is Ms Kirner, where is EMILY’S List, where is the Women’s Electoral Lobby—indeed, where is Senator Kate Lundy—on this issue? They are deathly silent because, when it comes to Labor Party political stunts or looking after women in the Australian parliament, it will always be Labor Party political stunts that come first. Very early on in the Governor-General’s speech we had an indication that this Labor government is just a continuation from Mr Rudd: all spin and no substance. When the acid test is applied are they going to live up to being an inspiration to the young women and girls of this country? What they will have to point to is one very, very disappointed Ms Anna Burke, who yesterday, with virtually no notice—in fact, some would say an unfair dismissal claim could be lodged here—was dumped as Labor’s Deputy Speaker. So we had spin above substance.

Then we were told about transparency, a new paradigm, and that everything would be open for the Australian people to examine. Well, Ms Gillard has another test today. As I understand it, Graham Richardson—no
friend of the coalition—has indicated that two ministers refused to be sacked by Ms Gillard. Ms Gillard says that she chooses her own ministers. But, according to Mr Richardson, one minister said to her: ‘Dare to sack me! If you do, we’ll resign from the parliament and we’ll create by-elections for you, which you might lose, and as a result deliver government to the coalition. So you’ve got no choice but to reappoint us.’ I make this claim today. The chances are that it might have been the Attorney-General and the Minister for School Education, Early Childhood and Youth. But I fully accept I might be wrong.

Senator Ronaldson—Mr Garrett.

Senator ABETZ—Mr Garrett, by the way.

Senator Lundy interjecting—

Senator ABETZ—But, of course, Ms Gillard can get rid of all that by levelling with the Australian people and telling them exactly what happened. Let us see if this new era of transparency applies to her government and to ministerial appointments.

Senator Lundy—Tony Abbott’s new world of made-ups!

Senator ABETZ—Senator Lundy has finally found her tonsils again. But she was not able to defend the decision on Anna Burke, what she? Very interesting. This government started breaking its promises before it was sworn in. It was already dealing with the Australian Greens, making a deal in the vexed area of whether or not this nation should have a carbon tax. Let us just recall for history how Ms Gillard and her deputy, Mr Swan, ran the last election campaign. On 15 August Mr Swan said this:

... what we rejected is this hysterical—
mark the word ‘hysterical’—

allegation that somehow we are moving towards a carbon tax ... That was six days before the last federal election. Five days before the last federal election Ms Gillard said:

There will be no carbon tax under the government I lead.

Then on the day before the election—and this is how hot a topic this was during the campaign—on the very last day of the campaign, on 20 August, Ms Gillard said:

I rule out a carbon tax.

Where is that promise today, given the grubby deal that they have made with their new alliance partners, the Australian Greens? Now, after the election, after having been sworn in again, Ms Gillard was asked by a journalist:

JOURNALIST: Prime Minister, are you ruling out a carbon tax? Is that something you will look at?

PM: Look, we’ve said we would work through options in good faith at the committee that I have formed involving, of course, the Greens, and it’s my understanding that Mr Windsor will also seek to participate in that committee. We want to work through options, have the discussions at that committee in good faith.

JOURNALIST: So you’re not ruling it out then?

PM: Well, look, you know, I just think the rule-in, rule-out games are a little bit silly. Well, if ruling in and ruling out was ‘a little bit silly’ after the election, why did she specifically rule it out before the election? If it was a silly game after the election, it was a silly game before the election. But she knew that she was headed to electoral oblivion unless she gave that rock-solid guarantee that there would be no carbon tax—a carbon tax which will inflict even higher prices on the cost of electricity and the cost of living for each and every Australian, inflate food prices and, if Australia goes it alone, have the perverse impact of making the world’s carbon dioxide emissions even greater. Why? Because, as we price out our manufacturing
industry with a carbon tax, they will simply move from Australia to those countries without a carbon tax. Indeed, in my home state of Tasmania we have a zinc works—I use this example on a regular basis—producing one tonne of zinc for two tonnes of CO2. In China they create that same tonne of zinc for six tonnes of CO2. So if you price our manufacturing sector out of the world marketplace, the world will start buying their zinc from China—no longer from Tasmania and South Australia—and, as a result, the carbon footprint on the world will be even greater. That is the perverse outcome of Australia going it alone with a carbon tax. Ms Gillard knew that. She knew the threat to jobs in all these manufacturing sectors, and that is why she specifically ruled it out. Six days before the election, five days before the election—on the day before the election, she ruled it out. And yet now it is a silly game to play, asking her to rule it in or out.

What it means is that Labor thinks they can break every solemn promise they made to the Australian people by virtue of the fact that they had to sell their political soul and their principles to cobble together a government of such diverse colours, from the extreme left of the Australian Greens to country conservatives. They try to sell it as a rainbow coalition. Yes, it is a rainbow coalition. Rainbows, as we all know, look pretty—but they are illusory. If you try to touch them they are not there. The closer you get to them, the further away they get.

Senator Cash interjecting—

Senator ABETZ—And, Senator Cash, at the end of this one there is definitely no pot of gold. In fact, there will be one huge deficit, the exact opposite, at the end of this particular so-called rainbow.

So, Madam Acting Deputy President, what we have is a government that said one thing to squeak its way back into office and is now doing the exact opposite. It is nearly doing the opposite of a Kevin—a ‘Nivek’, I suppose we will have to call it. Remember the ‘greatest moral challenge of our time’? Nothing was more important. We needed the Carbon Pollution Reduction Scheme. I must say that Nivek nearly has a nice Russian sound about it—but we will not go there. Anyway, that was the big moral issue of our time, and then—

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Senator Abetz, I want to remind you that, if you are referring to people in the other place, they do have a correct title other than their Christian name.

Senator ABETZ—You are right, Madam Acting Deputy President, but it would spoil it somewhat. But you are quite right.

The ACTING DEPUTY PRESIDENT—And you could address your remarks through the chair occasionally. That would be useful, thank you.

Senator ABETZ—I do not think I was addressing any senator directly, Madam Acting Deputy President, but if you want to hear ‘Madam Acting Deputy President’ scattered a few times in my remarks I am more than happy to oblige.

Senator Fifield—She’d like eye contact.

The ACTING DEPUTY PRESIDENT—Yes, exactly.

Senator ABETZ—What I was saying was that the Labor Party under then Prime Minister Kevin Rudd said that climate change was the greatest moral challenge of our time. Then, all of a sudden, it could be dumped. Now Ms Gillard has done the exact opposite. She went to an election saying, ‘I specifically rule out a carbon tax,’ and now, after the election, all of a sudden she is going to bring it back in, so she is doing the exact reverse of that which the honourable member for Griffith undertook.
Madam Acting Deputy President, we were also told about a stronger economy in this speech. We recall that, when Ms Gillard took over from Mr Rudd, she was also going to become a converted economic conservative. She promised the Australian people that there would be spending cuts—a very wise policy move, one which we endorsed. During the election campaign, can anybody recall any spending cuts that were announced? Were any spending cuts announced in Her Excellency’s address to the parliament setting out the government’s agenda? Not one. But there were expenditure announcements relating to the $10 billion deal that Ms Gillard did with the country Independents. There we have it: before the election, Ms Gillard promising cuts so that we could have fiscal responsibility; straight after the election, delivering a further $10 billion completely and utterly unfunded.

Talking about things unfunded, we have the celebration in this speech of the National Broadband Network. What were we told about that? We were told, amongst other things, that it would be affordable. What is the price? What is the cost? There has been no business case presented. There is no price on it, yet they just make this bold claim, the spin, that it is affordable. But, when you ask Senator Conroy, who usually sits opposite, what the price will be for a connection and the monthly rental, he is unable to answer. So how can they make the assertion that it is somehow affordable?

If you want another insight into this government, all you need to do is read about the minerals resource rent tax. Do you know what is celebrated in the speech? That it was agreed with our nation’s biggest miners. What about the country’s small miners—

Senator Cormann—That’s 99 per cent of the industry.

Senator ABETZ—and medium-sized miners who make up—as Senator Cormann quite rightly interjects—make up 99 per cent of the mining companies in this country. They are completely and utterly discarded and considered irrelevant, because this government does deals with big business and big unions and they love big government. We on the coalition side do not subscribe to that. We think a better outcome would have been to get a consensus with the other 99 per cent, not with the one per cent and trumpeting that as a triumph. But, no; for Ms Gillard and Labor the spin always has to be with the big companies; do a quick deal and the rights of small business can simply be trampled on and forgotten. It is not so on this side. We will continue to fight against that tax, which will impact on every Australian. Make no mistake: mining is a world activity these days. People will decide where to invest, and Australia has now slid ‘something chronic’ as a place for investment in the resources sector. The sovereign risk is now so great that many South American companies outdo us, courtesy of the economic genius of Mr Rudd and now Ms Gillard.

There are many other matters that I could canvass in relation to this speech. One thing I am pleased about is that on our side of politics disabilities is now looked after by a genuine shadow minister. It has been elevated in our thinking. It is the appropriate thing to do. The Labor Party talks about an inclusive society but disabilities remains with a parliamentary secretary. If Labor genuinely wants to call itself an inclusive government, let it follow our example in that regard. There are many things wrong with this government. I move the following amendment to the Governor-General’s address-in-reply:
“...the Senate:

(a) regrets that the Gillard Government has already broken its promises to the Australian people by, among other things:

(i) announcing a carbon tax, contrary to the Prime Minister’s express assurances both during the election campaign and immediately afterward that there would be no carbon tax,

(ii) instead of seeking a consensus on measures to deal with climate change, instituting a committee, the conclusions of which are predetermined,

(iii) failing to announce any measures to deal with the influx of asylum seekers arriving by sea,

(iv) failing to provide for a dedicated Minister for Education,

(v) failing to provide for a dedicated Minister for Disability Services,

(vi) failing to clarify its position on the private health insurance rebate,

(vii) failing to announce economically responsible measures to deal with housing affordability, and

(viii) announcing to the Australian people that the Government would not be bound by the promises it made to voters during the election campaign; and

(b) further notes that the Government has outlined no credible plan to:

(i) bring the budget into surplus,

(ii) cut waste,

(iii) pay off the debt,

(iv) stop the boats, and

(v) stop new taxes, such as the mining tax”.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.11 am)— I take great pleasure in supporting the motion on the address given to us by Her Excellency the Governor-General. May I say at the outset that she is a most impressive Governor-General and her work as the most senior Australian under our constitution has gained great admiration around the country. I thank her for the job she is doing. The speech she delivered yesterday we all know was effectively written by the government—that is a part of the Westminster system, and we understand that—but we congratulate her on her presentation and thank her for opening this 43rd parliament.

She noted at the outset of the speech that she was the first female Governor-General at the same time that we have the first elected female Prime Minister. I would add to that that I am very pleased to be the leader of a party which has a predominance of females in its ranks, and that will become even more so when the senators elect join us in this House on 1 July next year. The honourable senator in moving this motion referred to Catherine Helen Spence, who I call the ‘mother of Federation’. She hailed from South Australia. She was a great worker for suffrage, including ensuring that females got the vote in federal parliament right from the outset, way ahead of what was then called the ‘mother country’ of the United Kingdom. But we have work to do yet, right across this country, to ensure that—not only in this parliament but in business and in decision making wherever it might be—there is proper representation for females. It is something we have not achieved yet and it is an area in which other countries similar to ours are way ahead—for example, Norway. Better female representation in the business sector is something where Australia lags right behind.

I note Senator Abetz’s rather negative response. He moved right at the end of his speech, almost as a desultory add-on, an amendment condemning the Gillard government for broken promises to the Australian people. I would be surprised if during this debate another amendment does not enter this place which condemns the opposition—the coalition, led by Mr Abbott—for the first egregious breach of a written commitment in the parliament. We are not talking...
about election commitments here; we are talking about commitments post election to ensure pairing of the Speaker and Deputy Speaker in the House of Representatives. There was a very public breach of a promise on a written agreement in order to try to gain political advantage, and it should be condemned.

The opposition is saying that the Prime Minister has changed at least some commitments made in the run-up to the election. It is time that the opposition understood that this is a minority government and that in the establishment of a minority government there has to be give and take and that this is something highly appreciated by the Australian people. I am very clearly aware that, without breaching unnecessarily any confidences, the Leader of the Opposition, Mr Abbott, was well prepared to make commitments in the post-election period—if necessary contrary to his pre-election promises—if it was going to help him become the leader of government. It is a case of, at best, the pot calling the kettle black for the coalition to move this amendment.

I move on in my speech on the address-in-reply to the much more positive outcomes that we are seeing unfold in our Australian democracy in the wake of the vote of the people of Australia on 21 August. That vote, amongst other things, went to the Australian Greens to the tune of 12 per cent in the House and 13 per cent in the Senate. It has meant a stronger complement of Greens coming into this parliament, though I hasten to add that that figure of, I think, 11.3 per cent in the House would translate to 15 to 17 Greens members in the House of Representatives at the moment.

This is a question which is going to be dealt with increasingly in public discourse in the coming years. Democracy is based on one person, one vote, one value and our single member electorate system in the House, which has been in place for more than a hundred years, fails to deliver that outcome. Many other countries have moved to proportional representation. That does deliver a much greater equality of vote, and it needs to be fixed in our parliamentary system. It does not require a constitutional change. In fact, it was Katherine Helen Spence along with Tasmanian Attorney-General Clark who fought strongly to ensure that in the Constitution it was up to the parliament to determine the voting system for both houses. That enabled the Senate to become proportionally representative, at least at state level. There is an inequality, as we know, between the populations of the various states which leads to a weighting of the votes cast in them, but it was a necessary component of the coming together of the colonies to create the great Commonwealth that we have. However, it was not until the 1940s that proportional representation was applied to voting for the Senate. It is time that we looked at proportional representation being brought into the House to give us a fairer democracy and to give all voters greater equality in their vote.

Consequent to the election, I and my colleagues spoke with people on both sides of the two-party system which formerly ruled in the House. Of course, central to our deliberation was the election of Adam Bandt as the member for Melbourne and the first Greens MP elected to the House of Representatives at a full parliamentary election. We previously had Michael Organ elected at a by-election for Cunningham, which is in Wollongong, but this is the first time that in a full election a Greens candidate has been elected
to the House of Representatives, despite the weight against it in the parliamentary system. We have seen three or four other seats in which, if you look at the two-party preferred outcome, it is a contest between the Greens and a candidate from another party. In each case it happens to be a candidate from the Labor Party, but in the future we are going to see Greens versus the coalition in seats around the country. The Greens will be moving to get a greater representation in the House and indeed in the Senate in the coming years. What we have seen here is that those people who voted Green know that they are getting value for their vote and that no longer can it be said that a vote for the Greens is a wasted vote. Quite to the contrary, a vote for the Greens is now a vote for a powerful voice in the national parliament.

In my dealings with the Hon. Julia Gillard, the Prime Minister, I have encountered a frank, honest, intelligent person. She has at all times lent me a courteous and listening ear as well as giving me a very correct presentation of her position as leader of the Australian Labor Party as she moved towards establishing the numbers, if you like, to become Prime Minister. I thank her for that.

We will have between the Australian Greens and the Australian Labor Party in the coming three years a very businesslike working relationship, and there will be sniping from the sidelines—it is from the opposition; we are used to that—because it is clear that Mr Abbott’s and the coalition’s position is to try to wreck this period of governance by being negative as we have just heard in that delivery from Senator Abetz. There is not much positive about it at all. That is the old—to use the new word—paradigm, the much overused word paradigm, but things will change. I, like the Prime Minister, invite the opposition to be positive and to take part in the establishment of policy as we go down the line. I will be talking about a couple of those things in the eight minutes left here, and my colleagues will expand on this in the debate in coming days.

Firstly, a climate change committee has been established and that has been well publicised. It involves people who believe that there should be a carbon price and who want to genuinely tackle climate change. One or two opposition people are shaking their heads at this moment because they feel excluded. They are very welcome to set up a climate sceptics’ committee and bring a report into the parliament as to why we should take no action in establishing a carbon price and why business should be—

Senator Cormann—You would support a committee like that.

Senator BOB BROWN—No, I will not, Senator, support a committee like that because I believe that lets down the nation. Through you, Madam Acting Deputy President, I think we have to accept our responsibility in tackling the enormous threat to our economy, employment, the lifestyle of the future of this nation’s great assets like the Great Barrier Reef, our biodiversity generally, the snowfields and the Murray-Darling Basin which are not just threatened by climate change but are already affected by climate change and face—

Senator Cormann—death by mid-century through climate change and acidification through this stacking of the polluting of the atmosphere with coal. It is our responsibility to tackle this responsibly and which the opposition chose no proclivity to act upon in our time.

That committee will be working hard to achieve an outcome, and we are committed to it and we are committed to climate change action as best this parliament can arrange in the coming years. My colleague Senator Christine Milne is vice-chair of that committee. She has an enormous knowledge of not just climate change but the best way forward
for us to not just see it as a challenge but as an opportunity as we green our economy and take full advantage of a new technological age in which we can tackle climate change while boosting the economy, the job outcome and the advantages of massive export income that comes with that. One only has to look at the success of, for example, Germany to understand that that is the direction this sunny country of ours should be going in.

Amongst other things that have been established in this agreement with the government is that there will be a leaders’ debate commission set up so that we do not get the farce of jockeying between the two old parties on how leaders’ debates in the run to future elections should go. An independent commission will look at all matters to ensure that the public sees a reasonable debate between parliamentary leaders—and I do not exclude future Greens leaders from that; they should be included.

Senator Humphries—Present ones as well.

Senator BOB BROWN—Yes, Senator Humphries, the present leader—that is me—was very willing to be involved in the debate but neither side wanted that in the run to the last election.

I think Senator Faulkner can take a lot of credit for moves to lower the donation disclosure threshold to political parties from the $11,500 as has come to us from the Howard era to $1,000 and truth in advertising to be instituted under changes to the Commonwealth Electoral Act. The Greens have been pursuing that very strongly. It is noted in the agreement that the Greens are predisposed to a system of full public funding for elections as in Canada. We will also be moving for a private member’s bill for above-the-line preferential voting in the Senate.

The other matters that are encompassed in the agreement involve the establishment of an information commissioner to help ensure that matters involving government are disclosed to the public. Importantly, Senator Siewert and I spoke with the honourable minister Jenny Macklin this morning about progress towards the referenda which we hope will be held, if not during this period of governance then at the next election, to recognise Indigenous Australians in the Constitution. I can assure everybody that there will be wide-ranging public consultation, not least with First Australians, in the move towards that referendum as well as a referendum on recognising local government. It is missing from the Constitution, and the Local Government Authority and the local governments across this country—500 or so of them—have been wanting that recognition. It is something I believe, if we get cross-party support, will be adopted by the people of Australia, given the opportunity at the next election.

We will also be exploring ways to ensure we get three-year terms of government. One of the things the Greens are committed to is stability in this period of government, whatever the opposition may throw at it. We will be moving to see what can be done under the constitutional arrangement, which is for three-year government—you need a referendum if you are going to four-year governments—and to ensure three-year terms of parliament are as far as possible guaranteed. The improvements to question time in the House taken from this Senate—and there is nothing like a successful change to standing orders in one place for strength in argument that it be adopted in another place—are now being taken up.

Also important is the consideration of private members’ legislation, which is something that I have been working hard on. We brought it before the Senate in the last three years but it got nowhere. The breakthrough with this new arrangement with the Gillard
government is that now we will see a change of rules—and I hope the opposition will be amenable to this; I believe they will be—to get at least 2½ hours per week private members’ debate in each chamber.

I have flagged, amongst the many bills which I have moved to now be restored to the Notice Paper, the restoration of the democratic right of the parliaments in Darwin and in Canberra, the assemblies, to be able to legislate on the matter of euthanasia. I note, by the way, that there is an attack on me again in the *Australian*, from Paul Kelly, editor-at-large, on that matter today. When you get to the heart of it, he says this:

But what, exactly, are people supporting? The 1996-97 debate provides the answer …

He is referring to polls of 80 per cent showing support for euthanasia. He goes on:

… most people think that turning off life-support machines and discontinuing life-preserving treatment is euthanasia.

This is, again, the patronising attitude from the *Australian* that the Australian people cannot think for themselves, are not informed and do not know what it is that they are saying they want when they support euthanasia. It is time the *Australian* levelled a bit more and instead of dictating to the Australian people reflected a little more on the fact that people are intelligent enough to think for themselves. There will be much more in this debate. I am very excited about the coming three years. I commit to the debate being handled responsibly. I thank the chamber for listening so courteously.

**Senator FURNER** (Queensland) (10.31 am)—I rise today to reply to the Governor-General’s speech, which was delivered on the first day of sitting of the Gillard Labor government in this 43rd Parliament. It was with honour and pride this morning that I was able to second the motion on the Governor-General’s speech. I wish to use this opportunity to reflect on the achievements of the Labor government over the past three years, given that many of the outcomes will come to fruition over the next period of government. These will be the outcomes from significant changes to our industrial sector, our education system, our economy and the election of our first female Prime Minister.

When the Australian Labor Party took up government, there were many items on the agenda. We set out to abolish Work Choices, the legislation which compelled me to run for office and the very thing which took away our workers’ rights. As representatives of working families, we knew that they deserved a fairer system of industrial law. On 19 March 2008, the Australian parliament passed the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008, which prevents employers from making Australian workplace agreements and introduced a no disadvantage test for new collective agreements. We passed the Fair Work Bill 2009 to ensure that Australians had fair, relevant and enforceable minimum terms and conditions which could not be pushed aside for individual employment agreements.

We have ensured that workers cannot be dismissed unfairly in workplaces of fewer than 100 employees, like they could under Work Choices, the initiative of the previous Howard coalition government. We introduced Fair Work Australia, an independent body to handle workplace issues such as a safety net for minimum wages and employment conditions, enterprise bargaining, industrial action, dispute resolution and the termination of employment. We also introduced the Fair Work Australia Ombudsman to promote harmonious and cooperative workplace relations and compliance by providing education, assistance and advice.
Prime Minister Gillard, who was then Minister for Workplace Relations, said in her second reading speech that these changes were exactly what the Australian public wanted. She said:

... Australians voted for a workplace relations system that delivers a fair go, the benefits of mateship at work, a decent safety net and a fair way of striking a bargain.

That is what this bill does.

We set out to say sorry to our Indigenous Australians. On 13 February 2008 Kevin Rudd, as Prime Minister, delivered the apology. For many years the treatment of our Indigenous Australians was pushed under the rug and no-one spoke about it. If no-one mentioned it then we could pretend it did not happen, but that was wrong. After years of silence it was time to end this denial and to acknowledge the ill-treatment received by our Indigenous Australians.

We set out to apologise to our forgotten Australians. On 16 November 2009 we acknowledged the hurt and suffering half a million children raised in institutions and orphanages had experienced. We said sorry.

During our first term we faced the biggest economic challenge of our time, the global financial crisis. It threatened our economy, our jobs, our working families, our businesses and our livelihoods. To keep Australia afloat, the Labor government introduced our $42 billion Nation Building and Jobs Plan to stimulate the economy and to make sure Australians stayed employed. That economic initiative has become the envy of leaders of every country. That economic stimulus package targeted infrastructure, education, small business, social housing, defence housing, renewable energy, roads and, of course, our working families.

One of the major aspects of the Nation Building and Jobs Plan was the Building the Education Revolution. The $16.2 billion project was implemented to deliver 24,000 projects across Australia, to modernise our schools with 21st century facilities, to keep the local construction business afloat, to keep workers employed and to stimulate investment. Already many of those projects have been officially opened and are being utilised by enthusiastic students, grateful teachers and the wider community.

I have been privileged to visit many schools in Queensland and will continue to do so over the months to come. All the feedback I have received has been extremely positive. There have been comments from principals, teachers, parents, students and parents and citizens association members who are overwhelmed by the very existence of the initiatives. In fact, the most profound comments came from Dayboro State School Principal Mrs Glynnis Gartside, whose school received a multipurpose hall and a library resource centre. She said she had not seen anything like it before. At the opening of the BER facilities on 14 July she went on to say:

Firstly, we are happy. These new facilities, that we didn’t have even dared to dream of two years ago, are well built, appropriate to our needs and will serve the Dayboro community well into the future. Secondly, in my long career as a teacher with Education Queensland, this is my 39th year, I have never seen first class facilities like these made available to primary schools unless the pressure of growth or sheer decay of existing facilities has made it absolutely necessary. It just goes to show that if you stay around long enough anything can happen.

Schools now have multipurpose halls where, for the first time, they can fit the entire student body in a building for an assembly. They have new resource centres and libraries with innovative furniture, creating the perfect learning environment.

Benowa State School on the Gold Coast has a new I Centre, full of chairs which with
the flick of a lever become desks. This allows classes to study in the library. And, if they are having a seminar or speeches, the I Centre instantly doubles the number of chairs. Through a door of the I Centre you enter a dance studio. A full of mirrors and a ballet bar greet you. It is extraordinary to see this type of facility available in a school. The wider community also benefits, with local groups able to utilise these new buildings.

But it does not stop there. Chevallum State School on the Sunshine Coast were finally able to get the multipurpose hall in which they wanted to put a fully functional kitchen. The school has been involved in the Stephanie Alexander Kitchen Garden national program, where students grow, harvest and cook their own food. This initiative hopes to educate students on how to prepare and eat healthy foods and to tackle the levels of childhood obesity.

About 9,500 schools have benefited from this initiative, which has not only given schools new halls and libraries but also given students the opportunity to keep active and play sport in wet weather while being sheltered from the elements. It has been disappointing, however, to hear from those opposite, who have called these fantastic facilities ‘glorified garden sheds’. Rather, I have witnessed rooms full of computers, new halls open to community groups and the opportunity for our future generations to move forward with 21st century facilities.

We have also developed a national curriculum which is currently being tested around the country. The program, which is being delivered online, will ensure that children who move interstate are not disadvantaged. It currently focuses on English, maths, science and history, and the new phase will concentrate on languages, geography and the arts.

Another initiative of National Building and Jobs Plan was the boost to the First Home Owner Grant. The scheme helped 250,000 Australians break into the housing market and buy their own homes. The first home owner boost provided an additional $7,000 to the already existing $7,000 first home owners grant, and those who chose to purchase or build a brand new home received $14,000 on top of the grant. This has supported thousands of jobs in the housing supply industry, including electricians, plumbers, builders and tradespersons.

Strong economic management is another achievement the Labor government can add to its belt, with the economic stimulus package keeping Australia strong. We have the lowest debt and deficit of all major advanced economies. We have the lowest unemployment rate of all major advanced economies. We were the only major advanced economy to avoid recession and we maintained our AAA credit rating. If the Labor government had not been decisive in our action during the global financial crisis, about 200,000 jobs would have been lost. That is 200,000 working families that would have been affected. Instead, more than 350,000 jobs have been created in the past year. Interest rates are still lower than they were when John Howard left office, and we have delivered tax cuts for our working families and low-income earners: someone who earns $50,000 a year is now paying $1,750 less than in 2007.

During our first term we overhauled the pension system to make it adequate for more than four million Australians who depend on their social security benefits. We looked after pensioners with significant increases, along with indexation resulting in contemporary amounts of about $115 a fortnight for singles and $97 a fortnight for couples on the age pension.
Our working families will also benefit from Australia’s first paid parental leave scheme, which was passed in the Senate earlier this year and comes into effect on 1 January 2011. I was honoured to be part of the inquiry into the scheme and to hear from the witnesses about the benefits of this particular scheme. Primary carers who meet the paid parental leave work-test case before the baby is born, have an income of less than $150,000 a year and meet residency requirements will be eligible for 18 weeks leave paid at the national minimum wage, currently $569.90. This leave can be taken at the same time, before or after employer provided maternity leave. The Paid Parental Leave scheme enables a woman to stay connected to the workforce. Continuing ties with the employee also provides a benefit to the employer, who will be able to retain skilled staff. It gives mothers time to stay home with the baby to improve child development outcomes, it helps support breastfeeding and it gives mothers a reasonable period to recover from childbirth. To benefit new fathers, the Gillard government will also move to implement paid paternity leave of two weeks at the national minimum wage, to allow both parents quality time at home after the birth of their child.

In a few short years, the Labor government has added many achievements to its name, and it will work to build on those foundations to make a difference in this nation. Already we are preparing to tackle one of the biggest issues and one that affects every single person in this country: health. Our National Health and Hospitals Network aims to deliver better hospitals and health care for all Australians, including those who live in remote areas. If implemented, it will be the biggest reform to the healthcare system since the introduction of Medicare. It will be funded nationally and run locally.

The Commonwealth will fund 60 per cent of every public hospital service provided to public patients; 60 per cent of recurrent expenditure on research and training functions undertaken in public hospitals; 60 per cent of block funding paid against a COAG-agreed funding model, including for agreed functions, services and community service obligations required to support small regional and rural public hospitals; and 60 per cent of capital expenditure, on a ‘user cost of capital’ basis where possible. The Commonwealth will also take on full policy and funding responsibility for primary health care and aged care.

These reforms will allow for more training places for doctors and nurses, improve waiting times in emergency departments and ensure elective surgeries are performed within recommended access times. On 20 April 2010 the Council of Australian Governments, COAG—with the exception of the Western Australian government—agreed to support the National Health and Hospitals Network.

Additionally, to tackle health concerns at a local level, the Labor government established the GP superclinic program to strengthen primary health care. We promised 36 new GP superclinics in our 2007 election commitment and we will be delivering another 23. Another 425 existing clinics will be expanded. One of these clinics was built in my duty electorate of Dickson and opened in January this year—two months ahead of schedule. Local residents now have better access to healthcare services thanks to the Strathpine GP Superclinic, which is in the heart of Strathpine, just five minutes from my office.

The Strathpine GP Superclinic provides primary health care and allied health services all under the same roof, and all Medicare rebateable services are bulkbilled. Along
with general practitioners, the clinic offers a physiotherapist, chiropractor, dietician and diabetes educator, psychologist, audiologist, exercise physiologist and podiatrist. It also has fully trained nurses, including an Indigenous health nurse to help close the gap between Indigenous and non-Indigenous health and life expectancy. The GP superclinic’s health professionals work in multidisciplinary teams to provide patients with integrated, patient centred care. The clinic has a focus on providing preventative and chronic disease management services. It will also help to train and expand the future health workforce and it is working with the University of Queensland to provide clinical experience to medical, nursing and allied health students.

About 100,000 new cases of cancer are diagnosed each year, which is why the Labor government is committed to better treatment, prevention and research of this insidious disease. We have already invested $2.3 billion to fight cancer, including providing $526 million in infrastructure funding to build two integrated cancer centres in Sydney and Melbourne that will provide state-of-the-art cancer treatment combined with cutting-edge research and establishing a network of 20 new and enhanced regional cancer centres across Australia as part of a $560 million investment to improve access to vital cancer services, including radiotherapy and chemotherapy, much closer to home. We are upgrading BreastScreen Australia’s national network to state-of-the-art digital mammography equipment to screen women for breast cancer; investing $70 million to expand the Garvan St Vincent’s Cancer Centre in Sydney, which will focus on research excellence in cancer care; and supporting up to two dedicated prostate cancer research centres in Melbourne and Brisbane and a children’s cancer centre in Adelaide. We are also funding the McGrath Foundation with $12 million to train, recruit and employ 44 breast cancer nurses and providing financial support for women who require external breast prostheses as a result of breast cancer.

Since taking office the Labor Government have increased funding to the Australian health system by 50 per cent. We will have doubled the amount of GP training places to 1,200 a year by 2014. We are funding 1,000 new training places for nurses every year. We are investing in more hospital beds. We have upgraded more than 35 emergency departments in public hospitals. We have provided more than 850,000 dental checks under the Medicare Teen Dental Plan. We have increased aged-care places by more than 10,000, including 838 new transition care places to help more than 6,200 older Australians leave hospitals sooner each year. This is just a glimpse of our health achievements and we hope to grow and build on these over the next three years for the betterment of all Australians.

Another key achievement of the Labor government and one which is in the midst of being rolled out is the National Broadband Network. We have established the National Broadband Network Company to invest and deliver the $43 billion initiative to deliver faster broadband to 90 per cent of homes and workplaces. The new network will be built on fibre, supplemented by next generation wireless and satellite technology. Australians will experience faster internet of 100 mbps, with the network having a fibre-optic cable connection directly to people’s homes and businesses. This is 100 times faster than speeds many people currently use. The NBN will reach out to those who cannot currently access the internet and will allow an extra 35,000 existing premises attain high-speed broadband. This initiative will not only upgrade our internet infrastructure but will support employment for 25,000 people over the eight years of the project. Stage 1 of the
NBN has already been rolled out in Scottsdale, Smithton and Midway Point in Tasmania.

The Labor government has accomplished much since it came into power in November 2007. It will continue to do this and is now preparing to take Australia forward. With a strong economy and a debt which is set to be paid back three years ahead of schedule, a plan for health reform and a boost to internet infrastructure, Australia’s future is prosperous and in good hands.

In conclusion, the writs have now been returned from the Australian Electoral Commission to the Governor-General clearly demonstrating a victory on a two-party preferred outcome to the Australian Labor Party. Of course forming government would not have been possible without the support of Independents Mr Wilkie, Mr Oakeshott and Mr Windsor and Greens MP Mr Bandt. As a government, we have our first elected female Prime Minister, Julia Gillard. One good thing about those four people I mentioned that helped to form government is they are committed to maintaining their agreement—an agreement that shall not be broken and ripped up like the example that was provided just yesterday when the Leader of the Opposition, Mr Abbott, tore up an agreement that was about delivering an outcome.

Senator Conroy interjecting—
Senator Brandis interjecting—

The ACTING DEPUTY PRESIDENT (Senator Ludlam)—Order, Minister and Senator Brandis! You will have an opportunity to speak. Senator Furner, you have another 43 seconds on the clock.

Senator FURNER—Once again, it was an agreement that was torn up; it was dishonourable from the outset as a commitment to parliamentary reform which was not delivered as a result of the opposition leader withdrawing from that particular agreement.

So we look forward to working with those Independents and those that are genuine about forming a government that is able to deliver on the back of our reforms and outcomes from 2007. We look forward to continuing our past performance to serve this great nation to the best of our ability.

Senator BRANDIS (Queensland) (10.52 am)—I rise to support the amendment to the address-in-reply moved by my leader, Senator Abetz. Mr Acting Deputy President Ludlam, if early indications are any guide—and I fear they will be—this period of minority government, the first minority government Australia has seen in 70 years, will be characterised by three things: by broken promises, by the delegitimisation of the role of the parliament and by a pretence that the last three years of failed Labor government just did not happen.

Most people in this country, I think, are used to the idea that politicians break promises. It is almost a part of the folklore of Australian popular culture. People are quite cynical about us politicians, perhaps more cynical than they should be. But the allegation against all sides of politics—including, if I may say so, Mr Acting Deputy President, the side that you represent, the Greens—that all political parties on occasions break promises is well entrenched in the Australian psyche. It feeds the healthy cynicism that Australians have about politicians in our robust democracy. But I daresay there has never been an occasion even in that somewhat cynical environment in which we have had a Prime Minister recently sworn in by the Governor-General, within days of being sworn in by the Governor-General, announce, as the current Prime Minister, Ms Gillard, announced on the weekend before last, that no promises will necessarily be kept. That is what Ms Gillard said in an interview with the Fairfax papers reported on the weekend before last. Because of what she
chose to call the ‘new political environment’, all bets were off.

Mr Acting Deputy President, can you ever remember a time when the first utterance, the first pronouncement, of a newly-commissioned Prime Minister was to announce in advance before she faced the parliament on the first sitting day of the new session that the government would not consider itself to be bound by any of its promises because of what she chose to call the ‘new political environment’? The new political environment is, of course, the environment where a government lost its majority—the first time a first-term Australian government had lost its majority in the House of Representatives since 1931—because it was so hopeless in its first term. No government in living memory, not excluding the Whitlam government, was so wasteful, so profligate with public money. No government in living memory, not excluding the Whitlam government, was responsible for more gross policy failure than the Rudd government with scandals of public administration such as the BER scandal and the pink batts scandal. No government in living memory, not excluding the Whitlam government, was so incompetent in service delivery that it actually put lives and property at risk because of its incompetence. Leaving aside policy courage, it did not even have the moral courage to accept responsibility for its failures.

The government lost its majority. In the words of the member for Lyne, the now famous Mr Rob Oakeshott, it ‘lost its mandate’ and it ‘lost its authority to govern’. If there was ever any doubt about that, it was seen in the Prime Minister’s announcement of a laundry list of essentially housekeeping legislation, legislation largely left over from the 42nd Parliament, which constituted the government’s legislative agenda for the first sittings of the 43rd Parliament.

Newly-elected or re-elected governments are expected to come to the parliament with a series of impressive commitments, with an agenda, with a program. They are expected to say to the Australian people: having been chosen by you, albeit very narrowly, in this minority situation, this is where we want to take Australia. Where does Ms Gillard want to take Australia? It is not to be found in the laundry list of quotidian legislation that she announced last week.

So we looked to the Governor-General’s speech from the chair of the Senate yesterday afternoon to see where the government wants to take Australia, and with all due respect to Her Excellency the Governor-General, who of course is not the author of that speech, it was just another Hawker Britton script. It had no substance, no hard commitments, no vision, no program, no agenda. So that is where this government is heading. It is heading forward blindly, not sure where it wants to take the country, but sure of one thing: any promises that were made during the election are considered by the Prime Minister no longer to apply because of the so-called new political environment.

But there is one thing that we do know for sure about this government: the one solemn commitment that was made by the Prime Minister that there would be no carbon tax has already been broken. It has already been vacated. Mr Acting Deputy President Rudd, I know that you and the political party whom you represent have always been believers in a form of carbon tax. We can have a principled difference of opinion about that, as we did in the last parliament. But at least you have to say about the Greens that they do not walk one side of the street before the election and walk on the other side of the street after the election, as the Australian Labor Party has done.
Let me put on the record some of the unequivocal commitments that the Prime Minister gave—and I can see Senator Conroy hanging his head in shame. On the Friday before the election Ms Gillard said:

I rule out a carbon tax.

It was unequivocal. There were no ifs, buts or maybes. There were no qualifications or weasel words. She said:

I rule out a carbon tax.

On The 7.30 Report on 12 August the Treasurer and Deputy Prime Minister, Mr Wayne Swan, was equally unequivocal and equally emphatic. In answer to a question from Kerry O’Brien about whether there would be a carbon tax, he said:

We have made our position very clear. We have ruled it out.

On 16 August, five days before the election, on Channel 10 Ms Gillard stated:

There will be no carbon tax under the government I lead.

There is no nuance there or qualifications. It is emphatic. It is unambiguous. Those commitments were made by the Prime Minister and by the Deputy Prime Minister in the weeks and days before the election.

In all the miasma of spin, that was one of the few sharp points of clarity. There was a lot of woolly language and a lot of waffle, but that was something the Prime Minister was prepared to nail her colours to the mast on loud and clear: ‘There will be no carbon tax.’ Even after the election the Prime Minister said in the period when she was negotiating with the Independents: ‘There will be no carbon tax.’ So this is not just a pre-election promise; it is a post-election promise. Ms Gillard will go down in the history books for many reasons—the first female Prime Minister and the first Prime Minister to ascend to office having stabbed in the back a newly elected Prime Minister chosen by the people.

All the various markers Ms Gillard has established in the history books will be supplemented by another. Ms Gillard will become the first Prime Minister not just to break a pre-election promise but to break a pre-election promise and a post-election promise in one fell swoop.

Since the deal with some of the Independents in the House of Representatives was struck and since the Labor-Greens alliance was struck Ms Gillard and her ministers have busied themselves inoculating public opinion against the objection to a carbon tax. They have been trying to soften public opinion so that these sharp, unequivocal, firm commitments are forgotten about. Down the memory hole they go, as George Orwell wrote in 1984. It will next be a thought crime to suggest for a moment that Ms Gillard ever promised there would not be a carbon tax. She said to Phillip Coorey in an interview with the Fairfax press the weekend before last: ‘In the new political environment all bets are off.’

Anybody who heard Mr Combet, for example, the person who has been given ministerial responsibility for this area, in his interview on the AM program on Monday this week would have smelt the rat. They would have heard Mr Combet trying to soften public opinion for what is now described as a carbon price. When you hear the Labor Party talk about a carbon price you know what they are talking about; they are talking about a carbon tax.

Mr Acting Deputy President Ludlam, you may possess more knowledge of these matters than any humble member of the opposition. You of course are a member of the political party that negotiated this secret deal with the government. We do not know what the secret covenants are of this treaty between the Australian Labor Party and the Australian Greens but we do know that your
political party has always and in a principled way committed itself to a carbon tax. We also know that the taxation of carbon was one of the issues that were the subject of the Labor-Greens alliance. We are now seeing Labor politicians—for example, Mr Combet, on the AM program on Monday morning—starting to inoculate public opinion to get them ready for the idea that there will be a carbon tax.

The Prime Minister is an artful politician. Our Prime Minister is very deft with the dagger, as the member for Chisholm discovered only yesterday, as the member for Griffith discovered on the evening of 23 June and as no doubt the bodies of other Labor Party operatives littered throughout the western suburbs of Melbourne discovered over the years. Our Prime Minister is a very deft and ruthless political operator. She has the excuse ready. We heard it the weekend before last: this is a new political environment and all bets are off. There can be no assurance that any promise will be kept.

Let us look at other areas. During the election campaign the Prime Minister committed herself to taking effective measures to stop the influx of asylum seekers arriving by boat. I know Senator Cash is very interested in this area because she has shadow ministerial responsibility now for this area. I beg the indulgence of the Senate to interpolate my congratulations to her on her recent promotion.

Senator Cameron—The poor refugees now.

Senator BRANDIS—You will keep, Senator Cameron. The commitment during the election campaign was to establish a regional processing centre in East Timor. We then learned that at the time that that announcement was made there had been no discussion with the Prime Minister or any member of the government of East Timor at all. There had been a glancing reference to the possibility in a telephone conversation with the ceremonial head of state of East Timor. That was exposed. It was then exposed that there had been no planning or preparation for such a regional processing centre and it dawned on the Australian people very swiftly that this was just another political slogan, another piece of political spin.

I waited in vain yesterday as I sat through the Governor-General’s speech from the chair for some reference to a policy to deal with asylum seekers—a problem that the Labor government created and which Ms Gillard promised during the election campaign to fix—and I heard one sentence which addressed the issue. This is the government’s policy to stop the influx of asylum seekers penetrating our maritime borders:

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.

That is the plan. You could almost hear those people smugglers shuddering in their boots all the way across in Sumatra as they heard the announcement of the government’s plan to destroy their business, to destroy their livelihood—this traffic in human misery that puts lives at risk. What does the record show? The record shows this: since the election itself—and let us remember the election was only a mere month or so ago, on 21 August—there have been another 510 unlawful arrivals in Australia on 10 vessels. To put that into context, in the seven years between the time when the Howard government tightened the policies and eliminated the problem in 2001 and the time in 2008 when the Labor government weakened the policies and reinvented the problem there were 441 arrivals. There were 441 arrivals in seven years.
There have been 510 arrivals in four weeks. So much for the promise to address this issue.

I want to close on what was bound to be one of the themes, one of the mantras, of this government. It is again, in Orwellian language, an attempt to delegitimise the role of the parliament. We have heard it from Mr Combet. We have heard it from the Prime Minister. We have heard it only this morning from Dr Craig Emerson on the ABC radio show with Madonna King I debate him on every Wednesday morning. The allegation is that the coalition is opposing a consensus. This word ‘consensus’ is the new weasel word, because if you have a consensus then what it means is that everybody agrees with everybody else. Well, Mr Acting Deputy President, let me tell you: we do not agree with many of the government’s proposals. We do not agree with maintaining a weak asylum seeker policy. We do not agree with a carbon tax. We do not agree with a mining tax. These are sharp and distinct differences. There is no consensus and there should not be a consensus.

We are not going to be wreckers in this new parliament; we are going to oppose what we regard as being inimical to the national interest. I am going to let you in on a secret, Mr Acting Deputy President: we have a cunning plan. We have a very cunning strategy, and it is this: where we agree with the government’s bills we will vote for them and where we disagree with the government’s bills we will vote against them. That is the plan. In the meantime the Prime Minister and her ministers and her talking heads like Senator Conroy over there—after an election in which almost exactly 50 per cent of the country voted one way and almost exactly 50 per cent of the country voted the other way—seek to delegitimise a difference of principle and a difference of policy. It is our role in this parliament—it is our role in the House of Representatives no less than it is our role in the Senate—for the opposition to oppose measures where we consider that to be in the national interest. No genuine democrat is afraid of a vigorous parliament, but this government is already foreshadowing its extreme sensitivity to vigorous parliamentary debate.

Senator CAMERON (New South Wales) (11.12 am)—I would like to take this opportunity in my first contribution to the 43rd Parliament of the Commonwealth of Australia to acknowledge the traditional owners of the land, the Ngunawal people, their elders past and present. I am pleased and honoured to be a member of the 43rd Parliament of the Commonwealth of Australia and a member of the Gillard government. It is good to be back to hear Senator Brandis giving his political analysis in nearly the same poor way and with the same lack of substance as his legal analysis that he gave to his party—

Senator Conroy—to himself.

Senator CAMERON—to himself, yes, he gave it to himself. The Governor-General outlined an ambitious program for the 43rd Parliament, including parliamentary reform, building a stronger economy, continuing to build our education systems, developing a fair and resilient society, building regional Australia, dealing with climate change and sustainability and ensuring a whole-of-government approach to national security and international relations. This is a program that is designed to deliver a fairer society, a better society and a good society. This program builds on the responsible and effective work undertaken by Labor in government during the 42nd Parliament of the Commonwealth of Australia. Many significant achievements contributed to moving on from over a decade of lost opportunities under the Howard government.
The Labor government met the challenge of the global financial crisis head on and avoided a recession by underpinning 210,000 jobs with expansionary fiscal policies. This was at a time when Tony Abbott was saying, ‘Do nothing. We shouldn’t move. We should wait and see what happens.’ What did we end up doing? We created half a million jobs, while the other 23 countries in the OECD shed 60 million jobs. We successfully implemented the nation’s biggest school-building program. We provided $800 million for community infrastructure projects around regional and local communities. We implemented a $5.6 billion social housing initiative—the biggest commitment by any government in Australia to social housing. We delivered tax relief to families worth $46.7 billion. We introduced Australia’s first paid parental leave scheme. We invested $4.4 billion over four years to increase the child care tax rebate from 30 per cent to 50 per cent. We set the budget on track to be back to surplus by 2013, a year sooner than expected, keeping the economy strong and spending under control. We have funded 3,000 new nurse training places every year and will have an additional 1,300 GPs qualified or in training by 2015. We started rolling out trade training centres to deal with the skill shortages that the Howard government could never deal with.

Despite setbacks, we kept working to address climate change, with major investments in renewable energy technologies. We increased the age pension by more than $100 a fortnight for singles and $76 for couples. We invested in new cancer research and treatment centres around the country. We set in train investment in much needed public infrastructure like highways, rails and ports—the area of infrastructure that was ignored by the Howard government. We commenced building a national broadband network to make Australian businesses more competitive and provide domestic consumers with access to world-class broadband. Senator Conroy, you are to be congratulated on that approach, which clearly exposed the opposition for their failure to bring this country into the 21st century on broadband. We moved to create 130,000 new education training places and 50,000 university places. We developed a single national school curriculum and we stood up for Australians to ensure that the powerful mining companies paid a fair price for access to our resources. We will have $10.5 billion to fund cuts to company tax, increases in superannuation and increased investment in infrastructure.

The Labor government achieved this while maintaining our national debt at amongst the lowest of advanced countries. Our debt is the equivalent of earning $100,000 a year and borrowing $6,000. Interest rates continue to be 2.25 per cent lower than when John Howard left office. We currently have interest rates of 4.5 per cent, compared to 6.75 per cent at the end of the Howard government. Despite these achievements, we failed to articulate effectively the benefits of our policies to the Australian public. In addition, we were not prepared for a breakdown in the political consensus on climate change and the failure of the member for Wentworth, Malcolm Turnbull, to take on the extremists in his party and take them with him on the need to act on global warming and climate change. We paid a heavy political price for these failures. We now have an opportunity and an obligation to redress these issues.

Before I move to the specifics of the government’s legislative program, it is important to understand that the myth of coalition economic superiority is simply that—a myth. Very late in the election campaign we learnt that the coalition had fudged its costings to the tune of $11 billion. Was it any wonder that they did not want anyone in the bureauc-
racy to subject their promises to any scrutiny? There are a few journalists who work in this building who are widely respected. One of them is Laura Tingle of the *Australian Financial Review*. On 3 September, in an unkind but very accurate assessment of the coalition’s economic competency under the headline ‘Liars and clunkheads fail budget test’ Ms Tingle concluded that the coalition, whatever the reasons behind the $11 billion hole in its election commitments, ‘are not fit to govern’. How right she was. The day before the article appeared, the Leader of the Opposition, Mr Abbott, described the appearance of evidence about the coalition’s fudged election costings as, ‘an arcane argument about costings’, as if it had absolutely nothing to do with the coalition’s credibility—or lack of it—on economic management. We have now seen the result of that. We have seen the Robb-Hockey split. We have seen that under that veneer of the coalition binding together it is really like a volcano ready to blow apart. The Robb-Hockey split is one indication of that.

During the decade of lost opportunities under Howard Australia, Australia became the victim of many failures of the Liberal economic program. There was a failure of investment, with business reinvesting less than two-thirds of their profits. Business investment fell significantly under the Howard government and, as we all know, investment is essential to increase profitability and employment opportunities. There was a failure of innovation, with Australia ranking extremely low in research and development investment compared to other OECD countries. There was a failure of productivity. Despite the extremist attack on workers’ wages and conditions through Work Choices productivity declined, as the real drivers of improved productive performance are not about ripping away workers’ rights. There was a failure of development, with elabo-

rately transformed manufacturing exports declining from approximately 23.5 per cent in 1996 to 17.5 per cent in 2007. There was a failure of competitiveness, with our net foreign investment deficit as a percent of GDP increasing from around 42 per cent in 1990 to 57 per cent in 2006.

There was a failure of balance, with Work Choices designed to deliberately skew national income from workers to business. Under Howard and Abbott, workers’ wage share declined by $30 billion per year while profits increased by $42 billion per year. There was a failure of balance. Despite the surpluses created by the mining boom, the public sector did not meet its long-term investment needs. Public fixed investment as a percentage of GDP declined from just over six per cent in 1990 to under four per cent in 2006. This resulted in an underinvestment in public facilities and infrastructure that Labor is determined to fix.

The biggest failure was a failure of sustainability. The resource-intensive nature of Australian development cannot last forever. This is now recognised by business and some in the Liberal Party, including Mr Turnbull. These are issues of economic failure from the Howard government that constrained the real capacities of the Australian economy. The Howard-Abbott government squandered the mining boom jackpot by failing to address the long-term growth and investment issues that create demand, build jobs and improve technology and productivity. The transformation of our economy demands improved competitiveness, increased balance and sustainability, and government involvement to deal with market failure and conservative government incompetence. The government’s policies are designed to improve private fixed investment, increase research and development and innovation, build public infrastructure, improve human capital through increased skills and knowledge and
deal with the issues of environmental sustainability.

The Labor government have demonstrated that we have met the challenge of the global financial crisis; we must now meet the sustainability challenge. We must set about providing investment certainty in Australia and encourage the mass of private and public investment that is required to ensure that we are not left behind when the world moves to a smaller carbon footprint. The coalition has demonstrated that they are not prepared to act in the national interest and deal effectively with the economic and environmental challenges faced by this country.

Labor will continue to meet the economic challenges outlined by Nobel Prize-winning economist Joseph Stiglitz in his recent visit to Australia. These include recovering from the global financial crisis, addressing global imbalances, creating a more stable global financial system, creating a new global reserve system, creating a new global financial regulatory system, addressing the problems of global warming and devising a better system of global governance. If we do not deal with these issues, it will not be the billionaires and millionaires in Australia who will suffer the consequences; it will be ordinary working families battling to put food on the table and educate their kids who will face the problems of further global financial crisis. So it is absolutely essential that we deal with that. Professor Stiglitz identified some of the key problems in the international economy. He argued that before the crisis global growth was supported by bubbles, the largest in the United States. Financial innovation had allowed the bubbles to grow bigger and bad assets to be spread around the world.

For all the financial innovation that we read about, this crisis is much like how the crisis of capitalism has played out throughout history—except in the short period after World War II when most countries adopted good financial regulation. There was a mistaken view that markets were self-correcting. Markets were working at first because of good regulation, but then after deregulation it was because governments repeatedly bailed the markets out. This led to a view that regulations were not needed. Appointments were made of regulators who did not believe in regulation. The bubbles allowed everyone to live beyond their means. Governments have become used to spending fee income generated by the bubble.

It is clear that the Australian Labor government acted in a timely, targeted and temporary manner that has resulted in an economy and a view of our economic management that is the envy of the world. Despite the impacts of the global recession, Australia’s economy remains in a much stronger position than the economies of comparable countries. Faced with a choice between protecting jobs and businesses or slashing services and cutting taxes that would entrench a structural deficit, the government made the decision to put jobs first. The global recession had a big impact on economies and budgets around the world, and the final budget outcome recently announced by the Treasurer reflects that, but, thanks to the successful and timely delivery of Labor policies during the global financial crisis and the consequent recession and thanks to the fact that the government has stuck to its strict spending limits, we are on track to get the budget back to surplus in 2012-13, well ahead of every other major advanced economy.

It is a very different story in the United States—the United States that we were told for years by the coalition is the model that we should follow. They continue to face high unemployment. On 20 October the National Bureau of Economic Research Business Cycle Dating Committee officially declared the US recession the longest in the post-war pe-
The US recession lasted 18 months and saw GDP contract by 4.1 per cent, making it not only the longest but also the deepest post-war recession. US unemployment continued to rise even after economic growth turned the corner, as tends to be the practice during recessions. The unemployment rate peaked in October at 10.1 per cent and in the 10 months since has only fallen 0.5 of a percentage point.

It could get even worse for America due to the emergence of the Tea Party movement, whose leaders are now advising the coalition in this country. The Tea Party, or at least those who seek to lead it, is made up of dangerous right-wing radicals whose leaders have deep roots in American fascism. It is a movement dedicated to disabling the democratic state and replacing it with an undemocratic corporate plutocracy. Mr. Grover Norquist, a leader of the Tea Party movement—or at least a senior advisor to them—and President of Americans for Tax Reform, a front group for the wealthy elite in the US, has come here arguing that we should seek exemption from paying taxes. He was in Canberra on Monday for meetings with members of the Liberal Party. If Mr Norquist’s interview with Leigh Sales on Lateline the other evening is anything to go by, we can expect the coalition to take on board advice to cut income and capital gains taxes for the super rich, privatise Australia Post and a host of other government services, and dismantle Australia’s superannuation system and turn it over to the merchant bankers and stockbrokers, placing at risk the retirement savings of working people. And that would just be the start for a Tea Party type coalition in this country. Here in Australia, while we face challenges of our own, we do not need an antipodean tea party to help us along.

In addition to the economic challenges, we still face the implications of man-made carbon pollution. The overwhelming view of climate scientists, including the CSIRO and the Bureau of Meteorology, is that human-induced global warming is real and presents huge challenges to the sustainability of our planet. I am sure we will hear from Senator Joyce all the fear campaigns and all the nonsense that he is famous for in politics in this country.

Senator Joyce—Unlike you, Douggie!

Senator CAMERON—And we will hear him ranting and raving about a big new tax. But what we will not hear Senator Joyce talking about is the future for our kids and our country, because Senator Joyce does not care about the future of our kids, our economy and our environment. Senator Joyce wants simply to be a mouth in the media running all the fear campaigns and tactics for the coalition. That is what Senator Joyce is about, and you will hear him go on and on in an almost incomprehensible manner, I guarantee. (Time expired).

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (11.33 am)—I am going to reflect on what the Governor-General actually said the other day, rather than go on with some spurious rant as my good friend and colleague Senator Cameron just did, and try to transcribe the reality of what was handed to the Governor-General to read out and what is actually happening.

Senator Cameron interjecting—

Senator JOYCE—The first place we should start while you are still in the chamber is with the wondrous event where Australia is going to go down the path of investing part of $43 billion to roll out a program that did not even start with a cost-benefit analysis. I note that the key placement of the speech was the NBN. The NBN is a wondrous thing—the largest infrastructure program in Australia—but the first question one has to ask is: what price are we prepared to
pay for this? Everybody would love broadband, but at what price? What price do you want to put on it? How much more money do you want this crowd to borrow from the Chinese? How much more money do you want this crowd to borrow from the people of the Middle East? How much more money do you want our nation to borrow so that we can build something that a lot of people do not even really want, already have or have to a lesser degree? This is a complete indulgence. They invested $43 billion without doing a cost-benefit analysis—that is, for those who want further information, they did not work out whether it pays for itself.

Why would they worry about that? After all, it is the Australian people who have to pay the money back. But the cornerstone of the Governor-General’s speech was the money that is going to be spent—money that will be borrowed from overseas and then spent on a dubious project which has the possibility of being out of date before it is even finished. People say that we will have fibre to every house. No, you will not. You are going to have fibre to houses and areas where there is fibre already. They talk about fibre to schools and fibre to hospitals. We do not need to spend $43 billion on that. There is a complete paucity of involvement in crucial decisions and a lack of financial discipline. Any discussion about coalition costings will pale into insignificance compared with where this debacle is going to end up.

You have to remember that the government that sits behind the building of the NBN is the same government that gave you the Building the Education Revolution for school halls. That is the acumen that will be behind this. They are the same people who managed to burn down 190 houses. They are the same people who gave you a record deficit. They are the same people who now give you record debt. These are the people who are going to build the NBN, and this apparently is the cornerstone of Labor Party policy. In fact, it is the cornerstone that apparently attracted the Independents. So this is it. This is the litmus test, and we will see where this nation goes. Many people ask, ‘Why should we spend $43 billion to download movies more quickly? Is that what we are going to get? What is the actual benefit in my life and in my house of borrowing this money? Even if we do get fibre into my house, what is the actual benefit?’

We read in the paper that people have said, ‘Build me a railway line. Build me a road. Build me something that has a real outcome in my life, an outcome for the aggregate capacity of our nation to produce goods.’ If we build lines to the coalfields, if we build lines to deliver wheat, if we build lines for greater intercapital connectivity by rail and by road, we increase the productive capacity of this nation. But you have to ask a serious question: what is this $43 billion investment in upgrading a telephone line going to do for the country? What is the involvement of the incremental increase in speed in the economy?

The other question you have to ask is: why are you putting in this request for the Christmas tree when you do not have the money, when you actually have to go overseas and borrow it? The final question you have to ask yourself is: how much more money do you want to owe to the Chinese? You have to pay it back. They are not giving it to you. How much more money do you want to owe to people in the Middle East? You have to pay them back. God help you if you cannot pay them back. If you had a bad bank manager, that would pale into insignificance compared to not being able to pay back the people that this nation is borrowing this money from.

That was one of the cornerstones and we also heard about this new Parramatta to Ep-
ping railway line. I am always fascinated about the Parramatta to Epping railway line because I found out that the first time that they promised it was in 1823. They have been promising it ever since and back out it has come. When in doubt, promise the Parramatta to Epping railway line. Will it get built? No, it will not. What we have to do in this term of parliament is actually put the Labor Party’s hands on the hot plate and see whether they actually do any of these things that they are supposed to do.

Senator Nash interjecting—

Senator Joyce—They promised the inland rail. It sounds great. That is definitely coalition policy. We want the inland rail to go from Gladstone right down to Melbourne but then it comes down to reading the fine print at the bottom. It will be built—wait for it—by 2030. The reality is that there will be many people in this chamber not only who will not be in politics but whose mortal coil will have descended the pearly vale to the choir invisible by the time that railway line is built. These are the sorts of promises that you get from the Labor Party. We have an NBN that is the biggest infrastructure project so that you can download movies more quickly—that is not even costed. We have a promise for a railway line first promised in 1823 and a promise for another railway line that they are not going to build until 2030. These people have a job coming their way at a second-hand car dealership on the Parramatta Road. I can see it. Cash for clunkers—they have evolved into that game. These are the sorts of experiences that we are going to have in this term of the Labor government.

They also talked about building regional Australia. I have the greatest respect for the Governor-General, but I do have a sense that these are not her words—they might have been handed to her. They talked about developing a housing policy for regional Australia but then we have to read the fine print—it is only for cities of over 30,000 people. In Queensland there is not one city of 30,000 people off the coast. They were going to develop a regional housing program in one of their regional cities which was called the Gold Coast. Five hundred thousand people live in this regional town called the Gold Coast and Minister Burke said it was to help fly-in fly-out workers. Where were they flying in and flying out from?

Senator Nash—Bribie Island.

Senator Joyce—Bribie Island to the Gold Coast. The other depressed regional town that they were helping out was called the Sunshine Coast. So we have the Gold Coast and the Sunshine Coast and it just goes on because part of their regional policy at this moment is the redevelopment of an air-strip in this depressed little regional town called Perth. Four hundred and eighty million dollars is coming out of their regional development budget to develop an airport in Perth. That airport well may need to be developed, but I think you have a little bit of a hide to call Perth a regional town. I think it has probably evolved a little bit beyond bucolic kitsch. I think it would be fair enough to say that it is a substantial city and should be nominated as such. But these are the sorts of intricacies that we have and examples of the duplicitous nature that the Labor Party will purvey in this parliament. What we must do is to hold them to these ridiculous promises and really shine a light on them. We want to say to the Australian people—especially, to be honest, to those who supported the Labor Party in attaining government—that if we get to the end of this term and the inland rail has not been built, did they keep their promise? If we get to the end of this term and see what has happened to the NBN—how did that promise go?
The promise that I am really fascinated with is the one that says you will bring the budget into surplus. I have to see it to believe this one. It is going to be a ripper. Just in the last week, your gross debt went up by $4 billion. You now owe $160.9 billion at a federal government level. We read in the papers that the states, which have predominantly state Labor governments—Western Australia has been good, but the state Labor governments are hopeless—are going to get to $240 billion in debt. This peak debt is marching on its way. Even under your own estimates—and you are always wrong—you say it is going to peak at $210 billion. You have your $210 billion that you owe to the Chinese and to the people in the Middle East—people all around the world that have to be repaid. You have the debt that the state Labor governments owe to people all around the world and you have to start adding these numbers up. Because the state Labor governments in their many guises are absolutely hopeless with money they are saying to the local governments, ‘If you want something, you have to borrow the money.’ Now we are seeing the local governments’ debts marching ahead. This is all a house of cards that the Labor Party has created and does so every time.

They are hopeless when it comes to managing the books. Then they try with the guile, cunning and sleekness that would be splendid in any flying carpet salesman to say that they are good economic managers. We have a party who, to be honest, started with $58 billion in gross debt and who have now taken it to $160.9 billion in gross debt and whose state governments are marching out to $240 billion in gross debt, which they have to repay, and they say that this apparently is good economic management. We will take this government back to core themes about their capacity, when they talk about a surplus, to actually deliver it.

I will tell you why I am sceptical about it. The year that just passed was supposed to have a $17 billion surplus. We actually had a $57 billion deficit, so they kind of missed the mark just a fraction. The second biggest deficit in our nation’s history is the one we are in right now. You have to remember that, even if we did get to a surplus, a surplus does not mean you have paid back your debt; it just means that you have a little bit of money available to pay back your debt. For instance, if they talk about a billion-dollar surplus—or maybe it is a $2 billion surplus, but let us say we have a billion-dollar surplus—and we still have our $210 billion in gross debt, how many hundreds of years do you want to hang around to pay it off?

They say, ‘You’ve got to talk about net debt.’ It is always about net debt. They never actually explain to you exactly how they get to their net debt number. They can say, ‘Even though our gross debt will be $210 billion, our net debt’s only going to be $90 billion.’ That is splendid. Explain to me the difference between the two numbers. Explain to me how you have got from $210 billion back down to $90 billion—a difference of $120 billion. How did you do it? It becomes very difficult. They say, ‘You plough your way through Senate estimates and you find out that there’s $30 billion in cash reserves in the Future Fund.’ We always thought that the cash reserves in the Future Fund were to cover the liability that is out there for public servants’ superannuation—$120 billion in liabilities there. But no: apparently they are saying that if needed it will pay off the debt. Then we have the $16 billion in HECS. Good luck collecting that! You will be going up every gully around Nimbin and around every pub trying to get the money out of the students to pay back their loans. I do not think you will get it overnight. It might take a while, and you would have to put a contin-
gency on whether you get it at all, or at least a large portion of it.

Then there is the big one, a question put on notice at the last estimates and still not answered. We found that, in going from $210 billion—it was actually larger at that point, $220 billion—back down to $90 billion, they had $75 billion nominated as—wait for it—‘other’. There was $75 billion worth of ‘others’. I always get worried about ‘others’. As an accountant, I have found rats, mice and all sorts of pests in ‘other’. But they have $75 billion stacked up in there. I will bet you London to a brick that the day the light really shines on the Labor Party books there is going to be a massive hole in the finances of this nation. Anyway, there is their financial management.

Then, of course, we have come down to the great wonder of our times, climate change. This is the plan where the Labor Party cools the planet from a room in Canberra. It has to be seen to be believed. Yes, it can do it! Penny Wong tried; she had a go at cooling the planet from a room in Canberra. She was there for a little while. She has disappeared now; she is the Minister for Finance and Deregulation. She has evolved to a higher species. ‘We are going to cool this planet from a room in Canberra, and it will be a shared responsibility.’ So look to the heavens and realise that that is about to change, because the Labor Party is going to do it. The way it is going to change the temperature of the globe is with a new tax, because that is how you cool things down. If taxes made things cooler, the place would be an icebox.

**Senator Williams**—It’d be freezing.

**Senator JOYCE**—It will be freezing. If Labor Party taxes were going to cool things, this place would be a very frigid chamber indeed. But apparently that is how they are going to cool it this time: it is a new tax. And we have to believe this, because they are very believable people. They are just up the Parramatta Road from Baulkham Hills, and they have a deal for you: they are going to change the temperature of the globe by a new tax.

One might suggest, however crude it is, that they are trying to bring this on because they are trying to dummy up the books. One could suggest that they might be trying to bring this tax in to dummy up the books so that every time you turn on a light you pay the tax to pay for the Labor Party’s paucity of capacity in balancing the nation’s books. That is why you are going to do it. It is not going to cool the globe; it is just because they are desperately in need of a new flow of funds to dummy up their dodgy books. This is the reality we live in.

So we will be engaging with you fervently on making sure that this nation is not going to have this swiftie pulled on it again by the Labor Party. If we have to once more melt down the phones in this building in letting them know which people are going to vote for this ridiculous tax then we will do it. We will go back into action to try and protect Australia from this deceit. I want one person from the Labor Party to stand up and tell me, or tell Australia, how much they intend the temperature of the globe to cool by reason of their new tax. Just tell me that. Is it a degree? Is it part of a degree? Is it 10 degrees? How much is the world going to cool because of the Labor Party’s new tax? This is the premise of the argument: that this is the problem that they are about to solve.

We are going to look at dodgy promises—the fine print about promises that will never be delivered. We are going to look at the absolute stuff-up that the books are in at the moment, which will reflect exactly where our nation is. If you want to know where our nation is, you should go to the Australian
Office of Financial Management website, look up ‘Australian government securities outstanding’ and rate them yourself every week. Every week, have a look at how much bigger our debt gets and then ask yourself how you—because it is the Australian people—are going to pay this money back. The way they are going to try and do it is by banging new taxes on you.

We will take the Labor government directly back to where we were prior to this election, with their lack of detail on their finances, their lack of delivery on their promises and the lack of believability in the omens that they put forward. Once more we will be reminding the Australian people that these are the ones who came up with a plan where they were not trying to cool the planet. They were just going to cool your houses, and in the process they did not cool them; they burnt down 190 of them. These are the people who decided that apparently a new school hall at three times the price at the back of your local state school, whether you wanted it or not, was somehow going to bring the world economy back into gear. These are the people who believed that the purchase of a flat screen from South Korea was somehow going to stimulate the Australian economy. These are the people who told you that the reason Australia avoided recession was not the iron ore exports from Western Australia, the coal exports from Queensland or the wheat exports from New South Wales. No, it was the $900 cheques. That is what did it. That is what saved the world. Remember, they said at the start, ‘Go hard, go household, go early.’ They left a couple of things off there. They went hard, they certainly went household, they went early and then they went off their heads and now they are going broke.

**Senator Faulkner** (New South Wales) (11:52 am)—I certainly appreciate the opportunity of speaking in this address-in-reply debate to the Governor-General’s opening speech. I particularly wanted to focus on one aspect of the Governor-General’s speech, which was national security. The Governor-General reinforced the government’s most immediate national security priority as being Afghanistan. The Governor-General also pointed out that our nation’s engagement has come at a high price and mentioned that all members of this parliament and government, and Australians, honour the memory of the 21 Australians who lost their lives in Afghanistan.

I was also very pleased to see in the Governor-General’s speech that the government will be introducing a new support scheme, the Simpson program, which of course is named after Australia’s Gallipoli hero John Simpson Kirkpatrick. That program will provide increased assistance, training and access to specialist rehabilitation for our ADF members who have been wounded. I think this increased support for wounded personnel is critically important given that the men and women of Australia’s defence forces face such significant dangers as they go about their critically important work in defence of our nation and national interest.

What I wanted to do in this address-in-reply debate was acknowledge some work that is undertaken by some unsung heroes in the Australian Defence Force, personnel who do their duty for their country in the most sensitive and difficult of circumstances. I have said on many occasions now in this chamber that it has been a privilege to have had the opportunity to serve as Minister for Defence in this country. One of the most important and fulfilling aspects of being Minister for Defence was that I was able to meet so many of our defence personnel who work tirelessly for the nation’s interest. As I said in this chamber yesterday, I have found almost without exception that they conduct themselves with professionalism, dedication and
good humour. They do the jobs given to them, without complaint. They endure separation from family. They step into, without complaint, dangerous operations. And they work hard to protect our country’s national interests. But the job also has some sobering aspects. As Minister for Defence, one thing you dread is receiving a call informing you that the life of a soldier has been lost in the course of operations. For a minister, such calls are, as you can imagine, very difficult. But just compare that to the devastating impact on the families of our deployed soldiers. For them, that call, that knock on the door, will be life changing. So the responsibility that any of us feel on such occasions can never match the sorrow and loss felt by the families and friends of those killed in action.

As all senators know, we have recently gone through a very difficult period in Defence. We have now lost 21 soldiers in Afghanistan, 10 of them just in the last few months. As Minister for Defence during that recent period, I have seen Defence carrying out the distressing duty of informing the families of these men and then offering and providing support to those families throughout that difficult period. After yesterday’s condolence motion, I want to take some time today to acknowledge the work of ADF personnel in this area of Defence.

Those men and women who inform the families of our fallen soldiers of the death of their loved one, and who assist the families to cope with the news as best they can, deserve recognition. So today I wanted to place on the record my respect for the work of the notification and bereavement support teams in Defence. These teams are there to provide compassionate support to the next of kin during these difficult and devastating times. Someone from the team is there from the moment the family is informed, and others remain at hand through the periods of grief that every family goes through.

Have no doubt, these must be amongst the most difficult jobs in Defence. Notification teams usually include the soldier’s commanding officer and an Australian Defence Force chaplain, as well as a representative of the member’s unit or workplace if they are able to assist. I am sure that every senator can imagine how difficult it must be to tell someone that a loved one has died. These teams are trained for that task, trained to ensure that they see this difficult process through appropriately. After the first contact from a notification team to the relatives of a deceased ADF member, the ADF provides comprehensive follow-up and ongoing support to the family. With the support of the Defence Community Organisation, the ADF’s bereavement support teams begin to work with the families, providing support for as long as it is needed.

For every family in this terribly difficult position, the time following the death of their loved one, as you can imagine, is just so stressful, just so devastating, just so distressing. Defence social workers help to manage the provision of support, assistance and guidance to the partners and families of our fallen soldiers. These dedicated individuals act as a primary point of contact for the next of kin and family members and help the family in managing their grief and loss.

Defence also provides a uniformed military support officer as part of the team. That officer assists the family on all military aspects of this challenging time, including contact with the soldier’s home unit, assisting with the military funeral and managing the ongoing financial support that families require. They are crucial to providing assistance to families and maintaining their strong connections with Defence during these difficult circumstances.

The work done by the notification and bereavement support teams in Defence de-
serves our recognition and it deserves our respect. It reminds us that it is not only the ADF personnel out in the field who are performing difficult jobs in support of our operational efforts. I suppose it remains only for me to say that, despite all their good work and all the support and assistance they provide, they of course remain a team we would rather have on perpetual stand-by, rarely, if ever, becoming operational. I am sure I can say this on behalf of all senators: I want to commend them and I want to thank them for their work.

Senator Cormann (Western Australia) (12.04 pm)—The Rudd government got into trouble because it was a bad government. The Gillard government nearly lost the election because Australians were not sure whether it would actually be a better government. The Rudd government was a high-spending, high-taxing, high-borrowing, secretive government full of dishonest spin. Listening to members on the other side this morning when they patted themselves on the back about how wonderful the government was over the last three years, you really wonder why it was that ultimately the Labor caucus came to the conclusion that the government was so bad that they had to execute a first-term Prime Minister. At the end of June, when we last sat, in came Julia Gillard. She conceded that the government had lost its way and said that things would change for the better. But have they? And, more importantly, now that Julia Gillard has scraped back into government, will things change for the better, moving forward?

Let us remind ourselves where the Rudd government lost its way. Having promised that he would lead a government of economic conservatives, Kevin Rudd’s government turned out to be a bad, old-fashioned, old Labor style government. It was a big spending, big taxing and big borrowing government. If it moved, Labor taxed it. This big spending and big taxing agenda did not just start when the global economic downturn hit us; it started right from the word go. Remember the alcopops tax in April 2008, even before Labor’s first budget? There was a 70 per cent hike in the tax on ready-to-drinks. It was dishonestly sold to us as a health measure. It was going to stop binge-drinking. There was a binge-drinking epidemic out there and this tax was going to fix it. With any problem, any challenge, the only way this Labor government thinks it can fix it is through another tax. That was a $3.1 billion tax, and the evidence is now in: it did not work.

We told the government at the time that there was no evidence that this would help reduce at-risk levels of drinking and that in other parts of the world where taxes like this had been tried they had not worked. In fact, Treasury conceded at the time that they were actually assuming that, rather than reducing consumption of alcopops, it would increase, moving forward—which it now has. At-risk levels of drinking of alcopops have continued to increase and Treasury are raking in the benefits, because, of course, this alcopops tax was nothing but a lazy, bad, old-fashioned tax grab.

The next month was Labor’s first budget, in May 2008. We had a $2½ billion tax grab on the North West Shelf gas project in Western Australia; we had the half a billion dollar tax grab on so-called luxury cars—all taxes where Labor thought that politically they could run a line which would make them acceptable to the Australian people. In Labor’s first budget, long before anybody had heard of a GFC, taxes went up by a staggering $20 billion and spending went up by $15 billion in net terms. Yet, despite all that additional revenue, massive reckless spending and waste and mismanagement meant that Labor did not deliver a single surplus budget in the financial years in which they were
solely responsible for the management of the books.

Indeed, the last surplus that was delivered at a national level was for the 2007-08 financial year, the year that Kevin Rudd and Wayne Swan took over from John Howard and Peter Costello halfway through the financial year. That year, we had a surplus of $19.7 billion. What has happened since? There was a $27.1 billion deficit in 2008-09 and a $54.8 billion deficit in 2009-10, with the government patting themselves on the back, saying that this was not a bad deficit to have—the worst deficit we have ever had in the history of the Commonwealth, $54.8 billion. At present we are on track for a projected deficit of $40.7 billion this financial year. It has nothing to do with any significant decline in revenue either, which is one of the lines that those on the other side have been trying to run. Revenue declined by only about $7 billion between 2008-09 and 2009-10. It was all driven by reckless spending, by waste and mismanagement, by things like the school halls fiasco and the handouts, by not properly managing government programs that were running completely out of control.

Then there are the many broken promises we had in the Rudd government era. Private health insurance rebates—remember them? Back in the lead-up to the election, the government promised that they would retain the existing private health insurance rebates. The Minister for Health and Ageing, Nicola Roxon, in the middle of their term, at a time when she was working with her department and Treasury to get rid of the rebate for millions of Australians, was still pretending publicly and telling the Australian people that the Rudd government was committed to retaining those rebates.

Now we have had the student taxes—yet another tax. That was another tax that, before the election, the then Rudd government promised not to impose. Since then, we have seen Labor, true to form, introduce yet another tax, trying to take choice away from students across Australia who do not want to be forced into paying taxes and fees for services they do not need. The government are at it again: they are now in the process of reintroducing that same tax.

There is failure and incompetence everywhere you look: the failure to protect our borders and the changes in government policy which led to an instant and dramatic increase in the number of boat arrivals at our borders; the home insulation fiasco; the school halls fiasco—you name it; wherever you look you see failure and incompetence.

That brings us to, you guessed it, yet another tax: the mining tax. This was of course what got the government into trouble. Kevin Rudd and Wayne Swan were faced with a political problem in the lead-up to the last election. They had deficit after deficit, and debt was running out of control. Clearly, the levels of deficit were continuing to put upward pressure on our interest rates, so they needed a political fix as they approached the election. They came up with what they described as a $12 billion mining tax—the resource super profits tax. There was no consultation with anyone in the mining industry and no engagement with the states and territories, some of whom were being asked to give away their own revenue streams under the state royalty arrangements. There was no proper process followed at all. It was just a quick political fix which did immediate and incredible damage to our economy, to jobs and, in particular, to states like Western Australia, Queensland and New South Wales, where things stopped. Even the government realised they had done things wrong. Poor Kevin Rudd has since lost his job. Yet the guy who actually drove the tax, the guy who came up with the scheme, the Treasurer, Wayne Swan, not only still has his job; he
got promoted. He got promoted to the point where he is now just one execution away from being the next Prime Minister.

I am going to dwell a little on this mining tax, because Her Excellency the Governor-General said in her speech:

… the government will pursue plans … to 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.

I regret to advise Her Excellency that the government are not conducting wider consultation in relation to the minerals resource rent tax. Yes, they have negotiated, in secret, a deal with the three biggest mining companies—who were given the opportunity to directly influence the design of that tax, who were able to put their data into the process to help shape the design of that tax and who were given access to government assumptions and government thinking about that tax, which gives them a clear competitive advantage. But 99 per cent of the mining industry was excluded from any of those discussions. To this day, the government are keeping secret and are protecting from public disclosure, as if it were the most important national security related state secret, some very basic information which is critically important for us to be able to scrutinise the actual impact of this mining tax proposal.

I just remind people that after Julia Gillard announced a new mining tax deal on 2 July she said, ‘Oh well, we have reduced the rate, we have increased the threshold at which it will kick in and we have made a whole series of other changes, but the impact on the budget bottom line is just going to be $1½ billion.’ Everybody was surprised—how can that be? Very, very dishonestly, the Treasurer and the Prime Minister failed to advise the Australian people that they had made a whole series of changes in underlying assumptions to achieve that particular outcome.

In fact, if the same assumptions were used for the original resources super profits tax as were used to assess the revenue for the mineral resource rent tax and expanded petroleum resource rent tax, then Kevin Rudd’s original tax would have raised $24 billion rather than $12 billion. Yet the government to this day has not publicly released very basic information in relation to the commodity price assumptions it has used, in relation to the production volume assumptions it has used—information which the state government in Western Australia publishes in its budget papers as a matter of course. This secretive government is refusing to release that information, which is absolutely necessary if we are to properly scrutinise the impact of this massive new tax on mining on the budget, on the economy, on jobs, on investment, on the cost of living and on states like my home state of Western Australia and states like Queensland and New South Wales.

After Julia Gillard became Prime Minister two or three weeks after the election, she asserted how this was going to be a new era of openness and transparency. Because of the new paradigm we were in and given the circumstances in the House of Representatives, she said there would be this new ‘operation sunlight’. In fact, I have heard some of the Independent members of the House of Representatives who are supporting the government use the term ‘operation sunlight’ quite frequently in recent weeks. I had heard that term before. I thought, ‘I am sure I have heard about “operation sunlight” before.’ Madam Deputy President, I am sure you would have heard that term before, too, because the then Minister for Finance and Deregulation, Lindsay Tanner, released this document here in December 2008. Do you
know what its title is? You guessed it: *Operation Sunlight: enhancing budget transparency*. That was in December 2008. It was all talk and no action then and it is all talk and no action now, because if the Gillard government were serious about openness and transparency it would be releasing today information about the assumptions it has used to estimate revenue from the mining tax going forward.

Without the $10½ billion mining tax revenue estimate, the budget would never get into surplus. We have already heard from Access Economics that, at best, there would be one year when the budget goes into surplus. We have already heard that. If the mining tax revenue estimates are not credible, if they are wrong—and we have got a very serious question here as to whether they are credible at all—then there will be no surplus. This whole budget has been built on a house of cards and serious doubt has been raised as to whether this tax would actually raise $10½ billion over the forward estimates. If the government has nothing to hide, why would it not just come clean? Rather than just having all this talk and no action, why would it not come out and release some very basic information that would enable us to assess whether there is any credibility at all in those mining tax revenue estimates. If the government has nothing to hide, why would it not just come clean? Rather than just having all this talk and no action, why would it not come out and release some very basic information that would enable us to assess whether there is any credibility at all in those mining tax revenue estimates. I suggest that, rather than ‘operation sunlight mark 2’, we probably need ‘operation x-ray’. I think we need a different name. We need to move on a bit in the world.

Her Excellency also spoke about the government’s promise to increase the superannuation guarantee levy from nine to 12 per cent, saying that this is to ensure working Australians enjoy greater security in retirement and to considerably boost the nation’s pool of savings. You might recall the government commissioned the Henry tax review. The Henry tax review made a whole series of recommendations in relation to super and it made one specific observation on the proposed increase of the superannuation guarantee levy from nine to 12 per cent, saying that it would hurt low-income working families. We want to know why it is that the Henry tax review came to that conclusion. We want to see the underlying modelling, we want to see the assessments, we want to see the briefing notes that were prepared in order to help the Henry tax review come to that conclusion and we want to see what work the government has done, what Treasury has done, to come up with a different view. We do not think it is right for the government to go ahead with a policy that will hurt low-income working families. Again, if the government has nothing to hide, why does it not release that information? Why does it not come into this chamber today and table all of the modelling and all of the assessments that have been done to assess the impact on low-income working families of the super changes that it is proposing, which are contrary to what was recommended by the Henry tax review?

The Henry tax review was supposed to be this root-and-branch reform of our tax system, making it a fairer and simpler tax system. Really, all we got out of it was just another tax, the mining tax. I say to the Australian people that this is a government that is addicted to tax, to more taxes and to increased taxes because it is addicted to spending, because debt is out of control and because it has lost complete control of our country’s finances. That is why it is looking for yet another opportunity to whack on another tax.

I mentioned earlier how we have had this track record of failure and incompetence over the last three years, and it is well demonstrated. Now we have got former senator Graham Richardson out there today in the *Australian* telling us that the Prime Minister
wanted to sack two ministers because they were incompetent.

Senator Bernardi—Only two?

Senator CORMANN—I was surprised myself—Senator Bernardi, that is a very insightful interjection. Even the Prime Minister could see that there were two ministers who deserved to be sacked. But when it came down to making the tough decision they just turned around and blackmailed her. They said, ‘If you sack me, I am leaving the parliament.’

Senator Williams—By-election!

Senator CORMANN—By-election indeed. This is the one word that puts shivers down Julia Gillard’s spine. It is the one word that will have her drop everything—by-election. Here we have the Prime Minister who, faced with two incompetent ministers she wanted to sack, did not have the courage, the guts, to make the right decision in the national interest. If the Prime Minister cannot have confidence in two of her ministers, how can the Australian people have confidence in those ministers? I dare to make a guess that one of those ministers she wanted to sack would have been Peter Garrett. I am prepared to guess that one of the ministers that she wanted to sack, based on his incompetent handling of the home insulation fiasco, was Peter Garrett, but instead of going ahead with that original decision she gives him control of our schools. I would like to think that on behalf of the Australian people this government will perform better over the next three years than it has done in the past. But looking at the track record so far I do not have a lot of confidence that it will, and this opposition will hold this government to account every single step of the way.

Senator BERNARDI (South Australia) (12.24 pm)—There are many ways in which people can judge a government. Some will consider flowery rhetoric as sufficient substitute for meaningful policy. Others will see the appearance of action through reviews, committees and endless paper-shuffling as indications of actually moving forward. Still others will only look at the government’s spend to determine whether the government is doing enough.

Senator Feeney interjecting—

Senator BERNARDI—Strangely, this third group, which Senator Feeney clearly endorses, never seems to consider that the government is actually doing too much, and yet if a government has ever done too much it was the previous government, because the ALP government have made a complete mess of everything they have touched.

However, all of these assessments are subjective. Any criticisms of government on such a basis are easily deflected through political spin and the sheer power of the government PR machine. In considering the agenda of the Gillard government and its previous incarnation as the Rudd-Gillard government, I would prefer to assess its approach and impact on what I would consider to be the foundation pillars of our nation, our first principles, if you will, the values that have shaped our nation and provided us with stability, security and prosperity. These principles can be summarised, I believe, into four key areas.

The first of these is faith. Our nation was established upon the bedrock of the Judeo-Christian tradition. Our laws have codified these ancient texts and the tenets of the Ten Commandments, and our societal expectations are based around the golden rule of ‘do unto others as you would have them do unto you’.

The second of our foundation pillars, I consider, is respect for our flag and what it represents. It is a representation of our sovereignty, our history, our commitment to Federation, our independence and our Con-
stitution, which places clear limits on the power of government, and the encouragement and fostering of the national identity. Indeed it was our founding fathers that sought to encourage patriotism and independence and a national identity for Australians. Alfred Deakin, speaking at the Constitutional Conference in 1890, acknowledged the importance of fostering our national patriotism when he said:

This sentiment of our nationality is one which, I believe, we shall see increasing in its intensity year by year, and it will count for much more than it does now when the people of these colonies have become a people sprung from the soil, a people the vast majority of whom will know no other home than the soil of Australia. I believe that this passion of nationality will widen and deepen and strengthen its tides until they will far more than suffice to float all the burdens that may be placed upon their bosom.

The third of the great pillars of our foundation is family. Strong families build a stronger Australia, and through countless generations the traditional family unit of a father and mother bonded through a commitment to their marriage and to the welfare of their children has proved to be the best and most enduring of all our social institutions. Evidence supports the notion that children raised in strong families go on to be more successful by every measure and also making a strong contribution to the strength of their communities.

The fourth pillar of our foundation is that of free enterprise. Through the commitment to property rights, and through reward for effort and acceptance of the consequence of failure, we have established a nation rich in ideas, effort and innovation. We can no more afford to stifle that enterprise and expect enduring wealth creation than cease to breathe and expect to stay alive. These four pillars represent the foundation of modern Australia. Without an ongoing commitment to their preservation, the freedom of our citizens and the future of our nation are at risk.

It is in these key areas that the Gillard government’s policy agenda is left wanting, devoid of any commitment to the things that matter, preferring instead to deal in an ideological agenda more suited to Cold War central planning than to a free, vibrant and modern nation. While it may be unfashionable in some quarters, I believe that as leaders in our community we have a responsibility not only to foster a strong national economy but also to protect and defend our culture and our national identity.

As I mentioned earlier, a great deal of this cultural identity arises from the Judeo-Christian tradition that lies at the very heart of our nation. While we are a secular country, our laws, our customs and our societal expectations arise from this great tradition and the wise boundaries it places on the human condition. I regret that the Gillard government threatens to undermine this tradition. I am not referring to a lack of personal religious belief by the Prime Minister, although I do make a personal observation that the absence of belief in a greater being is generally replaced by something less than beneficent.

The threat that the Gillard government poses to Christian tradition is in the opening of the door to sharia or Islamic law in Australia. The government and its representatives have repeatedly stated their intention to change the regulations to ensure that there is no restriction or disadvantage to sharia-compliant finance being conducted in Australia. Minister Sherry even launched the demystifying Islamic finance booklet in May this year. During the launch Senator Sherry maintained:

This is not about special treatment but about a fair and level playing field that is not prejudiced
against the provision of Shariah compliant products.

Minister, I would suggest we already have a fair and level playing field for all Australians based on our laws and traditions, which are not built on sharia law. Whilst the proposals put forward by the government may not at first glance seem to be truly significant, should they be allowed, the process of legitimising a fundamentalist sharia law as an alternative legal or business system in this country would commence. I believe this simply cannot be allowed to happen.

Whatever the advocates may say, followers cannot simply pick and choose the parts of sharia law that they want to follow. If followers are prepared to ignore some of the less palatable aspects of sharia then certainly they should be expected to ignore the more innocuous ones too. But if the advocates of sharia law truly believe it is the path of righteousness, then the introductory changes like concessions of sharia finance are simply a stepping stone to a greater embrace of this archaic system. That is why we should not entertain any thought of introducing any aspect of sharia law into Australia. At best it is unnecessary; at worst it is a step in a direction that is incompatible with western life and values.

The government’s record and future agenda also threatens to concentrate power in Canberra, while outsourcing aspects of our national sovereignty to unaccountable foreign organisations like the United Nations. This was highlighted by the government’s commitment to a climate change treaty prior to the Copenhagen conference in December last year, which would have seen billions of dollars of Australian taxpayer funds disappear into that fiscal black hole of bureaucracy known as the United Nations.

Our part-time foreign minister—our part-time United Nations climate change advocate and former Prime Minister—is central to the belief that a grand global plan is better than defending our national interest. The Gillard government continues in this vein because it also has plans to concentrate power in Canberra, at the expense of the states, contravening the essence of our Federation that is enshrined in our Constitution and its wise advocacy for the separation of powers.

While I have a personal and philosophical aversion to such a concentration of power, one may be able to apply some justification if the government demonstrated competence in any area of its administration. Regrettably for the Australian people, this is not the case. Yet such a record of failure does not discourage the government from trying to interfere in the lives of more Australians. While the government professes support for the family, its rhetoric simply does not match its practice. Rather than offer practical measures that would strengthen families—like income-tax splitting or incentives for one parent to stay at home with their children for the preschool years—the government is giving incentives for institutionalised child care and undermining the traditional family unit.

It is alarming that the government’s alliance partners, the Greens, have already introduced motions to undermine traditional marriage and further erode the culture of life that should logically elevate humans above all other species. To the Greens, humans are just another one species among many. Their beliefs see their adherents advocating human rights for orangutans but not for unborn children—a clear indication that their moral compass is lost in a Bermuda Triangle of policy extremism. The government’s formal alliance with advocates of such a policy agenda reflects very poorly on it and, unfortunately, legitimises such extremism in our parliament.
The government’s policies will also have a very poor impact on the purses of every family. Not satisfied with blowing the national accounts with excessive spending and imprudent policy formulation and implementation, it now wants to blow the budget of Australian families. Its promise to break its election promise and introduce a carbon tax will see the price of everything rise. Utilities will dramatically increase in cost. Transport costs will rise. The cost of construction materials will rise. In fact, virtually everything we need will increase in price—thanks to a massive new tax.

What makes it worse is that this approach is completely unnecessary. It is based on flawed science and a religious-like fervour that carbon dioxide is somehow the new Lucifer. As I mentioned earlier, the absence of God in one’s life is often replaced by something less beneficial. There can scarcely be any clearer example than the cult-like worship of the Earth Mother practised by the advocates of this great green tax with all its negative implications for our nation.

Unfortunately, the negative consequences for our nation continue with the government’s commitment to undermine free enterprise and a competitive market place. Its punitive mining tax—which was the result of a secretive negotiation excluding 99 per cent of resource companies—changes the game for many Australian mining enterprises and reduces the attractiveness of investing in Australia. It further undermines the rights of our state governments, who actually own the resources, to profit from their extraction and invest the proceeds as they see fit, accountable to their own electorates.

The government’s decision to reinstate a nationalised telecommunications monopoly in the form of the National Broadband Network—a $43 billion expenditure without a business plan—is an example of the reckless misuse of taxpayer funds. There are clear alternatives to the government’s plan that could be implemented more quickly, provide a comparable service and cost a great deal less. Yet Labor persists with a solution that exceeds the requirements of most of us. Of course, such trifling issues as the estimated $5,000 per household connection cost are not as important to Labor and the government as having a big plan that will cost a whole lot of taxpayers’ money—no matter how flawed the cost-benefit analysis.

Like many Australians, I am concerned about the direction that this government is taking. It has a track record of reckless spending and record debt. It cares little for our traditions and enduring values. It cares little for our constitutional protections, national interest and Australian sovereignty. It cares little for strengthening the family culture of life and traditional marriage. It cares little for defending property rights and state rights and fostering a competitive economy built on free enterprise. In short, the government cares little for the pillars that have forged such a great nation—and one can only conclude that it cares little for the people of Australia. And I say to the government that the people will tender their verdict—when they are given the opportunity to do so in the not too distant future—on how little this government cares about the founding principles of our nation.

Senator WILLIAMS (New South Wales) (12.38 pm)—I rise to support the amendment that has been moved by Senator Abetz in relation to the speech by the Governor-General, who yesterday in this chamber outlined the plan for the Gillard Labor government in the future. How much can we believe? How much will be delivered? How much will be true? If we look at history we can go back to Mr Rudd. In the 2007 election campaign he said: ‘I’ll fix our hospitals. The buck stops with me and they’ll be fixed by
30 June 2009.’ I could take you around a lot of hospitals in regional New South Wales and the last thing they would say is that all the problems are fixed. We have seen the problems in the Greater Western Area Health Service, from problems with paying accounts to many problems where, unfortunately, regional areas in New South Wales seem to be neglected. That is sad in itself. We seem to have two standards in this nation: one for the urban areas and one for the regional areas. Of course, there are many problems with the health system in urban areas as well. I will not go into detail or my whole speech here will simply be on that.

Mr Rudd said that he would put downward pressure on grocery prices and he introduced Grocery Watch. What a failure that was! It was laughable. A couple of towns I know were mentioned. I looked at the Grocery Watch site for northern New South Wales, where I live. There were some grocery prices for Tamworth and Grafton. Tamworth is about 2½ hours drive from where I live and Grafton is three hours, so what about the places in between? We know Grocery Watch was a waste of millions of dollars. There is no need to expand on that.

We also had the downward pressure on fuel prices, with Fuel Watch. It was the same. It was a farce. And we had the CPRS, the Carbon Pollution Reduction Scheme—the greatest moral challenge of our time! Carbon is not a pollutant. You can google a list of pollutants, I challenge anyone listening to go to the web and google ‘list of pollutants’. Carbon is not listed. Why do we have so many people around this place who list carbon as a pollutant? Seventy per cent of the food we eat is carbon; 18 per cent of our body weight is carbon. Everything around us contains carbon! We seem to have this idea that carbon is a pollutant.

In the election of 2007 we heard many promises. Another one from Mr Rudd was: ‘I’ll turn back the boats.’ Have a look at the legacy of those promises and the actions of the government on asylum seekers coming to Australia. This financial year it will cost the taxpayers of Australia more than one billion dollars—a billion dollars that could be going into our aged-care facilities or our health system, our roads or infrastructure, looking after those people who are getting home care through EACH and CACP packages. That is where the billion dollars could be going and should be going—not into asylum seekers, who are sponsors of a boat travel industry run by people overseas. They collect the money from people who pay to come here. This is an industry that has got to be wiped out. But the government has failed dismally when it comes to asylum seekers in this nation.

Then there were the promises of ‘me too’ in the 2007 election campaign. But Mr Rudd was not at the forefront of the 2010 campaign. The so-called faceless men did away with him as Prime Minister. Perhaps that is why many of those people now sit on the front bench of this chamber—so that they cannot put knives in the backs of others. It is safer to have them up the front! It is ironic that those who backed Ms Gillard are seated on the front bench these days. The Prime Minister said, ‘I have more chance of playing full-forward for the Western Bulldogs than challenging Kevin Rudd for the Prime Ministership.’ Well, when the Western Bulldogs beat the Sydney Swans just recently, which was a sad occasion, I did not see Ms Gillard playing full-forward for the Western Bulldogs; I actually saw Barry Hall there.

We can go on about the plans of the government, but let’s look at the track record of what this government has done. Let’s look at the waste of money in Building the Education Revolution. They called it Building the
Education Revolution but it was quickly dubbed ‘the builders’ early retirement fund’. There was $16 billion supposedly poured into school projects, but much of it found its way into the pockets of managing contractors and the New South Wales government. The BER task force found that the New South Wales government had the highest overall total percentage of management and design fees in Australia. It was taking out 1.3 per cent in fees. This is in addition to all the other fees being ripped out. Schools were getting halls when they really needed classrooms. They were getting classrooms when they could have done with a canteen. Yet the Catholic and independent schools that managed their own projects got value for money.

On election day I called into Kingstown. Many of you would probably not know where Kingstown is. It is a little town situated between Tamworth and Inverell. There was a school building of about 10 metres by eight metres with a small kitchen in it. It cost $330,000, when $300,000 will build you a very good, large four-bedroom brick veneer home. That is what my son tells me.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Order! I call on matters of public interest.

Blessed Mary MacKillop

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.44 pm)—Today I would like to speak on the story of Blessed Mary MacKillop. We are all hearing a lot about what will happen in Rome on 17 October. Australians are rightly very proud of Blessed Mary MacKillop, who will be canonised on that day as a saint. Already almost 10,000 Australians have registered to travel to Rome for the occasion, to share in the celebrations, because the lives of Australians over many generations have been significantly shaped by the work begun by their foundress, Mother Mary MacKillop.

So who is this person, why is she so important and why is she being celebrated as such an important Australian? I think it is timely to tell her story in this place. Mary MacKillop was born in 1842 in Melbourne, just a few hundred yards from where St Patrick’s Cathedral now stands. There is actually a plaque in the footpath marking the place of her birth in Brunswick Street, Fitzroy. Her parents were immigrants from the highlands of Scotland and were married in Australia by Victoria’s first priest.

Mary was the eldest of seven children. While she had little formal schooling, her father, who had studied for the priesthood, educated her to a standard of religious and literary knowledge that was unavailable at any colonial school of the period. The discovery of gold at Ballarat in August 1851 brought a dramatic change to the settlement of Port Phillip, as Melbourne was then known. In the roaring fifties, more gold was produced in Australia than in any other decade of the 19th century, and Melbourne became a boom town. Ships swung idly at anchor in Port Phillip Bay, deserted by their crews to join the mad rush of clerks and shopkeepers, government servants and farmers to the spreading goldfields. All this actually resulted in a scarcity of commodities which, paralleled by the use of gold nuggets as currency, triggered wild inflation.

This was the atmosphere in which Mary MacKillop grew up. In 1854, when she was not quite 13, unrest came to a head at Eureka, near Ballarat. The star-crossed flag of the Republic of Victoria flew over the stockade, to be dragged in sad defeat at the heels of a trooper’s horse just three days...
later. And yet for the last eight years of her life, Mary was to know that same flag as the honoured symbol of one nation, one people, one Commonwealth—Australia.

Mary was what must have been a rarity in the mid-19th century: a business girl. She gained work as a clerk with a printing and stationery firm, receiving the wages of a forewoman, which she used to support her family when her father’s business failed. Later, she worked as a governess in several places in the Western District. While acting as a governess at a homestead near Penola, in South Australia, Mary met Father Julian Tenison Woods, who, with a parish of 22,000 square miles, asked her to help in the religious education of children in the outback.

Early in the 1860s she became a teacher in the Catholic Denominational School at Portland in Victoria, receiving a small salary from the government, and soon afterwards she established there the Bay View House Seminary for Young Ladies in a rented house. It was a curious kind of enterprise—we would call it a ‘social enterprise’ today. It was part private school and part community supported. Here, Father Tenison Woods came into her life for the second time. He was a man with a remarkable and creative mind—a distinguished explorer and scientist as well as one of Australia’s great frontier missionaries. Among other works, he pioneered the geological study of Northern Australia. In 1865 he asked Mary to undertake teaching at a school which he proposed to open in Penola. Early in 1866 she crossed the border into South Australia with her two sisters and her brother John. In Penola a disused stable had been rented and, by dint of some hard work by John MacKillop, it was soon presentable enough to be the beginnings of a school.

All the adventures of these years are documented in Mary’s wonderful letters to her mother, which have been published by the Sisters of St Joseph. Young women came to join Mary, and the congregation of the Sisters of St Joseph was begun. Within five years the tiny community had grown to a body of 120 nuns. Mary met with opposition from people outside the church and even from some within it. In 1867, Mary was asked by Bishop Shiel to come to Adelaide to start a school. South Australia had been founded only 30 years before, with the expressed stipulation that ‘no Irish or Papists need apply’, so the enmity of those outside the church was understandable enough. What was harder for her to bear was, of course, the opposition within the church—opposition along the lines of ecclesiastical authority.

Mary wanted an Australia-wide congregation with a unified direction and common training for all her sisters. The church in Australia—or, more accurately, the churches in the various colonies which were eventually to become Australia—was not yet prepared for such unity of government and unity of purpose. So, in 1874, when she was 32 years of age, Mary decided to go to Rome to seek the approval of the Pope. She travelled in lay dress, partly to cause a minimum of fuss but also to save the expense of a travelling companion. She was certainly a very independent spirit.

Women with the courage of their convictions have made a considerable contribution to the history of this nation, and it is interesting to speculate on what influence Caroline Chisholm had on the vocation of Mary MacKillop. After her return from England in 1854, Mrs Chisholm spent some three years in Melbourne and was a frequent visitor to the MacKillop home in Darebin. Caroline Chisholm was a convert to Catholicism. She spent her early married years as the wife of an officer of the East India Company. In the 1830s they moved to Australia. A woman of strong and fearless character, a brilliant prac-
tical mind and simple personal piety, Caroline combined a conservative manner with a social radicalism that challenged the colonial governments and wealthy interests of the day. The story of her journeys on the Australian frontier, riding her white horse Captain and leading her armies of immigrants, caught the imagination of England. The London Punch called her a ‘second Moses in bonnet and shawl’. Perhaps Caroline Chisholm’s greatest and most lasting achievement was the establishment of the dignity of womanhood after the degradation of the convict era. Without rank or wealth, and with very meagre support, Caroline Chisholm settled some 11,000 women in security and independence, and, from the day she dedicated her ‘talents to the God that gave them’, she steadfastly refused any reward for her work.

Caroline Chisholm would have been a greatly honoured guest in the MacKillop home at Darebin. Her greatest achievements were in the process of development. For the young Mary, then in her early teens, the personality and burning enthusiasm of the visitor must have made a lasting impression—particularly about the needs of immigrants. In Sydney, Mary visited immigrant ships and offered what help she and her sisters could. Later, at Mackay in Queensland, she taught catechism to the children of the Kanaka workers—indentured labourers from the islands of the Pacific—in the plantations.

Mary travelled around in a buggy, collecting the children of immigrants to teach them the truths of their faith. This commitment continues in the work that the Sisters of St Joseph are doing today for the migrants—not only for the thousands of migrant children in their city schools, but also those in hostels and detention centres. And, like Caroline Chisholm, Mary MacKillop maintained her spirit of determination and unselfish commitment in the face of fierce opposition, willingly forgiving those who misjudged her.

In the most difficult of times, when she was excommunicated from the church, she consistently refused to attack those who wrongly accused her and undermined her work, but continued in the way she believed God was calling her.

Mary and the early sisters, together with other religious orders and lay teachers of the time, had a profound influence on the forming of Catholic education as we have come to know and experience it in Australia today. Over her 40 years of active leadership Mary founded 160 Josephite houses, including 117 schools, 12 homes to care for orphans and the homeless and destitute, and refuges for ex-prisoners and ex-prostitutes who wished to make a fresh start in life. At her death the family she had founded in Christ numbered 1,000 sisters—an extraordinary record.

Throughout her life Mary suffered ill health. Her last years were spent in a wheelchair and she died in 1909. Since then the congregation has grown. It now numbers some 2,500, working mainly in Australia and New Zealand but also scattered singly or in small groups around the world—in Peru, Brazil and in refugee camps in Uganda and Thailand. Most recently, the Sisters of St Joseph have been sending their nuns back to Ireland. The ‘Brown Joeys’ can be seen in big city schools, on dusty bush tracks, in modern hospitals and in caravans working with homeless people, new migrants, Indigenous communities and with the lonely and the unwanted in direct care and advocacy—standing with and speaking with them. In their respect for human dignity and their commitment to social justice, the sisters continue the work that Mary MacKillop began. This feisty Australian woman inspired great dedication to God’s work in the then new colonies.

In today’s world, Mary MacKillop stands as an example of extraordinary courage and
trust in her living out of God’s loving and compassionate care of those in need. I know that we will be hearing many local stories of devotion to this wonderful woman—whose prayerful intercessions brought about amazing healings of mind, body and spirit—in the lead-up to the canonisation in just 18 days.

This is the background to the woman who will be canonised in Rome. Canonisation is the act by which the Pope declares in a definitive and solemn way that the person is actually in the glory of heaven interceding for us before the Lord and is to be publicly venerated by the whole church. There is a complex series of requirements before somebody can be canonised. Without going into the details of the examination of miracles—that is a story for another day—let me explain that the church does not make a saint, it recognises a saint.

Canonisation is actually a double statement: it is about the life of the person but it is also about the faith of the people who are alive at this moment. So while this canonisation recognises Mary MacKillop, it also recognises that we are a part of it. For those who will have the honour of being in Rome for this occasion it will be an extraordinary experience of the faith that is alive in the modern world.

I would like to place on record my appreciation for the fact that the government is supporting the canonisation of Mary MacKillop. The Prime Minister attended a fundraising event in Sydney during the election campaign and made a commitment of $1.5 million to help meet the costs of the canonisation and to contribute to the work of the Mary MacKillop Foundation, which works with rural and remote communities, particularly in supporting disadvantaged families. That commitment was supported by Mr Hockey, representing the opposition. I know that all sides of the parliament and all sides of politics understand that, with the canonisation of Blessed Mary MacKillop, we are honouring a great Australian.

Afghanistan

Senator JOHNSTON (Western Australia) (12.57 pm)—On 21 September this year it was widely reported that a front-line soldier engaged in a firefight where another member of that platoon was fatally shot had sent an email to a friend making quite detailed and damning accusations and assertions as to the level of support the patrol had received upon being engaged by the enemy. This is a very, very serious matter, particularly given the past history of British and Polish forces in Afghanistan—both have sustained significant casualty levels whilst at the same time being subjected to very damaging allegations that front-line combat soldiers were inadequately supplied with equipment and ammunition.

The email in question sets out very clear and particular complaints with respect to the level of force protection and operational security available to the patrol upon being engaged by a large number of the enemy over the course of 3½ hours. These complaints specifically relate to the following: firstly, the patrol ran low on ammunition during that 3½-hour firefight; secondly, there was a complete lack of support from artillery, mortars or aircraft; and, thirdly, there was inadequate intelligence as to the strength of the enemy at this particular location. Allegations that the Australian government, the minister and the senior chain of command have failed to adequately support fighting soldiers with adequate and suitable platforms and sufficient ammunition are probably the most damaging and serious allegations that could possibly be levelled in a conflict such as this, particularly where one Australian soldier has been killed in such action.
These allegations have been dismissed in a most cavalier and offhand manner, firstly by Lieutenant-General Evans when he labelled the claims of this eyewitness participant as ‘wrong, ill-informed and not helpful’. The dismissal of such a gravely serious complaint in such a manner is neither acceptable nor reasonable. Frankly, the communication of such an important matter and its subsequent newspaper publication is something that all Australians, and particularly parliamentarians, should be aware of so that expedient inquiries can be undertaken and measured explanations given. A ‘shoot the messenger’ response to these matters and to this email does no credit to the government or the senior chain of command on such important questions. Whilst the minister is new and has limited Defence experience, there can be no excuse for the complete lethargy of response by him in saying that these matters will be looked at in a wider investigation into the death of Lance Corporal Jared McKinney, who died on 24 August. The National Security Committee of Cabinet should and must as a matter of urgency be presented with the precise chronology of the evolution of this contact, seeking a full disclosure of the availability, the timely use and effectiveness of fire support and air support elements, if any. I have no confidence or faith that this has occurred to this point in time.

My concerns, and those of very many Australians who are worried by the content of this email, are further exacerbated by the recent response of the Minister for Defence in talking to soldiers in Afghanistan. One soldier, to his great credit, asked the defence minister, Mr Smith—at a forward operating patrol base, Razaq in the Dihrawud district where Australian soldiers have been living for up to eight months at a time, alongside Afghan National Army recruits—why Australian forces have not increased despite the extra responsibilities that they are now undertaking. Those extra responsibilities are because the Dutch have left Oruzgan province. The soldier said to the defence minister: ‘We’ve doubled the area of operation but we haven’t really doubled the troop numbers over here. I think we’re spread a bit thin at the moment.’ The soldier then continued to ask the minister if Australian troops would double or increase, but Minister Smith said that overall numbers would not increase. The minister’s response was dismissive when he said, ‘In the end we have got to put the Afghan forces in a position to do that effort themselves.’ The interim worries me greatly.

Further to this, the minister has confirmed that in meeting General Petraeus there was a request for a further contribution from Australia. This is a very significant matter that requires further explanation by the minister. There is clearly and obviously a significant issue here, and I—and all concerned Australians—would be as dilatory and cavalier as this government were I not to demand a full and proper response and, indeed, proper action. The motivation of myself and all who have expressed concerns should be obvious. The proposition posed by the email, and all of these matters, is the fundamental question as to whether the loss of Private Jared McKinney could have been avoided had adequate support and planning been evident. All of us have a duty to ask that question and to see it properly, transparently and fully answered.

The opposition will continue to provide bipartisan support for our presence in Afghanistan. However, we are so concerned with the current Labor-Green alliance that I feel compelled to speak up on the current situation. The opposition would be prepared to sit down with the government and constructively discuss the requests for further increases in troops and deployed equipment that we know have come from the commanders in the field and the troops them-
selves. The opposition would be supportive of such considerations and would assist the government in a bipartisan way to deploy further support assets to 6RAR battle group as a matter of urgency. Such support would be in the nature of signal squadron, engineer squadron, cavalry squadron, gun regiment and elements of armour and aviation. I am advised that these additions would add substantial and immediate support capability to our soldiers in Afghanistan. These additions would require the deployment of a further 360 personnel.

We believe that the government should give consideration to the deployment of other more substantial assets, and I will set out what I believe the government should give careful consideration to. Firstly, a squadron (minus) of Tiger armed reconnaissance helicopters. Specifically, this would result in four to six Tiger helicopters being deployed with two to four on line at any one time. This proposal would involve approximately 100 additional personnel. At present this helicopter has not been certified by the airworthiness authority. The delay in certification revolves around the availability and effectiveness of night-vision goggles. The armed reconnaissance helicopter is otherwise ready for combat. The French currently have between four and six of these aircraft in Afghanistan and they are providing excellent results and support. I point out that the Dutch deployed six Apache attack helicopters when they were in this province.

Next I would suggest to the government that they give serious consideration, if the 6RAR mortar platoon with six 81-millimetre mortars is stretched, to deploying another mortar platoon from an infantry battalion to augment them. This would involve approximately 30 additional personnel. Next I would refer to the fact that an administrative delay has deferred the acquisition of self-propelled artillery. Towed guns such as a battery of 155 millimetres could be deployed. This would involve a further approximately 100 personnel. Extra engineers from 2CER Combat Engineer Regiment would be deployed to augment the current overstretched combat engineers in the field, as we understand them to be. An extra troop would be approximately 30 personnel. Given the duration of this recent contact—that is, lasting 3½ hours—serious consideration must be given to deploying six M1A1 Abrams main battle tanks from 1st Armoured Regiment. This would involve approximately 40 to 50 personnel.

I do not make these suggestions lightly. I make them because this is a very serious, important matter. When we have people in the front line saying that they are short on ammunition, short on support and that the planning and availability of artillery, mortars and aviation support is not available, we have a significant problem that needs to be addressed.

We have virtually been in limbo from a defence ministerial perspective during the past month. Former Minister Faulkner constructively resigned prior to the election but the government announced his successor only two weeks ago. This has clearly created a situation that is not optimal for constant and thorough analysis of the on-ground situation from a policy perspective. I say, therefore, to the minister that urgent analysis and response is needed and that he must fully answer all of the questions that are contained within the soldier’s email which recent events in Afghanistan have raised. I could not stress more strongly that this is a very important issue. We cannot have an assertion that our front-line fighting soldiers are inadequately supported and are short on the vital necessities of conducting this campaign. Unfortunately, circumstances being as they are, the government has not responded in a proper, adequate or complete fashion to these
allegations. I put the minister on notice that he needs to respond to these matters and he needs to provide the support that these soldiers have been asking for before things become much more serious than they currently are.

Radioactive Waste Management

Senator LUDLAM (Western Australia) (1.08 pm)—I rise to speak briefly on the question of radioactive waste management in Australia. It is fitting that these are the first remarks I will offer in this new parliament. Although we have not yet seen our new colleagues come into the Senate as yet, it is something of a new dawn politically and I am very pleased to be able to add these remarks. We are seeing now recognition of the need for negotiation. We are in an environment that we have not been in in Australian politics in around 70 years. It is a minority government, an environment that requires respect for the fact that not everybody is going to get everything that they want in this new parliament; some will get more than others. These matters will be resolved by negotiation rather than by raw numbers and crunching particular agendas through. We are also going to see a healthy period of scrutiny of legislation and proposals in both houses of parliament. The Senate has been undertaking this important work for more than 100 years. We are now going to be seeing that spirit introduced into the House of Representatives. The Australian Greens are delighted to be a part of that process as it unfolds.

Today has been marked out by campaigners around the world, chiefly in North America, Europe and Australia, as an international day in recognition of campaigns against radioactive waste—to prevent the production of this material in the first place and to responsibly manage the material where it already exists. Obviously, in Australia, and around the world, we have various categories of radioactive waste. It is one of the key legacies of the nuclear industry—still unresolved more than 60 years after the creation of the first volumes of this material—that nowhere in the world is there a consensus on what on earth to do with it. In Australia we face these same dilemmas.

Around the world today, due to the exceptionally valuable ongoing work of people like Mary Olson in the United States, we are marking this campaign, which is now in its third generation, for the responsible management of low- to very high-level radioactive waste. In Australia at the moment the focal point for this campaign is a proposal, which originated sometime in late 2005 or 2006, to load Australia’s inventory of long-lived intermediate level waste onto a fleet of semitrailers, take it to the opposite side of the country and leave it on a cattle station about 120 kilometres north of Tennant Creek. Despite the view of some in the area—and we must acknowledge that these views exist—that this is a way to provide employment and investment in the region, it must also be acknowledged that the proposal has sparked fierce and sustained opposition locally and nationally. I am standing here this afternoon to say that the Greens believe there is a better way of dealing with this issue and we hope that this better way coincides with the new circumstances and the new conditions that prevail here in the Australian parliament.

From a government that yesterday participated in a welcome to country with the consent of everybody in this building—the first one that has occurred in the forecourt and the second one of an Australian parliament—to an opposition which has newly discovered the concept of Aboriginal people exercising a veto power over what occurs on their land, surely this is the time to revisit the way we approach the management of radioactive waste in Australia. The Greens will work constructively with anyone on this new way
forward. We have some proposals and some ideas about how to bring this debate forward.

Let us quickly traverse what it is not about. This is not about shutting down nuclear medicine or the availability of radiopharmaceuticals to people in Australia who need them. It is not about leaving radioactive waste stranded at hospitals or the so-called orphan source problem where materials are lost or misplaced. It is not even about opposition to the concept of centralising and better recording of where this material is; I think all sides of this debate believe that there is a case for that. It is not necessarily even about the gloves or the low-level waste that we so commonly hear about, the material that is toxic and ticking for a period of around 300 years, by which time it has faded away to background levels of radiation. If they had been producing this material around the later years of Sir Isaac Newton, about now is when we could relax and treat that material as uncontaminated.

There is perhaps an argument for the centralisation and better management of the places this material currently resides, but that is not necessarily a case for dumping it somewhere remote. This debate is about Australia’s inventory of very, very long-lived radioactive waste, which demands isolation from people and from the environment for tens of thousands or hundreds of thousands of years; a period during which language will change irrevocably, cultures will change, the climate will change, the coastlines will change. That is how far into the future we need to consider the management and safe isolation of these very, very long-lived and toxic materials.

It has thrown up intractable problems, not surprisingly, around the world—including in countries with much more of this material than us—bringing world’s best practice into the debate. We hope to learn from repeated failures overseas and here in Australia, things like propositions to coercively dump the material on unwilling communities. That approach has been shown to fail over and over again—including the proposition for a national radioactive waste dump in my home state of Western Australia and more recently in South Australia. In Australia we would probably translate world’s best practice as free, prior and informed consent of the communities that are to host this material. That is not just a scientific or an engineering challenge; that is a challenge in which the entire community has a stake.

Ironically enough, people—the traditional owners of the site in question up at Muckety—who do have experience of this land over generations and through what we would define as different geological ages do not support this proposal. There is neither community consent nor a community licence to take this material and dump it at Muckety. Those people have written again on behalf of all five of the clan groups that signed up to form the Muckety Land Trust some time ago, inviting the minister again to come up to country, to sit down with them, to at least look them in the eye, and, most importantly, to briefly stop talking and listen. I was not particularly impressed, as those in the chamber will know, with the report of the Senate Standing Committee on Legal and Constitutional Affairs when it investigated a previous iteration of this bill that was hung up when parliament suspended, but I think it is worth pausing to note recommendation 1 of that committee, which Senator Crossin chaired. It said:

The committee recommends that, as soon as possible, the Minister … undertake consultations with all parties with an interest in, or who would be affected by, a decision to select the Muckaty Station site as the location for the national radioactive waste facility.
We wholeheartedly endorse that recommendation, but it has still not been implemented. That is the reason that the traditional owners from that area are still writing, still petitioning, still knocking on the door and still calling the phone number of that minister. They cannot get a hearing. At the very least have the guts to look these people in the eye and tell them what your proposal is.

There is, of course, another way: a path of consent instead of a path of coercion. The government’s approach, following quite closely on that of the former government, has been a path of coercion and a path of just dumping this material. That has led to the creation of enormous stress in the Muckety community amongst people with other priorities and better things to do than to fight this misguided proposal. They have, however, led a national campaign and have support from people around the country, which I think played quite an important part in the very solid and serious swing towards the Greens and away from the Minister for Resources and Energy, Martin Ferguson, in his seat of Batman in Melbourne, a very long way from Tennant Creek.

There has been a huge lift in the Green vote owing not just to the radioactive waste dump issue but also to the solid work that my colleague Senator Rachel Siewert has done on the NT intervention and the leadership shown by our candidates in Central Australia: Senate candidate Warren H Williams and Barb Shaw for the lower house seat of Lingiari. They made extraordinary progress and inroads in Central Australia, outpolling both Labor and the CLP in all remote booths south of Tennant Creek and recording swings in some instances of greater than 40 per cent. The seat of Lingiari, held by Minister Snowden, is now marginal, and I think that is partly a result of the way the government has handled the radioactive waste management issue.

We know that legislation has been drafted; we know that the minister wants to bring forward legislation which targets Muckety and gives him total discretion to deal with this issue as he pleases. I frequently clashed with the minister over the approach of the Rudd government, but, at this first opportunity that I have in this new parliament, I will begin by agreeing with one thing that this minister has said on the issue—that is, to paraphrase him, that this is a formidably difficult issue for which there are no easy solutions. I associate myself with those comments, because it is true that there is no easy path to dealing with this waste which we have created in Australia and overseas without having any idea of what to do with it. It is politically difficult as well as technically difficult, and we agree with that. We recognise it and we will commit to working with anybody in this parliament from the minister down who is willing to engage with this issue with the seriousness that it deserves.

There are no doubt members of the coalition and certainly there are those in the ALP who know that this approach is wrong, and now is the time to do something about it. There cannot be excuses for failing. The government began its last term with an apology, and it is essential that on this issue we go no further down the path of needing to apologise again.

The letter that all new members of parliament would have received yesterday or today is from all five of the clan groups that make up the Muckety Land Trust. Shortly I will seek leave to table this letter and incorporate its message into Hansard by consent of the whips, but first I will briefly comment on some of the things that are here. The letter reads:

You are a new parliament for Australia. We are asking that you give us a new start as Aboriginal people who are being threatened with this nuclear waste dump.
There is a bill that will soon come before this parliament, the National Radioactive Waste Management Bill. It will target our land for the waste dump. We are the Aboriginal people who own the land and the dreamings you are talking about. We are asking that you reject this bill and scrap Muckaty as a site for the waste dump.

The last two governments didn’t listen to us—you must be different. We have been fighting for the last five years to say we don’t want the waste dump in the land.

We are again inviting Minister Martin Ferguson and all members of the new parliament to come down and face us in our own country. Come and sit with us and hear the stories from the land.

I seek leave to table the remainder of this letter and incorporate it in Hansard.

Leave granted.

The document read as follows—

In the federal election people in our area didn’t vote for the big parties because they want change. Our local member for Barkly Gerry McCarthy wrote in the Tennant Times that the election results show clearly people in this region do not want the waste dump. There was a big vote for the Greens because of the strong stand they have taken fighting against the dump. All members of this parliament should listen to the words of Gerry McCarthy.

Warren Snowdon shouldn’t call his electorate Lingiari if he is supporting the waste dump. Vincent Lingiari fought for Land Rights and Warren Snowdon is betraying this name.

We have heard Liberal Party leader Tony Abbott says he wants to help Aboriginal people in Cape York to control their land. If you really care about Land Rights you will stop your party’s support for the waste dump laws and for what is happening to us, which goes against the Aboriginal Land Rights Act (NT) 1976. We want to develop our communities, but we should not have to destroy the country to do this.

We do not want to have to sell our country just to get houses, roads and opportunities for education. Our houses are in very bad condition and overcrowded. The government has already said that there will be no new houses built on our home-lands or our town camps under the Intervention, but there will be funding if we accept a nuclear waste dump. Why should we have to accept a dump to get basic rights?

Our ceremonies and our designs don’t come from nothing. These come from the ground itself. We are carrying them on from our ancestors way back in time. If you destroy our land we will have no culture. We will have no law that keeps us surviving through the years.

We say no to the nuclear waste dump.

Please reply to our letter c/o Minister Gerry McCarthy. PO Box 796, Tennant Creek, NT, 0861 (Signatures are available from the Senate Table Office)

Senator LUDLAM—I thank the chamber and close my remarks by saying again that the government can choose a path of conflict or it can choose a path of collaboration and consent, and the Australian Greens stand ready to work with anybody on either side of the chamber in either house to progress this issue. The decisions we will potentially be making here over the next few months will have consequences for geological eras quite different to ours, when the purpose of the debates in this parliament will quite simply be long forgotten. It is very difficult for us to get our heads around the fact that the decisions we may make in this chamber in coming months will have consequences for tens of thousands of years after we are gone and for folk much closer to and with a much more intimate understanding of country than we have here.

All I ask is that we do not act with haste and that we choose a path of collaboration and consent over the path of conflict that has already led to this matter being raised in the Federal Court of Australia. We believe that it was sad that the traditional owners needed to take that action. Of course we support it and await the outcome, but we believe there is a much better way of dealing with this material. I thank the Senate.
Citizenship

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (1.21 pm)—On 17 September for Australian Citizenship Day, I presided over my first citizenship ceremony as Parliamentary Secretary for Immigration and Citizenship. It was an inspiring and humbling experience. One young conferee, Maurice Omaset, from Uganda had taken time to memorise the pledge. He committed to heart the words that would cement a lifelong compact with his 22 million fellow Australians:

From this day forward, I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I will uphold and obey.

Maurice’s life will now be shaped by our combined fortunes. His prospects will hang on the choices we make in this chamber and the opportunities we as a parliament provide.

Migration is an act of trust and an offering of the highest order. To give the commitment of a lifelong contribution of loyalty and respect is a moving and emotive gesture. It is a compliment beyond words. More than four million people have chosen to become Australian citizens in the past 60 years. It speaks to the integrity of our character, our openness, our hospitality and our belief that the merits of a person should determine their standing and worth.

Migration has shaped our national spirit. It has filled us with vitality, made us dynamic, forward-thinking and confident. The skills and labour it has brought helped build our national industries and infrastructure. We in this chamber represent states built on migration—43 percent of our constituency were either born overseas or have at least one parent born overseas. Since the end of World War II, more than 6.6 million people have migrated to Australia, including nearly 750,000 refugees. In the year 2008-09, some 170,000 people were welcomed into the Australian community.

Indeed, so many of us here in the Senate have our origins in another part of the world, and I might add—as it is appropriate—that we now have an overseas-born prime minister. Prime Minister Julia Gillard has spoken eloquently of her father and mother, who, in her words:

… migrated to this country and, like millions of other Australians, worked unbelievably hard so that their children could have opportunities that they could never have dreamed for themselves.

Multicultural policy is recognition of who we are, of our diversity and the potential that comes from the breadth of traditions we draw upon. It affirms the right within the confines of the law to retain the customs and language of our ancestors—whomever they may be. Multicultural policy also recognises that the functions of government and how we provide services should reflect the make-up of the people of Australia and should be responsive to their needs.

Earlier this year the government released a report—Social inclusion in Australia: how Australia is faring. The report looked at a series of indicators and how different groups were faring against those measurements. I would like to draw the chamber’s attention to a few points: people born in non-English speaking countries tend to have poorer health outcomes and almost half of migrants not proficient in English are in the lowest income bracket; more than half of children from non-English speaking backgrounds are considered vulnerable on two or more developmental measures; newly arrived migrants do not have established social support networks or extended family connections close by and migrants not proficient in English are among those least likely to have had contact
with family or friends more than once a week; and migrants without English skills face significant issues around isolation and were among the least likely to participate in activities external to family and friends such as community groups. These facts underscore the importance of settlement services in offering the best possible opportunity for newly arrived migrants to fully engage in the economic and social life of Australia.

The experience of migration translates into a loss of one or more functionalities—be it language skills, cultural competency or ability to navigate support systems and access to social networks. For individuals support in the initial months and years of arrival is the difference of a lifetime, and settlement tools help reclaim the skills to contribute. For Australia at large the value of settlement services are in social outcomes, in promoting integration and maintaining social cohesion. The value of these services is repaid in the increased economic and productivity gains that they elicit from migration by enhancing employment participation and contributions to the community.

Australia has world-class settlement services. As the sector has developed, services have been built to meet identified needs. Our oldest program and the cornerstone of settlement services is the Adult Migrant English Program. Established in 1948, it has seen thousands of postwar migrants learn language skills for settlement. Following the Galbally report on migrant services in the late 1970s, the program was significantly expanded and today more than 50,000 people participate in AMEP each year. It continues to evolve: for example, the government recently introduced work experience programs for migrants and classes that focus on English for the workplace.

This work experience has been in areas where Australia needs labour—in retail, hospitality, child care, and aged care. One-third of participants exit this program already in a job. The rest are focused and prepared to gain employment. In Warwick in Queensland, nine new migrants participating in the program completed a jackaroo/jillaroo course. All have obtained a Certificate II in Rural Operations, and seven were immediately employed by local rural industry.

The Galbally report saw the establishment of our Translating and Interpreting Service—TIS—National, which provides service for a fee as well as free services to approved organisations, including doctors and pharmacists.

The Integrated Humanitarian Settlement Strategy had its origins in the community refugee settlement scheme which began in 1979. It was first a network of volunteer groups who provided assistance finding accommodation, employment and perhaps, most importantly, offered social connections and friendship. In 1997 a national framework for humanitarian settlement services was established and in 2003 it was developed into an integrated and coordinated system to address a range of needs from the provision of basic household goods to specialist torture and trauma counselling.

In 2006 the Settlement Grants Program was established in part as a response to the 2003 review of settlement services. This program sees the development of innovative and creative projects across Australia. Last round saw SpiritWest of the Footscray Football Club in Melbourne receive $160,000 to deliver a sports program. This program will introduce new migrants to a range of Australian mainstream sports such as cricket, swimming, bike riding, football, lawn bowls, soccer, volleyball and basketball. Funding will also provide an after-school program and healthy-living information sessions and create opportunities for participants to be-
come involved in volunteering in their communities.

Historically, the department funded migrant resource centres in key locations of settlement and cultural diversity. For many neighbourhoods the settlement service provider has become a focal point for the community and an access point to government. The many programs and initiatives that I have just listed support a multicultural Australia and the migrant resource centres in particular have been effective in achieving social inclusion.

In December 2008 the previous Minister for Immigration and Citizenship, Senator Chris Evans, established the Australian Multicultural Advisory Council to provide advice on social cohesion issues and on communicating the benefits of cultural diversity to the Australian community. In its first term, the council was asked to provide advice on multicultural policy. The chair, Mr Andrew Demetriou, presented a statement titled The people of Australia to the government in April of this year. The advice will be considered by the government over the coming months. The council was just recently reappointed for a second term. I am looking forward to working closely with the members in my new role as parliamentary secretary.

Multicultural policy is also about how we share in the benefits of our diversity and how we capitalise on the potential that it brings. By virtue of our make-up, we have a citizenry which is able to converse in over 200 languages and is connected to every corner of the world. We have a population literate in the cultures of the countries with which we trade. Multiculturalism was born out of successive governments of all persuasions and enjoys bipartisan support because it is about the benefit to all Australians. We all agree that multicultural policy is in Australia’s national interest. I look forward to progressing this important area of public policy in my new role as parliamentary secretary.

Emissions Trading Scheme

Senator BOSWELL (Queensland) (1.32 pm)—Australians have to come to grips with the fact that we are facing power price increases in this country not in the distant future but possibly within five years that will simply be economically unsustainable. They will dramatically damage and transform our economy. Power prices are widely expected to double and possibly even triple by 2020. If we get increases at those levels at any time, entire industries and all of the jobs could be wiped out. There is not an industry in the country that would not be threatened by power price increases of that scale.

There are several drivers of these projections. One of the biggest is the existing and anticipated response to climate change. They are currently either unclear or a mess under this government. For example, the Prime Minister said in the election campaign that she was opposed to a carbon tax. After the election she said she was not opposed to a carbon tax. Following a statement by Mr Kloppers from BHP last week, and no doubt with an eye to the extreme pro-carbon tax position of the Greens, she is now a champion of a carbon tax. She has had three positions on a carbon tax in a month.

Only one of the Independents with the balance of power in the other place has made anything like a statement against a carbon tax. Clearly, a carbon tax in Australia ahead of substantive action by the big global emitters is now a distinct possibility. This is a hugely important and immensely dangerous development for Australia. There are few signs around the world of any developing commitment to a carbon price in anything like the foreseeable future. Just a couple of weeks ago in the United States the Democrat dominated Senate dumped a proposal for a
cap-and-trade ETS. Therefore, the biggest economy in the world is not yet acting, China and India certainly will not and the implementation of a pre-emptive carbon tax in Australia would be an unmitigated disaster for power prices and for the competitiveness of the entire economy.

Australia desperately needs to come to grips with the stupidity of pre-emptive action and sufficient pressure needs to be put on the government to stop it driving this country off a cliff. It needs to understand that the imposition of a carbon tax in Australia ahead of action by others will destroy our economy by destroying our competitiveness while having absolutely nil effect on the global climate. Australia could cut emissions to zero tomorrow and it would not make the slightest difference to the temperature of the planet now or ever. China alone will open enough coal fired power stations in the next six months to make whatever we do utterly meaningless.

Demand for our coal to fuel economic growth in China and India is another major factor in the predictions for the unsustainable increase in power prices over the next decade. Demand is pushing the price of coal from $25 per tonne towards $100 per tonne. That increase is inevitably going to flow through to our own power prices and to the cost of many other products. Another massive factor is that the states have neglected their grid transmission systems for decades. Huge spending is now needed to set that right. Another push factor which is also important in relation to that growth in demand is the drought in investment in generation. The short- to medium-term result of that drought is that the level of reserve capacity in the system to handle our increasingly ‘peaky’ consumption patterns is reducing. It is already at a dangerous level of about eight per cent. It needs to be around 15 per cent for system security. We have that drought in investment because would-be investors in power stations do not know what is going to happen in relation to a price on carbon and are baulking. One of the policy conundrums is how to remove that road block to investment in baseload generation without driving the country off a financial cliff.

The emerging answer from the government to the question of how to unlock investment is a pre-emptive carbon tax. That is fine for generators and good for certainty of supply but it simply passes the buck to the consumer on the question of who pays. Mr Kloppers has suggested that a carbon tax could be revenue neutral. He certainly wants it to be revenue neutral for him because he wants trade exposed industries to be protected. For the rest of us there can be no such thing as a revenue neutral carbon tax. The thing is a nonsense. A carbon tax puts up the price of everything that involves carbon, which is just about everything. That is the whole idea. But a carbon tax is just one of the additional threats to ever-higher power prices.

The Minister for Climate Change and Energy Efficiency says the government’s priorities now are a price on carbon, energy efficiency and renewable energy. Improving energy efficiency is common sense. But renewable energy poorly handled is capable of being as disastrous for the economy as a carbon tax. However, like a carbon tax, it is another price driver over which we can have some control; and we need to exercise some control because the government’s renewable energy policies have been a rolling, self-defeating and massively expensive farce, with no sign of improvement in its thinking or its administration.

For the second time in a year the government has comprehensively and predictably sabotaged its own program. It first tried to establish a price for renewable energy certificates high enough to encourage invest-
ment in wind projects and then ensured it could not be achieved because it created millions of RECs through huge subsidies for rooftop solar systems. The REC price collapsed under the weight of the demand for the subsidies. Now we are undergoing a second collapse in the price also instigated by the government. RECs from domestic rooftop hot-water systems and solar generating systems can be banked by liable identities until the end of this year and be used to meet their liabilities into the future. After that they will become what will be known as ‘small RECs’ and will be quarantined from the market. The liable entities will have to buy all those ‘small RECs’ but they will not be able to set them against their target and they will have to buy every single ‘small REC’ that is created at a guaranteed price of $40, however many there are.

Because the big subsidies for the rooftop systems continue so does the flood of RECs onto the market from the huge demand for people to cash in on those subsidies. Never mind that the head of the Department of Climate Change and Energy Efficiency, Dr Martin Parkinson, says that rooftop mitigation is usually expensive abatement. The government keeps backing it not because it is effective mitigation but, rather, because stuffing money into people’s pockets is perceived as good politics—whether it is via direct subsidies; RECs at a ridiculous multiplier of what is actually being generated, or, in the case of hot-water systems, not being generated; or feed-in tariffs.

The Greens will now press for a gross feed-in tariff. This means that people who put these rooftop solar power systems in would be paid several times the price of mains power for what they generate, which will push the price up for everyone else. The more people see others benefiting in their hip pocket the more rooftop generators there will be and the higher power prices will go. It is just a round robin: gratuitous price increases for nil impact on the climate. But it gets even sillier. There is now an expectation in some areas of renewables industry that there will be some $30 million of cheap, excess RECs in the system by the end of this year and that they will keep the price depressed until around 2013. The latest collapse in price to near $30—when wind power needs around $50—is already impacting badly on existing generators. For instance, the New South Wales Sugar Milling Cooperative is describing the current outcome from silly policy as a nail in the coffin of the cogeneration business.

The government says it wants renewables but in fact it is destroying opportunities so it can curry expensive political favour with householders. If the REC price does not recover until 2013 then that is getting uncomfortably close to 2020 and the need for wind power to be a big contributor to the government’s 20 per cent renewable energy target. REC creation this year reflects the scale of the challenge for wind projects and the already tattered credibility of the entire renewable program. So far this year, according to the REC registry, the ratio of creation has been around 60 per cent from rooftop solar power systems, about 16 per cent from rooftop solar hot water and about 18 per cent from wind.

Wind would in fact be coming a poor last were it not for the bureaucracy running a block on RECs from rooftop hot-water systems for much of this year to slow down their progress to the market. Last year rooftop solar hot-water systems, which do not generate a single kilowatt, dominated the entire renewable sector. Changing the subsidies earlier this year enabled a go-slow on the management of claims and thus a slowing of RECsonto the market. The government’s entire suite of policies on renewables
is simply an ongoing policy, economic and administrative disaster.

In conclusion, we have a number of factors driving what now is widely expected to be a massive increase in power prices over the next decade—a doubling and possibly even a tripling of prices. We cannot do anything about several of the big drivers. We cannot do anything about the deficit in investment in the transmission infrastructure. We cannot do much about the rapidly rising cost of fuel. We have to find a way of driving investment in generation. We simply cannot sustain power price increases on the scale projected. We therefore have to exert downward pressure on prices where we can. First of all, we do not have to implement a carbon tax ahead of the rest of the world—which Marius Kloppers wants but does not want to pay for. It would be madness. We have to control this populist preoccupation with huge subsidies for rooftop generation. These things are within our control. We have to seek to reduce increases in the cost of power where we can; not maximise them across the board, which is what the current government is doing. Unchallenged and uncontrolled, the Labor-Green alliance in this place will destroy the Australian economy for zero impact on the climate.

**Senate Select Committee on Agricultural and Related Industries: Report on the Incidence and Severity of Bushfires Across Australia**

**Senator BACK** (Western Australia) (1.45 pm)—The Senate Select Committee on Agricultural and Related Industries presented its report on the incidence and severity of bushfires across Australia on 13 August, which of course coincided with the federal election campaign. I am concerned that the recommendations of that report may be lost, and it is for that purpose I am addressing the chamber. The report did not deal with the recommendations of the Victorian royal commission, and its presentation was deliberately delayed until that had happened. I commend the report and its recommendations to the Senate, particularly at this time, being the onset of this coming summer's fire season and given the very heavy winter and spring rain conditions you have had, particularly in the eastern states. These are matters of relevance to us.

It is well recognised that under the Constitution land, and therefore fire management, is the responsibility of the states. However, the federal government contributes significantly in terms of personnel, funding and resources, and there is an expectation by the wider community that the Australian government will have a role in bushfire mitigation, response and recovery. As we know, bushfires are the only natural disasters which we can act to prevent or minimise, and that is the purpose of the report. Before I go into recommendations of the report, I want to acknowledge the excellent work of the secretariat in assisting in this particular inquiry. I wish to record the unanimous support of all those who participated on the committee in its presentation of the report and its recommendations.

Of importance, for the first time the report summarises in one document a complete list of those agencies, state-by-state, which have responsibility in this area, and it also details local and federal government responsibility. Equally of importance is an appendix which summarises the recommendations and actions taken as a result of previous inquiries into major bushfires in Australia, and I commend that to the Senate. It is my intention—in line with the commitment which I gave in my first speech in the Senate of March 2009, when I said that it is incumbent on us to review past recommendations by authoritative sources and to assess how effectively they have been implemented—to
make this the subject of an annual obligation on my part.

The first of the recommendations which I commend to the Senate is the development by the Commonwealth of examination of new arrangements for involvement in, development of and implementation of national policy on bushfire management. I certainly believe that a national bushfire agency should be developed, answerable to the community through a parliamentary secretariat position. I speak of wildfire prevention, and the committee observed that there are three broad themes on this, which we discussed. The first was preventing fire ignition, the second was reducing the intensity of bushfires by lowering combustible fuel levels and the third was improving measures to protect life and assets in built up areas and, of course, the natural environment. I will refer only briefly to arson. We understand that between a quarter and half of all fires in this country are caused by arson. Also, we understand that it is a relatively easy crime to commit and very easy to conceal. Our committee recommended that a standing committee on national arson be commissioned to meet every two years with the state and territory ministers and those responsible.

The second and more important recommendation to which I wish to refer in prevention is the ageing power infrastructure around Australian states and territories. The committee noted that a preventable cause of ignition is faulty power lines. Only last summer in Western Australia we had a major bushfire affecting the town of Toodyay and its environs, and of course we had the Black Saturday fires in February 2009 in which power lines have at least been implicated. There are claims of a long history in this area. Recognising the size and scale of investment, the committee has made two recommendations. The first is that the Productivity Commission undertakes an examination of bushfire risk from ageing power infrastructure, including an assessment of both replacement costs and the likely suppression costs from bushfires caused by defective power lines. Following that, and related to it, the second recommendation is that the Commonwealth examines options for funding of replacement of power infrastructure which presents an unacceptable risk to the Australian community. We know that the power infrastructure is owned respectively by the private sector, corporatised agencies of governments and government departments, so it is an ever-increasingly complex area. I believe that it is essential that the Commonwealth has a role in terms of examining and looking at options for funding to replace because of the risk of mitigation.

Fuel reduction measures occupied much of the committee’s time and that of the people who were kind enough to both present and put in submissions. There are three major components that combine to determine fire behaviour, being, firstly, combustible fuel levels; secondly, the topography of the country; and, thirdly, weather conditions. Of these, it is obvious that the only one that we can be involved in is fuel levels. Humans cannot control temperature. We cannot control wind conditions or humidity on the day, but certainly, by prior and good prevention, we can control fuel levels. This was best put to the committee by noted CSIRO scientist Phil Cheney when he said, ‘The only thing that you can manage is the fuel.’

There is widespread concern within the community that too little fuel reduction is being undertaken by some of those responsible; certainly, whilst there is not unanimous support for prescribed burning as a practical means of fuel reduction, nevertheless that is the overwhelming view. The committee certainly believes that once and for all the arguments surrounding prescribed burning and its impact on fuel reduction should be the
subject of research supported by the Commonwealth. So, therefore, we have recommended that further research into prescribed burning and its effectiveness and into alternatives for bushfire mitigation be examined as a result of our findings.

We have gone further and recommended that the Commonwealth seek agreement from the states and territories to enable it to evaluate the adequacy of fuel reduction programs applied by public land managers, that the states and territories agree that the auditing be undertaken against their own stated objectives and, finally, that that information be published so that everybody in the Australian community with a concern will know what the results of that work have been. We went a stage further in our unanimous recommendations, and that was that we recommend that Commonwealth funding for bushfire suppression be made conditional on state and territory fire agencies agreeing to the Commonwealth evaluating and auditing their fuel reduction programs.

This is not an attempt by the Commonwealth to involve itself in the day-to-day activities associated with fire suppression. From my experience running the Bush Fires Board in Western Australia I am convinced that the closer to the community requiring protection that work is done the better. But the time has long passed for us just to stand by and watch that inevitable cycle, to which I have referred in the past, called DEAD: ‘disaster’ followed by ‘enquiry’ followed by ‘apathy’ followed by another ‘disaster’. The only difference around the Australian states has been the interval of time between each of those disasters. We have not moved forward on this issue here in Australia, and it is time that the Commonwealth took a lead. It is time that the Commonwealth gets the agreement of the states and territories to examine their programs, to audit and evaluate and to report on them. The incentive must surely be that we consider funding by the Commonwealth to be contingent on it; otherwise, we will merely find ourselves in the position where we are funding failure, where we do nothing ‘until such time’ as a disaster occurs.

I turn now to research, education and training. Concern has been expressed to the committee that future land and fire managers are graduating from university programs around Australia with little, if any, practical fire ground training or skills. This will be highlighted even further into the future as experienced foresters and other fire managers retire. The committee has recommended that the Commonwealth assist the states with bushfire training for land managers and for volunteers by coordinating curriculum development and the delivery of a national bushfire accreditation course, and I believe—I repeat—that personnel should not be eligible to graduate from land or fire management programs from our tertiary institutions until they can demonstrate through active fire ground experience that they have the necessary skills, firstly, in bushfire mitigation and, secondly, in that of incident control and management systems.

The committee has recognised the work of the Bushfire CRC and has recognised the ongoing funding but emphasises the need that when the CRC comes to its conclusion the Commonwealth establishes a new permanent bushfire research institute in Australia, and we have recommended accordingly. Australia leads the world in bushfire suppression studies and research. The work undertaken as a result of the Victorian fires has been exemplary—it was coordinated by the Bushfire CRC—and we do not want to see it lost.

I conclude with the committee’s reflection on the severity of major bushfires in Australia with particular regard to loss of life, to
horrific injuries and to the impact on both the built and natural assets of this country. With this in mind—and I think it is the most telling of all—we have recommended that the Productivity Commission be tasked to assess the economic effects of major bushfires on the Australian economy, to determine the cost effectiveness of prescribed burning and to consider all aspects of bushfire mitigation. Again I commend the report of the select committee into the severity of bushfires across Australia to the Senate. I thank the secretariat and I thank my committee colleagues for the spirit in which that was undertaken, those who made submissions and those who presented before the committee.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (1.59 pm)—I seek leave to make a statement about ministerial arrangements.

Leave granted.

Senator CHRIS EVANS—I advise that Senator Arbib will be absent from the Senate on Wednesday, 29 September and Thursday, 30 September. He is attending the Commonwealth Games in New Delhi in his capacity as Minister for Sport. I wish to indicate that Mr Arbib’s ministerial and representational responsibilities will be undertaken in the following manner, and I advised party leaders of this yesterday. Senator Sherry will have responsibility for sport, Senator Ludwig will have responsibility for human services, and Senator Carr will have responsibility for arts and social inclusion. I will have responsibility for families, housing, community services and Indigenous affairs; Indigenous employment and economic development; and social housing and homelessness.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the President’s Gallery of senators recently elected at the last election and who will take office from 1 July next year. They are attending their first official question time, in a sense. I wish them a warm welcome.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Gillard Government

Senator ABETZ (2.00 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Does the government believe that the hung parliament provides an excuse for the government to break its election promises?

Senator CHRIS EVANS—This government has committed to providing stable and effective government and to look into implementing its election program and its legislative program. In the first few weeks in office we have undertaken to make sure that the structures are in place to allow us to do that. After the Governor-General allowed the Prime Minister to form a government, we formed a ministry and have sought to put in place arrangements which will allow us to govern effectively. As many know, minority governments have successfully governed in many other countries. We have had only one previous experience with this in Australia. But this government is committed to governing effectively and for all Australians, and we are looking to implement its legislative reform agenda through the life of this parliament. We are absolutely committed to that. We will look to work with all parties in this parliament, and all independents and minors, to try to implement the government’s reform and build consensus around some of the big challenges confronting this country. So we do seek to honour our commitments, and we do seek to work with the other members of parliament to achieve those reforms.

It will be interesting to watch how the House of Representatives learns to adapt to the new situation. I think all senators will
probably in some small way enjoy the adjustment process that occurs in the House of Representatives as they come to learn how to operate in a way that the Senate is perhaps more familiar with and learn some of the skills that senators have developed over many years. But I digress. I can assure the senator that we will be pursuing our agenda.

(Time expired)

Senator ABETZ—Mr President, I ask a supplementary question. Is it true that a week out from the election day the Prime Minister declared that there would be ‘no carbon tax under the government I lead’? Is it also true that the very day before the election, when a hung parliament was touted as a possibility, the Prime Minister stated categorically: ‘I rule out a carbon tax?’ Why has the Prime Minister decided to junk these solemn promises to the Australian people?

Senator CHRIS EVANS—It may not have been apparent to Senator Abetz and the opposition but the government has always said that a carbon price is the only mechanism which will ensure Australia can meet its bipartisan emissions reduction targets. That has not changed. We spent the whole of the last parliament trying to put in place a Carbon Pollution Reduction Scheme that allowed us to meet those targets by putting a price on carbon. The Australian people have voted for a new parliament, which will have to work in new ways, and in order to try to pursue—

Honourable senators interjecting—

The PRESIDENT—Order! Senator Evans, resume your seat momentarily. I remind senators that shouting across the chamber when a minister is trying to answer a question or when someone is asking a question is completely disorderly. Both people are entitled to be heard in silence.

Senator CHRIS EVANS—As I was saying, in good faith the government has sought to form a committee of interested members of the parliament to explore a full range of options for injecting a carbon price into the Australian economy. Of course, the fundamental basis for that is that you have to believe that global warming is a problem. The opposition do not accept the science, and therefore they are irrelevant to the debate.

(Time expired)

Senator ABETZ—Mr President, I ask a further supplementary question. It does beg the question: if it is such a big problem why did the Prime Minister specifically rule out a carbon price before the last election? I refer to the Prime Minister’s recent warning in an interview with the Fairfax press that key promises she made during the federal election may be broken. Which promises does the government actually intend to keep?

Senator CHRIS EVANS—The government is committed to trying to achieve its election commitments and its legislative agenda. But as we learned in the last parliament there are a lot of spoilers and people who oppose for opposition’s sake. We would have implemented the CPRS in the last parliament until the Liberal Party decided that the sceptics had the numbers. Whatever the government seeks to achieve, we are obviously limited by what is possible in a parliament where we control neither house. But as I did today when I sought to reintroduce the student services and amenities fees legislation, we will again seek to have that legislation implemented. We again urge you to support it. These are the issues that will come before the parliament and you in the opposition will be judged on whether you allow the government to deliver on its commitments.

Economy

Senator CROSSIN (2.07 pm)—My question today is to the Minister for Finance and Deregulation, Senator Wong. I take this opportunity to congratulate her on this ap-
appointment in the ministry. Can the minister provide the Senate with an update on Australia’s economic performance, including how it compares internationally? How has the government ensured responsible economic management to date and into the future?

Honourable senators interjecting—

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

Senator WONG—I thank Senator Crossin for the question. This government will continue the strong, stable and responsible economic management which we have delivered in our last term and which has kept this nation out of recession, which has created more than half a million jobs in this country in our first term and which will see the budget return to surplus in 2012-13. These achievements will provide a strong foundation for the future. Unlike other countries that have endured recession, this nation faces the future from a position of strength.

Just contemplate the differences. The Australian economy grew some 3.3 per cent over the past year. Look to the United States where the recession lasted some 18 months and saw GDP in that country contract by 4.1 per cent—one of the longest and deepest recessions in the postwar period. Unemployment in this country is 5.1 per cent. Compare that to the United States and the United Kingdom, where the levels of unemployment are closer to 10 per cent. And our net debt peaks at six per cent in 2011-12, comparing very favourably to the 94 per cent of GDP for the major advanced economies in 2015. This is a government that has an economic plan to lock in the nation’s success and to build a stronger, broader and more competitive economy unlike those opposite who bring nothing more to this parliament when it comes to economic policy than a desire to oppose—not a desire to put in place good policies for the nation and not a desire to build but a desire to oppose. They would rather see the government fail than the nation succeed. That is the reality of their position. In contrast we have put forward positive policies, reduction in the company tax rate and superannuation reform. (Time expired)

Senator CROSSIN—Mr President, I ask a supplementary question. Could the minister also outline to the Senate the importance of fiscal policy and how the government’s fiscal strategy has ensured good economic management? I would like to know whether the minister is aware of any alternative policies which would hinder this good economic management?

Senator WONG—We on this side understand that fiscal strategy and getting your costings right is critical to good economic management. We understand that strong fiscal rules that keep spending focused and outline a clear plan to repay debt are important. I just remind those opposite and the Senate that we in this government have put in place far more stringent fiscal rules than were put in place under those opposite. We have said that not only will we bring the budget back to surplus three years early, faster than most other major advanced economies, but we will hold real spending growth to two per cent until the surplus reaches one per cent. Can I remind those opposite that under Peter Costello and Senator Minchin the average spending growth for your last five budgets was some 3.6 per cent, almost double what we have committed to. So let us remember. We on this side in our last two budgets have found some $80 billion worth—(Time expired)

The PRESIDENT—Before calling Senator Crossin, I remind senators that if they wish to debate these issues the time is at the end of question time when we take note of the answers to questions.
Senator CROSSIN—Mr President, I ask a further supplementary question. Finally, can I ask the minister if she could further inform the Senate on any significant risks in maintaining responsible economic management?

Senator WONG—The most significant risk comes from those opposite. We know this because when they were finally forced to put their election policies’ costings in for scrutiny there was a $10.6 billion black hole. No wonder they had to be dragged kicking and screaming by the Independents to actually ensure that their policies were properly scrutinised and costed. It was quite interesting watching the shadow finance minister through the election campaign doing a sort of pantomime version of the boy who did not want to do his homework in relation to submitting the costings to the Charter of Budget Honesty. First it was, ‘I left my homework at home,’ then it was, ‘I lost my homework,’ then it was, ‘I do not want to do my homework anyway.’ Even Mr Hockey— (Time expired)

Honourable senators interjecting—

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

Building the Education Revolution Program

Senator MASON (2.13 pm)—My question without notice is to the Leader of the Government in the Senate and the Minister representing the Minister for School Education, Early Childhood and Youth, Senator Evans. Given that Prime Minister Gillard has accepted all the recommendations of the Orgill task force report into the Building the Education Revolution, when will the government compel all education authorities to publish school specific project cost data for each P21 school project?

Senator CHRIS EVANS—I thank Senator Mason for his question. I congratulate him on his promotion and look forward to crossing swords with him in coming months. Can I first of all point out to him that responsibility for the Building the Education Revolution projects is mine not in a representational role but as the portfolio minister for DEEWR. I get all the good jobs—and I am enjoying it too.

As the parliament would be aware, the interim report from Mr Orgill’s BER Implementation Taskforce was released on 6 August 2010. It is a very informative report. I would encourage all senators with an interest in this area to have a read of it. It is very comprehensive. In that report Mr Orgill made 14 recommendations, and the government has committed to implementing all 14 of those recommendations. As you know, there will be a further report from Mr Orgill’s implementation task force in November, which will reflect the continuing work they are doing in investigating complaints, looking at questions of value for money and looking at any concerns about the project.

I indicate, directly answering the question of Senator Mason, that DEEWR has already established and met with a working party of representatives from all education authorities to progress those recommendations, and that includes the question of the publication of the costs. As you know, the task force has done a lot of work in that area of comparative costing, and that is all published in the report. But I certainly will be applying pressure to the states to make sure that that commitment is honoured.

Senator MASON—Mr President, I ask a supplementary question. I thank the minister for his answer. How can the government claim that the BER program delivered value for money, given that the Orgill report states: The Taskforce has not been satisfied by the various explanations as to how value for money has been calculated by many jurisdictions.
Is Mr Orgill wrong or is the Prime Minister delusional?

Senator CHRIS EVANS—The report of Mr Orgill’s implementation task force is highly comprehensive. It goes through all these issues about value for money, timetable, the contracting requirements and the variance in costs between states. It is looking at things like different cost structures between states and is doing a comparative analysis of the performance between different providers, be it the Catholic Education Office of Western Australia or the New South Wales state education system. All that data is being collected. We will have a very comprehensive picture at the end of this as to the relative costs in all the states and of all the projects. That work is being done in a very comprehensive manner. We have the interim report. It is informative. When we get the full report, I think we will have a much better picture. That work is being done. It is being done independently and rigorously. I think that should be our first point of reference. (Time expired)

Senator Heffernan—It’s a waste of bloody money!

The PRESIDENT—Senator Heffernan, Senator Brown is entitled to be heard in silence.

Kakadu National Park

Senator BOB BROWN (2.19 pm)—My question is to—

Senator Forshaw interjecting—

The PRESIDENT—Wait a minute, Senator Brown. Senator Forshaw!

Senator Heffernan interjecting—

The PRESIDENT—And Senator Heffernan!

Senator Abetz—We’ve got the new senators here, Michael.

The PRESIDENT—Thank you for your help, Senator Abetz.

Senator BOB BROWN—And four of them are Greens senators. I put my question to the Minister representing—

Honourable senators interjecting—

The PRESIDENT—Wait a minute, Senator Brown. I cannot hear you.

Senator BOB BROWN—the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. I refer to the statement of 11 August from the former minister, Peter Garrett, committing to...
expanding the Kakadu National Park to include the 1,200 hectares of the Koongarra Indigenous lands. What action has the government taken or will the government take to fulfil that promise?

Senator CONROY—Thank you, Senator Brown, for that question. I have some information for you. Koongarra is Aboriginal land, so to become part of Kakadu it will first need to be leased to the Director of National Parks. The proclamation that created Kakadu National Park will need to be amended with another proclamation by the Governor-General covering the Koongarra area. It is fitting that this spectacular area become part of the Kakadu World Heritage area, and the Gillard government will be applying to the World Heritage Committee for this to occur shortly. World Heritage listing recognises places of outstanding heritage value, the conservation of which is important for current and future generations. Sites that are nominated for World Heritage listing are placed on the list only after they have been assessed as representing the best examples of the world’s cultural and natural heritage.

Australia currently has 18 properties on the World Heritage List. Recent studies show that our 18 World Heritage properties generate $12 billion annually and support over 120,000 jobs across the country. Before making a decision about the future of Koongarra, the government consulted with the mining company, based in France, in accordance with the requirements of procedural fairness. The government took the company’s dues into account when making its decision. Notwithstanding the company’s commercial interest in exploiting the resources at the site, Koongarra could never have been mined without the permission of its Aboriginal owners and they have been very clear that they would not allow this to happen. As there has been no exploration activity in the Koongarra area for over two decades and no mining has ever occurred there, no jobs will be lost as a result of this decision. The Australian government is committed to comprehensive environmental assessment and stringent environmental controls on all uranium mines based on world’s best practice standards. (Time expired)

Senator BOB BROWN—Mr President, I ask a supplementary question.

Senator Abetz—Dorothy dixer questions don’t suit you, Bob.

Senator BOB BROWN—I ask the minister if he is aware—in response to interjections from the opposition—that the opposition spokesperson on the environment, Greg Hunt, also supported this inclusion in the national park and World Heritage area, with the agreement of the traditional owners. Could the minister say what support the opposition has given to ensuring that this timetable is on track and that by Christmas we may see Koongarra become part of the Kakadu World Heritage area?

Senator CONROY—we would welcome their support, Senator Brown. I am sure that my colleague Mr Burke will be, if he has not already, taking up this issue with those opposite. We do believe it is absolutely right to honour the wishes of the land’s traditional owners. Some, perhaps, are not aware that Koongarra has—I am sure Senator Brown does understand this—spectacular views over to Lightning Dreaming, home of the path of creation ancestor Lightning Man, who local Indigenous people believe is responsible for the dramatic electrical storms on the Arnhem plateau. So this is a very significant area, Senator Brandis, as I am sure you understand. Notwithstanding some of the mocking we are hearing from some of those opposite, I am sure ultimately they will be willing to support it. (Time expired)
Parliamentary Secretary for Disabilities and Carers

Senator FIFIELD (2.24 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Can the minister explain why, when the Prime Minister announced her ministry on 11 September, there was no member of the executive given specific responsibility for disabilities and carers? Why, when the Prime Minister was asked, was she unable to say who had responsibility? Why did it take several days for the Prime Minister to belatedly announce that Senator McLucas would have that responsibility?

Senator CHRIS EVANS—I am just a bit surprised that the opposition has run out of questions on the first day.

Senator Abetz—Oh, disability isn’t important!

Senator CHRIS EVANS—You would realise, of course, that this issue was canvassed in great detail in the last few weeks.

Senator Abetz—If it was so well known, why couldn’t she remember?

Senator CHRIS EVANS—Senator Abetz, if you are going to put out a media release and break your duck for a while, that would be great, because we have been missing you for some months. I understand the ACTU have put out a bulletin looking for you.

Honourable senators interjecting—

Senator Abetz—As I say, this issue was canvassed in the press some weeks ago, and explanations were given. It is the case that when the Prime Minister announced the ministry she announced that Ms Roxon was to be the Minister for Health and Ageing, Senator McLucas would be in the portfolio and Ms Macklin would have Families, Housing, Community Services and Indigenous Affairs. As the senator knows, Senator McLucas has had a long interest in these issues and was active in these issues when we were in opposition and in government. She was a particularly good choice for the portfolio. The arrangements that existed under the first—

Senator Brandis—Mr President, I raise a point of order on the question of relevance. The answer is not directly relevant to the question. The minister was asked to provide the explanation for an omission. He has not addressed that question. Nothing he has said bears directly on that issue. Mr President, you have in the previous parliament ruled that ministers have been relevant. If you can rule that, you can rule that they have not been relevant, and you can certainly rule that they have not been directly relevant. If so, to enforce the sessional order, you should either direct the minister to the question or direct him to resume his seat.

Honourable senators interjecting—

The PRESIDENT—This is not assisting question time, with the interjections on both sides.

Senator Ludwig—On the point of order, the minister has been directly relevant to the question asked. Unfortunately, what the opposition wants is a directly relevant question that they have in mind which is impermissible. What the minister has been answering is the question that was asked in respect of the Health and Ageing ministry and the minister in relation to the disability area. The minister has been providing an answer in response to the question.

The PRESIDENT—I believe the minister is answering the question and has a remaining 32 seconds to address the other issues that are in the question.
Senator CHRIS EVANS—As I was making clear, Senator McLucas has a long interest in the area. She was previously the opposition spokesperson. She is well regarded in the sector. She succeeds Mr Shorten, who had an excellent reputation in the area and was responsible for significant improvements in the support for people with disabilities and their carers in the term of the first Labor government. I think it is an excellent appointment. As I say, that has been clear for some weeks now. I look forward to working with Senator McLucas in that role. (Time expired)

Senator FIFIELD—Mr President, I ask a supplementary question. I am pleased that the minister has worked out that disabilities actually is not in the health portfolio. Given the expectation within the sector that there would be a dedicated disabilities minister, deliberately built up by Mr Shorten’s promise to have the portfolio elevated, why did the government not appoint a minister for disabilities?

Senator CHRIS EVANS—The arrangements in relation to the ministry and the Parliamentary Secretary for Disabilities and Carers are, as I understand it, the same as existed under the last government, the first Labor government. They are the same arrangements, as I understand it, that existed under the previous Howard government. What I can advise you is that that arrangement—that is, having a senior minister for FaHCSIA and a parliamentary secretary under that minister with a direct responsibility for disabilities and carers—continues as it was under the Howard government and under the first Labor government.

Senator FIFIELD—Mr President, I ask a further supplementary question. Given the growing profile and awareness of disability issues, don’t Australians with a disability and their carers deserve a dedicated minister at least as much as the arts or sport does?

Senator CHRIS EVANS—What people with a disability and their carers need, Senator, is a government committed to reform, a government committed to supporting them and a government that delivers. That is what they got from this government in its first term. That is what they will get from this government in its second term. As I have said in relation to other issues, it is not the title; it is whether you do the work. This is the government that delivered the largest increase ever to pensioners in this country. This is the government that increased the disability support pension and carer payment. This is the government that doubled funding to the states and territories under the National Disability Agreement.

We have also been responsible for putting disability back on the national agenda, after 12 years of neglect, with the National Disability Strategy and the Productivity Commission inquiry. The opposition may want to focus on arguments about titles, but the reality is that the government will continue to deliver improvements for people with disabilities. (Time expired)

Economy

Senator STERLE (2.32 pm)—My question is to the Minister for Small Business, Senator Sherry. Can the minister inform the Senate of the state of the economy since the chamber last sat, before the general election? In particular, how have the government’s economic policies supported Australia’s small businesses during the global recession and how will the government continue to support this vital sector of Australia’s economy?

Senator SHERRY—Thank you for the question. Small business obviously is a major part of our economy. It is a vital sector. There are some two million small businesses,
employing some 4.8 million Australians and making up 96 per cent of all businesses. The Gillard government appreciates the very important contribution that small business makes to our economic prosperity and supporting jobs.

We have introduced a range of measures over the last three years and will introduce a range of measures over the next three years to support small business. For example, our tax plan for the future provides tax relief and less red tape for small business, instant write-offs for assets of up to $5,000, simpler depreciation rules and an early cut to company tax. There are a range of other initiatives: the business enterprise centres across Australia; the Small Business Support Line, which is assisting small business owners to access information; the referral services on matters such as obtaining finance and hardship counselling; and the Small Business Online program, which is helping small business owners to go online and engage in the digital economy.

We have also recognised the crucial role of skills training in the context of small business. Our introduction of the Apprentice Kickstart directly assists and enables small and medium enterprises to take on apprentices. We have also made dealing with and selling to government easier for small business. We have implemented consistent and simpler procurement processes and an on-time payment guarantee to ensure small business contracts will be paid within 30 days. There will be a report released shortly giving an update on that particular initiative. During the global financial crisis, it was small businesses and the thousands of people that they employed—(Time expired)

Senator SHERRY—As my colleague Senator Wong pointed out, Australia enjoys strong growth. According to many commentators, it is one of the strongest economies in the world, particularly of the advanced economies—

Senator Brandis—You’ve got the Liberal Party to thank for that, you know.

Senator SHERRY—There is just one problem, Senator Brandis. We were in government, taking the action, while you were opposing our stimulus package to keep the Australian economy strong. If we look at the United States, they face a particularly disheartening situation—

Honourable senators interjecting—

The PRESIDENT—Senator Sherry, resume your seat. When we have silence we will continue.

Honourable senators interjecting—

The PRESIDENT—The time for debating the issue is at the end of question time. I remind senators of that. Senator Sherry, continue.

Senator SHERRY—Thank you. If we turn to the United States, it is a particularly disheartening situation. Unemployment is at 9.6 per cent. Small business in particular in the US has been doing it very, very tough. Just this week, for example, US President Obama signed a $42 billion small business assistance program. I have to say that President Obama has faced the same negative approach from the Republicans as we have faced from the Liberal opposition in trying to save—(Time expired)

Honourable senators interjecting—

The PRESIDENT—When we have silence, we will proceed.
Senator STERLE—Mr President, I ask a further supplementary question. I thank the minister for his answer. Can the minister outline the Gillard government’s economic priorities over this new term of parliament? Is the minister aware of any alternative policies to the Gillard government’s economic initiatives, discipline and responsibility?

Senator SHERRY—As I have indicated, the actions of this Labor government in providing a decisive and timely stimulus—opposed by those opposite—saved tens of thousands of small businesses in this country. But in the next three years we intend to provide further support for small business. There will be major cash flow boosts through special tax breaks and significant tax relief: as I have indicated, the $5,000 instant tax deduction—opposed by those opposite yet again; they are not going to support it—and the ability to depreciate all other assets at a single rate of 30 per cent. This is significant help for small business which is again going to be opposed by those opposite, the wreckers. Time and again, they oppose positive initiatives for small business. Some 720,000 small businesses will get an early start to the reduced company tax rate of some 29 per cent in 2012-13. (Time expired)

Asylum Seekers

Senator CASH (2.38 pm)—My question is to Senator Carr, Minister representing the Minister for Immigration and Citizenship. I refer the minister to the Prime Minister’s statement on radio just three days prior to the federal election, responding to a claim that the Labor government intended to further expand the detention facilities at Curtin Immigration Detention Centre, where she said: That’s simply not true. No work is planned at Curtin other than the work which is under way now … there are no secret plans.

How does this pre-election statement sit with the minister for immigration’s statement on 17 September: Additionally, capacity at the existing Curtin Immigration Detention Centre will be expanded in coming months, allowing for up to 1200 single adult men to be housed there. Isn’t the Prime Minister’s pre-election statement just another example of how this Labor government will blatantly deceive the people of Australia and say anything and do anything just to get elected, without any intention of carrying out its pre-election commitments?

Opposition senators interjecting—

Senator CARR—Mr President—
Opposition senators interjecting—

The PRESIDENT—Senator Carr, you cannot start your answer until there is silence. We will proceed with question time when there is silence.

Senator CARR—I thank Senator Cash for her enthusiasm! Nothing really has changed in this place, has it, Mr President? Senator Cash, I am sure you would be aware that the government has been quite clear, quite open, for many months about the fact that the department of immigration, as a matter of routine and prudent contingency planning, has been investigating and developing a range of options for potential additional accommodation. Such accommodation contingency planning is a normal and responsible process of government—

Senator Brandis—I think lying is a normal procedure from the Labor Party.

The PRESIDENT—Order!

Senator CARR—I remind you, Senator Brandis, that it was the Howard government that built the Christmas Island detention centre as a contingency for irregular arrivals—

Senator Cash—Mr President, I rise on a point of order in relation to relevance. The
Curtin Immigration Detention Centre is in Western Australia. It is not where the minister stated. My question was quite specific. I was asking the minister about a pre-election statement made by the Prime Minister and its complete contradiction by a statement made after the election by her now minister.

The PRESIDENT—There is no point of order. I draw to the Senate’s attention the fact that the minister has a minute left in which to answer the question, but the interjections that are occurring do not assist in either listening to the answer or allowing the minister to answer the question that was originally asked by Senator Cash. The minister has one minute remaining to address the question that has been asked.

Senator CARR—I am advised that work was undertaken at Curtin during the election. It related to stage 1 accommodation for approximately 600 detainees then at the centre. Those works for stage 1, which began in May 2010, include the letting of contracts for the supply and installation of demountable buildings, and the installation of a fencing and security system and critical infrastructure required to support some 600 people. Clearly, the government has to keep these issues under review and has engaged in a planning and budget process for contingencies. The government will continue to give consideration to various options and seek to develop and progress a longer term strategy. Expanding Curtin is one of a number of options available to the government. (Time expired)

Senator CASH—Mr President, I ask a supplementary question. I refer the minister to the statement made by Premier Barnett on 16 September 2010 in relation to the government’s decision to expand the Curtin Immigration Detention Centre:

“Twelve hundred single men in a remote location heading into the extreme weather conditions and high temperatures and humidity of a Kimberley summer is not a very safe situation,” he said.

Does the minister understand the Premier’s concern and accept the truth of the Premier’s statement?

Senator CARR—I too saw the Premier’s statements during the election campaign. I noticed that the Liberal Party was running a scare campaign around these issues. What we do know is that any further expansion of Curtin would have to be the subject of reviews of IMA projections and further assessments of options following joint planning with the Department of Defence. The government has no plan to expand Curtin to the 3,000 number that has been used by the Liberal Party and, of course, has been used in quite sharp contrast to what all who are interested in this issue understood. The To- tem Fencing contract, which is listed on the AusTender website, of 16 July 2010 demonstrated the government’s intentions in this regard. This is the so-called secret plan—on AusTender! (Time expired)

Senator CASH—Mr President, I ask a further supplementary question. I refer the minister to the statement of the Minister for Immigration and Citizenship on 17 September 2010 where he stated:

In coming weeks, I will be reviewing the longer-term detention accommodation needs and taking steps to ensure appropriate arrangements are in place to meet ongoing and longer-term requirements.

Does the Gillard government have any plans to further increase the capacity of any detention centre either onshore or offshore and, if so, where, when and by how many places?

Senator CARR—It is true, Senator Cash, that on 17 September the government announced that additional immigration detention accommodation will be prepared for families, for unaccompanied minors and for single men at various sites on the mainland.
What I have already indicated—if Senator Cash had actually followed the previous answer—is that any further expansion at Curtin would have to be subject to an ongoing review process, and announced in due course will be any decisions that the government has actually made. Rather than trying to run a scare campaign on these issues, one should stick to the facts, Senator. I know that is difficult for you, but I suggest that maybe in the new circumstances that is what you should do.

Wind Turbines

Senator FIELDING (2.46 pm)—Mr President, my question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig. Is the government aware of the serious adverse health effects for people living in close proximity to wind turbines, including causing symptoms such as sleep deprivation, headaches, high blood pressure and heart palpitations as well as problems with concentration and memory?

Senator LUDWIG—I thank Senator Fielding for his question on the health impacts of people who live near wind turbines. I will have to seek further and better information from the relevant minister about the allegations that Senator Fielding has made. I will not extend the issue any further. I am not going to venture into this area. These are issues which should be dealt with and I understand Senator Fielding does raise this question as a serious issue. I do not have information on that, but I will seek to gain further and better particulars for Senator Fielding at the earliest convenience that I can.

Senator FIELDING—Mr President, I ask a supplementary question. Is the government aware of the independent report commissioned by Noel Dean entitled The Dean—Waubra Wind Farm Report from a resident of Waubra which showed there was a cluster of adverse health issues affecting residents living nearby to wind turbines and that, as a result and on the advice of medical practitioners, some families have been forced to move away from their family home to escape the damage wind turbines cause? What action does the government plan on taking to protect families from being forced from their family homes?

Senator LUDWIG—I thank Senator Fielding for his interest in the issue of the health of people who are living near wind turbines. I am not aware personally of the report you referred to. It is an issue that, in the circumstances, I will take on notice and seek further information from Minister Roxon’s office on to see what we can usefully contribute to the question he has raised.

Senator FIELDING—Mr President, I ask a further supplementary question. Given that the Australian peak body, the NHMRC, has already done a rapid response into some of these concerns and given the mounting physical evidence of adverse health effects associated with living in close proximity to wind turbines, will the government commit to setting up an inquiry to investigate the adverse health issues of living in close proximity to wind turbines, including actually interviewing local residents?

Senator LUDWIG—I thank Senator Fielding for his second supplementary question. It is a matter that this government should take on notice from you, Senator Fielding, and we will provide a response to your question as soon as we can.

Climate Change

Senator BOSWELL (2.50 pm)—My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. The minister will be aware that the Chairman of BHP Billiton, Mr Kloppers, has called for a broad based carbon tax in Australia ahead of action by the rest of the world but in a form that would not
expose BHP to the cost. Is the minister also aware that the Democrat majority in the United States Senate very recently dumped legislation that would have put a price on carbon? How can the government now support Mr Kloppers’s call for a carbon tax when the reality is that, with the US not moving on climate change, China and India certainly will not and all that Australia would be doing by putting a price on carbon would be putting our economy and our jobs in grave jeopardy and doing ourselves a lot of harm?

Senator WONG—I am aware of Mr Kloppers’ comments in relation to a carbon price. I am aware that there have been a range of commentators speaking about what is occurring in the United States. Obviously the consideration by the US congress of this issue has been a lengthy process and I would not want to make any prediction about that.

Obviously, Senator, it is no surprise to anybody in this place that this is a government that has made clear it believes that the science of climate change is real. We accept the science. We accept that carbon pollution is contributing to climate change and we believe that we need to deal with Australia’s carbon pollution. The Prime Minister said that before the election. She made her view very clear that we needed to do a range of things in renewable energy, and obviously also energy efficiency. But in order to reduce Australia’s pollution to the levels that are required, we need to look at a carbon price. That is not a new position for this side of politics; this is a position we have held consistently. I do understand that is not a position that the good senator agrees with. I think that he and I have had that discussion, if one can call it that, in this chamber some might say ad nauseam—certainly for a long time over and over again. I do not think that anything I say to him about the science and the overwhelming consensus around the need to act on climate change is going to change his mind. But that is the position of this government and we have been very clear about that and about the process we will now engage in.

Senator BOSWELL—Mr President, I have supplementary question. Given that the cost impacts of the Carbon Pollution Reduction Scheme modelled in the Garnaut report were based on an assumption that action on a carbon price would be global, will you ensure that a proper cost-benefit analysis reflecting your intention to put a price on carbon without a global agreement is undertaken and made public?

Senator WONG—This is a government that put an enormous amount of information into the public arena on its policies on climate change. My recollection is that the Australian Treasury undertook the largest modelling exercise in the nation’s history—Australia’s low pollution future—which informed the discussion previously.

Obviously we have a multiparty committee which has been agreed with the Australian Greens and the Independents. The opposition has been invited to participate in that. I understand that the moderates on that side who actually used to believe that climate change was real have fallen into line behind Mr Abbott and Senator Bernardi on this issue. That is to their shame. But we are clear that we need to go through this process of engagement. We will do so and we will do so sensibly.

Senator BOSWELL—Mr President, I have a further supplementary question. Minister, you were not prepared to offer protection from a carbon price to the not-for-profit organisations, hospitals and old people’s homes in your Carbon Pollution Reduction Scheme first time around. Now that it is back on the table will you do it this time?

Senator WONG—Senator, the issue of what the policy will be and how it will be
implemented is a matter that will go through a lot of discussion in this parliament, and it will go through a multiparty committee, as we previously agreed. But I make the point—and we saw this over the last three years in this place—it does not matter what the answer is to any question that Senator Boswell or those on that side put, they will not change their position, which is to oppose action on climate change. So it is in many ways, Mr President, a false debate. Those on that side will not change their minds regardless of what answer on policy detail is ever given because they simply have a prejudice on this issue. They do not want to act on climate change. They do not accept the science.

Honourable senators interjecting—

The PRESIDENT—Order on my right! I am waiting to call Senator Bilyk. Order, Senator Sherry! Senators on my right, I am waiting to call someone from your side to ask the question.

Broadband

Senator BILYK (2.56 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister inform the Senate on the rollout of the National Broadband Network?

Senator CONROY—I thank Senator Bilyk and all my Tasmanian colleagues for their ongoing interest in the National Broadband Network. The National Broadband Network will ensure that Australians, no matter where they live or work, have access to affordable high-speed broadband. It will create jobs, transform service delivery and stimulate activity in the areas of health, education and small business opportunities around the country. The rollout is already well underway. Services are live in Tasmania, in Scottsdale, Midway Point and Smithton. Five service providers—iiNet, Internode, Primus, Telstra and Exetel are already offering services.

Honourable senators interjecting—

The PRESIDENT—Order! Senator Conroy, resume your seat. Interjections are disorderly. I remind senators of that.

Senator CONROY—Customers are enjoying prices as low as $29.95 per month for a 25-megabit service and $59.95 for 100-megabit service. Customers could not be happier. IT technician Robert Pettman from Midway Point said:

It’s awesome. It’s a major speed increase on what I had before ...

Honourable senators interjecting—

The PRESIDENT—Order! If you want to continue to inject, I will continue to pull up the conduct of Senate question time—on both sides.

Senator CONROY—The first NBN business user, Mr Stephen Love, from Galway’s Pharmacy in Scottsdale said:

I’ve taken a 100mbit speed offer, that’s actually very close to the cost of my previous ADSL2+ connection.

… … …

The NBN will provide huge potential, for lots of new applications, especially in health …

What we are seeing right across Tasmania and right across Australia is growing interest in getting access to the National Broadband Network. Right across Australia the Luddites opposite continue to want to offer a second-rate service to the bush, to regional and rural Australia. Shame on you. (Time expired)

Senator BILYK—Mr President, I ask a supplementary question. Can the minister provide further information to the Senate on the progress of the NBN rollout on the mainland?

Senator CONROY—In addition to Tasmania, the NBN is being rolled out on mainland Australia. Over 2,300 kilometres of
the 6,000 kilometres of fibre-optic backbone links in up to 100 regional locations around Australia have been completed. These links include Darwin, Emerald, Longreach, Mount Isa, Geraldton, Victor Harbor, Broken Hill and south-west Gippsland. Construction work has also commenced on the five first-release sites on the mainland—Brunswick in Melbourne, Townsville, Minnamurra and Kiama Downs south of Wollongong, Armidale, and Willunga in South Australia. Planning and design work is underway for 14 new second-release sites, including regional locations such as Geraldton, Casuarina and Coffs Harbour. (Time expired)

Senator BILYK—Mr President, I ask a further supplementary question. Given the progress of the NBN, is the minister aware of claims that the NBN should be stopped? Is the minister aware of any alternative plans?

Senator CONROY—I am aware of claims that the coalition plans to demolish the NBN and consign Australia to the digital dark ages. Those opposite do not have a plan; they have a patchwork. It is not a network; it is a patchwork. The coalition’s focus on wireless defies the advice of industry experts who agree it is complementary technology to fibre. It will not deliver the speed and capacity needed for the delivery of health care, education and the business applications of the future. Professor Robert Braun from the University of Technology Sydney said the coalition’s plan is fundamentally flawed both technically and economically. He said:

Technically, it grabs a bunch of technologies that were already outdated when they were first considered by the Howard government four or five years ago … … … …

From an economic point of view, the Coalition plan is a disaster. (Time expired)
In the very brief time available to me I want to look at this new paradigm. One would have thought that a new paradigm would involve a couple of very simple things: that you would be honest with the Australian people and surely that you would keep your election promises. There is no new paradigm. In the space of a week and a half we have seen the new paradigm slip back to the old paradigm very quickly. I am sure some of my colleagues will refer to this as well.

Senator Brandis—I think the new paradigm has disappeared up its own fundament.

Senator RONALDSON—Yes, that is right. Thank you, Senator Brandis, for that description of what has happened. That is a very horrifying thought. Having said that, I want to talk about two issues: firstly, the carbon tax and, secondly, the fraud that has been perpetrated on the Australian people by this incoming Gillard government. I still think of it as the Gillard-Rudd government but I suppose that is the old paradigm and not the new one. They are going to commit exactly the same sins of the dynamic duo that we saw before the last election. We are seeing back in place immediately after the election this doubletalk driven by the spin doctors. This is not a new paradigm; this is a repetition of the dishonesty that we saw before the election.

I just want to refer to the Prime Minister’s comments in relation to the carbon tax. Everyone knows that she ruled this out before the election. Why did she move to rule this out before the election? Because she knows, everyone in this chamber knows, everyone in the other place knows and the community knows that only one outcome will flow from a carbon tax or a price on carbon—that is, increased electricity prices. That is why, to avoid the coalition and the opposition telling the Australian people what the outcomes were going to be, she made the comment in public during the campaign that there would be no tax on carbon.

We now know that to be completely and utterly untrue, because the grubby alliance between this Prime Minister and Senator Bob Brown will wreak havoc upon this community and will lead to the repetition of further broken promises. Hang on and wait until this mob get another three or four senators to have control of the Senate from next July. The only interesting dynamic about that will be whether we get the red greens running the Greens party or whether we get the green greens running the party. Hang on for the ride with that as well.

I just want to refer, in the seconds left to me, to the Prime Minister’s comment when asked by the media on 16 September whether she would rule out a carbon tax, which she had ruled out before. She said:

PM: Look, we’ve said we would work through options in good faith at the committee that I have formed involving, of course, the Greens...

We want to work through options, have the discussions at that committee in good faith.

JOURNALIST: So you’re not ruling it out then?

PM: Well, look, you know, I just think the rule-in, rule-out games are a little bit silly.

She categorically ruled out a carbon tax, and the Australian community is just about to get one. (Time expired)

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (3.08 pm)—I rise to contribute to this debate to take note of the answer given by the Leader of the Government in the Senate, Senator Evans, to the question asked by Senator Abetz. While it might be that the winter of discontent has turned into glorious summer in the House of Representatives and a new paradigm, it is clear to all and sundry that the old paradigm continues to prevail here in the Senate. There could have been no clearer demonstration of
that given than today’s question time, because of course in today’s question time we have seen the coalition concert comprised of a denial of the existence of climate change, a continuing determination to raise a fear in the community of refugees and a continued determination to rail against the stimulus package. And all of that of course is wrapped up in a farrago of nonsense about breaking promises. So let me take this issue and confront it head on. I should say that in my summary of the opposition’s performance in question time I have done Senator Fifield an injustice. The sight of watching him put on Bill Shorten’s shoes and then fall over at the first hurdle was indeed a delight.

So what we have to do here today is to take a look at what this opposition attack is all about. It is a matter of fact that the Labor Party in the election campaign articulated, and articulated strongly, its position in terms of our approach on climate change. That approach is well known to this chamber and well known to those senators opposite because on two occasions we put a bill before this parliament and on two occasions those opposite rejected it. Some of you rejected it because you do not believe climate change is real; some of you rejected it because you saw it as a great political opportunity. But there are two things that we can be certain of. The first thing we can be certain of is that those opposite continue to obstruct and wreck when the government puts forward propositions to deal with climate change. The second thing we can be certain of is that those opposite now have a perfect record with respect to their agreement making, because whether it was their agreement for a new paradigm or whether it was their agreement to implement an amended CPRS, on both occasions their word was worth nothing. Despite the Leader of the Opposition insisting that we could at the very least trust his word when it was in writing, we now know that to be false as well.

What is clear to us is that at the election the Labor Party did not secure a majority in the House of Representatives. That is a cause of celebration for those opposite, and fair cop. I would certainly prefer that we had a majority and of course they are delighted that we do not have one. But in the event, of course, we have formed a minority government; and that means there is a new practical reality on the government. That new practical reality is this: in the event that we are to successfully achieve action on climate change and in the event that we are able to get legislation through the House of Representatives and the Senate we require a consensus, at least a consensus that exists amongst a majority of members in both houses. How is it that those opposite can claim and insist that we are breaking our word because we have set up an all-party committee to deal with this issue because we are resolved to, again, rebuild a community consensus on climate change? That proposition is a nonsense and a deliberate distortion of the facts.

Senator Abetz interjecting—

Senator FEENEY—Senator Abetz, if you can restrain yourself for at least a moment, the facts are that we are resolved to take action on climate change just as you are equally resolved to make sure there is none. We have formed an all-party committee to work through these issues. There will be two empty seats at that committee, Senator Abetz; perhaps one of them was intended for you. But that does not change or avert the fact that it is now clearly a practical issue of getting the numbers in the House of Representatives. This is a proposition that must get a majority in the House of Representatives for it to pass.
Senator Fifield—What about this place?

Senator FEENEY—Senator Fifield, I will take that interjection. This place continues to be a challenge for the government, and I have no doubt that you will do your very best to make sure that continues to be the case, because you are not in the business of creating effective legislation in this place; you are not in the business of helping build a successful—(Time expired)

Senator BERNARDI (South Australia) (3.14 pm)—It is clear, after listening to Senator Feeney’s contribution, that the first broken promise of the Gillard government was that the Prime Minister would choose her ministry on merit—that she would not reward the plotters and the factional backstabbers who did Kevin Rudd in. Senator Feeney and the rest of his gang of four who trooped down to knife Kevin Rudd—Senator Farrell, Senator Arbib and Mr Shorten—have all been promoted, irrespective of their credentials or their talents and in contravention of the Prime Minister’s promise to only assess the ministry on merit.

Senator Feeney interjecting—

Senator BERNARDI—Senator Feeney might think I am being unkind, but if that is the best defence he can make, it is a challenge for this government for them to break their promises. Senator Feeney is the man who was the architect of a successful South Australian Labor Party election after which the Treasurer said to the opposition, ‘You don’t have the character to break your promises’ as he reneged on promise after promise that was put forward during the campaign. The dirty fingerprints of the Sussex Street mob and their comrades right around Australia are at work in this government, and we have a Prime Minister who said and did anything that she was told to say and do by the faceless factional men of which Senator Feeney is one.

Unfortunately, they carried it off, but they have carried it off to the detriment of the Australian people. Now, the Australian people are going to face electricity hikes, price hikes of 50 per cent or more, because of the unholy alliance that has been created between the Greens and the left of the Labor Party. Make no mistake, the left are on the march in the Labor Party. Whilst it may be the right wing that control the numbers, the left are getting the spoils. They are having influence in the policy, because that is where Julia Gillard is taking them. It is a problem for Australia. Not only will families suffer because we have a government that does not care about families—it only cares about taxes and being able to spend taxpayers’ money flippantly—but we also know that this is a government that does not hold to high standards of ministerial accountability. If there is a truth teller in the government’s ministerial ranks—and I will not besmirch him—it is Minister Garrett. Remember, Minister Garrett, before the 2007 election, said, ‘It’s all right; we’ll change it all when we get in.’ He was the only man to tell the truth. What has his reward been for getting in and changing policies, destroying houses and placing people’s lives in jeopardy? Was there any accountability for it? No. Was there any demotion for it? No. What has actually happened? He has maintained his ministerial rank, and one can only surmise that he has greenmailed the government—just like the Greens party he has greenmailed the Prime Minister—to keep his spot in cabinet.

This is a great tragedy, because we have a government that is only interested in power for power’s sake. They are not governing for the important long-term benefits for the country. They are not governing for the restoration of some fiscal sanity into our national accounts. It is not for restoring some faith in the parliamentary process. They promised sweetness and light and transpar-
ency—operation sunlight. They promised a whole range of reforms, but they cannot deliver on any of them because they do not really want to deliver on them. The problem we have is that in their platitudes, in their soothsaying and in their prepared speech that they gave to the Governor-General yesterday—which really did not outline a national vision—they have said, ‘We’re not fair dinkum.’ They have broken their promise to the Australian people. The Prime Minister, halfway through an election campaign, ruled out a carbon tax and a few weeks later brought it back in. She said that she had changed her mind on immigration and detention policies for people coming here and for offshore processing, and yet got in and has not put serious effort into honouring her commitment. She has a part-time foreign minister representing Australia’s international interests. He is part-time because he is also working for the climate change committee of the United Nations—on a road down which he nearly sent us. This is a government that really have no idea what their intention is and where they are going. It is a great disappointment to me that this government is in power, and I know it is a great disappointment to the Australian people. It is a government that will not come clean with the Australian people. They will say and do anything to keep in power, and the Australian people will come to and recognise that.

Senator MOORE (Queensland) (3.19 pm)—The one promise I make at the start of this contribution is that I will not use the word ‘paradigm’ at any stage during the next five minutes—

Senator Abetz—You just have!

Senator MOORE—From this point on, I will not use that word. One thing that has remained clear in the debate that we had in this place around question time and afterwards is that the major resource that seems to be used often by those on the other side continues to be the media, particularly the Australian newspaper. We heard this afternoon when Senator Ronaldson began his contribution, which I believe was supposed to be on the questions that were asked in this place, that he immediately quoted from a recent article in the Australian and went straight down that path of quoting on the issue of the day. In the following contributions we have heard so far in this debate we have had a series of attacks—attacks on individuals and on process. The one thing that has become clear and that I think has been the leitmotif of the contributions we have heard so far is that those on the other side are extremely disappointed at the result of the election. I think I can take it as a clear understanding that they are disappointed. What they have actually said is that they do not like the result. As a result of that they are throwing abuse at the people on this side, and they also keep going with this really sad personal attack on what they describe as the ‘unholy alliance’ between two parties who have made an agreement to work together in the process of forming government. It is not an ‘unholy’ alliance.

One of the very good things about the recent election is that the people of Australia actually found out about the process and what it takes to form government in the House of Representatives. I do not think anyone, apart from the parties, who understood that you need to have 76 seats, actually understood the importance of the figure of 76. Now the community knows that, and there seems to be some sense that there was something wrong and unholy about the way that a government has been formed by taking a number of votes from different areas to actually come to the number of 76. It was a process that was being gone through by both sides of the chamber. Both sides were trying to seek alliances to come to 76, and the end
result is that we now have a government that will have a great deal of scrutiny—and that scrutiny is important. On the issue of the carbon tax, what has happened is that the Prime Minister has now, in terms of working in government, instituted a process which will go through the chambers of parliament. We do know that there is concern about getting the advisory committee together and it will not, at this stage, include all parliamentary contributors because there seems to be some trouble with people in the opposition taking their role in that committee.

The process will be that there will be clear debate around all the issues to do with climate change, including the issue of carbon tax, which has been in the community and in discussion. We had Senator Boswell today quoting from the business groups that put that there. We will have a process in the House of Representatives and in the Senate, and it probably would not be too far to claim that there could well be some committees on this process. We will look very closely again at all of these issues.

All of that is the way our democracy operates. We have the process, we have people contributing, we have the chance for debate and then it goes to a vote—a vote in both the House of Representatives and the Senate which will determine the result which will determine the future of our policy and what will happen in our community. Then the people of Australia will have the chance at the next round of the electoral cycle to see whether they support that process or not. It is not going to be such a different process; all it will be will be allowing the democratic practices of our parliament to proceed, and that is a good thing. We might not always like the result—we have had some disappointment about the result of the election already expressed this afternoon. I expressed some disappointment at the results of some of the votes in this place at the last parliament. Nonetheless, the procedures continue and the final people who will have the say will be the community and the people of this country, because they will see how our parliamentary processes operate and how any alliance between any groups will function to benefit them. That is not such a hard concept, and we must continue to play our role in that whole process. (Time expired)

Senator NASH (New South Wales) (3.24 pm)—The ever-lengthening list of broken promises from this government is nothing short of appalling, and what is really sad is that the Australian people are almost starting to become immune. They are almost immune to the seemingly almost daily broken promises from this government. I say to the Australian people—every single person across this country who is listening right now—do not let that happen. Stop the immunity, start paying attention and start noticing every single time this government breaks a promise, because it is going to keep happening.

This is a government that should be called the BP government, because they are slick as oil when it comes to breaking their promises. They have form. Forget about all the things that are happening at the moment; let’s have a quick walk down memory lane to the last term of government. What did they say before the last election? ‘We will fix hospitals. If there hasn’t been an improvement by the middle of 2009, we will move to take over the hospital system.’ Guess what, colleagues? As you all well know, nothing has happened. We still walk into our hospitals in our regional areas and know that there has been absolutely no improvement.

And the list of broken promises goes on. Remember computers to every secondary school student in years nine to 12? Those are gone—completely gone. What is it now—every second child and only if all the parents in the schools are actually going to pay for
all the associated costs? Remember GroceryWatch and Fuelwatch? They promised to put downward pressure on grocery and fuel prices. That is another broken promise. I particularly like this next one. What about retaining the private health insurance rebates? They promised they would retain them. What do we see now? A government that is planning to do exactly the opposite. It is appalling. The Australian people deserve better than this. They deserve better than a government that is going to break its promise at every turn.

But isn’t it interesting now? We have seen over the last term those broken promises throughout the term. Now we have a situation where the Prime Minister is telling us before she even breaks them that she is going to break her promises. Maybe that is just to harden up the electorate so that when they all come, as inevitably they will, the electorate is a little bit more immune to the broken promises from the government. What is it that she said? The Age on 17 September said:

JULIA Gillard has declared that climate change and some other election promises will not be kept to the letter by her minority government - and “people are going to have to get used to it”.

I think that if she could not form a government that was going to allow her to deliver on her election promises then she probably should not have formed that government at all, because those people across this country who voted for her on her promises deserve to believe that those promises will be honoured, and they simply are not.

One of the worst broken promises, of course, is on the carbon tax—and isn’t that a beauty? Let’s have a look at a couple of those quotes from the government—prior to the election, mind you. On Meet the Press of 15 August, Wayne Swan said:

… what we rejected is this hysterical allegation that somehow we are moving towards a carbon tax …

He also said:

We have made our position very clear. We have ruled it out.

Julia Gillard claimed ‘There will be no carbon tax—’

The DEPUTY PRESIDENT—Order! You must refer to the Prime Minister by her proper title.

Senator NASH—I do apologise. The Prime Minister again claimed:

There will be no carbon tax under the government I lead.

How can the Australian people believe anything at all that this government says? We know that this government now wants a carbon tax, and there are two very simple things that the Australian people need to understand. This is going to be a massive new tax that is going to hurt Australian people from one coast to the other. It is going to increase the cost of electricity; all of the costs that are going to be incurred are going to be passed on down to you, the Australian people, and guess what? If the rest of the world is not on board, it is not going to make the slightest bit of difference to the climate. So here we go again on this merry-go-round—down this fairyland path—the same way we did with the ETS: with the government trying to convince people it is going to change the climate. As my very good colleague in front of me, Senator Joyce, says: if taxes were going to cool the climate, this place would be freezing. It is not going to do what the government says it is going to do. The best climate change we have seen recently—the coolest the planet was—was probably in the office on the other side of this place when they had a change of leadership in the Labor Party. This government will not stop breaking their promises, and the Australian people need to know it.

Question agreed to.
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 the Native Title Act 1993, and for related purposes. Native Title Amendment Bill (No. 1) 2010.

Senator Cash to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Convention Relating to the Status of Refugees states that ‘contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin’,

(ii) the Government suspended the processing of asylum seeker applications from Afghanistan on 9 April 2010, and

(iii) there are more than 5,000 persons currently being detained by the Department of Immigration and Citizenship on the mainland and Christmas Island; and

(b) calls for the:

(i) immediate lifting of the discriminatory suspension on processing of claims by Afghan asylum seekers,

(ii) immediate processing of asylum claims of all Afghans held in detention, and

(iii) Minister for Immigration and Citizenship (Mr Bowen) to provide subclass 449 safe haven visas to successful refugees, to accommodate potential changes in refugee status resulting from changed conditions in the country of origin.

Senator Fielding to move on the next day of sitting:

(1) That so much of standing orders be suspended as would prevent this resolution having effect.

(2) That the following bills be restored to the Notice Paper and that consideration of the bill be resumed at the stage reached in the last session of the Parliament:

Choice of Repairer Bill 2010

Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009

Plain Tobacco Packaging (Removing Branding from Cigarette Packs) Bill 2009


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

That the Senate—

(a) recognises the 2010 international meeting of the Campaign for the Establishment of a United Nations Parliamentary Assembly; and

(b) congratulates this gathering of parliamentarians from around the world for their work in making an important step towards global democracy.

Senator Abetz to move on the next day of sitting:

That the Senate—

(a) thanks the Honourable John Lloyd PSM for his diligent and professional service to the Australian people, and to the Australian building and construction industry through his 5 year stewardship of the Australian Building and Construction Commission (ABCC), and wishes him well in his retirement;

(b) notes the ABCC celebrates its 5th anniversary on 1 October 2010;

(c) thanks the staff of the ABCC, past and present, for their service and dedication which has resulted in real change to the building and construction sector;

(d) notes that during the tenure of Mr Lloyd the work of the ABCC has contributed significantly to the Australian economy and community, including an annual economic welfare gain of $5.5 billion (2007-
(e) the ABCC has also significantly reduced the incidence of thuggery and illegal activity on Australia’s building and construction sites through successful prosecution of illegal behaviour and the ABCC is to be commended for fulfilling its responsibility in supporting a workplace relations framework that ensures building work is carried out fairly, efficiently and productively.

Senator Fifield to move on the next day of sitting:

That the Senate notes the Gillard Government’s decision to blatantly break its unequivocal commitment to the electorate not to introduce a carbon tax.

Senator Fielding to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to create a culture of responsible drinking, and to facilitate a reduction in the alcohol toll resulting from excessive alcohol consumption, and for related purposes. Alcohol Toll Reduction Bill 2010.

Senator Fielding to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to provide for product control and payment and refund of deposits in relation to certain drink containers in order to protect the environment, and for related purposes. Drink Container Recycling Bill 2010.

Senator Fielding to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to restrict the hours during which takeaway alcoholic beverages can be sold, and for related purposes. Responsible Takeaway Alcohol Hours Bill 2010.

Senator Xenophon to move on the next day of sitting:

That the following matters be referred to the Rural Affairs and Transport References Committee for inquiry and report by 17 November 2010:

(a) pilot experience requirements and the consequence of any reduction in flight hour requirements on safety;

(b) the United States of America’s Federal Aviation Administration Extension Act of 2010 which requires a minimum of 1 500 flight hours before a pilot is able to operate on regular public transport services and whether a similar mandatory requirement should be applied in Australia;

(c) current industry practices to recruit pilots, including pay-for-training schemes and the impact such schemes may have on safety;

(d) retention of experienced pilots;

(e) type rating and recurrent training for pilots;

(f) the capacity of the Civil Aviation Safety Authority to appropriately oversee and update safety regulations given the ongoing and rapid development of new technologies and skills shortages in the aviation sector;

(g) the need to provide legislative immunity to pilots and other flight crew who report on safety matters and whether the United States and European approaches would be appropriate in the Australian aviation environment;

(h) reporting of incidents to aviation authorities by pilots, crew and operators and the handling of those reports by the authorities, including the following incidents:

(i) the Jetstar incident at Melbourne airport on 21 June 2007, and

(ii) the Tiger Airways incident, en route from Mackay to Melbourne, on 18 May 2009;

(i) how reporting processes can be strengthened to improve safety and related training, including consideration of the Trans-
Senator Xenophon to move on the next day of sitting:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by 18 November 2010:

The prevalence of interactive and online gambling in Australia and the adequacy of the Interactive Gambling Act 2001 to effectively deal with its social and economic impacts, with particular reference to:

(a) the recent growth in interactive sports betting and the changes in online wagering due to new technologies;
(b) the development of new technologies, including mobile phones, smart phones and interactive television, that increase the risk and incidence of problem gambling;
(c) the relative regulatory frameworks of online and non-online gambling;
(d) inducements to bet on sporting events online;
(e) the risk of match-fixing in sports as a result of the types of bets available online, and whether certain types of bets should be prohibited, such as spot-betting in sports which may expose sports to corruption;
(f) the impact of betting exchanges, including the ability to bet on losing outcomes;
(g) the implications of betting on political events, particularly election outcomes;
(h) appropriate regulation, including codes of disclosure, for persons betting on events over which they have some participation or special knowledge, including match-fixing of sporting events; and
(i) any other related matters.

Senator Cormann to move on the next day of sitting:

(1) That a select committee, to be known as the Select Committee on New Taxes, be appointed to inquire into and report by 30 November 2011, on the following matters:

(a) new taxes proposed for Australia, including:
   (i) the minerals resource rent tax and expanded petroleum resource rent tax,
   (ii) a carbon tax, or any other mechanism to put a price on carbon, and
   (iii) any other new taxes proposed by Government, including significant changes to existing tax arrangements;
(b) the short and long term impact of those new taxes on the economy, industry, trade, jobs, investment, the cost of living, electricity prices and the Federation;
(c) estimated revenue from those new taxes and any related spending commitments;
(d) the likely effectiveness of these taxes and related policies in achieving their stated policy objectives;
(e) any administrative implementation issues at a Commonwealth, state and territory level;
(f) an international comparison of relevant taxation arrangements;
(g) alternatives to any proposed new taxes, including direct action alternatives; and
(h) any other related matter.

(2) That the committee consist of 7 senators, 2 nominated by the Leader of the Government in the Senate, 4 nominated by the Leader of the Opposition in the Senate, and 1 nominated by any minority group or independent senator.

(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 or any minority party or independent senator.
(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 an Opposition member as its chair.

(6) That the chair of the committee may, from time to time, appoint another member of the committee to be deputy chair of the committee, and that the member so appointed act as chair at any time when there is no chair or the chair is not present at a meeting of the committee.

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

(8) That the committee have power to appoint subcommittees consisting of 4 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(9) 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.

(10) 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.

(11) 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 Siewert and Senator Xenophon to move on the next day of sitting:

That the Senate—

(a) notes recent reports in Australia that found infant formula had been contaminated with genetically modified (GM) soy and corn;

(b) acknowledges the significant level of community concern about food labelling and safety issues in Australian food products, particularly those being fed to infants and young children; and

(c) calls on the Government to introduce clear and effective labelling standards that require all GM additives in Australian food products to be labelled.

Senator Siewert to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Resources and Energy (Senator Sherry), by Friday, 8 October 2010, the report of the Montara Commission of Inquiry.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes:

(i) with concern, the statement of intent to compulsorily acquire land at James Price Point in the Kimberley by the Premier of Western Australia (Mr Barnett) to site a natural gas processing facility, and

(ii) that compulsory acquisition of Aboriginal land directly contravenes the principle of prior informed consent as embodied in the United Nations Declaration on the Rights of Indigenous Peoples to which Australia has recently
made a formal statement of support; and
(b) calls on the Premier to abandon his plans to compulsorily acquire Aboriginal land at James Price Point.

Senator Ludlam to move on the next day of sitting:
That the Senate
(a) notes and acknowledges the long standing opposition of residents of Alice Springs and surrounding areas to the development of the Angela Pamela uranium mine, 20 kilometres from Alice Springs;
(b) congratulates:
(i) the Chief Minister of the Northern Territory (Mr Henderson) for his clear statement of opposition to this mine, and
(ii) Mr Terry Mills, the Leader of the Territory Country Liberal Party for his clear statement of opposition to this mine; and
(c) calls on the Gillard Government immediately to indicate whether or not the position of the Northern Territory Government, Northern Territory Opposition and Territory Greens will be respected.

Postponement
The following items of business were postponed:
General business notice of motion no. 27 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for 30 September 2010, proposing the introduction of the Food Standards Amendment (Truth in Labelling Laws) Bill 2010, postponed till 15 November 2010.
General business notice of motion no. 36 standing in the name of Senator Milne for today, relating to vehicle fuel efficiency, postponed till 30 September 2010.

B U S I N E S S
Rearrangement
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.30 pm)—I move:
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.
Question agreed to.

C O M M I T T E E S
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.30 pm)—I move:
(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  
Sustainability, Environment, Water, Population and Communities  
*Finance and Public Administration*  
Finance and Deregulation  
Parliament  
Prime Minister and Cabinet, including Regional Australia, Regional Development and Local Government  
*Foreign Affairs, Defence and Trade*  
Defence, including Veterans’ Affairs  
Foreign Affairs and Trade  
*Legal and Constitutional Affairs*  
Attorney-General  
Immigration and Citizenship  
*Rural Affairs and Transport*  
Agriculture, Fisheries and Forestry  
Infrastructure and Transport.

**Senator FIFIELD** (Victoria)—Manager of Opposition Business in the Senate (3.31 pm)—by leave—Firstly, I thank the Manager of Government Business in the Senate for deferring consideration of this motion to give the opposition and other parties more time to consider the implications of this. I want to flag a concern with some of the portfolio allocations. Some of them are fine. Moving Arts from Environment and Communications to Finance and Public Administration does not particularly concern us. It may worry some in the sector. There is certainly some logic in moving Human Services to Community Affairs.

The misgiving we have relates to moving Regional Affairs and Local Government to Finance and Public Administration from the rural and regional affairs committee. I certainly appreciate the government’s rationale for that move—it follows the administrative orders—but I think it needs to be acknowledged that rural and regional issues will be split between two committees. The concern relates to the experience that there has been in the past where the Department of Climate Change was in Finance and Public Administration and, on occasion, senators would find that both that committee and the environment committee would refer them to the other committee on the same matter. We have had similar experiences in the past with Human Services being in Finance and Public Administration and a ping-pong effect occurring between that committee and Community Affairs.

I seek the assurance of the minister that common sense will prevail with the new committee arrangements—that chairs would seek to respect the estimates process and its objective to elicit information and to be as cooperative with senators asking questions as possible, in particular with some of those committees which are swapping between group (a) and group (b) and the other way. There may well be some clashes of interest where senators previously were able to ask questions at different committees on different days. I seek assurance that some flexibility and consideration be given as to how things are ordered within those individual committees and that, certainly for this first incarnation of these new committee arrangements, courtesy and discretion be exercised.

Question agreed to.

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.34 pm)—by leave—I thank the op-
position for their forbearance in relation to the changes that have been contained within the motion I will shortly move. Senator Fifield is correct when he identifies issues that have arisen. I noticed those issues myself, particularly around Human Services when I had portfolio responsibility for it. It was there because of the administrative orders, and they do tend to follow. I think you correctly identify an issue which chairs should and, I am confident, will take cognisance of where regional issues might straddle two committees—that they do not become a ping-pong event, that the committee can rightfully and clearly articulate the areas in which they can usefully assist the senators who have questions in relation to that area and refer them appropriately to another committee where those questions can be put and properly answered and not referred back, as I have heard of on very rare occasions. I will seek to ensure committee chairs are at least aware of the short address we have had today in respect of this issue.

In conclusion I thank Senator Fifield for his assistance in being able to ensure that Senate estimates proceed in an orderly way which allows senators to ask questions and get appropriate early-response answers and not take it on notice because they may have missed the particular committee because of the way the scheduling sometimes occurs. I move:

(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
Education, Employment and Workplace Relations
Rural Affairs and Transport.

Question agreed to.

**LAW AND JUSTICE LEGISLATION AMENDMENT (IDENTITY CRIMES AND OTHER MEASURES) BILL 2010**

**First Reading**

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.36 pm)—I move:

That the following bill be introduced: A Bill for an Act to amend various Acts relating to law and justice, and for related purposes.

Question agreed to.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.36 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.36 pm)—I move:

That this bill be now read a second time.

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

Leave granted.
The speech read as follows—

I am pleased to introduce the Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill. The bill implements the identity crime offences recommended in the Model Criminal Law Officers’ Committee Final Report on Identity Crime. The report was released by the Standing Committee of Attorneys-General in March 2008.

The bill inserts three new identity crime offences into new Part 9.5 of the Criminal Code Act 1995. With the exception of South Australia and Queensland, it is not currently an offence in Australia to assume or steal another person’s identity, except in limited circumstances.

Existing offences in the Criminal Code, such as theft, forgery, fraud and credit card skimming, do not adequately cover the varied and evolving types of identity crime such as phishing and malicious software.

The offences can be implemented by the Commonwealth within the Commonwealth’s constitutional powers by linking them with an intention to commit a Commonwealth indictable offence, and by confining the ‘victims’ provision to victims of Commonwealth identity crime offences.

The proposed offences are framed in general and technology neutral language to ensure that, as new forms of identity crime emerge, the offences will remain applicable.

The offences include:

- dealing in identification information with the intention of committing, or facilitating the commission of a Commonwealth indictable offence, punishable by up to 5 years imprisonment;
- possession of identification information with the intention of committing, or facilitating the commission of, conduct that constitutes the dealing offence, punishable by up to 3 years imprisonment; and
- Possession of equipment to create identification documentation with the intention of committing, or facilitating the commission of, conduct that constitutes the dealing offence, punishable by up to 3 years imprisonment.

The identity crime provisions also contain measures to assist victims of identity crime. Identity crime can cause damage to a person’s credit rating, create a criminal record in the person’s name and result in tremendous expenditure of time and effort restoring records of transactions or credit history.

A person’s identity can be falsely used for citizenship, Centrelink payments and medical services and to gain professional qualifications.

It’s been reported that individual victims spend an average of two or more years attempting to restore their credit ratings.

That’s why the amendments will also allow a person who has been the victim of identity crime to approach a magistrate for a certificate to show they have had their identity information misused. The certificate may assist victims of identity crime in negotiating with financial institutions to re-establish their credit ratings and other organisations such as Australia Post to clear up residual problems with identity theft.

Some departures from the MCLOC model have been necessary because of Constitutional limits on the Commonwealth’s power. However, the spirit and intention of the MCLOC offences are maintained in this bill.

I look forward to my State and Territory counterparts, with the exception of Queensland and South Australia who already have such offences, implementing identity crime laws so that we have uniform national coverage.

The bill also contains amendments to the Australian Federal Police Act 1979 to streamline the processes for alcohol and other drug testing under the Act, and expand the range of conduct for which the Commissioner may make awards.

The amendments to the Director of Public Prosecutions Act 1983 will put beyond doubt that the Director of Public Prosecutions can delegate both functions and powers under the Act. This position was previously unclear on the face of the legislation.

Second, the amendments ensure that the Director can delegate functions and powers relevant to the conduct of joint trials with his or her State and Territory counterparts.
While the DPP Act allows the Director to authorise a person to sign indictments on his or her behalf, this authorisation is very limited in its scope. For example, the authorisation does not extend to summary offences, committal proceedings or appeals.

Finally, the amendments provide immunity from civil proceedings to individuals (such as the Director, or a member of the staff of the Office) and to the Australian Government Solicitor, carrying out (or supporting) functions, duties or powers under the Act.

The immunity will only apply if the acts or omissions were done in good faith and in the performance or exercise of the person’s functions, powers or duties under, or in relation to, the Act.

As well as providing certainty to the CDPP in carrying out its functions and duties under the DPP Act, the immunity provision will give legislative protection to State and Territory prosecutors who conduct Commonwealth matters (for example, under joint trial arrangements).

This amendment will bring the DPP Act into line with most State and Territory Offices of Public Prosecution, as well as section 222 of the Law Enforcement Integrity Commissioner Act 2006, and section 59B of the Australian Crime Commission Act 2002.

The next significant amendments concern the Anti-Money Laundering and Counter-Terrorism Financing Act. This Act establishes a robust regime for detecting and deterring money laundering and terrorism financing.

Schedule 4 to the bill contains several amendments which will:

- establish a more consistent approach to the restrictions placed on the disclosure of sensitive AUSTRAC information, and
- strengthen safeguards to protect against the disclosure of sensitive AUSTRAC information.

AUSTRAC, as Australia’s financial intelligence unit, processes and analyses information obtained under suspicious matter or suspicious transaction reporting provisions and passes on intelligence information to investigative and law enforcement agencies to assist their operational activities.

As information held by AUSTRAC relating to suspicious matters and suspect transactions is sensitive, the Act prescribes who can access this information and imposes a number of stringent restrictions as to what they can do with the information once accessed. A person who breaches these requirements commits an offence.

The amendments ensure these requirements are now stipulated under both the AML/CTF Act and the Financial Transaction Reporting Act.

The bill also increases the penalties for the offences of perverting the course of justice and conspiracy to pervert the course of justice from 5 years to 10 years imprisonment.

This reflects the Government’s view that defendants who seek to obstruct or pervert the course of justice should be subject to strong criminal sanction. The amendment will also bring these penalties into closer alignment with the penalties for similar offences in other jurisdictions.

In addition, each administration of justice offence contained in Part III of the Crimes Act 1914 has been updated to bring it in line with Chapter 2 of the Criminal Code, which requires the physical elements of an offence to be separated. This promotes consistency between the drafting of Commonwealth offences.

First, the offences have been reframed to bring them into line with Chapter 2 of the Criminal Code, which requires the physical elements of an offence to be separated. This promotes consistency between the drafting of Commonwealth offences.

Second, the amendments apply absolute liability to the jurisdictional elements of each administration of justice offence. A jurisdictional element of an offence is an element that links the offence to the legislative power of the Commonwealth.

The amendments overcome uncertainty about the operation of the existing offences. For example, because absolute liability does not apply to the jurisdictional element of the section 46 offence of aiding a prisoner to escape, a defendant may be able to avoid conviction because he or she did not know that the prisoner they assisted was in custody for an offence against Commonwealth or Territory law.

Finally, the bill amends the definition of ‘enforcement body’ in subsection 6(1) of the Privacy
Act 1988 to include the Office of Police Integrity (OPI) in Victoria.
This provides OPI with the same status that similar law enforcement bodies have under the Privacy Act, such as the Police Integrity Commission of New South Wales and the Crime and Misconduct Commission of Queensland.

The bill also contains several minor amendments to:

- correct a drafting error in the Criminal Code Act 1995, and
- repeal a provision in the Judiciary Act 1903 which is no longer necessary.

In summary, this bill contains important measures to rectify deficiencies in current legislation relating to identity crime offences. The bill also contains measures designed to improve the administration of justice and the effective operation of the AFP and CDPP.

I commend the bill to the Senate.

SERVICE AND EXECUTION OF PROCESS AMENDMENT (INTERSTATE FINE ENFORCEMENT) BILL 2010

First Reading

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I move:

That the following bill be introduced: A Bill for an Act to amend the Service and Execution of Process Act 1992, and for related purposes.

Question agreed to.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I present the bill and move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

Introduction

The Bill implements a decision of the Standing Committee of Attorneys-General to establish a framework that enables States and Territories to register interstate court-imposed fines that have a cross-border element.

States and Territories will be able to enforce interstate fines in accordance with the laws of their own jurisdiction. They will no longer be able to enforce interstate fines by apprehending and imprisoning the fine defaulter.

The measures within this Bill provide a cooperative solution to one of the challenges posed by our federal system, and are consistent with the federal government’s continuing commitment to resolve legal disputes using appropriate means.

SEPA Amendments

Specifically, the Bill will repeal Part 7 of the Service and Execution of Process Act 1992 (SEPA).

Part 7 sets out the existing scheme for the recognition and enforcement of interstate court-imposed fines. This scheme relies exclusively on apprehension and imprisonment for enforcement.

Currently, States and Territories that wish to pursue fine defaulters across borders must do so by issuing warrants of apprehension and imprisonment. These warrants are then transmitted to the jurisdiction where the fine defaulter resides. Upon receipt, that jurisdiction can execute the warrant and apprehend the fine defaulter. If the defaulter does not pay, he or she will be imprisoned to ‘serve out’ the fine.

This reliance on apprehension and imprisonment is no longer appropriate.

All States and Territories have introduced alternative, less punitive, sanctions to enforce fines. For example, State and Territory laws now allow for fines to be enforced by more targeted measures, including by cancelling a driver’s licence or by issuing community service orders.
The Bill will remove from SEP A any provisions which are inconsistent with State and Territory laws that rely on alternative sanctions.

Under the new scheme, a State will be able to request the registration of a fine in the State in which a fine defaulter resides. Upon registration, that State will be able to enforce the registered fine in the same way as it would enforce a locally imposed fine. When the fine has been paid, the payment will be transferred back to the State or Territory which originally imposed the fine.

I understand that, while a number of States and Territories have now completely removed their courts’ authority to issue warrants of apprehension and imprisonment in relation to fine defaulters, some jurisdictions still allow the apprehension and imprisonment of a fine defaulter as a measure of last resort.

The Bill will confirm that this is no longer an option for enforcing an interstate fine, regardless of whether a State or Territory law still permits fines to be ‘served out’.

The amendments will also impact upon how Commonwealth fines are enforced against offenders who move between jurisdictions, because these fines will be enforced as ‘interstate’ fines in accordance with the new Part 7 of SEPA.

Legislating to enable more targeted remedies, and allow what are essentially civil matters to continue to be treated within the civil justice system, is consistent with the Government’s Access to Justice Framework.

In particular, the Bill promotes the application of proportionate responses and early intervention as the preferable approach, rather than allowing matters to escalate.

**Conclusion**

In conclusion, this Bill will enable the States and Territories to establish a scheme to recognise fines quickly, simply and efficiently and to enforce them in another jurisdiction using appropriate means.

### AVIATION CRIMES AND POLICING LEGISLATION AMENDMENT BILL 2010

**First Reading**

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I move:

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.

Question agreed to.

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I present the bill and move:

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

Question agreed to.

**Second Reading**

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

**Aviation security**

The Government is committed to a strong and effective aviation security regime for Australia.

Before turning to the legal reforms contained in this Bill, I would like to place them in context.

On 18 December 2009, the government announced major reforms and a new model for the policing of Australia’s 11 major airports, to be led by the Australian Federal Police. This will involve a 3-5 year transition period
and will strengthen major airport policing in Australia.

The All-In model will result in the AFP taking full control of the community policing role at these 11 airports, replacing the current hybrid model involving AFP and State and Territory police. The AFP will also move to a ‘fully sworn’ presence so that all AFP personnel deployed at the airport will have the same training and powers. Sworn AFP members policing these airports will maximise responsiveness and ensure our airports receive the highest quality policing.

There will still be close collaboration and intelligence sharing between Commonwealth agencies and State and Territory police through Joint Aviation Investigation Teams and Joint Aviation Intelligence Groups and we will be consulting the States and Territories closely in implementing these reforms.

On 9 February this year, the former Prime Minister announced a series of measures to strengthen international and domestic aviation security totalling $200 million over 4 years. This includes $17.8 million to increase the number of Firearms and Explosive Detection Dogs at major international airports by 50 per cent and $12.3 million in 2010-11 to maintain the AFP presence at major airports. Other initiatives being progressed are designed to enhance screening of both passengers and cargo, and to strengthen engagement and cooperation in the Asia-Pacific region.

In addition the Government has announced it will provide $759.4 million for policing at Australian airports over 4 years. The funding supports the AFP presence at Australia’s 11 major airports, intelligence gathering and investigation capability, the AFP’s Regional Rapid Deployment capacity and the Air Security Officer program.

The AFP and other agencies continue to meet complex challenges and threats within the aviation environment. To do their work effectively, the AFP need to be supported by appropriate laws that provide deterrence and recognises the gravity of aviation-related crimes.

It is against this background that I present the Aviation Crimes and Policing Legislation Amendment Bill 2010.

The Bill has three components: it increases penalties for a number of offences in the Crimes (Aviation) Act 1991; it creates three new aviation-related offences; and it proposes amendments to legislation to ensure that existing policing powers are available to the AFP in the airport environment, which will support the move to the “All-In” policing model.

**Aviation Crimes - Increased penalties**

The first component of the Bill concerns penalties.

Earlier this year the Attorney General’s Department reviewed the Crimes (Aviation) Act, which is now 19 years old. The Act contains offences directed against aircraft and airports.

It became clear that there are a number of penalties in the Act that do not reflect the seriousness of these offences.

For example, under the Criminal Code, a maximum penalty of 10 years imprisonment could apply to a person who is found guilty of making threats to contaminate goods. In comparison, under the existing provisions in the Crimes (Aviation) Act, a person who makes a bomb threat could only be imprisoned for a maximum of two years.

This is a very low penalty, given the very serious disruption, and potential danger that such hoaxes can create, for example, if a flight is redirected as a result or if an airport has to be evacuated.
Under the amendments in this Bill, the penalties in the Act will now fall within four tiers. The severity of the penalty in each tier corresponds with the type of offence falling within each tier.

Life imprisonment (tier 1), the most severe maximum penalty will continue to apply to offences such as hijacking or destroying an aircraft while it’s in flight. The attempted terrorist bombing of the American flight NW253 would have fallen within this tier if it had occurred on an Australian interstate or overseas flight.

A maximum penalty of 20 years imprisonment (tier 2), will apply to very serious offences that pose danger or cause harm to whole groups of people, such as endangering an aircraft while in flight. The offences in this tier have had their maximum penalties raised from either seven, 14 or 15 years. For example, assaulting a pilot, thereby impairing the operation of an aircraft will now carry a maximum penalty of 20 years imprisonment, rather than the 14 years it currently carries. Endangering the safety of an aircraft on an interstate flight, for example, by attempting to seize control of the aircraft, would carry a 20 year penalty, not seven years.

A maximum penalty of 14 years imprisonment (tier 3) would apply to offences that are generally against aircraft or aviation environments, such as disrupting a major airport or destroying its facilities, which currently carry maximum penalties of seven or 10 years.

For example, damaging the runway or air traffic control facilities at Sydney airport would carry a maximum 14 years imprisonment rather than the current seven or 10 depending on the circumstances.

Imprisonment for up to 10 years (tier 4) would apply to offences such as hoaxes and taking control of an aircraft which currently carry maximum penalties of two and 10 years respectively. For example, making a bomb threat to an airport would constitute an offence that would carry a prison sentence of up to 10 years.

**Aviation Crimes - New offences**

The second component of the Bill concerns new offences and definitions.

The Bill inserts three new offences into the Crimes (Aviation) Act. These new offences are designed to cover gaps that existed in the coverage of the existing offences.

There will be a new offence of assaulting an aircraft crew member. This offence will carry a maximum penalty of 10 years imprisonment.

While there is already an offence in the Act directed against the assault of a crew member, it can only be applied if the prosecution can prove that the assault has impeded the operation of the aircraft. The new offence provision will not require this.

This offence has been particularly welcomed by the aviation sector during consultations with them.

There will be a new offence directed against the reckless endangerment of the safety of an aircraft which is likely to cause death or serious harm. This offence will carry a maximum penalty of 14 years imprisonment.

This offence builds on the existing offence contained in the Act of endangering an aircraft. The new offence, however, deals with more serious actions, and where the effect of the act in question is a likelihood of causing death or serious harm. Firing a weapon on board an aircraft would come within this offence, even if no one was hit.

The final new offence concerns possessing dangerous goods onboard an aircraft which are likely to endanger life or cause serious harm. There is currently an offence concern-
ing dangerous goods but not one where the effect is a likely to endanger life or cause serious harm. The penalty for this offence is consistent with other provisions where the risk of serious harm can be shown.

The Bill also updates the definition of ‘Commonwealth aerodrome’ in the Crimes (Aviation) Act to replace a repealed cross-reference and to make clear the airports to which the offences in the Act apply.

Consultations have been held with key stakeholders on the amendments to the Crimes (Aviation) Act, including airlines, airports and unions. The responses that have been received have been overwhelmingly supportive and welcoming of these measures that they are seen as an improvement to our existing aviation security regime.

Aviation Policing – COPAL and AFP Act amendments

The decision to accept the ‘Federal Audit of Police Capabilities’ recommendation to move to an ‘All-In’ policing model will result in the AFP becoming responsible for airport policing and security at Australia’s 11 major airports.

This Bill contains amendments that support the move towards an ‘All-In’ policing and security model. It amends two Acts – the Commonwealth Places (Application of Laws) Act 1970 and the Australian Federal Police Act 1979 - that impact on the powers of AFP members to investigate offences when committed at certain airports.

The amendments to the Commonwealth Places (Application of Laws) Act overcome a technical anomaly in the Act that prevented the AFP from using some of their standard arrest and search powers for State offences that occur at the airports, which are classified as Commonwealth places.

For example, if an assault or theft occurs at Sydney or Melbourne airport, this is a State offence that applies as Commonwealth law because these are Commonwealth places. These amendments will ensure standard AFP powers – such as arrest and search - are available in response. Handling of these cases is also governed by protocols between the AFP and State and Territory police.

The amendment to the AFP Act removes doubt as to the legal basis for AFP members to be appointed as members or special constables of State and Territory police forces. The Bill also makes clear the legal basis for AFP members to be appointed as members of police forces or other law enforcement agencies of foreign countries.

Conferral of special constable status is an important tool for cooperation between police forces, and gives a member of a force the powers of another police force, subject to appropriate controls and accountabilities.

Special arrangements will be required for Cairns airport, which is not a Commonwealth place, and this has been raised with the Queensland Government.

Conclusion

The Government has moved to strengthen aviation security in Australia, through changes to the arrangements that are in place, through the funding that is provided, and through cooperation with other countries, States and Territories, and the private sector. This Bill represents a further strengthening of Australia’s aviation security regime and will ensure that Australia’s law enforcement agencies are supported in their work to meet the complex challenges of policing in the airport environment.
CRIMES LEGISLATION AMENDMENT BILL 2010

First Reading

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I move:

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.

Question agreed to.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The bill strengthens law enforcement agencies’ powers to gather, examine and use evidence to investigate and prevent the commission of criminal offences. It builds on measures in the two Serious and Organised Crime Acts passed by Parliament earlier this year. Before I outline the specific measures in the Bill, let me put these legislative changes in context.

The Gillard Government is taking concerted action to detect, disrupt and deter organised crime. Organised crime costs the Australian community an estimated $15 billion each year. As was recognised in the Prime Minister’s first National Security Statement, it is also a significant national security threat.

The Government developed the first Organised Crime Strategic Framework to ensure law enforcement and intelligence agencies work better together to combat organised crime. The Framework recognised that we must ensure that our law enforcement agencies have the powers they need to tackle the flexible, evolving and resilient organised criminal networks operating across state, territory and national borders.

The Bill enhances the powers available to the Australian Federal Police. It also provides the Australian Crime Commission Chief Executive Officer with powers, similar to those of the Australian Federal Police Commissioner, to deal appropriately with staff who engage in serious misconduct and corruption.

ACC Act Amendments

Dismissal powers

Given the powers that ACC staff are able to exercise and the information that they have access to, it is important that this agency is able to effectively deal with any ACC staff member who engages in serious misconduct and corruption.

This Bill will amend the ACC Act to provide the ACC CEO with similar powers that the AFP Commissioner has to deal with police who engage in serious misconduct and corruption.

The proposed changes will combat instances where there has been a serious abuse of power, a serious dereliction of duty, or any other seriously reprehensible act by a staff member of the Australian Crime Commission. The changes are not designed to replace the usual public service processes for dealing with misconduct, but are only to be utilised in exceptional circumstances where the normal processes are not appropriate given the serious nature of the misconduct or corruption.

This will ensure the ACC CEO is able to protect the reputation of the organisation and to properly deal with staff who threaten the ability of the ACC to carry out its key law enforcement functions.
The Bill will require the ACC CEO to report to the Minister and the ACC Board each time the new power is used. This will ensure that the Minister and the Board have an appropriate level of oversight of the use of the power by the ACC.

The making of the declaration will be a reviewable decision under the Administrative Decisions (Judicial Review) Act 1977, to ensure the correct use of the power.

The Bill will also allow the ACC to use already lawfully intercepted telecommunications information in investigating members of staff alleged to have engaged in misconduct or corrupt behaviour. This also mirrors powers currently available to the AFP.

Telecommunications Interception warrants will still only be available for the investigation of a serious offence, which is generally an offence that carries a penalty of at least seven years’ imprisonment. The amendments will only allow information already lawfully obtained in the course of investigating a serious offence to be used to investigate the misconduct of a member of the staff of the ACC if it is also relevant for that purpose.

The Bill requires the Government to review these new provisions after two years of operation to ensure they have operated as the Government intended, to allow the CEO of the ACC to deal appropriately with the most serious cases of misconduct and corruption.

ACC Examiners

The Bill will also amend the ACC Act to allow for the appointment of part time examiners, consistent with the Organised Crime Strategic Framework goal of ensuring law enforcement agencies are appropriately equipped to carry out their tasks.

The ACC currently has four full time examiners. However, the need for an examiner can fluctuate depending on the status of a particular investigation or operation. As a result, the need for examiners cannot be estimated with any certainty.

The appointment of both full time and part time examiners will allow for greater flexibility in the appointment and utilisation of examiners and ensure the ACC can approach examinations in a more strategic way. The amendments will also ensure broader geographic cover of examiners as part time examiners could be appointed in different regions of Australia.

The amendments also include appropriate safeguards to guard against any conflicts that may arise between a person’s role as an examiner and other employment they may engage in.

Crimes Act amendments

The Bill will also improve the ability of law enforcement officials to gather and examine evidence in light of rapid technological advancements. The Bill includes a number of amendments to address operational impediments identified by the Australian Federal Police.

Searches of persons under warrant

The Commonwealth has comprehensive provisions in place to enable effective and efficient searches of electronic equipment found during searches of premises such as a house or office under warrant.

To address the increasing availability and use of portable electronic and data storage devices such as laptop computers, mobile phones and USB drives, the Bill includes amendments to help police deal effectively with these items if they are located during a search of a person under a warrant.

A key improvement will be the ability to seek an order from a magistrate requiring a person to assist with accessing data from equipment moved or seized under a warrant in relation to a person. For example, if police were investigating online child pornography, they could apply for an order requiring a suspect to provide their password or assist with transforming encrypted data into an intelligible form. Data may only be accessed to determine whether it constitutes evidential material.
Orders
The Bill will also ensure that a seized item or document produced under the Crimes Act does not need to be returned if it would be likely to be used in the commission of a terrorist act, a terrorism offence or a serious offence.

The Bill will empower magistrates to make orders preventing the return of such items or documents in limited circumstances. Such orders can currently only be made for items seized under terrorism related stop and search powers in the Crimes Act. These amendments will ensure the Crimes Act deals consistently with all items seized and documents produced.

The Bill also improves safeguards relating to orders in relation to seized things and documents produced.

Before applying for an order, an officer will be required to take reasonable steps to discover who has an interest in the thing or document and notify them of the proposed application.

The magistrate must then allow a person with an interest to appear and be heard in determining the application.

Fingerprint and photograph amendments
The Bill will also amend the Crimes Act to provide the AFP with a standing power to take fingerprints and photographs of persons in lawful custody. This will bring the Commonwealth into line with the majority of the States and Territories by allowing the AFP to take fingerprints and photographs as part of the process of dealing with an arrested person.

The amendments will provide police with an efficient and reliable way of confirming the identity of suspects to assist in the management of suspects and offenders. It will also improve processes for establishing and maintaining records of arrested persons, which will in turn ensure that these records are admissible in court proceedings.

The amendments will only apply where the person has been arrested in relation to an offence that is punishable by a term of imprisonment of 12 months or more. This will ensure that fingerprints or photographs can only be taken in relation to offences which are generally considered to be serious or indictable and not in relation to minor offences.

Existing protections in the Crimes Act will continue to cover arrested persons, including provisions that ensure that the taking of identification material is properly authorised and that any material taken is destroyed if the person is not charged with an offence.

These amendments will not apply to other forms of identification material such as DNA.

AFP Special Payments
The Bill will also amend the Australian Federal Police Act 1979 to allow the AFP Commissioner to authorise a payment in special circumstances that arise out of, or relate to, a person’s engagement as an AFP employee. For example, where an AFP member is injured in the course of work while deployed overseas, the Commissioner would be able to authorise the payment of costs involved in the spouse travelling overseas. The Commissioner would also authorise a payment to the family of an AFP member who dies in the course of work.

This amendment will bring the AFP into line with the Commonwealth Public Service, and would avoid the delays presently faced by AFP employees when applying for payments.

Payments under the new AFP provision would be subject to the same conditions and limits as those authorised under the Public Service Act provision. Specifically, the payments would be limited to $100,000, and would be subject to any conditions attached by the AFP Commissioner.

Conclusion
The reforms in this Bill reflect the Government’s continuing commitment to strengthening our agencies’ capabilities to fight serious and organised crime.

This Bill builds on a range of measures the Government has already implemented to prevent, disrupt and investigate organised criminal activity.
WATER EFFICIENCY LABELLING AND STANDARDS AMENDMENT BILL 2010

First Reading

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I move:

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.

Question agreed to.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This bill amends the Water Efficiency Labelling and Standards Act 2005. It allows the setting of additional criteria for registration of a product under the Water Efficiency Labelling and Standards Scheme. To understand the context of the proposed changes I will first give an overview of the Water Efficiency Labelling and Standards Scheme (known as the WELS scheme).

The scheme was established by the Water Efficiency Labelling and Standards Act 2005 and is part of the COAG agreed National Water Initiative. The WELS scheme is also supported by complementary state and territory legislation to ensure comprehensive national coverage.

The WELS scheme’s objectives are to:

• Conserve water supplies by reducing water consumption;
• Provide information for purchasers of water-use and water-saving products; and
• To promote the adoption of efficient and effective water-use and water saving technologies.

The scheme aims to achieve these objectives by requiring that all water using products specified under the scheme are registered and labelled to indicate their assessed water efficiency when offered for sale. The labels indicate the water efficiency rating of a product, on a scale from zero to six stars, with six stars being for the most efficient products. The labels inform purchasing decisions in the same way as energy rating labels on electrical appliances.

The Minister determines which products are WELS products, and the standard to be met by them. Currently, WELS products are showers, toilets, urinals, taps, flow controllers, dishwashers and clothes washing machines.

I will now briefly explain the origins and intent of this Bill.

While plumbing products included under the WELS determination are subject to the WELS scheme, these plumbing products are also subject to the WaterMark certification scheme which operates under normal state and territory plumbing regulation.

WaterMark testing and certification is intended to ensure that products are fit for use and will not threaten the safety of the reticulated water supply. WaterMark certification is required before a plumbing product can be legally installed, while WELS registration and labelling is required before a WELS product can be legally sold.

This regulatory difference means that in some cases consumers can unknowingly purchase plumbing products that, while legally available, are not able to be legally installed. In addition, the presence of WELS labels on products which are not WaterMark certified may be misconstrued by consumers as suggesting that the products are broadly government endorsed and are fit for use.

The proposed change to the scheme will remove this potential source of discredit to the WELS scheme.
In 2007, following an extensive public inquiry, the House of Representatives Standing Committee on Environment and Heritage recommended in its report, Managing the Flow: Regulating plumbing product quality in Australia, that the Australian Government “make the necessary changes to establish WaterMark certification as a prerequisite for compliance with the WELS scheme”. The Government agreed in principle, subject to further examination as to how the recommendation could be most efficiently and effectively implemented. The Government also wished to avoid inappropriately expanding the Australian Government’s responsibilities relating to plumbing regulation. Following subsequent examination of these issues I and the Government are satisfied that the Committee’s objectives can be achieved through this proposal.

The proposed amendment will introduce a general provision enabling additional plumbing requirements, such as those established by the states and territories, to be included in the WELS scheme by Ministerial determination.

Once the Bill is enacted, a determination made under that provision will make WaterMark certification a prerequisite for all plumbing products required to be registered under the WELS Act.

The industry strongly supports this amendment, which will provide positive outcomes for consumers and plumbers, with only very minimal impacts on the requirements for WELS registrants.

NATIONAL MEASUREMENT AMENDMENT BILL 2010

First Reading

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I move:

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

Question agreed to.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.37 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The bill is a bill to amend the National Measurement Act 1960. This legislation will make changes that have been deemed appropriate for the long-term operation of Australia’s new national system of trade measurement.

The government is committed to reducing the regulatory burdens on Australian business and through the Council of Australian Governments (COAG) is pursuing a business regulation reform agenda designed to advance Australia towards a seamless national economy. Trade measurement is one of the regulatory hotspots identified by COAG as an area where overlapping and inconsistent regulatory regimes were impeding economic activity.

Trade measurement is the use of measurement as the basis for determining the price in a transaction. A trade measurement system is the infrastructure needed to ensure that a trade-measuring instrument is sufficiently accurate to give a fair result to both a buyer and a seller. We are all familiar with everyday aspects of trade measurement, even if we do not realise it. Any purchase of, say, fruit and vegetables, or petrol, or precious metals has a price set by the product’s weight or volume.

In Australia, an estimated $400 billion worth of trade based on some kind of measurement takes place annually, with around 75 per cent of transactions being business to business, and 25 per cent between business and consumers. Businesses and consumers have always placed a high degree of reliance on trade measurement systems.
to provide confidence in all transactions based on measurement.

Clearly, with the level of economic activity involved today, it is vitally important that 21st century Australia has a single efficient and uniform trade measurement system to give confidence across the nation to business and consumers.

The establishment of a national system of trade measurement on 1 July this year was an important part of the government’s business regulation reform agenda. The new national system introduced significant deregulation benefits by reducing the previous eight systems of trade measurement in Australia down to one. The national system will produce long-term benefits to business and consumers by reducing regulatory burdens and compliance costs. These advantages are gained through having a simplified system that operates with nationally consistent rules.

Trade measurement is an example of government establishing the infrastructure that makes it possible for markets to operate both efficiently and effectively in a country as large and geographically diverse as Australia.

In 2008, amendments were made to the National Measurement Act 1960 to give effect to the 2007 COAG decision to create a national system of trade measurement by providing its legal framework. This was well supported by Australian industry.

In respect of legislating for a national system, the Commonwealth’s approach was to assimilate key features of the model Uniform Trade Measurement Legislation (UTML) used by the states and territories. The 2008 amendments also incorporated consumer protection principles (based on the states and territories fair trading legislation) and allowed for the voluntary use of the internationally accepted Average Quantity System for packaging.

As has been the case in state and territory trade measurement systems, the government performs the all-important inspection function in the new national system to ensure that traders and licensees are maintaining the accuracy of trade measuring instruments.

Although welcomed by Australian industry as a whole, after the amendments to the National Measurement Act were made in 2008 some industry sectors expressed concerns about the application of a small number of the new provisions. It turned out that the translation of the trade measurement provisions of the state and territory UTML into the Commonwealth environment has resulted in some unintended uncertainty for the measurement industry.

It is common for measuring instruments used for trade to be supplied, installed and verified – that is, tested to determine that the instrument works correctly – by different people and at different times. Therefore, it is often impractical and/or inappropriate for a measuring instrument to be verified until it is installed on site in the actual location where it will be used. In recognition of this, this bill amends offence provisions currently associated with the installation or supply of unverified measuring instruments. The penalty for the installation or supply of measuring instruments which are not of an approved pattern remains. The bill will also explicitly state that it is an offence to let for hire or loan unverified measuring instruments used for trade. The law should be completely fair and transparent in this respect.

The government takes seriously the concerns of industry and, on balance, decided that there is a need to provide legislative certainty. These amendments will ensure that if a measuring instrument is installed prior to its verification but is of an approved pattern, then no offence will have been committed. Further, if a measuring instrument is sold to an intermediary before its final installation and use for trade, the strict liability provisions will not make the original supplier liable to prosecution for the supply of a measuring instrument in an unverified state.

The National Measurement Amendment Bill 2010 introduces amendments to the National Measurement Act 1960 which will make these circumstances clear in law. Other amendments will allow for the explicit recognition of prior knowledge and experience in making appointments of trade measurement inspectors, replace or redefine particular technical terms, and make some minor clarifications.

The bill will also assist by making greater efficiencies possible in the operation of the national system of trade measurement, by providing a
greater role for the Chief Metrologist in determining various procedures of a technical nature that would be administratively complex and slow to be determined by legislative amendments.

This government has resolved to create a seamless national economy unhampered by unnecessary duplications, overlaps and differences in regulation. In particular, we are determined to remove those inconsistencies that create unnecessarily complex and costly burdens on business. This legislation is a further step in the pursuit of the government’s much needed business regulation reform agenda.

I am pleased to introduce the National Measurement Amendment Bill 2010, a bill that will bring appropriate and desirable changes to the trade measurement provisions of the National Measurement Act 1960.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

COMMITTEES

Procedure Committee

Reference

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.39 pm)—I move:

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 LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.40 pm)—Mr President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—I may have missed my opportunity but I note that the reporting date is 25 October. I am concerned that that is the first available day after the estimates week and the committee may find that having time to meet and report on the same day may not be possible. I was wondering whether Senator Brown might want to move the reporting date to Wednesday which at least allows the committee to meet on the Monday and report by the Wednesday giving an opportunity for people to be able to discuss the issue in the Procedure Committee and provide a report. I did not want to slow it down any further having regard to the intent that Senator Brown has with this issue.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.41 pm)—by leave—I move the motion as amended:

That the following matter be referred to the Procedure Committee for inquiry and report by 27 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.

Question agreed to.

Procedure Committee
Reference
Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.41 pm)—by leave—I move the motion as amended:

That the following matter be referred to the Procedure Committee for inquiry and report by 27 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.

Question agreed to.

CONVENTION ON BIOLOGICAL DIVERSITY

Senator SIEWERT (Western Australia) (3.42 pm)—I move:

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.

Question negatived.

**NATIONAL CARERS WEEK**

Senator SIEWERT (Western Australia)

(3.43 pm)—I move:

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.

Question agreed to.

**TAXATION**

Order

Senator CORMANN (Western Australia)

(3.44 pm)—I move:

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 Tax 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.

Question agreed to.

**BUDGET**

Order

Senator CORMANN (Western Australia)

(3.45 pm)—I ask that general business notice of motion No. 4 standing in my name for today, proposing an order for the production of documents on key assumptions underpin-
ning mining taxation, be taken as a formal motion.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.45 pm)—Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator BOB BROWN—This is a complex matter. I suggest to Senator Cormann that he may hold it for 24 hours while we look at that, rather than have us vote ‘no’ to it at the moment.

Senator CORMANN (Western Australia) (3.45 pm)—by leave—Is that in relation to this specific motion or in relation to the two other motions that follow as well?

Senator Bob Brown—That would be good.

The DEPUTY PRESIDENT—We are dealing with only one motion, Senator Cormann.

Senator CORMANN—I might facilitate activities for the Senate and seek leave to defer all three motions to tomorrow, as they are related.

Leave granted.

Senator CORMANN—I move:

That general business notices of motion Nos 4, 5 and 6 standing in my name for today proposing orders for the production of documents, be postponed till the next day of sitting.

Question agreed to.

Senator XENOPHON (South Australia) (3.47 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator XENOPHON (South Australia) (3.47 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

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

Leave granted.

The speech read as follows—

This Bill is an opportunity for the Federal Government to draw a line in the sand in relation to the damage caused by poker machines to literally hundreds of thousands of Australians.

I decided to run for the Upper House in South Australia on a ‘No Pokies’ ticket in 1997.

The tipping point for me came when a client in my suburban legal practice who had an acquired brain injury, and who had received an emergency $30,000 superannuation payment, came to my office in tears.

I asked him what was wrong and he said to me that his “friends didn’t want to be his friends any more”.

When I pressed him for details it turned out his so-called “friends” were the staff at his local pokies pub and in the previous weeks they had been picking him up from his modest unit and driving him to their venue so he could gamble on poker machines.

They’d give him free drinks, credit and, when he was too drunk to keep gambling, they would push the buttons for him.
But as soon my client’s money was gone, so were they.

It was this parasitic callousness that drove me to take a stand.

Of course if you listened to the industry at the time, you would have thought these machines were harmless entertainment.

This is a quote from John Bowley, then Marketing Development Manager of Aristocrat Leisure Industries in 1992.

John said with a straight face: “Playing Pokies is entertainment, not gambling. It would take you a month of Sundays to lose $100 on one of these things.”

Well, clearly time flies in John’s world because as the Productivity Commission revealed in its Report into Gambling in June this year, it doesn’t take a month of Sundays to lose $100 on a poker machine.

In fact, with some machines accepting $20 bets and depending on the spin rate of the machine, the Commission concluded it was relatively easy to lose up to $1,200 in just one hour.

I believe it’s always best to have a fence at the top of a cliff than the world’s best equipped ambulance at the bottom.

There’s no question that preventing harm is always better than treating it, which is why the Productivity Commission’s Report into Gambling represents such a breakthrough in thinking.

For more than a decade, State Governments and the poker machine industry have pointed to programs that supposedly help problem gamblers after they develop a gambling problem — the ambulance at the bottom of the cliff approach.

But the Productivity Commission rightly points out the ineffectiveness of this approach.

The Commission, in effect, argues that poker machines are a dangerous product and they need to be regulated and made safer.

The Productivity Commission has recommended a vast range of changes to the industry and the function of poker machines.

This Bill will limit the maximum bet on any spin to $1 and will adjust spin rates and volatility of machines to ensure problem gamblers cannot lose more than $120 an hour.

I stress that this would only be an interim measure, but one which will make a significant difference to the rate of loss on these addictive machines, and will complement other reforms to the industry such as the introduction of comprehensive pre-commitment schemes which the Gillard Government has adopted as part of its agreement with Independent MP for Denison, Andrew Wilkie.

Based on the Productivity Commission’s figures, every day the Federal Government fails to act on problem gambling, $5.4 million of state revenue will be lost solely by problem gamblers.

And that figure does not include the daily revenue from recreational gamblers.

The $5.4 million that the states rake in every day in taxes is just from problem gamblers – people with an addiction.

That $5.4 million represents food that can’t be afforded by the wives or husbands of problem gamblers; it’s school shoes that aren’t on the feet of the children of problem gamblers, and, too often, it’s money stolen from employers around the country by people desperately trying to feed an addiction.

The industry will claim it will cost too much to impose these relatively modest limits and modify the machines’ spin rates and to only accept a maximum of $1 bets.

But the truth is that argument is disingenuous.

It’s a little known fact that poker machines in many Australian jurisdictions must be connected to an Electronic Monitoring centralised computer system which monitors the network and allows for remote adjustment of, amongst other things, bank note acceptors.

So don’t believe any stories about retro-fitting and the multi-million dollars costs to gambling companies.

A lot of this can be done with a few strokes on a keyboard.

In the past, when the poker machine industry has sought to argue against any changes, they have claimed that any restriction is an affront to freedom, and that players are exercising free will.
It’s an absurd position. Addicts aren’t exercising free will. They are feeding an addiction created by the very presence of poker machines in our community. Almost half of all profits come from problem gamblers. This is an industry without a sustainable business case. It’s unsustainable unless it is allowed to exploit the addicted. That said, I think we are seeing a shift in thinking. People are starting to realise just how damaging this industry is. The Gillard Government’s landmark announcement that it will intervene if the States do not introduce a uniform and full pre-commitment system by June 2011 is a clear sign that the major parties agree that problem gambling needs to be addressed. I call on the Government and the Opposition and my cross-bench colleagues to support these modest interim measures. Thirteen years ago when I ran for the South Australian Parliament on an anti-poker machine platform I was openly mocked by a number of politicians from the major parties. More than a decade on, I draw encouragement from the fact that the Productivity Commission seems to be saying that we are all crazy unless we act immediately to curb the destruction caused by these machines of misery. The time to act is now. The cost of not implementing these measures won’t just be counted in dollars. It will be counted in shattered lives.

 Senator XENOPHON—I seek leave to continue my remarks later.

 Leave granted; debate adjourned.

 RADIOACTIVE WASTE

 Senator LUDLAM (Western Australia) (3.48 pm)—I move:

 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 LUDWIG (Queensland—Manager of Government Business in the Senate) (3.48 pm)—Mr Deputy President, I seek leave to make a short statement.

 The DEPUTY PRESIDENT—Leave is granted for two minutes.

 Senator LUDWIG—Perhaps Senator Ludlam, at a later date, can correct this, but International Radioactive Waste Action Day, as far as I can determine, has no official status. On that basis, in my view as Manager
of Government Business in the Senate, it is unusual for the Senate to recognise an international day which has not been declared as such.

That aside, in addition to the substance of the particular motion itself, the issue of whether those contesting the nomination of Muckaty are relevant traditional owners is a matter that is currently before the Federal Court. This government will, of course, always respect the court’s ruling and decision in respect of that. On that basis, the Senate should not, in my view, use a motion to preempt the decision of the court in respect of this matter if it is construed to go to that issue.

Thirdly, and perhaps more importantly, since the government has proposed legislation which establishes a proper process for identifying suitable sites for transport and storage of Australia’s radioactive waste that is consistent with international best practice and scientific processes and that is transparent, accountable and fair and allows appropriate access to appeal mechanisms and full community consultation, there is on that basis no requirement for the Senate to call on it to do so. The Senate, of course, can express its desire for such a process by supporting the government’s legislation. That is not to detract from Senator Ludlam moving the motion. I am just pointing out that the government has already taken on the substance of the matter and is proceeding as outlined. For those reasons, the government does not see any need for the motion and will not support it.

Senator XENOPHON (South Australia) (3.50 pm)—Mr Deputy President, I seek leave to make a brief explanation.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator XENOPHON—I indicate that I cannot support the motion in its current form, although I am very sympathetic to it. I have had an opportunity to discuss this with Senator Ludlam. I share many of Senator Ludlam’s concerns in relation to the process by which Muckaty Station was chosen as a nuclear waste dump. I have real concerns about that and I look forward to the bill being debated in this chamber, because I have many questions in relation to that.

I do have a concern about part (a)(iv) of the motion, which relates to the storage of radioactive waste at or near the site of origin. I have discussed that with Senator Ludlam. There is an issue there as to whether it is more appropriate to refer to the site of production of that waste. My concern is that there could be seen to be some ambiguity in relation to that. So I have a concern with respect to that, but I do share the concerns of Senator Ludlam in relation to the whole issue of the approval process for storing nuclear waste at Muckaty Station.

Senator LUDLAM (Western Australia) (3.52 pm)—by leave—I thank the chamber. I indicate at the outset that I do intend to call a division on this motion. I thank the minister for taking the time to work through some of the clauses. That is somewhat rare, and I appreciate that it was at least read and considered. Twenty-nine September—you are quite right, Minister—has no official status in the United Nations calendar of days of various activities, causes or issues. That is true. Perhaps by this time next year it will, in which case we can take that argument off the table. But I will point out that there are activities today around the world—in Australia, many states of the United States, Canada and a number of places in Western Europe—where people on the ground or in various institutions or community groups are contesting the imprint and the impact of the nuclear industry and the consequences of producing radioactive waste in the first place.
In Australia we have a terrible reputation for trying to manage, characterise and look after even the relatively small, by international standards, volumes of radioactive waste that we have—and we have still managed to make a complete hash of it. For any senators who heard, I did spend 15 minutes addressing this issue in the MPI earlier in the day. This motion goes directly to the issues that I raised in that brief speech. We have made a real mess of this process, but this parliament is an opportunity for us to do it well and to do it better. I recognise Senator Xenophon’s concerns and acknowledge, perhaps, the wording to clear the ambiguity. Very much the intention here is not to see high-level spent fuel that has been burnt in power stations overseas return, for example, to the site of origin or the site of mining at Roxby Downs, Ranger or, indeed, Beverley. That is clearly not the intention. I suppose I should apologise for that ambiguity in the wording of the motion. It recognises the principle that we should not move this material any more than we absolutely have to.

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

The Senate divided. [3.58 pm]
(The Deputy President—Senator the Hon. AB Ferguson)

Ayes............ 5
Noes............ 43
Majority........ 38

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

NOES
Adams, J.  Barnett, G.
Bernardi, C.  Bilyk, C.L.
Birmingham, S.  Bishop, T.M.
Boswell, R.L.D.  Brown, C.L.

*C denotes teller

Question negatived.

ASYLUM SEEKERS

Senator HANSON-YOUNG (South Australia) (4.02 pm)—I move:
That the Senate calls on the Government to immediately reverse its current practice of detaining children and their families in immigration detention facilities.

Question put.
The Senate divided.  [4.03 pm]
(The Deputy President—Senator the Hon. AB Ferguson)

Ayes............ 6
Noes............ 42
Majority........ 36

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

NOES
Adams, J.  Barnett, G.
Bernardi, C.  Bilyk, C.L.
Birmingham, S.  Bishop, T.M.
Boswell, R.L.D.  Brown, C.L.
Cameron, D.N.  Carr, K.J.
Colbeck, R.  Collins, J.
Conroy, S.M.  Cormann, M.H.P.
Crossin, P.M.  Farrell, D.E.
Feeney, D.  Ferguson, A.B.
Fielding, S.  Fierravanti-Wells, C.
Fifield, M.P.  Fisher, M.J.
Forshaw, M.G.  Fornier, M.L.
Hurley, A.  Ludwig, J.W.
Lundy, K.A.  Marshall, G.
Mason, B.J.  McEwen, A.
Moore, C.  Nash, F.
Parry, S.  Polley, H.
Pratt, L.C.  Sherry, N.J.
Stephens, U.  Sterle, G.
Troeth, J.M.  Trood, R.B.
Williams, J.R.  Worton, D.

* denotes teller
Bills read a first time.

Second Reading

Senator HANSON-YOUNG (South Australia) (4.08 pm)—I present the explanatory memoranda relating to the bills and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

Ombudsman Amendment (Education Ombudsman) Bill 2010

This bill was introduced by the Australian Greens in the 42nd Parliament. The following second reading speech reflects the debate at the time of the bill’s original introduction.

Australia’s thriving international education sector has come under local and international media scrutiny over the past year, following a series of violent attacks against Indian students. This follows calls for better assistance and support for international students that have fallen on the deaf ears of successive governments and opposition parties.

Since then, an intense spotlight has been placed on our international education sector, with issues such as visa exploitation and discrimination within employment, student safety, questionable information provided by education and immigration agents, and sub-standard educational services and support by some providers, contributing to the perception of rorting within our education sector.

Currently when it comes to complaint resolution, particularly with regard to international students, the fact that there are so many overlapping obligations with state accreditation bodies and the Commonwealth department highlights the difficulties about where to go and who to trust.

The Ombudsman Amendment (Education Ombudsman) Bill 2010 seeks to create the office of the Education Ombudsman to cover the domestic and international education sector in Australia and act as a one-stop national authority for resolving individual student complaints; provide a further avenue for resolving academic disputes, monitor-
ing and enforcing compliance of education institutions, and facilitating communication between state and federal governments and educational organisations.

In 2001, the Senate Employment, Workplace Relations, Small Business and Education References Committee recommended that “a national Universities Ombudsman be appointed, funded by the Commonwealth, after consultation with the states and national representative bodies on higher education, including staff and students, and that such an office include the power to investigate ancillary fees and charges and to conciliate complaints. Students enrolled in Australian programs off-shore should have equal rights of access to the Ombudsman.”

In November 2009, following an extensive Senate inquiry into the welfare of international students, a cross-party report was released which specifically identified the need for extending the powers of the Commonwealth Ombudsman to cover the international students sector.

During evidence presented to the inquiry, Senior Industrial Officer from the ACTU, Michelle Bissett identified the virtues of having a specific ombudsman for international students. She said “There are two aspects of where students need to be able to go. We believe that the Fair Work Ombudsman has a critical role to play and has done some good work in identifying high-risk areas and doing audits and education programs in those areas. But in terms of visa holders, having someone independent that they can go to when they have issues about their provider and the training that has been provided to them, or about the work that they are being required to undertake as part of a training program or about what is happening to them in the workplace, we think an independent ombudsman type arrangement would be useful and appropriate for international students.”

Nigel Palmer, from the Council of Australian Postgraduate Associations also informed the Committee that “at the very least, having a national commission or a national ombudsman’s office would be useful to give students a clear avenue for redress. Even where students are unable to have their issues resolved by that office, at least there is a vehicle for national reporting on the kinds of problems that are coming up through the system and areas which may need to be addressed by government.”

The idea of an education ombudsman has even been flagged by the Commonwealth Ombudsman. In his submission to the Inquiry he noted the need for an external, as well as an internal, avenue for complaints to be made if internal mechanisms prove unsatisfactory. The role of the education ombudsman could also be combined with the Immigration Ombudsman and compliance auditing roles to “address a range of systemic failures across the international student sector.”

The Hon. Bruce Baird, in his final report into the Review of the Education Services for Overseas Students Act 2000, recommended that “all providers must utilise a statutory independent complaints body as their external complaints and appeals process, and amend the Ombudsman Act 1976 to extend the Commonwealth Ombudsman’s jurisdiction to include those providers without access to such a body.”

It is clearly evident that there is growing support for an independent complaints body for students to use, and this Bill seeks to implement an Education Ombudsman to deal specifically with these issues facing both international and domestic students.

Legislating for an Education Ombudsman, would provide a further avenue for academic disputes, monitoring and enforcing compliance of education institutions, and facilitating communication between state and federal governments and educational organisations.

I commend this Bill to the Senate.

Commonwealth Commissioner for Children and Young People Bill 2010

Introduction

Advocacy for children and young people should be a national priority. At present, child protection is a state and territory government responsibility but with increasing community awareness of the importance and broad scope of child protection, it’s time for the establishment of a national system that co-ordinates these varying state-based regulations and programs.
The Commonwealth Commissioner for Children and Young People Bill 2010 recognises the need for Australia to catch up with nations around the world, and implement a properly-resourced Federal independent statutory body to oversee the rights of young Australians with the powers to ensure recognition of their needs and views.

Last year, nations around the globe celebrated the 20th anniversary of the Convention on the Rights of the Child; a convention that seeks to ensure that every child and young person has the best opportunity in life regardless of their ethnicity or gender.

Yet, twenty years on, as we enter a new decade the rights of children and young people continue to flounder on the national agenda. And while it must be said that children in Australia fair better than their brothers and sisters in many parts of the world, significant steps must be taken before true representation of our commitment to the Convention can be realised.

Community support for the establishment of a Commonwealth Commissioner is growing, with the national charity organisation Save the Children reporting that 78% of Australians believe there is a role for a specific national Commissioner for children and young people.

It is clear that if we want to effectively tackle serious problems such as child abuse, neglect, poor education, poverty, youth homelessness and social disadvantage, we need to recognise the value and key role children and young people bring to the community. In order to achieve this, Australia needs to follow the lead of countries such as New Zealand, Britain, Norway and Sweden in providing children and young people with a voice at a national level, to ensure that we adequately fulfil our international obligations as a signatory to the United Nations Convention on the Rights of the Child.

President of the Australian Human Rights Commission, Catherine Branson recently observed that, “the wellbeing of children...aims to empower and engage children, their families and communities, in the creation of solutions for them. A human rights framework recognises not simply a need for, but also an entitlement to, a fair life chance for all Australian children.”

The rights of children and young people must be taken seriously by their elected representatives, and it is through this legislation that for the first time, their voices and opinions will not only be heard by those that seek to represent them, but will sit higher on the national agenda.

According to the 2008 Australia Research Alliance for Children and Young People Report Card, Australia is not performing as well as other OECD countries when it comes to many of the key indicators. For example, Australia is ranked 20 out of 27 OECD countries for infant mortality; the rate for Indigenous Australians is more than double the non-Indigenous rate, ranking 26 out of 28 OECD countries.

The clear disadvantages that our Indigenous Australians, in particular, are faced are of serious concern, and should serve as a wake up call to the community at large, governments, families, businesses, and parents that we need to do more in monitoring and advocating for the wellbeing of all children and young people in Australia.

Given Australia’s international tag as the ‘lucky country’, it is concerning that in our national pursuit for wealth and success; we have forgotten the importance of empowering our children and young people to engage in the decisions that affect them.

Whether it is children in child care or state care, in the education system, the juvenile justice system, immigration detention or homeless, in big cities, small towns or outback communities, all young people deserve to have someone looking out for their interests.

A Commissioner for children and young people would ensure the needs, views and rights of people under the age of eighteen are recognised and promoted. This role would promote investment in early childhood development as a priority, and outline requirements for quality childcare and early childhood services.

Along with promoting the rights of children and young people, the Commission would monitor and review laws, policies and practices which impact on service provision. The establishment of a Commonwealth Commissioner for children and young people will also help move the approach beyond a narrow focus only on neglect.
and abuse to encompass broader concepts of overall safety and wellbeing for children and young people.

As a signatory to the UN Convention on the Rights of the Child, Australia has a responsibility in upholding the full range of human rights—civil, cultural, economic, political and social rights, which are essentially underpinned by four paramount principles:

- Non-discrimination in the applicability of children’s rights (Article 2)
- The primacy of the consideration of the child’s best interests (Article 4)
- The child’s right to survival and development (Article 6(1))
- The child’s right to participation in decision-making (Article 12)

These principles should inform our approach to protecting the best interests of our children and young people.

Establishing an independent Commonwealth Commissioner for children and young people would ensure Australia’s international and domestic obligations are met and upheld. These fundamental human rights principles provide a clear framework of minimum standards to ensure the wellbeing of our children and young people.

While the Greens welcomed the first ever National Framework for Protecting Australia’s Children 2009-2020, endorsed by the COAG in April, and note that the Government is exploring the potential role of a National Children’s Commissioner, we believe that the broad community support and backing from organisations such as Save the Children, UNICEF, Australian Human Rights Commission, and the Australian Research Alliance for Children and Young People, should serve as an indicator on the importance of such a role.

Given Australia is lagging behind global developments that aim to protect children, with other western countries such as Britain having had an independent Commissioner for Children for four years, establishing a Commonwealth Commissioner for Children and Young People would help bring the different mandates of state and territory Commissioners that already exist, together within a consistent, well co-ordinated program.

Establishing a national Commissioner will help ensure adequate protection for all who are vulnerable and disadvantaged. Importantly, this mechanism will extend support to young non-citizens who have arrived in Australia without the protection and resources that are afforded to those with requisite visas or other authority for entry into Australia.

It is time to change business as usual when it comes to the views and opinions of children and young people.

It is time our Federal Parliament showed a real and practical move in supporting and protecting Australian kids, showing leadership for the essential need to invest and value our youngest citizens.

We need a system that embraces, invests and encourages the next generation of Australian workers and leaders, and providing a national independent body that will advocate for the needs, views, and rights of those under eighteen is essential in achieving this outcome.

For too long the rights children and young people have been swept under the carpet, put in the too hard basket, or stopped at state borders. With my Bill for the first time, we have an opportunity to create a Commonwealth Commissioner dedicated to this purpose.

I commend the Bill to the Senate.

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1 As reported by AAP 19 November 2009

Senator HANSON-YOUNG—I seek leave to continue my remarks later.
Leave granted; debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT (REPEAL AND CONSEQUENTIAL AMENDMENT) BILL 2010

ANTI-TERORISM LAWS REFORM BILL 2010

First Reading

Senator LUDLAM (Western Australia) (4.09 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

That the following bills be introduced: A Bill for an Act to repeal the Commonwealth Radioactive Waste Management Act 2005, and for related purposes; and a Bill for an Act to reform anti-terrorism laws, and for related purposes.

Question agreed to.

Senator LUDLAM (Western Australia) (4.09 pm)—I present the bills and move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator LUDLAM (Western Australia) (4.10 pm)—I present the explanatory memorandum relating to one of the bills and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2010

This bill was introduced by the Australian Greens in the 42nd Parliament. The following second reading speech reflects the debate at the time of the bill’s original introduction.


Before the 2004 election, Federal Environment Minister, Senator Campbell provided an ‘absolute categorical assurance’ that a radioactive dump would not be imposed on the Northern Territory. In July 2005 it was announced, after no consultation with the NT Government or affected traditional owners and communities, that three Department of Defence sites—Harts Range, Fisher’s Ridge and Mt Everard—had been short-listed for assessment.

The Commonwealth Radioactive Waste Management Act (CRWMA) 2005 was then pushed through federal parliament, overriding NT laws prohibiting transport and storage of federal nuclear waste. The legislation prevents the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 from having effect during investigation of potential dump sites, and it excluded the Native Title Act 1993 from operating at all. Procedural fairness is also wiped out through suspension of the Judicial Review Act.

Amendments passed in 2006 to the CRWMA override Aboriginal Land Rights Act procedures requiring informed consent from all affected people and groups. Indeed, these changes explicitly stated that site nominations from Land Councils are valid even in the absence of consultation with and consent from traditional owners.

Under the amended process, Muckaty, 120 km north of Tennant Creek, was nominated by the Northern Land Council. The site was added to the
short-list of potential sites in September 2007, when former Science Minister Julie Bishop accepted the contentious nomination. This clearly ignored strong, public opposition from a number of traditional owners from the Muckaty Land Trust.

In response to this announcement, Senator Carr, the Shadow Minister for Industry, Innovation, Science and Research stated,  

“Today’s announcement is yet the next chapter in the decade-long saga of lies and mismanagement that has become Howard’s waste dump. The Howard Government has tried to impose its waste dump at numerous sites around the country; setting on the Northern Territory because of its ability to steamroll the Territory’s rights and impose the dump against its will. After forcing legislation through Federal Parliament, the Science Minister now has full Ministerial discretion over the siting of a nuclear waste facility in the Northern Territory. Labor believes that Howard’s bullyboy tactics in the Northern Territory are no way to select a nuclear waste dump. Labor is committed to repealing the Commonwealth Radioactive Waste Management Act and establishing a consensual process of site selection. Labor’s process will look to agreed scientific grounds for determining suitability. Community consultation and support will be central to our approach.

In April 2007, the Australian Labor Party national conference passed its National Platform, Chapter 5 of which states that a “Federal Labor Government will:

- not proceed with the development of any of the current sites identified by the Howard Government in the Northern Territory, if no contracts have been entered into for those sites.
- establish a process for identifying suitable sites that is scientific, transparent, accountable, fair and allows access to appeal mechanisms.
- identify a suitable site for a radioactive waste dump in accordance with the new process.
- ensure full community consultation in radioactive waste decision-making processes.
- commit to international best practice scientific processes to underpin Australia’s radioactive waste management, including transportation and storage.”

A number of senior Labor Ministers and Senators released media statements prior to the 2007 federal election pledging repeal of the CRWMA if elected. ALP politicians had referred to the legislation as ‘draconian’, ‘sordid’, ‘arrogant’ and ‘profoundly shameful’. In their media statement issued on 6 March 2007 by Senator Carr, Shadow Minister for Industry, Innovation, Science and Research, MP Warren Snowdon, Member for Lingiari and Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs, and NT Senator Trish Crossin. This committed Federal Labor to:

- Legislate to restore transparency, accountability and procedural fairness including the right of access to appeal mechanisms in any decisions in relation the siting of any nuclear waste facilities;
- Ensure that any proposal for the siting of a nuclear waste facility on Aboriginal Land in the Northern Territory would adhere to the requirements that exist under the Aboriginal Land Rights, Northern Territory Act (ALRA);
- Restore the balance and, pending contractual obligation, will not proceed with the establishment of a nuclear waste facility on or off Aboriginal land until the rights removed by the Howard government are restored and a proper and agreed site selection process is carried out; and
- Not arbitrarily impose a nuclear waste facility without agreement on any community, anywhere in Australia.

The Commonwealth Radioactive Waste Management Act 2005 has been ineffective and controversial. Leaving this legislation in place undermines the Aboriginal and Torres Straight Islander Heritage Protection Act, overrides Aboriginal Land Rights procedures and is a blatant disregard for the express wishes of the Territory government. Repealing this legislation is implementing an ALP federal election promise and will pave the
way for a new approach to the management of Australia’s radioactive waste. Australia’s radioactive waste is a legacy of decisions taken in the past, specifically in the Menzies era when the government opened a research reactor at Lucas Heights, 31 kms from the heart of Sydney. Decisions taken then reflect historically specific moments in science and in politics.

Both the scientific and the political methods we have today contrast sharply with those of the Cold War era during which assumptions about the relatively new nuclear technology were simplistic and utopian and nuclear decision-making was cloaked in secrecy, far away from the public eye.

The decisions we take today about Australia’s radioactive waste – how it should be stored, where it should be stored, whether it should be transported and centralised – should reflect the best science we have at our disposal now, as well as the best democratic and transparent processes that governments and citizens can utilise in today’s world.

Transparency is what Australia has been lacking in its decision-making about radioactive waste management. Recent attempts to impose an “out of sight, out of mind solution” onto unwilling communities, or communities that have been divided through the provision of payments are not sustainable “solutions” but doomed because they do not enjoy public confidence.

Anti-Terrorism Laws Reform Bill 2010

This bill was introduced by the Australian Greens in the 42nd Parliament. The following second reading speech reflects the debate at the time of the bill’s original introduction.

The Australian Greens are deeply committed to the principle of non-violence. Non-violence is one of the four interconnecting pillars that are the foundation of our party’s policy and practice: the other three pillars are social justice, economic and ecological sustainability and participatory democracy. In rejecting violence we condemn the violent crime of terrorism, and view non-violence as a creative, planned, positive force to resolve conflict, believing it to be the best way to transform oppressive power, symbols and behaviour. Our objective is not just to reduce violence but to address the underlying conflicts and create alternatives to resolve the immediate dynamic and causes, as well as contributing to political change that will build a more sustainable peace over the long term, based on cooperation and justice. We support the right of people to resist unjust laws, unethical corporations and inappropriate development by non-violent direct action and civil disobedience. In choosing to reject violence, in refusing to emulate violent power or tactics, we fight fire with water and earth, rather than with fire.

The violent crime of terrorism did not occur for the first time on 11 September 2001 and it will occur again. This is a grave reality that must be faced by governments who have the responsibility to protect citizens from intimidation and violence. Likewise, governments also have the responsibility to protect human rights and civil rights. The Greens do not underestimate the complexity of these responsibilities, however, we are not alone in recognising that in many countries, including our own, the balance between these two responsibilities was skewed by the responses to the events of 11 September 2001. Perceived and real threats to security were used as a lever to curtail human and civil rights and fair trials.

The newly elected US President has begun the courageous and complex work of reversing the symbolic and actual mistakes made in the name of the “War on Terror”. The Obama Administration is putting effort into devising “clear, defensible and lawful standards…” to govern the treatment of detainees and arguing that the nation should “enlist the power of our most fundamental values” in the effort to keep itself safe. Australia entered the “War on Terror” very much on the terms set by the United States; we too should rethink and redefine a legitimate response to terrorism and practical ways to address its root causes and consequences.

The laws that were hastily created in Australia following the crimes of 11 September need to be reviewed to determine which merit retention and modernisation. Mistakes were made; indeed, mistakes were inevitable when the government of the day would not allow the parliament to debate each bill individually, even though the anti-terrorism legislative package constituted some of
the most dramatic changes ever made to Australia’s security and legal environment. Of course mistakes were made when 200 pages of legislation and explanatory memoranda were introduced into the House of Representatives at 8pm and were expected to be debated at 12 noon the next day, leaving entirely inadequate time for review and analysis. Amendments were made available to the Senate less than 24 hours before the commencement of debate in that Chamber, effectively stripping the parliament of the time necessary to ensure that the laws were adequate to prevent, deter and pursue terrorists while ensuring that any limits on free speech or association struck an acceptable balance. The parliament was set up to fail, and fail it did.

The purpose of this Bill is to identify those laws and provisions that are so extreme, so repugnant, redundant or otherwise inappropriate, that they should be abolished and don’t even deserve the dignity of being subjected to review by the long-awaited independent reviewer of terrorism laws. Some of the laws identified in this bill offended our core democratic principles by using definitions and terminology that was simply too vague and broad such as the bizarre “reckless possession of a thing”. Other laws curtailed freedom of expression and association; others compromised the rule of law and the principle of fair and open trials. Such laws simply need to be removed, to allow the solid criminal laws and procedures to continue doing the job they did before 2001 in prosecuting and penalising anything that can be sensibly described as terrorism.

While some leaders and commentators deeply fear the accusation of being “soft on terrorism” believing it to be corrosive of their public perception, standing and masculinity, the Greens believe that to maintain these laws in their current form is corrosive of democracy itself and the rule of law upon which it is based. The benefit of hindsight and the passage of time have revealed the laws identified in this bill as irrational, unused or extreme.

This Bill seeks to amend, and in some cases repeal

- Provisions in the Criminal Code 1995 related to the definitions relating to terrorism offences, provisions relating to the proscription of ‘terrorist organisations’, offences relating to interaction with ‘terrorist organisations’, ‘reckless possession of a thing’ and the offence of seditious
- Provisions in the Crimes Act 1914 relating to detention of terrorism suspects.
- Provisions in the Australian Security Information Organisation Act 1979 relating to the questioning of terrorism suspects and the detention of terrorism suspects; and

**AMENDMENTS TO CRIMINAL CODE**

**Defining a terrorist act**

The Bill repeals the current definition of ‘terrorist act’ at section 100.1 of the Criminal Code and offers an alternative definition, drawing heavily from the definition arrived at by the United Nations Security Council in 2004. Some of the terminology used within the Criminal Code in relation to terrorism offences is either currently undefined or inadequately defined. The current definition of ‘terrorist act’ at section 100.1 of the Criminal Code is considered ‘problematic’ by the Law Council of Australia and a number of national and international review bodies. The Law Council of Australia is of the view that the breadth of the Australian definition in section 100.1 of the Criminal Code falls outside the internationally accepted definition of terrorist act. The UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism has taken the view that the definition of ‘terrorist act’ at section 100.1 of the Criminal Code oversteps the Security Council’s characterization of the term.

The current definition of ‘terrorist act’ includes a ‘threat of action’. This has been identified as unsuitable by the June 2006 Report of the Security Legislation Review Committee, (known as the Sheller Report after the Chair of the Committee, Hon Simon Sheller AO QC). The report recommends that the reference to ‘threat of action’ and other references to ‘threat’ be removed from the ‘terrorist act’ definition in section 100.1(1). This position has been supported by the Australian Law Council, who also recommended the removal of ‘threat of action’ and other references to
'threat' from the definition of 'terrorist act' in section 100.1(1).

**Fostering and supporting a terrorist organisation**

What are the actions and intentions that define the fostering and supporting of a terrorist organisation? Under section 102.1 of the Criminal Code, supporting a 'terrorist organisation' means; "provide support or resources that would help a terrorist organization engage in preparation for, or planning, assisting or fostering of the doing of a terrorist act". The Act currently fails to define 'fostering'; this has been identified as problematic because of the potential for 'fostering' to be construed very broadly. For instance, technically Australian aid organisations providing food and material assistance to people in crisis zones, such as in Sri Lanka, Afghanistan and elsewhere could easily fall into the category of fostering, when in fact their work is humanitarian assistance and emergency support. The inability to define fostering highlights its inappropriateness as an offence.

**Reckless possession of a thing**

'Thing' is not defined within section 101.4(1). Parameters for what may be included with the scope of 'thing' are needed. Under the current Act it is possible to be in reckless possession of a thing if somebody passes along a DVD recommending that the contents be viewed, whether one views it or not, or agrees with the content. Another example that has been discussed in our courts as 'reckless possession of a thing' related to a document stored on a computer. The case was lost as it was possible to show through forensic evidence the absence of an electronic path. The document had not been accessed, however, what if the person had opened the document to assess its contents?

Most would consider it reasonable that the 'thing' in question should be linked with a terrorist act, a thing practically necessary in the material carrying out of a criminal act of violence. Instead of things actually connected, what we have is the possibility of things that are ideologically connected, things of a literary nature.

If parameters cannot be provided the provision should be removed. There have been two convictions under section 101.4(1) 'reckless possession of a thing’ both in relations to the possession of a CD connected with preparation of a terrorist activity. In addition, anyone who saw the 'thing', which could be just about any object given the lack of a precise definition, is exposed to the possibility of a Detention or Questioning Warrant.

**Proscribing a terrorist organisation**

Division 102 of the Criminal Code currently allows organisations to be designated as 'terrorist organisations' by regulation. This has significant consequences for the organisation, its members and supporters – for example, a person can be imprisoned for being a member or supporter of a 'terrorist organisation'. The 'Sheller Report' recommended that the process of proscription be reformed to meet the requirements of administrative law. The report recommends that the process of proscription by way of regulation made by the Governor-General on the advice of the Attorney-General, as per section 102.1 of the Criminal Code be retained. However, the process should be made more transparent and should provide organisations, and other persons affected, with notification, unless this is impracticable, that it is proposed to proscribe the organization and with the right to be heard in opposition.

This Bill amends section 102 of the Criminal Code, as per recommendation 4 of the 'Sheller Report':

(a) To provide notification, if it is practicable, to a person, or organization affected, when the proscription of an organization is proposed.
(b) To provide the means, and right, for persons and organisations, to be heard in opposition, when proscription is considered.
(c) To provide for the establishment of an advisory committee, to be appointed to advise the Attorney-General on cases that have been submitted for proscription of an organization.
(d) To require the committee to consist of people who are independent of the process of proscribing terrorist organizations, such as those with expertise in security analysis, public affairs, public administration and legal practice.
(e) To require the role of the committee be publicised.
(f) To allow the committee to consult publicly and to receive submissions from members of the public to assist in their role.

(g) To require that proscribed organizations be widely publicised, with the view, in part, to notify any person connected to the organization of their possible exposure to criminal prosecution.

If the Government of a foreign country has requested the proscription, that should be revealed to all parties. Additionally, provision should be made for merits review of the decision to list an organisation by the AAT. Standing rules for such a review should include protections, so that those coming forward to seek review do not automatically find themselves admitting to criminal offences.

**Offences related to interaction with ‘terrorist organisations’**

The Criminal Code also contains a number of offences relating to interaction with ‘terrorist organisations’. It is an offence to:

- direct the activities of a terrorist organisation (s102.2);
- be a member of a terrorist organisation (s102.3);
- recruit a person to join or participate in the activities of a terrorist organisation (s102.4);
- receive or provide training to a terrorist organisation (s102.5);
- receive funds or a make funds available to a terrorist organisation (s102.6);
- provide support or resources that would help a terrorist organisation engage in, plan, assist or foster the doing of a terrorist attack (s102.7); or
- on two or more occasions associate with a member of a terrorist organisation or a person who promotes or directs the activates of a terrorist organisation in circumstances where the association will provide support to the organisation and is intended to help the organisation expand or continue to exist (s102.8).

The Attorney-General’s department has explained the rationale for these offences as follows:

By criminalising activities such as the funding, assisting and directing of a terrorist organisation, proscription contributes to the creation of a hostile operating environment for groups wanting to establish a presence in Australia for either operational or facilitation purposes. It also sends a clear message to Australian citizens that involvement with such organisations, either in Australia or overseas, will not be permitted. Proscription also communicates to the international community that Australia rejects claims to legitimacy by these organisations.

Critics of the offences, including the Law Council of Australia, have argued that the offences are unnecessary and that, “[b]y shifting the focus of criminal liability from a person’s conduct to their associations, the terrorist organisation offences unduly burden freedom of association and are likely to have a disproportionately harsh effect on certain sections of the community who, simply because of their familial, religious or community connections, may be exposed to risk of criminal sanction.”

There has been particularly strong criticism of the ‘association’ offence in section 102.8 of the Criminal Code. The shortcomings and dangers of this provision have been noted by, amongst others, the Senate Legal and Constitutional Legislation Committee, the Sheller Committee and the Parliamentary Joint Committee on Intelligence and Security.

The Bill also amends the ‘supporting’ offence (s.102.7). The Human Rights and Equal Opportunity has argued, and the Sheller Committee accepted, that the reference in s.102.7 to ‘support’ for a terrorist organisation ‘could extend to the publication of views that appear to be favourable to a proscribed organisation and its stated objective.’ This would be an unwarranted interference with freedom of expression. In the light of these concerns, the Sheller Committee recommended that, “Providing support to a terrorist organisation’, be amended to ensure that the word ‘support’ cannot be construed in any way to extend to the publication of views that appear to be favourable to a proscribed organisation and its stated objective.”

The Bill implements this recommendation by substituting “support” with “material support” as
recommended by the Parliamentary Joint Committee on Intelligence and Security in order to ensure that ‘mere words’ are not caught by the section – an approach supported by the Government. In order to resolve ambiguity as to what may be deemed as ‘supporting’, an amendment is made to provide that the accused not only offered support, but also intended that the support have the requisite connection (direct or indirect) to a terrorist act, demonstrating proof of a connection between the support and the accused’s intention. Section 102.7 is considered ineffective because of its complexity. It is argued that this complexity has lead to a failure to convict, making the provision redundant as it exists currently.

Sedition Offences
The Australian Law Reform Commission’s report Fighting Words: A Review of Sedition Laws in Australia, was published in July 2006. The Commission recommended the repeal of two of the five offences (urging another person to engage in conduct that assists an enemy of Australia and urging another person to engage in conduct that assists an organization or country engaged in armed hostilities with the Australian Defence Force). It also recommended substantial amendments to the other three offences, including removing any use of the term ‘sedition’. The Law Council of Australia recommended that these laws should be repealed in their entirety because they are unnecessary, lack clarity and precision, and have a chilling effect on free speech and expression. This Bill seeks to implement the Law Council’s recommendation.

AMENDMENTS TO THE CRIMES ACT

Dead time
Under Commonwealth criminal laws, a person can be arrested if the arresting officer believes on reasonable grounds that:

- the person has committed the offence; and
- arresting the person is necessary because proceeding by way of summons would not achieve one or more of certain purposes specified in the Crimes Act (e.g. ensuring the appearance of a person before the court).

The difference between terrorism offences and ordinary criminal offences emerges after a person has been arrested. The key differences are:

- once a person has been arrested they can be detained for up to 24 hours, rather than the usual 12; and
- there is a special provision for terrorism offences relating to ‘dead time’, which allows a magistrate or justice of the peace to ‘stop the clock’ where questioning is reasonably suspended or delayed.

The extended periods for detention of terrorism suspects were introduced by the Anti-Terrorism Bill 2004. As originally introduced, the Bill provided that additional ‘dead time’ was limited to:

Any reasonable period during which the questioning of the person is reasonably suspended or delayed in order to allow the investigating official to obtain information relevant to the investigation from a place outside Australia that is in a different time zone, being a period that does not exceed the amount of the time zone difference.

The Senate’s Legal and Constitutional Legislation Committee considered the Bill. A majority of the Committee recommended that the Bill be supported with some amendments, including an amendment to ensure that the special ‘dead time’ provisions for terrorism offences only be available upon successful application to a judicial officer. As the Law Council has pointed out, the Government adopted the recommendation to introduce a requirement for judicial approval. However, the amended clause also removed any cap on the maximum allowable dead time and expanded the grounds on which dead time could be claimed.

The ‘dead time’ provisions were applied in the case of Dr Haneef, who was detained for more than 11 days before he was charged. The Report of the Inquiry into the Case of Dr Mohamed Haneef (‘the Clark Inquiry’) considered the dead time provisions in some detail. Justice Clarke stated that, “Perhaps the most obvious deficiency in Part 1C of the Crimes Act is the absence of a cap on, or limit to, the amount of dead time that may be specified as a consequence of the introduction of s. 23CA(8)(m) and therefore the
amount of time a person arrested for a terrorism offence can be detained in police custody.”

In relation to the length of time a cap on dead time, Justice Clarke said:

Varying time limits were suggested in submissions. Some argued for 48 hours; others argued for longer—up to 13 days. I do not have expertise to determine the most appropriate time, nor do I hold a strong view about it. Many people told the Inquiry the period of Dr Haneef’s detention (11 or 12 days) was far too long. Others, including police forces, would argue that 48 hours is manifestly inadequate. In the United Kingdom the period is 28 days (subject to judicial oversight), but different considerations apply in Australia … I do not understand my task as requiring me to put forward a specific recommendation as to the allowable time.

If pressed —and having regard to Dr Haneef’s detention in circumstances where the overseas involvement created time problems generally for the investigation —I would tend to say the cap should be no more than seven days.

Justice Clarke went on to identify other concerns with the ‘dead time’ provisions and to recommend a review of the whole of Part 1C of the Crimes Act 1914 in relation to terrorism offences – a recommendation that the Government has since accepted.

Notwithstanding the fact that Part 1C of the Act is now under review, 23 CA (8)(m) of the Crimes Act should be repealed to remove ‘investigative dead time’ from the calculation of dead time. Subsection 23CA (8)(m) of the Crimes Act is unique to terrorism offences and provides that the investigation period in terrorism cases does not include any ‘reasonable time’ approved by a magistrate or justice of the peace, during which the questioning of a person is ‘reasonably suspended or delayed’. The maximum allowable length of the investigation period for terrorism offences is 24 hours, compared to the 12 hours permitted for all other offences. This additional period negates the need for the additional inclusion of ‘investigative dead time’ provisions.

Other amendments to this section require investigators to inform the defendant of their rights.

AMENDMENTS TO AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION ACT 1979 (ASIO Act)

Questioning and detention of those with information about terrorism offences

Many of the terror related provisions under the ASIO Act have never been invoked, leading some commentators to question whether they are in excesses to actual requirements. A person can be detained without charge under an ASIO warrant for up to 168 hours, or 7 days. A person may therefore be held in detention indefinitely for rolling periods of 7 days, without any charge having been made out against them in accordance with conventional criminal procedure. This is also contrary to Australia’s human rights obligations under Article 9 of the International Covenant on Civil and Political Rights. Additionally under this legislation:

- the person may be prohibited and prevented from contacting anyone at any time while in custody;
- the person may be questioned in the absence of a lawyer;
- the person’s lawyer may be denied access to information regarding the reasons for detention and also in relation to the conditions of detention and treatment of the person;
- the person is prohibited from disclosing information relating to their detention at risk of five years imprisonment; and
- the person’s lawyer, parents and guardian may be imprisoned for up to five years for disclosing any information regarding the facts or nature of the detention.

These secrecy provisions prevent the press, academics and human rights advocates from independently monitoring the use of ASIO questioning and detention powers. As Amnesty International noted, ‘[t]he level of secrecy and lack of public scrutiny provided for by this Bill has the potential to allow human rights violations to go unnoticed in a climate of impunity.’

This Bill amends the Australian Security Intelligence Organisation Act 1979 to amend sections 34F(6) and 34G(2) which allow detention without charge to continue beyond 168 hours if at the end
of the 168 hours new material justifies the issuing of a separate warrant. Under our bill detention periods cannot simply be extended by way of “rolling warrants”. Further detention warrants can only be sought and issued if they relate to different offences arising from different circumstances.

This Bill also amends the ASIO Act to repeal the following provisions:

- Section 34K(10) which allows a person to be prohibited and prevented from contacting anyone at any time while in custody;
- Section 34ZP which allows a person to be questioned in the absence of a lawyer;
- Section 34ZT which permits the denial of access to information regarding the reasons for detention and also in relation to the conditions of detention and treatment of the person to the person’s lawyer;
- Section 34ZS(2) which prohibits the person from disclosing information relating to their detention at risk of five years imprisonment;

and

Section 34ZR relating to the conduct of the parents of a detained person during questioning.

Section 34S; which allows a person to be detained without charge for 168 hours is amended to provide for a detention without charge period of 24 hours. A corresponding amendment to section 34G(4)(c) reduces the prescribed period from 168 hours to 24 hours.

**National Security Information (Criminal and Civil Proceedings) Act 2004 (NIS Act)**

This Act is problematic in the extreme. It requires security clearance for lawyers while providing no justification. Requiring security clearance for lawyers threatens the right to a fair trial and limits the pool of lawyers permitted to act in cases. It also threatens the independence of the legal profession by allowing the executive arm of government to effectively ‘vet’ and limit the class of lawyers who are able to act in matters which might involve sensitive information. By undermining the independence of the legal profession the right to an impartial and independent trial with legal representation of one’s choosing is undermined. This Act also permits for closed court proceedings in certain circumstances for terrorism cases, and provisions relating to the designation of evidence as ‘secret’. The Law Council of Australia has described these concerns in detail.

Pursuant to the Commonwealth Legal Aid Guidelines (March 2008), a legal representative acting for a legally aided person cannot maintain carriage of a matter (where the Attorney-General has issued a security notification) unless they already have or can obtain security clearance. If the legal representative does not have or cannot obtain a security clearance, then a legal Aid Commission can only continue to pay the legal representation for 14 days from the date a security clearance was issued. This detracts significantly from the guarantee in Article 14 (3) of the International Covenant on Civil and Political Rights that all persons have access to a legal representative of their choosing, and that such representation be provided for by the State in cases where the person does not have sufficient means to pay for it.

This act also provides for the exclusion of evidence, which again compromises the right to a fair trial. Subsection 31 (8) of the NIS Act restricts the court’s discretion to determine whether evidence should be closed to the accused and their legal representatives, resulting in a disproportionate restriction on the right to a defence and a fair hearing. The relevant provisions of section 31 provide:

(7) The court must, in deciding what order to make under this section, consider the following matters:

(a) whether, having regard to the Attorney-General’s certificate, there would be a risk of prejudice to national security if:

(i) where the certificate was given under subsection 26(2) or (3) the information were disclosed in contravention of the certificate; or

(ii) where the certificate was given under subsection 28 (22) – the witness were called;

(b) whether any such order would have a substantial adverse effect on the defendant’s right to receive a fair hearing, including in particular on the conduct of his or her defence

(c) any other matter the court considers relevant.
(8) In making its decision, the court must give greatest weight to the matter mentioned in paragraph (7)(a).

The Law Council contends that the NIS Act tilts too far in favour of the interests of protecting national security at the expense of the rights of the accused. These concerns are exacerbated by Part 3 of the NIS Act, which permits the exclusion of a defendant or legal representative from the hearing to determine whether certain information should be banned from disclosure. Further provisions of the Act restrict the defendant’s right to access information that may be used against him or her in criminal proceedings. While it may be necessary for the court to restrict public access to a hearing in the interests of national security, the Law Council is of the view that restricting a party or their legal representative from examining and making representations to the court about the prosecution’s attempt to restrict access to certain information goes beyond that which is necessary in the interest of national security.

The NIS Act has no redeeming features, and Schedule 4 of the bill provides for the whole of the Act to be repealed.

As Bill Calcutt has observed in the April 2009 Journal of Policing, Intelligence and Counter Terrorism, “A primary objective of terrorism as an organisational strategy is to engender a disproportionate response within the wider community and to act as a catalyst for changes to society that advance the terrorists’ goals….An alarmist and sensationalist media; an intelligence community that grows in importance and resources in the face of imminent threats; and a government that apparently gains electoral advantage from appearing to be tough and protective; combine to reinforce community fear and inadvertently serve the terrorists interest.”

Australia’s parliament and community did not get an opportunity to hold a thorough, calm and considered debate over the terrorism laws when they were introduced; nor did they consent to the substantial reallocation of resources away from health and schools to security and defence. Now is the time for a thorough, calm and considered debate about methods for dealing with terrorism that strengthen our democracy and are consistent with Australian values. That process includes the appointment of the long-awaited independent reviewer of terrorism laws, whose time need not be wasted on the draconian measures amended or repealed in this Bill.

Senator LUDLAM—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (RESTORATION OF RACIAL DISCRIMINATION ACT) BILL 2010
BUILDING AND CONSTRUCTION INDUSTRY (RESTORING WORKPLACE RIGHTS) BILL 2010
ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (PROHIBITION OF SUPPORT FOR WHALING) BILL 2010

First Reading

Senator SIEWERT (Western Australia) (4.11 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

That the following bills be introduced: A Bill for an Act to amend laws to restore the operation of the Racial Discrimination Act 1975 in the Northern Territory, and for related purposes; a Bill for an Act to repeal the Building and Construction Industry Improvement Act 2005 and the Building and Construction Industry Improvement (Consequential and Transitional) Act 2005, and for related purposes; and 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.

Question agreed to.
Senator SIEWERT (Western Australia) (4.11 pm)—I present the bills and move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator SIEWERT (Western Australia) (4.12 pm)—I present the explanatory memoranda relating to the bills and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2010

The Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2010 is designed to ensure the Racial Discrimination Act and relevant Northern Territory anti-discrimination laws apply to the three pieces of legislation that implemented the Northern Territory Intervention -

• Northern Territory National Emergency Response Act 2007;
• Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007; and
• Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007.

The Racial Discrimination Act 1975 is the implementation in Australia of our international obligations recognising the basic human right not to be discriminated against on the basis of race.

In June 2010 the federal parliament passed the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2010 which subsequently received Royal Assent. This legislation deletes the provisions in the above-mentioned Acts that suspended the operation of the Racial Discrimination Act and relevant Northern Territory anti-discrimination laws.

However, the Government’s legislation only goes part way to restoring the Racial Discrimination Act 1975 to the Northern Territory Intervention and does not ensure that the Racial Discrimination Act actually applies to the measures and actions undertaken pursuant to the Northern Territory Intervention legislation.

Social Justice Commission Report

In his 2007 Social Justice Report, the Social Justice Commissioner, provided a human rights analysis of the Northern Territory Intervention. The Report raises significant human rights concerns with the Intervention legislation and proposes a way forward to ensure that the Northern Territory Intervention is consistent with Australia’s human rights obligations as embodied in legislation such as the Racial Discrimination Act 1975.

The Report makes it quite clear that it was entirely unacceptable to remove the protection of the Racial Discrimination Act 1975 for any acts performed for the purposes of the Northern Territory Intervention legislation and notes that the exemption from the Racial Discrimination Act 1975 means there can be no challenge to any exercise of discretion by officials purporting to act in accordance with the legislation.

The Report concludes that the provisions exempting the Racial Discrimination Act 1975 should be immediately repealed and be replaced with a new clause requiring all acts authorised under the legislation to be undertaken consistently with the Racial Discrimination Act 1975. This new clause should be unequivocal that the provisions of the Northern Territory Intervention legislation are subject to the provisions of the Racial Discrimination Act 1975.

The need for a ‘notwithstanding’ clause

During the course of the inquiry into the Government’s Welfare Reform and Reinstatement of Racial Discrimination Act Bill 2010 by the Senate
Standing Committee on Community Affairs a number of submissions and witnesses (including Australian Human Rights Commission, Law Council of Australia, Law Society of Northern Territory, Northern Territory Legal Aid Commission, Northern Australian Aboriginal Justice Agency, Northern Land Council, Central Land Council, Human Rights Law Resources Centre, and Amnesty International) supported the inclusion of a ‘notwithstanding’ clause to expressly state that, in the event of any uncertainty or contradiction between the Northern Territory Intervention legislation and the Racial Discrimination Act, the provisions of the Racial Discrimination Act should prevail.

The intent of this Bill is to provide for the inclusion of a “notwithstanding clause. Without the inclusion of such a clause the Australian Human Rights Commission argued before the inquiry that “... any provision of the amended emergency response legislation that is inconsistent with the RDA will still override the RDA”. As such, without the inclusion of a ‘notwithstanding clause’ or some functionally equivalent mechanism the Government legislation can only represent a partial reinstatement of the Racial Discrimination Act and does not deliver on the Government’s promise to fully restore the Racial Discrimination Act.

In light of the singular nature of the suspension of the Racial Discrimination Act, and the widespread condemnation of the Parliament for enacting such legislation, it is unfortunate that the Government has chosen to eschew an approach to legislative drafting which would enhance certainty and minimise the potential for dispute.


“Special measures”

The government cannot and should not rely on the actions undertaken in pursuit of the Northern Territory Intervention being considered to be special measures.

Special measures are a form of positive discrimination whereby a group defined by race receives beneficial treatment. Such beneficial treatment is then not considered discriminatory under the Racial Discrimination Act 1975.

The notion of a “special measure” under the Racial Discrimination Act 1975 comes with a body of law behind it defining what it means.

There are certain criteria that have to be met for a “special measure” including:

- provides a benefit to some or all members of a group based on race;
- has the sole purpose of securing advancement of the group so they can enjoy human rights and fundamental freedoms equally with others;
- is necessary for the group to achieve that purpose; and
- stops once their purpose has been achieved.

Additionally where a measure negatively impacts on Indigenous people it must be done after consultation with and the consent of the people affected to qualify as a special measures. This was clearly not done in relation to the Northern Territory Intervention. The Social Justice Commissioner Report notes that measures cannot meaningfully be said to be for the advancement of a group of people if they are taken without consultation or consent.

If a measure does not meet these criteria it is not a “special measure”.

The Australian Greens agree with the conclusion of the Social Justice Report that the Intervention measures are not “special measures” according to the Racial Discrimination Act 1975. The Report recommends that the relevant provisions in the Intervention legislation be amended to:

- clarify that the measures in the legislation are intended to qualify as special measures; and
- require that in implementing the provisions of the legislation all actions must be undertaken consistently with the intended beneficial purpose of the legislation.

The Bill enacts the recommendations of the Social Justice Commissioner on how best to reinstate the Racial Discrimination Act 1975 and relevant Northern Territory anti-discrimination laws and comply with our international obligations. The Bill will therefore require that actions taken as part of the Northern Territory interven-
tion need to be to the benefit of Aboriginal people to be compliant with the Racial Discrimination Act 1975.

**International Obligations**

On his to Australia in 2010, United Nations Special Rapporteur Professor James Anaya found that the Northern Territory Intervention, in its current form and in its delivery, “is incompatible with Australia’s obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights. Australia is a party to both treaties. The intervention is also incompatible with the Declaration on the Rights of Indigenous Peoples, which Australia supports”.

There is no doubt that the Northern Territory Intervention legislation, in suspending the operation of the Racial Discrimination Act 1975, was contrary to Australia’s international obligations and harmed our reputation overseas.

However, without explicitly stating that the Racial Discrimination Act 1975 applies to measures or actions undertaken in accordance with the Northern Territory Intervention legislation, there is the potential for the Intervention legislation to continue to be discriminatory.

This Bill ensures the Racial Discrimination Act 1975 and the relevant Northern Territory anti-discrimination legislation applies to Aboriginal people in the Northern Territory as it does to all other people in Australia. It will ensure Australia is complying with our obligations under international conventions. And it is the morally and ethically correct response to the continued human rights concerns in the Northern Territory.

I commend the Bill to the Senate.

**Building and Construction Industry (Restoring Workplace Rights) Bill 2010**


These laws are some of the most pernicious ever to have passed through this place. They strip away internationally recognised rights of workers in the building and construction industries.

This bill is intended to ensure such laws no longer exist in Australia.

A consequence of the repeal of the BCII Act is the abolition of the Australian Building and Construction Commissioner (the ABCC). The ABCC has sweeping powers that have no place in the regulation of workplaces.

It is an affront to democracy to have workplace relations laws that take away the right to silence, deny people their choice of lawyer, provide powers to compel evidence with the possibility of gaol for non-compliance, and impose severe restrictions on the rights of workers to organise and bargain collectively.

The ABCC has coercive powers to compel a person to provide information, produce documents, or attend to answer questions at an examination. Persons face fines of up to $20,000 or a gaol term if they do not comply with a request from the ABCC. Lawyers have a limited role and the Commissioner determines his own practices with a high level of secrecy.

Building and construction workers are being denied basic democratic rights to procedural fairness and natural justice that the rest of us take for granted. These workers - who have not been charged with anything and may only be suspected of knowing about an offence committed by someone else - are being treated with fewer rights than someone who has committed a very serious criminal offence.

It is not appropriate to regulate the relationship between employers and employees in a quasi-criminal way. If there is criminality on a building site it should be dealt with by the criminal law.

A consequence of the operations of the ABCC is that building workers may be too intimidated to speak out about health and safety issues for fear of being investigated. In an industry that has such a high rate of workplace injuries and death, any laws or regulations that provide a disincentive to speak out about safety issues are unacceptable.

The bill repeals both Acts in their entirety. There is nothing to be salvaged from these pieces of legislation.
The International Labour Organisation has repeatedly commented that the BCII Act breaches international labour conventions to which Australia is a signatory. The ILO is a tri-partite body and it has found these laws breach the right to organise and collective bargain and the right to freedom of association.

Sometimes it seems almost old-fashioned to talk about the human rights of workers in a time when our public narrative is so focused on economic indicators. But human rights do matter. They matter whether it is refugees being sent to detention centres, whether it is so-called anti-terror laws or whether it is our rights at work.

This is the former Government’s Work Choices agenda at its most extreme and no-one that purports to be bringing fairness back to Australian workplaces could support the BCII Act or the ABCC continuing any longer.

The ABCC should be abolished and the building industry regulated just like any other industry—in a fair and just manner that balances the needs of productivity and the economy with the health and safety and democratic rights of workers.

I commend the bill to the Senate.

Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010

This bill was introduced by the Australian Greens in the 42nd Parliament. The following second reading speech reflects the debate at the time of the bill’s original introduction.

Once again this summer, Australians were outraged by the killing of whales in the Southern Ocean. Many Australians were further appalled when it was revealed that Australian air services were used by a company with connections to the whalers to assist in the slaughter.

The assistance provided to the whalers was to track the main protest vessel of the Sea Shepherd Conservation Society so that a ship from the whaling fleet could hinder the Sea Shepherd’s pursuit of the main fleet. Without the Sea Shepherd on its tail, the main whaling fleet could undertake its mission of killing whales more easily.

In response to the information that the Japanese whaling fleet had hired Australian planes from Hobart and Albany to track the Sea Shepherd ships’ movements, Senator Bob Brown announced that the Greens would introduce a bill banning activities associated with whaling in Australia.

The Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010 (the Bill) fulfills this commitment. The Bill amends the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) to create a new offence related to providing assistance for whaling.

Currently the EPBC Act provides for a series of offences related to whaling. Division 3 of Part 13 creates the offences of:

- killing or injuring a cetacean,
- intentionally taking, trading, keeping, moving or interfering with a cetacean, and
- treating or possessing a cetacean that has been killed contrary to the Act or unlawfully imported.

The above offences are punishable by 2 years imprisonment or a maximum fine of $110 000.

However, there is no offence of providing services, support, or resources for the killing of whales. The Bill seeks to rectify this serious omission.

The Bill creates a new offence of providing any service, support or resources to an organisation engaged in whaling. Whaling is subsequently defined broadly to mean any activity undertaken as part of a venture, the intention of which is to kill, injure, take, trade, or treat whales for commercial purposes or other purposes. The definition includes the intention to contravene the offences already in the EPBC Act mentioned above and any activity undertaken by or on board a foreign whaling vessel.

The penalty for the new offence is consistent with the other penalties in the Division, that is, 2 years imprisonment or a maximum fine of $110 000.

The amendments will not make unlawful the provision of assistance to vessels in an emergency. The exemptions contained in section 231 of the EPBC Act relating to when certain actions are not
offences will apply to the new offence. Section 231 includes circumstances such as where an action is reasonably necessary to deal with an emergency involving serious threat to human life or property, or an action reasonably necessary to prevent a risk to human health.

The intention behind the new section 229E is to make unlawful the provision of any assistance to a whaling venture, including surveillance information, communication, financial and material support. The provisions are designed to be sufficiently broad to capture the type of situation that prompted that Bill, that is, the hire of air services in Australia by a company which then provided the information gathered to a vessel which was part of the whaling fleet.

There is broad community support for the measures contained in the Bill. An on-line petition on the Australian Greens website received over 3500 signatures supporting the ban on activities associated with whaling. A number of signatories left comments on the website expressing their support. The depth of feeling on this issue is captured by comments such as:

“I still remember with horror inspecting the whaling station in Albany. Such slaughter now continuing with impunity in Australian Antarctic waters and in a whale sanctuary, at that, makes a mockery at any pretence that the Government is upholding relevant laws. Please ensure that the proposed law prohibiting support for whaling is passed, implemented and that compliance is monitored and enforced.”

“It is totally inappropriate and unacceptable for our country to provide any support to those carrying out such barbaric slaughter of whales.”

“I support the introduction of a bill banning activities associated with whaling in Australia - please ensure whales are protected in Australian waters.”

“To object to commercial whaling, but to continue to permit support to be provided from Australia for whaling activities would be the height of hypocrisy; I therefore fully support the proposed ban. I also feel that the government could and should be more pro-active in its opposition to whaling world-wide, and should take specific action to prohibit whaling in waters over which it claims jurisdiction.”

“Please stop allowing the ongoing slaughter of whales in Australian waters and make it illegal for Australian businesses and organisations to be involved in supporting these activities either logistically or financially.”

“It should be illegal for any Australian national, either at home or abroad, to assist in the hunting of whales, no matter what the stated purpose of such activity, in any way. This should also include the leasing or use of assets such as aircraft and ships, or facilities, such as airfields and ports, to another individual or group for the potential use in aiding, either directly or indirectly, the hunting of whales.”

The Australian Government must do all it can to prevent the killing of whales in our territories. The Bill fixes a glaring gap in our current laws and is a necessary measure to ensure that those responsible for the slaughter of whales in our Southern Ocean receive no assistance from Australia.

I commend the Bill to the Senate.

Senator SIEWERT— I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

SAFE CLIMATE (ENERGY EFFICIENT NON-RESIDENTIAL BUILDINGS SCHEME) BILL 2010

RENEWABLE ENERGY AMENDMENT (FEED-IN-TARIFF FOR ELECTRICITY) BILL 2010

First Reading

Senator MILNE (Tasmania) (4.13 pm) — I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

That the following bills 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; and 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.

Question agreed to.

Senator MILNE (Tasmania) (4.13 pm)—
I present the bills and move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator MILNE (Tasmania) (4.14 pm)—
I present the explanatory memoranda relating to the bills and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2010

This bill was introduced by the Australian Greens in the 42nd Parliament. The following second reading speech reflects the debate at the time of the bill’s original introduction.

While the Rudd Government and the Opposition are still enamoured of the idea that Australia has to balance acting on the climate crisis with the economic cost of such action, around the world forward-thinking businesses and governments are recognising that it is not either or, but both. There are tremendous economic opportunities in reducing our greenhouse pollution.

Energy efficiency is not only the fastest way to reduce our emissions but, when thoughtfully implemented, it also saves us more money than we spend to achieve those savings. With the implementation of sensible energy efficiency policies, Australia can achieve far greater emissions reductions than the Government has proposed in the Carbon Pollution Reduction Scheme and at far lower cost. Indeed, the Government’s failure to understand the huge economic benefits of embracing energy efficiency is central to the failure of ambition in the CPRS.

This Bill is designed to seize the huge environmental, social and economic benefits of upgrading Australia’s non-residential buildings to be energy efficient - saving money for businesses and making a big dent in energy sector greenhouse pollution.

In order to play our fair part in avoiding catastrophic climate change, Australia needs to commit to at least 40% emissions cuts below 1990 levels by 2020, on our way to building a zero emissions economy. Whilst the Greens see an environmentally effective and economically efficient emissions trading scheme as key to that transformation, it is widely acknowledged that there is a range of non-price barriers to action in various sectors of the economy. If deep cuts are to be achieved an emissions trading scheme must be complemented by polices to urgently drive a huge expansion in renewable energy generation and the systematic exploitation of energy efficiency. Indeed it is likely that these complementary measures, particularly those which drive improvements in energy efficiency, will be more effective in reducing greenhouse gas emissions for the next several years.

Energy efficiency policies and measures are needed to overcome the non-price barriers and drive change in industrial facilities, non-residential buildings and homes. The Greens have legislative proposals to give effect to these measures at all three levels. This Bill proposes a new scheme to drive energy efficiency upgrades in existing non-residential buildings, including offices, hotels, shopping centres, hospitals and schools.

The main barriers to taking up energy-efficient measures include:

- energy costs are typically a small proportion of total expenditure for most people. The potential savings are perceived as small compared to the time and effort needed to re-
search and implement energy efficiency improvements;

- frequently, the person who pays the energy bill is not the person responsible for the selection and purchase of energy-using equipment;

- the benefits, or payback of these investments, are gradual, accruing over the medium to long term, as savings on energy bills;

- information is not always available at the right time to consumers, tradespeople, managers and policy makers to enable informed energy efficiency choices to be made; and

- many consumers lack capital to buy new energy-efficient equipment or make the required changes to their homes or businesses. Energy efficiency has to compete with other priorities for capital investment.

Because many of these barriers remain unaddressed, there is tremendous untapped potential in Australia for energy efficiency. The very high greenhouse intensity of our economy means that every gain in efficiency gives us a larger cut in emissions than almost any other OECD country. According to the Climate Institute Australia has the third highest energy intensity of OECD countries, with only Canada and US worse performers. During the period 1990-2004 Australia’s energy efficiency improved at a rate three times slower than the OECD average.

Energy use in Australia’s non-residential buildings alone was responsible for 17.7% of our total energy related emissions in 2005, according to energy policy and planning consultant George Wilkenfeld. Yet this energy demand, principally for heating or cooling, lighting, and equipment, can be substantially and cost-effectively reduced. In June this year US President Obama talked about “technologies that are available right now or will soon be available”, which can “make our buildings up to 80 percent more energy efficient”.

According to conservative research published by the Australian Sustainable Built Environment Council (ABSEC):

- Electricity demand in residential and commercial buildings can be halved by 2030, and reduced by more than 70 per cent by 2050 through energy efficiency;

- Energy efficiency alone could deliver savings of 30-35 per cent across the whole building sector, including the growth in the overall number of buildings, out to 2050;

- Energy savings across the entire the building sector could reduce the costs of greenhouse gas abatement across the whole economy by $30 per tonne, or 14 per cent, by 2050;

- By 2050, GDP could be improved by around $38 billion per year if building sector energy efficiency is adopted, compared to previous economy-wide estimates of the 60 % deep cuts scenario.

Failure to respond to the tremendous potential presented by energy efficiency is a major weakness of the Government’s approach to climate change. Information provided to a Senate inquiry by Sncorp highlighted that Government statements to the UNFCCC indicate it believes that improving energy efficiency across all sectors could result in savings of just 3Mt per annum by 2020. Contrast this to estimates from McKinsey & Co – about 50 Mt and ASBEC – 39-45Mt, both by 2020. Considering that the savings identified by just 165 companies in the first round of the Energy Efficiency Opportunities report amount to 4.7Mt, it is clear that the Government just doesn’t understand or has chosen not to calculate the real potential of energy efficiency for greenhouse gas reduction.

Options for creating an incentive to improve commercial building energy efficiency

A number of policy options to improve non-residential building energy efficiency – primarily related to disclosure of energy performance, green tax incentives or some form of ‘white certificate trading’ – have been promoted in the past with limited success locally and internationally – including the UK and European Union.

Mandatory disclosure of building energy performance and greenhouse gas emissions, a policy that the Greens took to the last election, requires all commercial office buildings to assess and disclose their energy intensity prior to sale or lease, and for large commercial office buildings to dis-
close their energy performance on an ongoing basis. The Greens note that COAG has recently agreed to introduce energy performance disclosure prior to sale or lease. Disappointingly, however, no time frame has been agreed for all other building types and no information has been provided to confirm the requirement will be the important disclosure of energy intensity and greenhouse gas emissions. In addition to the mandatory disclosure of a building’s energy performance the Greens believe the Government must create a stronger incentive for building owners to invest in energy efficiency retrofits.

One increasingly popular way to create such an incentive is with a ‘white certificates’ trading scheme. A white certificate represents avoided energy consumption and so can be created by voluntary improvements in energy efficiency. A market for the certificates is created by requiring electricity retailers to buy a certain number of certificates each year. These schemes, in various forms, are common including in Victoria, South Australia and New South Wales. The New South Wales Scheme is the longest running and it has had a less than 1% uptake by the non-residential building sector, creating doubt about its potential to unlock the environmental and economic opportunity.

**How the Energy Efficient Non-Residential Buildings Scheme would work**

There is, however, an alternative energy efficiency trading approach which can build upon these ideas. This approach has been developed and promoted by Lend Lease Corporation, Lincoln Scott and Advanced Environmental and we believe this idea, which prompted the development of this Bill, has a number of advantages over a white certificates trading scheme.

The scheme would have four main steps:

1. Consistent with the Greens existing policy on mandatory disclosure of energy and carbon intensity, the scheme will start with building owners reporting the energy and carbon intensity of their base building, measured as greenhouse gas emissions per square metre. We envisage that the scheme would start with large office buildings (say those with a net lettable area greater than 5,000m²), with smaller office buildings and other building types (such as hotels, hospitals, retail centres schools, etc) being phased in over a few years.

2. Once two years of data on the building energy and carbon intensity is received, the Minister would then set an intensity cap for each building type, each year for 10 years, probably starting with the average intensity for a city or region. This would vary by city or region due to local climatic conditions impacting the average. As with the proposed Carbon Pollution Reduction Scheme, the cap would decline predictably over time, with cap ‘gateways’ to balance investor certainty with the need for regulatory flexibility.

3. The scheme administrator (the same as would be used for the Carbon Pollution Reduction Scheme) will then allocate tradable certificates, each worth one tonne of greenhouse gas (known as CO2equivalents), to each participating building owner, up to the cap. In other words the amount of certificates each building owner would receive would be determined by the emission intensity cap for their building type, and the size of their building.

4. A trading mechanism would then allow building owners to buy and sell the tradable certificates. Owners of buildings which are more efficient than the cap will be allocated more certificates than they actually need, so these can then be either banked or sold to owners of relatively inefficient buildings. In this way the owners of all building types will have a long-term and predictable financial incentive to improve energy efficiency. Non-compliant building owners will face a shortfall penalty which in effect will act as a safety valve on the cost of the efficiency certificates.

The primary advantages of the scheme are that:

i. It is mandatory rather than voluntary for the building owner, thus leading to the systemic upgrade of all of Australia’s non-residential buildings. The scheme requires that many thousands of participants seriously apply themselves to the question of improving efficiency.

ii. It creates both incentives for action and penalties for inaction, in other words it can be characterised as a carrot and stick approach. By contrast a white certificate scheme (from the point of view of the building owner) is just a carrot approach.
iii. In addition to creating an incentive to upgrade a building itself, including heating and cooling solutions for example, the scheme also creates an incentive to reduce energy consumption by changing behaviour.

iv. The price signal created by the scheme is long term and predictable, increasing investment confidence.

v. It rewards early movers, advantaging those who have already undertaken improvements in energy efficiency.

vi. It requires the disclosure of energy and carbon performance information which in itself will improve the awareness of many building owners and tenants and motivate improvements especially when coupled with minimum standards for Government tenancy.

vii. It will stimulate the upgrade of inefficient buildings which will mean clean energy jobs

viii. It will also stimulate investment in innovative solutions – clean energy products and materials.

ix. And it will serve as a much needed building performance measure for building occupants

The Bill requires the Minister to prescribe a number of methodologies, including to measure energy and carbon performance; to manage situations where a building lacks sub-metering; and if necessary to provide for certificate banking and or a means to vary annual caps to account for annual climate variability.

On the question of measuring energy and carbon performance, there are main two schools of thought as to how to achieve this.

The original designers of the scheme have proposed a simple measurement and reporting process which would require building owners to determine the energy intensity for their building(s) based on electricity and gas bills, and official greenhouse gas coefficients, taking into account the buildings size and climatic location. An advantage of this would be the negligible cost of reporting.

Alternatively, others have submitted that one of the existing environmental reporting tools with a requirement for independent verification could be modified and improved to enable them to measure and report energy and carbon performance. This would add to the cost of reporting.

On the question of sub-metering, it’s important to understand that the scheme applies to the base building only. In other words only energy which is the responsibility of the landlord is relevant, not energy used by tenants.

Even in buildings with tenants, the majority of the energy used is the landlord’s responsibility. Typically this is energy used in heating and cooling, installed lighting etc. Tenant energy consumption is still important, however, and in the longer term phasing in mandatory reporting of energy performance and participation in the scheme for large tenants could be considered.

The Bill requires the Minister to develop a methodology to deal with typically older or regional buildings which lack sub-metering, thereby exposing the building owner to the entirety of the tenant’s energy consumption. It would be expected that the data collected over the transitional reporting period would inform the development of a rule to estimate the proportion of the total building’s energy consumption which is the building owner’s responsibility. This rule could expire in time to create an incentive to install sub-metering.

We believe some degree of certificate banking is appropriate, as is common in trading schemes generally, to provide participants some flexibility and to help smooth year on year market volatility. In this case, where demand for certificates will in part be determined by climate conditions, the extent of banking should be determined after the transitional reporting period. If it were assessed that the effect of annual climate variability on the operation of the scheme was significant, it would also be feasible for the Minister to develop a methodology to apply a climate correction factor each year.

The Minister’s deliberations about the best and most cost-effective measurement and reporting tool, and other scheme design features would be assisted consultation with business and community in a Senate inquiry into this Bill.

**Embracing energy efficiency across Australia**

As I indicated at the beginning of this speech energy efficiency measures must be developed to
apply to industrial facilities and all homes as well as the non residential sector.

The Greens remain committed to the substantial upgrade of the energy efficiency of all homes. The Greens’ Energy Efficiency Access and Savings Initiative, or EASI scheme, would:

- organise a free energy audit by an accredited auditor;
- advise householders of all efficiency opportunities with a payback period of ten years or less;
- organise and pay the upfront costs of implementing cost-effective opportunities;
- collect repayments as a proportion of savings on the home’s energy bills over a ten year period. Repayments will be less than the savings on energy bills so that no householders will ever be “out of pocket”.

Typical home energy efficiency refurbishments would include items such as ceiling, wall and floor insulation, solar hot water systems, efficient lights and shading of windows. This scheme needs to be complemented by new ambitious minimum standards for all new buildings and renovations as well as appliance standards.

The Greens are currently finalising plans for a new legislative scheme that would similarly drive systemic energy efficiency upgrades in the industrial sector.

Unlocking the obvious greenhouse abatement opportunities from our non-residential buildings provides a significant immediate solution to reducing Australia’s greenhouse gas emissions and creating new skills and employment opportunities.

This opportunity must be pursued as a matter of urgency.

I commend this Bill to the Senate.

Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2010

This bill was introduced by the Australian Greens in the 42nd Parliament. The following second reading speech reflects the debate at the time of the bill’s original introduction.
most cost-effective renewable energy option. Those technologies best able to provide base-load generation, including solar thermal and geothermal, in particular, deserve Federal Government support.

Renewable energy feed-in tariffs have proved highly successful in many nations and recently have been introduced in South Australia, Victoria, the ACT, and will probably be soon introduced in Queensland. However, this Bill would go further than the approaches recently taken by Australian states by:

1. allowing the Minister to applying a feed-in tariff to any technology, not just solar photovoltaics;
2. ensuring that the feed-in tariff is applied to all renewable electricity generated, not just that component which exported onto the grid, which in the case of domestic PV systems may be negligible. The Victorian and South Australian feed-in tariff schemes are particularly weak in this regard;
3. establishing a national register which will yield valuable information about the effectiveness of the various renewable energy technologies supported; and,
4. creating a system whereby the owners of renewable energy systems make claims for the tariff directly to the regulator, thus simplifying the system from the point of view of electricity retailers.

To summarise, the scheme would operate as follows:

The Minister with responsibility for the scheme would set a feed-in-tariff rate for any of the sources of renewable energy technology listed in section 17 of the principle Act, each year. In doing so, Minister’s objective is to support the economic viability of electricity generation from a range of prospective renewable energy technologies. To achieve this, the Minister may vary FiT rates according to the type and location of qualifying generators.

The owner of a ‘qualifying generators’ will receive a constant FiT for 20 years, set at the time that they register with the scheme, on all of the electricity that they produce. Only generators installed after the commencement of the scheme and which forgo participation in the mandatory renewable energy scheme can be a ‘qualifying generator’. In this way renewable energy produced due to the FiT scheme will be additional to renewable energy generated due the MRET scheme. The main reason for this is that the future income that owners of renewable energy generators may receive from the sale of Renewable Energy Certificates may be difficult to predict, thus complicating the Minister’s task of setting an appropriate long-term feed-in tariff rate.

The Minister must review the FiT rate applying to each renewable energy generator type each year – with adjusted rates applying to new installations. In order to provide a degree of certainty to manufacturers and suppliers of renewable energy products, the Minister may increase the FiT rate, but can only decrease the rate it after a period of 5 years from the date that the rate was initially set, and then by a maximum of 10% per year. An exception to this rule could occur if the Minister elects to set a target level of installed renewable energy capacity (for any particular technology), and that target is achieved, beyond which point the Minister may reduce the tariff if such a course of action is deemed desirable.

In order to fund the scheme the Minister must set a FiT levy rate per MWh of electric energy acquisition from the electricity grid. The FiT levy is to be imposed by a proposed Renewable Energy (Electricity) Feed-in-Tariff Levy Act 2008. The FiT levy rate must be sufficient to cover the estimated cost of payments under the feed-in-tariff rate scheme. The FiT levy would be payable by all electricity retailers and direct customers of electric energy from the grid, calculated by reference to their annual energy acquisition statements lodged under section 44. Note that the annual energy acquisition statement is also used to calculate the renewable energy shortfall charge of an electricity retailer or a direct customer.

With regards to the payment of feed-in-tariffs, an annual return by the owner of a qualifying generator must be lodged with the Regulator within 30 days of each anniversary of the registration of the qualifying generator. The Regulator must then pay the feed-in-tariff rate to the owner of a qualifying generator within 30 days of receiving from the owner an annual return in the prescribed form indicating the metered energy produced by the qualifying generator.
The Regulator must also establish a Register which records:

a. details of all qualifying generators, including the name and address of the owner of the generator, the date of registration of the generator and the type of generator (that is, the eligible renewable energy source used by the generator); and

b. the total amount of electricity produced by each qualifying generator; and

c. the feed-in-tariff rate to be paid to the owner of a registered qualifying generator and the period for which the feed-in-tariff rate will be paid.

Finally, in the interests of transparency and accountability, the Minister must also ensure that an independent report on the operation of the FiT scheme is prepared and tabled each year. The report must include details of total renewable energy produced and total payments made under the feed-in-tariff rate scheme, and the total receipts from the feed-in tariff levy. As well, the Minister must provide statements explaining how the feed-in-tariff rates and levy rates are calculated and must table those statements in both Houses of Parliament each year.

The urgency of climate change requires serious, systemic action to build a new post-carbon world. This Bill will take a significant step in that direction and I commend it to the Senate.

Senator MILNE—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

AUSTRALIAN CAPITAL TERRITORY (SELF-GOVERNMENT) AMENDMENT (DISALLOWANCE AND AMENDMENT POWER OF THE COMMONWEALTH) BILL 2010

First Reading

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.15 pm)—I move:

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.

Question agreed to.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.15 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.15 pm)—I present the explanatory memorandum and I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This bill was introduced by the Australian Greens in the 42nd Parliament. The following second reading speech reflects the debate at the time of the bill’s original introduction.

At the election in 2008, 220019 voters in the Australian Capital Territory elected a legislature. Its laws should not be overridden by the federal government, in particular, the executive of the federal government.

The Commonwealth Parliament’s power to make laws for the territory comes from Sections 52 and 122 of the Constitution. Notably, the Constitution gives this power to the Parliament. In 1988, the Parliament delegated the power to the elected Legislative Assembly of the ACT through the Australian Capital Territory (Self-Government) Act 1988. However, the Self-Government Act provided for the Commonwealth Parliament or the Executive to disallow or amend any act of the ACT’s Legislative Assembly.

This bill removes that power from the Executive. It leaves no doubt that any disallowance or amendment of an ACT law should be by legisla-
tion of the Parliament as a whole. The Executive can and does meet in secret, without the direction or agreement of the Parliament. The provision for the Executive override of the ACT’s laws leaves Parliament, and its consultative committee system, diminished and reactive. This is not in the spirit of the Constitution.

This bill removes this anomaly and restores the Parliament’s exclusive power to wield or constrain Constitutional authority over the territorial assembly.

I commend the bill to the Senate.

**PREVENTING THE MISUSE OF GOVERNMENT ADVERTISING BILL 2010**

**First Reading**

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.15 pm)—I move:

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

Question agreed to.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.15 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.15 pm)—I present the explanatory memorandum and I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

This bill was introduced by the Australian Greens in the 42nd Parliament. The following second reading speech reflects the debate at the time of the bill’s original introduction.

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

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

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

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

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

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

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

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

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

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

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

I commend this Bill to the Senate.

**RESTORING TERRITORY RIGHTS (VOLUNTARY EUTHANASIA LEGISLATION) BILL 2010**

**First Reading**

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (4.15 pm)—I move:

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.

Question agreed to.
Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.15 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.15 pm)—I present the explanatory memorandum and I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This is a bill for an Act to restore the rights of the Northern Territory, Australian Capital Territory and Norfolk Island legislative assemblies to make laws for the peace, order and good government of their territories, including their right to legislate for voluntary euthanasia. The bill repeals the Euthanasia Laws Act 1997, through which the national parliament overturned this right, and specifically, the Northern Territory’s Rights of the Terminally Ill Act 1995.

In February 2008, I introduced a bill, The Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008, to the Senate. The bill was the subject of a Senate Committee inquiry by the Legal and Constitutional Affairs Committee. The inquiry received over eighteen hundred submissions from individuals, academics and community organisations and held public hearings in Darwin and Sydney. The report of that Committee recommended a number of amendments which have been adopted in the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2008.

In particular it should be noted that this bill does not restore the Northern Territory Rights of the Terminally Ill Act 1995. It does however restore the rights of the Northern Territory legislature to make laws about voluntary euthanasia in the future.

In 1995, the Parliament of the Northern Territory passed a law which reflected not only the will of Northern Territorians, but also the strongly held views of the majority of all Australians. Every opinion poll conducted over the last two decades has shown that approximately three-quarters of Australians support the concept of voluntary euthanasia. A poll conducted by Roy Morgan in June 2002 found that seventy percent of those surveyed thought the law should be changed to allow a hopelessly ill patient to seek assistance from a doctor to commit suicide; and seventy-eight percent thought the law should be changed so that it is no longer an offence to be present at such a suicide. A Newspoll in February 2007 found that eighty percent of Australians believe that terminally ill people should have a right to choose a medically assisted death. This poll also found that twenty two percent of respondents nationally have had a personal experience of a close relative or friend being hopelessly ill and wanting voluntary euthanasia. It has been consistently reported that each year hundreds of terminally ill people are assisted to an early and dignified death by compassionate medical professionals.

In the decade since the Euthanasia Laws Act was introduced here, the legal right to die with dignity has been available to the citizens of The Netherlands, Belgium, Oregon in the United States, Israel and Albania. In Switzerland, assisted suicide has been legal since 1918. Introduction of such laws has not led to a significant increase in the number of people choosing this option. For example in The Netherlands after an initial increase the percentage of deaths as a result of euthanasia, the number has decreased from 2.6% in 2001 to 1.7% in 2005. In Oregon, according to the health department annual report, an average of 29 individuals has died each year as a result of their Death with Dignity Act - in a population of 3.5 million.

In 1995 the Northern Territory Assembly led the way in Australia by giving its citizens the option to end their suffering with dignity and medical support. In 1997, Canberra removed that right. This bill will redress that action and restore the legislative rights of the governments of the Northern Territory, the ACT and Norfolk Island to
make decisions that both affect their citizens and reflect their views and concerns. In so doing, it reflects the heartfelt views of the majority of Australians on this important issue. I commend the bill to the Senate.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

COMMITTEES
Reform of the Australian Federation Committee
Establishment
Senator PARRY (Tasmania) (4.16 pm)—At the request of Senator Trood, I move:

(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.
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.

That 2 members of a subcommittee form a quorum of that subcommittee.

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.

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.

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.

Question agreed to.

MARRIAGE EQUALITY AMENDMENT BILL 2010

First Reading

Senator HANSON-YOUNG (South Australia) (4.18 pm)—I move:

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.

Question agreed to.

Second Reading

Senator HANSON-YOUNG (South Australia) (4.18 pm)—I present the explanatory memorandum and I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Marriage Equality Amendment Bill 2010 seeks to amend the Marriage Act 1961 to provide equality for same sex couples. The Bill would remove discrimination under the Marriage Act so that while marriage is still a union between two consenting adults, it is not defined by gender.

The Greens share the view of a majority of Australians that discrimination within the Marriage Act should be removed and that marriage should be available to all loving couples, regardless of their gender or sexual orientation.

The road to equality is a long one and the issue of same-sex marriage will not go away. Last year I introduced my Marriage Equality (Amendment) Bill into the Senate and it was subject to Inquiry. The Bill smashed Senate records, receiving more than 25,000 submissions—more than any other Senate inquiry. It is clear there is enormous community interest in this.

In February, my Bill was put to vote—the first time a Bill to amend the Marriage Act in this way had been debated and voted upon in the Senate. Unfortunately, the Bill was defeated with only the Greens in support.

I vowed to keep fighting and I promised to reintroduce my Bill for a second time, in the new Parliament. Indeed marriage equality was a key part of the Greens’ election campaign agenda. Today, on the first day of the new Parliament, I honour that commitment.

I must say the result on August 21 gives me a great sense of optimism for our country. For the Greens it was clearly a historic election, and the first hung Parliament in 70 years produces some
unique opportunities. For the first time a Bill initiated by any individual Member of Parliament, has a chance of succeeding. For the first time, the winner doesn’t take all and all parties have an opportunity to truly be heard in this place. This means the issues that the major parties have tried to sweep under the carpet, will be exposed and debated. To quote Independent Member Rob Oakeshott and The Prime Minister, “Sunlight is the best disinfectant.”

One of the things that was clear to me when I spoke to voters throughout the country during the recent campaign, was the groundswell of support for marriage equality. In fact that groundswell would be clear to both Julia Gillard and Tony Abbott as they were quizzed about marriage equality on the campaign trail. From Rudy Hill, Q and A and talkback radio this was a question that people everywhere were asking. Same-sex marriage was an issue that came up in every election forum and it won’t go away in this, the ultimate people’s forum, the Parliament.

Since I last moved to introduce my Bill, many state Parliaments have active on human rights for Gay Lesbian Bisexual Transgender and Intersex Australians. While no substitute for marriage, Tasmania has legislated for civil unions and NSW have legislated for same-sex parenting rights. These are important and historic reforms. They reflect the groundswell of public support for true equality for LGBTI Australians. Considered in the context of same-sex marriage in Canada, the Netherlands, Sweden, Belgium, Norway, Spain, South Africa, Mexico and many states in the United States – it’s all the more important that our national Parliament should not lag behind.

Now my Bill is back on the Senate notice paper, I intend to lobby the leadership of all parties to allow their members a conscience vote. I know there any many members in both houses that share the Greens’ commitment to marriage equality. In this new Parliament, every vote counts. Let us ensure that we truly act in the spirit of this new politics, and give all members the chance to vote for legislation on the basis of merit, not on the basis of who puts it forward. These are exciting times - let’s make the most of them, and we can start by removing outdated discrimination and providing true equality for same-sex couples.

Senator HANSON-YOUNG—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ASYLUM SEEKERS

Senator HANSON-YOUNG (South Australia) (4.20 pm)—I move:

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.

Question agreed to.

EVIDENCE AMENDMENT (JOURNALISTS’ PRIVILEGE) BILL 2010

First Reading

Senator BRANDIS (Queensland) (4.21 pm)—I move:

That the following bill be introduced: A Bill for an Act to amend the Evidence Act 1995, and for related purposes.

Question agreed to.

Senator BRANDIS (Queensland) (4.21 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator BRANDIS (Queensland) (4.21 pm)—I move:

That this bill be now read a second time.

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

Leave granted.
The speech read as follows—

This bill amends the Evidence Act 1995 to extend genuine protection to confidential communications between journalists and their sources. It is a testament to the Coalition’s commitment to open and accountable government and delivers on our election commitment to press forward this important reform.

This bill has its immediate genesis in the recommendations of the Liberal members of the Senate Legal and Constitutional Affairs Committee in relation to the government’s flawed 2009 bill. That bill, disappointingly, made only piecemeal and incremental changes to the existing regime.

The act currently provides that the court has discretion to direct that evidence that would disclose a confidential communication made to journalist or the identity of the source may be excluded. Such a direction must be made if the court is satisfied that the source might be harmed if the evidence is adduced, and that the harm outweighs the benefit of the evidence being given.

The government’s bill sought to extend the privilege by including possible harm to the journalist’s interests (in addition to those of the source) as a basis of a claim and by making the illegality of the disclosure a factor relevant to the exercise of the discretion rather than an exclusionary factor.

The existing privilege can therefore be described as a guided judicial discretion. Any claim to privilege is a matter to be determined by a judge by the weighing the listed discretionary factors. This has been criticised as providing very little certainty as to whether a disclosure is protected when it is most needed: in advance.

The position in New Zealand and the United Kingdom presumes that the communication between journalist and source is not subject to disclosure unless the party seeking disclosure can establish that the disclosure is necessary. For example, section 68 of the Evidence Act 2006 (NZ) provides that the court may not order disclosure unless it is satisfied that the public interest in the disclosure outweighs any adverse effect on the source or any other person and the public interest in communication of facts and opinion to the public by news media.

From a legal point of view, there is much to recommend a position that offers a higher degree of certainty in advance. This point was made to the committee by the former Solicitor-General, Mr David Bennett QC. This is the position this bill adopts.

Other professional confidential relationships

The Commonwealth and New South Wales evidence acts have departed from uniformity in their treatment of professional confidential relationships. The Commonwealth act confines the definition of a ‘protected confidence’ to a communication made in confidence to a journalist. The New South Wales act defines the same term as arising in the course of a relationship in which the confidant was acting in a professional capacity under an obligation not to disclose the confidence.

The continued restriction of privilege claims is anomalous. This bill therefore adopts the formula in the New South Wales act. Not only does it restore uniformity, but it avoids arbitrarily confining the circumstances in which claims for privilege may be justifiably asserted. As well, it brings this area of the law more closely into uniformity with equity courts’ protection of confidential relationships.

Finally, the bill extends the application of these new privileges to all proceedings in any Australian court for any Commonwealth offences. Because the Commonwealth does not have a dedicated court of criminal jurisdiction, in nearly all cases the relevant proceedings are brought in state or territory courts.

I would again like to commend the work of the Liberal members of the Legal and Constitutional Affairs Committee, as well as the valuable input we have received from Mr John Hartigan, Chris Merritt, Australia’s Right to Know and many others. The coalition is proud to take a stand in defence of freedom of speech and the protection of communications made in confidence.

I commend the bill to the Senate.

Senator BRANDIS—I seek leave to continue my remarks later.

Leave granted; debate adjourned.
JOINT STANDING COMMITTEE ON MIGRATION

Senator HANSON-YOUNG (South Australia) (4.22 pm)—I move:

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.

Question agreed to.

NOTICES

Presentation

Senator Xenophon to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Transport Safety Investigation Act 2003 to prevent interference with incident reports, and for related purposes. Transport Safety Investigation Amendment (Incident Reports) Bill 2010.

COMMITTEES

Membership

The DEPUTY PRESIDENT—The President has received letters from party leaders and an Independent senator nominating senators to be members of committees.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (4.23 pm)—by leave—I move:

That senators be appointed to the Foreign Affairs, Defence and Trade Legislation and References Committees in accordance with the document circulated in the chamber.

The list read as follows—

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed: Senators Bishop, Forshaw, Hutchins, Kroger, Ludlam, Trood


Foreign Affairs, Defence and Trade References Committee—

Appointed: Senators Bishop, Ferguson, Forshaw, Kroger, Ludlam, Trood


Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Economy

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

The Gillard Government’s failed budget strategy of debt and deficit putting upward pressure on interest rates.

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

More than the number of senators required by the standing orders having risen in their places—
The DEPUTY PRESIDENT—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator MASON (Queensland) (4.24 pm)—This is Australia’s 43rd Parliament in our federal history, but some things never change. What has not changed since Federation is this: Labor governments always get Australia further into debt. Every Labor government spends more money than it brings in, every one of them since 1901.

I note that my friend and colleague Senator Fifield’s matter of public importance relates to the Gillard government’s failed budget strategy of debt and deficit, or should I say today the Gillard-Bob Brown government, the red-green coalition. This MPI would have been as relevant in 1995 under Mr Keating. This MPI would have been just as relevant in 1975 under Mr Whitlam. This MPI would have been just as relevant in 1945 under Mr Curtin or Mr Chifley. This MPI would have been just as relevant in 1905 in the aftermath of the first Labor government of John Christian Watson. The one thing that remains the same is debt. Remember this, there is an iron law of Australian politics and it is this: when Labor leaves office, Australia is further in debt. In good times, in bad times, in peace or in war, it is always the same, Senator Cameron—more debt. Eleven Labor prime ministers and always more debt. The only common element in Labor Party politics from 1901 is more debt. Sometimes Labor are socialist, sometimes they are social democratic, sometimes they say they are economic conservatives. Sometimes they play up to blue-collar conservative constituencies. Sometimes they play up to the inner-city swingers. They change a bit, but what is the one constant: they always leave more debt. That never changes.

Under Labor, no matter what the era, no matter how trendy, no matter what leader they have, no matter what faction, no matter what gender, no matter what agenda, no matter whether they are committed to the White Australia policy or multiculturalism, no matter whether they are committed to protectionism or to free trade, no matter whether they are pro-Soviet or pro-American, it is always the same with Labor—more debt. That is the one constant in 110 years.

What are the consequences of debt? The cost of money goes up; debt places upward pressure on interest rates. That is the one constant in 110 years of federal government. We will hear this afternoon the Labor Party say: ‘Don’t worry, because this time we promise the debt really is necessary. It has to be done. Going into debt $100 million a day this time really is worth it. This time we have got it right. This time it has to be done.’

So what did Labor do? They had two flagship programs to stop the recession: putting pink batts into the roofs of Australian homes and building school halls. That was their plan to stop the recession. In the end some buildings burned down and others were built. That was what Labor’s policies to stop us from going into recession came down to. That was Labor’s failed recipe to stop us going into recession. We now know that the pink batts program was an absolute fiasco. There were four deaths, 200 house fires, 1,000 electrified roofs and dodgy insulation that is going to cost a further $1 billion to fix. It has also left a trail of ruined businesses throughout Australia. This was their good idea to save Aus-
tralia from going into recession—putting pink batts into the roofs of Australian homes. Even poor Ms Gillard, the Prime Minister, said there were issues with that program—there were issues, indeed. It was an embarrassing failure and it is going to cost another $1 billion of Australian taxpayers’ money to fix it.

Then of course there was the Building the Education Revolution, one of the greatest infrastructure projects in Australia’s history. It was worth $16 billion. What did it amount to in the end? It amounted to overpriced school halls. They were somewhere between 40 and 60 per cent overpriced. Why? Because the government did not have the oversight mechanisms to determine how much those buildings should have cost. When they asked state governments to spend the money they did not have the oversight mechanisms to determine what was good value for money. As a result, for $16 billion, taxpayers got about $8 billion worth of value; $8 billion was wasted. These were the great projects to save us from recession.

It had nothing to do apparently with having one of the soundest banking systems in the world, courtesy of the Howard-Costello government. It had nothing at all to do with having one of the soundest prudential and financial regulatory systems in the world? It had nothing to do with the fact that we ran surplus budgets for 10 consecutive years? It had nothing to do with the fact that there was no government debt? It had nothing to do with the fact that we had a AAA credit rating? No, it had nothing to do with any of that. The government thinks it kept us out of recession by putting pink batts into the ceilings of Australian homes and building overpriced school halls. It had nothing to do with the fundamental soundness of the Australian economy, which is totally due to the Howard-Costello government?

It was an absolutely embarrassing shambles. If only it were so simple then all President Obama would have had to do was put insulation in roofs and spend some money on school halls and America would not have gone into recession. It would have been the same for Gordon Brown in Britain. This is a joke, an embarrassment and a fiasco. Those schemes are indefensible.

Senator HURLEY (South Australia) (4.33 pm)—Net debt roughly comprises two things: income and expenditure. Income, generally speaking, for the government is a matter of tax. In the last term of the Labor government in response to a campaign promise there was a very significant tax reduction for many Australians. At the same time there was also an increase in the single pension rate. That substantial increase in the single pension rate was much overdue. There was also an increase in the utilities allowance for pensioners. There were some tax increases by the previous government as well. Significantly, there was the alcopops tax and the lifting of a tax exemption for offshore gas industries.

In bringing forward this matter of public importance about the budget strategies and debt I presume the coalition are not proposing to take away the tax reductions that were given to ordinary Australians last term and are not proposing to take back the increase in the pension rate. So what would the coalition have done if they had actually won? They talked much during the election and in the short time since we have been back about tax increases in a Labor government, but what would the coalition actually have done? In the election and subsequently their election promises were shown to be poorly thought out and unable to sustain reasonable analysis. I think Laura Tingle in the Australian Financial Review on 3 September 2010 said it better than I could. She said:
There are two possible explanations for how an opposition presenting itself as an alternative government could end up with an $11 billion hole in the cost of its election commitments.

One is that they are liars, the other is that they are clunkheads. Actually, there is a third explanation: they are liars and clunkheads.

But whatever the combination, they are not fit to govern. And I think the debate that we have had subsequent to the election illustrates that very well. The opposition policies would not have stood up if they had won the election. They have opposed Labor’s proposed mining tax right from the beginning. They have denied any discussion on it. We have to ask now, when we are discussing the matter of income and expenditure, whether it is reasonable that income from Australia’s non-renewable resources should be used to fund critical nation-building infrastructure and in developing our skills base. Those on the Labor side, and now that is the government side, say, ‘Yes, they should be in some form or another.’ The mining tax as proposed by the former government will be changed significantly after consultation, I suspect. I think the mining industry was indeed expecting a change in the mining tax regime. It does make sense, particularly in the two-speed economy that is so much talked about now, that we do get some return from our non-renewable resources and that we do use that to boost the income side of the equation when we are talking about net debt.

But I will move on to the expenditure side of things. Here again we have the opposition waxing very passionately and long about reducing expenditure. One of their key platforms, apparently, is to freeze the Public Service, so if people leave the Public Service then there is a freeze on that number. That would dramatically reduce services and our skills base in the Public Service.

What are the proposals from the government? What are the actual, real policies that are proposed by the government and that the opposition opposes? We have, principally, the National Broadband Network. We heard Senator Joyce earlier repeat one of the accusations the opposition make about this—that the National Broadband Network is not useful; that it would merely help people to download movies faster. This betrays a very serious lack of understanding of many aspects of the way that the digital system works in our economy. It also betrays from those opposite, who often come in here and lecture this side of politics about their business acumen and experience, a very poor understanding of how business operates in the modern world. My husband is involved in the IT business. I know how important both download and upload speeds are to his business.

The opposition seem to have failed to understand this despite the fact that many of them represent regional areas. We have seen in the recent past many small businesses start to operate from regional bases because they have a reasonable broadband speed that allows them to sell globally on the internet and to download information. Farmers are doing it and small business people are doing it in regional cities and small regional towns. This is why the Independents are supporting a national broadband network and why they believe that that expenditure is worth it. It is critically important in a modern world; and Australia, as I understand, wants to be part of the modern world—even the opposition do.

The second major aspect of criticism is in the area of infrastructure. The inland rail network is coalition policy. The Nationals have made promises, saying, ‘We will invest in critical road and rail infrastructure and stimulate private investment in major infrastructure projects around regional Australia to reduce the burden on the taxpayer.’ That is
just the sort of lack of rigorous policy and costings that we have come to expect from the opposition. They speak vaguely about bringing in private investment, and this at a time when private investment is only just starting to recover around the world. By and large this scale of investment, if we are talking about critical road and rail infrastructure, is not able to be supported by Australian investment. Here in this place earlier today Senator Joyce complained about investment coming in from China and the Middle East and having to pay back that money; and yet his party are promising major infrastructure investment from private investors. Does he seriously expect that private investment to come from within Australia? I do not think so. This is fudging and an example of doublespeak from the Nationals.

Again, Senator Joyce said earlier today: ‘You have to pay back that debt. God help you if you can’t pay them back.’ And again that illustrates his lack of understanding about the way that government economies work. I have sat in estimates with Senator Joyce and in other hearings of the Senate Economics Committee and seen Treasury officials and other economists patiently, time after time, try to take him through exactly how the economy works and why the Australian economy has a AAA rating and most of the states have a AAA rating. The net debt that he is talking about does not operate the way a small business does. We are not in danger of imminent default, as he and many others in the opposition keep saying and keep trying to scaremonger on. It is nonsense and this motion is nonsense. I have been in many meetings and had this patiently explained to me, and to others from the opposition. There is now a Treasury paper reconsidering the link between fiscal policy and interest rates in Australia which answers this motion precisely. I will just read from the abstract:

This paper examines the empirical relationship between government debt and the real interest rate margin between Australian and US 10-year government bond yields. Results for the period 1990 to 2009 suggest that Australian general government net debt has no impact on the short-run real interest margin, and has only a small effect on the long run. Further, the estimates suggest that movements in US general government net debt have a considerably larger effect than Australian general government net debt—implying that US influences take greater prominence in explaining the real interest margin.

I know that if he really tries Senator Joyce, and others in the opposition, will understand that. I have no economic background; my interest is limited. But that seems pretty clear to me and should be pretty clear to those in the opposition. I would like to see those in the opposition focus on a genuine debate. God knows, in these difficult economic times there are enough genuine issues of economic policy to focus on, without spurious and deliberately misleading motions like this one.

Let us have a look back, in the couple of minutes I have left, on the coalition record on interest rates. There were 12 consecutive interest rate rises in a row between 2002 and 2008 under the previous Liberal government—interest rate rises that occurred in the teeth of Reserve Bank warnings about an overheating economy and inflation. That is the legacy of the Liberal government: 12 consecutive interest rate rises in that six-year period. And they come in here and try to lecture this government, which has seen Australia safely through a global financial crisis, about interest rates and deliberately ignore Treasury advice. The last Liberal government did not leave us a budget deficit, and senior ministers and Prime Ministers in this government have acknowledged that and have given due credit to the previous government for that.

What the last Liberal government did leave were two very important deficits. They
were a skills deficit and an infrastructure deficit. Despite the global financial crisis, this government has decided that those twin deficits cannot be left any longer. They must be addressed, even at the risk of a short-term government deficit, because it is now urgent. If Australia is to take itself out of the boom-bust of renewable resources and set itself up as a modern, productive economy which is lined in with the digital economy, we must take urgent steps now to deal with those infrastructure deficits and skills deficits. That is what this government has been focused on since it has got in and I hope that, despite our minority status, we will be able to take it up with renewed vigour in this new term of government. I hope that we will get some practical support from those opposite and from the other parties and independents in this place.

Senator KROGER (Victoria) (4.48 pm)—I join my colleagues in speaking to the matter of public importance—that is, that the Gillard government’s failed budget strategy of debt and deficit is putting upward pressure on interest rates. I want to use this opportunity to highlight the fact that it is the coalition that truly understands the correlation between strong economic management and the vitality of the small business sector. It is this sector that is the engine room of the Australian economy and it deserves our practical support and incentive to grow, prosper and employ more people. This is in strong contrast to the platitudes and the rhetoric we continually hear from the government about their so-called management of the Australian economy, and which we have just listened to another mind-numbing 15 minutes of. In fact, it is those on the ground, the small business people who invest their family’s interest and, in so many instances, mortgage their homes to bankroll their businesses, who know otherwise.

Labor offers only more of the same indifference and disinterest that has seen a loss of 300,000 small business jobs since Labor was elected to government. Why is this? It is because on this side of the chamber we know and understand that out of control and escalating spending means increased interest rates. The more any government spends—and in the case of this government, it is expenditure where there is no idea of how to ensure value for money—the more it equates to significant upward pressure on monetary policy, directly impacting the bottom line for small business. It is small business that delivers just under half of the jobs in the Australian workforce—about 40 per cent of private sector economic output and more than one-third of Australia’s exports. Only the coalition recognises that a thriving small business sector is a key contributor to a prosperous Australia, to sustainable economic growth and to community vitality.

The ABS, in June 2006, estimated that there were 1,646,344 small business operators. Of these, 67 per cent worked full-time hours—full time, a definition that those in the union movement do not understand. For those of us who have worked in small business, the notion of a 35-hour week is laughable. I would suggest that those small business operators would work double that time.

Senator Cameron interjecting—

Senator KROGER—That is because the financial security of families running small businesses is at stake. They are at the coal-face, and any significant economic changes will be immediately felt by these operators. Yet Labor is still making life more expensive for small business. Only this week the Prime Minister has formed a committee for sycophants—or should I call them ‘believers’—who are determined to bring forward a carbon tax and legislate it in this parliament. With energy being a significant input cost,
this will immediately increase real costs without any productivity gains for those operators.

The bottom line is the chime of the cash register will be an endangered sound. In fact, small business will become an endangered species under the disgraceful and inept management of this Gillard government—a government that has runs on the board in this regard. The irresponsible approach taken by the government should be no surprise; as of the last government, only 12 senators on their side had any experience in small business. That compares to 50 per cent of them who have union backgrounds and are here through the grace of their factional allies and factional mates. They are here because of their affiliation with the union movement. In the interest of the country, the Gillard government should focus on the real issues concerning Australians rather than spend time on petty political point scoring in the other place.

Senator RONALDSON (Victoria) (4.53 pm)—I note with interest that Senator Cameron was interjecting on Senator Kroger. Senator Kroger said that Senator Cameron had no experience with small business. That is not true. He has a lot of experience with small business: he used to get big ones and make them considerably smaller! That was his contribution to employment in this country. I noted with interest, as well, that Senator Cameron was again interjecting on Senator Kroger. Where were the likes of Senator Cameron during the debacles surrounding the BER program, the pink batts program and the remarkable waste involved with those programs, which have not single-handedly put upward pressure on interest rates but have been an enormous contributor to it? Where was the Australian Labor Party backbench when they had the opportunity to have some input into this wanton expenditure driven by a political agenda for which there was no excuse?

Where was Senator Cameron? Where were the rest of the backbench when their government was out spending the funds of Australians on building education programs and pink batt programs for which there was no excuse? Senator Cameron knows full well that the figures of waste in relation to those two programs alone were absolutely mind-blowing. Did the government, having been warned about this, do anything—make any attempt to reduce that spending? No, they did not. From recollection, the BER was at least identified as having $1½ billion in wastage and $5 million in overexpenditure—or the other way around.

It is clear that in the Australian Labor Party, if you muck up, you get promoted. The member for Kingsford Smith has been promoted—or was he promoted because he made a mess of this or, as reported by former Senator Richardson, because he said he was going to create a by-election if he was not retained in the cabinet? It is one of two things. You will either get rewarded for economic failure which puts upward pressure on interest rates—you get a boot up the cabinet tree if you make a debacle of a program like this—or you are too precious to sack because, if you get sacked and go to a by-election, there is a very fair chance that in the seat of Kingsford Smith the Australian Labor Party would get rolled. This was a threat. One of those two things has happened.

I want to refer to some articles in today’s paper. I will preface these comments with this comment—

Senator Cameron—Was it the Australian?

Senator RONALDSON—It was the Canberra Times, actually—unless you are opposed to them as well! Where do they fit?
Are they good? You have just attacked the *Australian*. How does the *Canberra Times* rate? Give me a hint. We know you hate the *Australian*. How about the *Canberra Times*? I am sure a few of them are listening. How do you rate them? Are they good or bad? Are they like the *Australian* according to you or are they different? I rather suspect that you are a very keen supporter of the *Canberra Times*, so you will be a little shocked when I read this. But before I get to that I want to say this. Not in some 50 minutes of a speech that, in the defence of the Governor-General, was not written by her—we all know that—was there one word about cutting government expenditure. There was not one single word in a 50-minute government prepared speech about cutting expenditure to ensure that we do not keep this upward pressure on interest rates. Clearly this government has no intention at all of doing anything about reducing the potential impact on Australian families.

Senator Cameron comes, like I do, from a state which is completely different from Western Australia and Queensland. Senator Cameron knows as well as I do that the small business community in New South Wales and Victoria is under enormous pressure. Those in retail in particular are under enormous pressure. I defy anyone in this chamber or the other place to go into a small business, particularly a retail based small business, in Victoria, New South Wales or Tasmania—Senator Barnett is here—and say that that business is not under enormous pressure. They will be under even greater pressure if we see a surge in interest rates on the back of a failure of this government to cut government expenditure.

I notice in the gallery that there is a family with two young children. This family will potentially be the losers, with higher interest rates. I do not know the couple I am looking at with their children; I do not know their circumstances, but I rather suspect that they are probably average Australians, like the people in this chamber, who will be unduly impacted by an increase in interest rates if it is not backed by the sort of economic growth that we should hope to see to try to counter some of those impacts.

I will read from the *Canberra Times* some comments in an article by David McLennan. He said:

The Government has rejected—and I am being quite open and transparent with what I am quoting—a respected forecaster’s prediction that the budget will only briefly return to surplus, but the Opposition has seized on the finding as proof “Australia is facing years and years of budget deficits”.

Access Economics’ latest Budget Monitor predicted the nation’s accounts would fall back into deficit after a brief return to surplus in 2010-13 because of declining commodity prices.

The article goes on:

Opposition treasury spokesman Joe Hockey said the report showed the budget was built on quicksand.

“It’s undeniable now that because the Government is spending all of the proceeds of the mining boom, Australia is facing years and years of budget deficits, which means more and more debt from Labor that will never be repaid,” he said. “Unless Labor pulls back on its spending, Australians are facing higher interest rates and higher taxes.”

Indeed, if you go through all the economic commentary in the last week, you will see another article from David McLennan yesterday titled ‘Commodity boom ‘house of cards’” and an article from David Uren today in the *Australian*. I know that Senator Cameron has a passionate hatred of the *Australian* but I am sure he is not indicating that that is a personal attack on the bona fides of Mr Uren, because I would have thought David Uren is viewed by most people as being a good economic commentator and a
reasonable economic commentator—a very reasonable economic commentator. He has indicated the very things that we are talking about. We are just about to venture down a path that this Prime Minister will have no control over. This Prime Minister will have no control over it because this is the same Prime Minister who drove the Building the Education Revolution fiasco. This is the same Prime Minister who was incapable of addressing the pink batts debacle. This is a Prime Minister who quite frankly, I suspect, does not care what the impact of higher interest rates is because this is a Prime Minister who gave to the Governor-General yesterday a 50-minute speech that made no mention of it whatsoever. (Time expired)

Senator CAMERON (New South Wales) (5.03 pm)—I must congratulate Senator Ronaldson, the previous speaker, for clearing the gallery. That family with the two kids he mentioned in his speech could not stand the hypocrisy for one minute longer, so off they went. It was a fantastic clearing of the gallery. Well done, Senator Ronaldson.

Let me talk about the budget approach of the government. The budget approach of this government is to make sure that we build the economy, have a strong economy and build a fair society. It is pretty simple. It is about building a fair society. It is about understanding that the market cannot deliver on its own, that there is market failure and that government needs to intervene in the market. That is exactly what the government has done.

If you go back and have a look at the so-called great economic record of the Howard government, what you will see is a record of abject failure. Business investment collapsed under the Howard government. International investment was not made here under the Howard government. There was a failure of innovation that is so important to our economy. We were amongst the lowest spenders on research and development in advanced economies. That is the record of the Howard government: a failure of productivity. Productivity declined under the Howard government. We hear all these lectures about productivity and yet under the Howard government productivity declined. We were amongst the lowest in OECD countries in productivity. And what was their answer to low productivity? It was Work Choices. That was the answer to low productivity. Cut workers’ penalty rates, cut family standards of living, get rid of annual leave loading, get rid of rights on the job and get rid of penalty rates. That was the record of the Howard government. That was your economic policy, an economic policy based on attacking working families in this country. There was a failure of development, a total reliance on the minerals and mining sector for this economy.

Under the Howard government the export share of elaborately transformed manufactures fell from 23½ per cent to 17½ per cent, so the knowledge industry, the manufacturing industry, declined under the Howard government. There was a failure of competitiveness. Our current account deficit continued to rise. There was a failure of balance and what you did with Work Choices was to transfer $30 billion a year of workers’ wages to profits that were then not reinvested. That is what you did. Those profits went into the back pockets of the billionaires and millionaires, and you stood back and applauded that approach.

Your biggest failure was to fail to deal with the issue of long-term sustainability not only of the economy but of the environment. Now we know why you failed to deal with it because all the extremists, the climate change deniers and the climate change sceptics that dominate the Liberal party would not even let John Howard deal with the issue of climate change. Now you have the wrecker in charge—your leader, Mr Tony
Abbott, is nothing but a wrecker. That is what you have in your leadership now. He would wreck the economy, he would wreck our chances to try and deal with climate change and he would wreck workers’ rights. You know that is the position because that is where you fundamentally come from. You fundamentally come from a position that says that workers will sacrifice to improve productivity and workers will sacrifice to increase profitability for business. That is where the wreckers are. You are the wreckers.

You demonstrated your total lack of economic competence. In the period that you were in government there was over a decade of lost opportunities when the money was flowing in from the mining boom but the coalition were incapable as a government of actually making the investment for the future. You did not invest in education, you did not invest in skills and you did not invest in the industries that built the knowledge for the future. You were an abject economic failure, an absolute rabble masquerading as competent economic managers. But the game was up for you. There were 10 interest rate rises in a row. You know that you were never competent to run the economy.

We have a coalition that is incapable of actually framing an independent economic agenda. If the Australian ever goes belly up and closes down, you will have no economic agenda because your agenda relies on the commentators in the Australian. This resolution before us today is straight off the front page of the Australian newspaper. That is where it is from. Every question you ask on economics, every position you adopt in economics is straight out of the Australian playbook. That is where you come from. You are incapable of developing decent economic policy for this country. The Australian front page is really the proxy for your economic competence. If you want to know what the Liberals and the coalition are going to be up to, read the front page of the Australian and that is what you get in this place all the time. You do not get any innovation, there are no policies that would support working families.

The proposition that you have put up in this resolution goes to the fundamental difference between Labor and the coalition. You are the wreckers in this parliament. You are clearly the wreckers. We are about building for the future. Your position is to let the market rip. How else could you justify the position that you adopted when we were facing the global financial crisis and your economic spokesperson was saying, ‘We should just wait and see what happens.’ When the International Monetary Fund, the OECD and governments around the world were saying that you must intervene in the economy and take steps to maintain economic activity, what did the coalition do? The coalition said, ‘We should wait and see what happens.’ What an abject failure of economic leadership from this so-called economically brilliant opposition. You are absolute economic phoney’s and you know it because you could not deliver on the key factors that build the economy.

You have the cheek to come in here and criticise a Labor government that has underpinned 210,000 jobs and created half a million jobs. When countries around the world are looking to put more investment in to try and create jobs, we are seen as the economy that delivered, the government that delivered. We are the government that made this economy absolutely clear of recession. There was no recession in Australia and recessions in almost every other country in the world. What you wanted to do was to run the line that you got from the economic radicals in New York—the Tea Party. You had the ‘tea party’ out here telling you how you should take up your next political position. You know it is true. You had them out here and
you are all about cutting government expenditure. It does not matter if government expenditure is—

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! Senator Cameron, I would remind you to address your remarks through the chair. I would also ask senators on my left to abide by standing orders and stop interjecting so that we can have an orderly debate.

Senator CAMERON—Thank you, Mr Acting Deputy President. That is a very fair ruling, and I will definitely address the issue through the chair. What the opposition say is that government borrowing is bad, private borrowing is good and the market should just be left to get on and do the job. That is what the tea party extremists are here in Australia telling the Liberals and the coalition now. The tea party message to the Liberals is that government debt is bad, private debt is good and income tax cuts should simply be the answer to everything. That is the proposition that these guys from the coalition are dealing with now. They act as if there was no global financial crisis ever. They are trying to pretend there was no global financial crisis.

Senator Bushby—There was a North Atlantic crisis.

Senator CAMERON—You never hear them talking about the global financial crisis. You never hear them having any sympathy or empathy for Australian families who would have had no job and would have been confined to long-term unemployment. You never hear them talk about the industries that would have gone under if the government had not put its fiscal stimulus package in place. You do not hear any of this. They do not have any idea about what a government should do when faced with a global financial crisis. They keep coming up with the same arguments, yet they do not understand how the financial bubbles created this economic crisis. They really do stick to the old adage that greed is good. That is where they come from. They think greed is good. They do not really care about working families. That has clearly been their position over the years.

The budget strategy that the Labor government put in place was dealing with debt in an appropriate way—a timely, targeted and temporary way. We have debt levels that are dramatically lower than in any other advanced country in the world. We have a deficit that is lower than in any other advanced country in the world. All your fear campaigns will be addressed. We will confront your fear campaigns, because the days of you running fear campaigns and getting away with it are over. You have no other strategy than fear. That is the approach you take. The coalition are the economic fundamentalists who are running fear campaigns and are the wreckers of the economy. That is really the position you are in.

It is Labor that will build a strong economy and a good society. It is Labor that cares about working families. You see, we understand that, if government does not step in when the private sector steps out of investment, it is ordinary workers in this country that suffer. It is workers that are made redundant. You see, I actually know what it is like to be made redundant. I have been made redundant as a fitter working in ordinary business. I do not think there are too many on the other side that would know what it is like to come home and tell your family that you have been made redundant and that you have no job, no income and very little chance of getting a job. I do know what that is like. I have been there. You do not know what it is like, because clearly your economic policies would make it worse for ordinary Australians. When you end up in a recession and you have families being wrecked by this laissez-faire economic policy of the coalition,
you do not think about the jobs that are lost and the impact that that has on ordinary Australians.

You come here and lecture us about small business. Let me tell you: we are the ones that want to cut tax for small business. We are the ones that want to increase the wealth of ordinary Australians by increasing superannuation. We are the ones that want to increase infrastructure in this country, and you have no plan and no strategy for that. All you want to do is have your mates in the mining industry continue to operate as billionaires and not pay their fair share of taxes. That is not what we are about. We are about making sure that Australians get their fair share, that we have a strong economy and that we have a fair society in this country. That is the difference between Labor and the coalition.

Senator RYAN (Victoria) (5.18 pm)—As always, it has been nothing short of an extraordinary contribution from Senator Cameron. I find it difficult to sit here with a straight face and be told by a member of the Labor Party how bad it would be for workers to be made redundant and how terrible a recession would be, because the last time Australia had one of those it was the one we had to have, where farmers, businesses and homeowners around Australia lost their homes, their businesses and their livelihoods directly because of the actions of that Labor Party. Then the Treasurer had the gall to stand up and say to the Australian people, ‘This is the recession we had to have.’ So much for the million unemployed people! So much for the $90 billion of debt that was built up in those four short years of the nightmare that was Paul Keating! What we did over 11 years was to fix the wreckage that you left the Australian economy in. What Labor is doing today is the same thing.

We could go back through treasurers through 30 years. It could be Costello, Keating, Howard or Hayden. They all spoke about the need to reduce government spending and, in Labor days, to reduce the deficit so as to reduce pressure upon interest rates, because we all know—it is basic economics—that there is a trade-off between the level of government deficit and borrowings and the pressure put on monetary policy. This is a basic principle of economics. This is the challenge that this government has not been able to address, as the previous government did, in its response to what it termed the global financial crisis. As it always does, it tried to contrive and confect some greater excuse, as Senator Bushby interjected earlier when he referred to this as being primarily a North Atlantic crisis. What this government did was to introduce a so-called stimulus that was too much, too quick and way too messy. It was too poorly targeted. You were warned at the Senate inquiries into the stimulus package that the pink batts program would be a fiasco. You were warned throughout the BER program that the system was being rorted, that money was being wasted and that the government, the taxpayers of Australia and the children in those school halls—who are going to have to pay for them for 20 or 30 years—were being overcharged by the system you set up.

The point here is that this government has no claim to economic credibility. As for Senator Cameron’s claims about the 11 years of the Howard government, I only say that the Australian people would look forward to another 11 years of economic management of that quality: unemployment that was among the lowest we had seen in 40 years—the lowest in my lifetime—government debt paid off, and money put in the bank through the Future Fund to pay for the deficits and the liabilities built up under the Hawke and Keating Labor governments. The country could do with a fair bit more of that, so if Senator Cameron is saying that the country
could have a bit more of that then I am sure we would agree.

Senator Cameron likes to talk about the last financial crisis. I notice he did not mention the current one. What we are seeing, particularly in Europe and, worryingly, in other parts of the world, is the second one coming. This second one is much more dangerous because it is a sovereign debt crisis. We have countries in Europe that cannot borrow. We have the European Union trying to set up a $500 billion stabilisation fund that the financial press has been reporting in the past few weeks is not succeeding. What is that driven by? It is driven by governments borrowing too much money. Every time the government borrows a dollar, it is asking a future Australian to pay it back with interest. This government inherited a $20 billion surplus. Last week it claimed that somehow the small $2 billion improvement in the deficit, from $56 billion to $54 billion, was a measure of the government’s success. God knows the country cannot afford any more success like that, nor can the children, the future taxpayers of Australia.

We heard in the Senate inquiries into the stimulus—held before and afterwards—from eminent economists that the government borrowing increasing amounts of money, a lot of it offshore, some of it domestically, is putting upward pressure on interest rates. They are higher than they would otherwise be. For a while the government’s excuse was that they were returning to their normal level. But the truth is that now they are going above the normal level. The senior economist at HSBC, a former senior economist at the Reserve Bank of Australia, lifted the veil—and the truth on this government has been exposed—when he predicted last week that we are going to see a 1.25 per cent increase in interest rates by the end of next year. Expectations in the markets are that interest rates are going up. Expectations are in the order of a per cent. This person has predicted 1.25 per cent. That is going to mean hundreds of dollars a month for the average mortgage holder—and many Australians hold mortgages larger than the average—and it is going to mean a significant burden upon small business. I want to turn to this in my last couple of minutes.

It was a great pleasure to be appointed one of the coalition spokespeople in this portfolio last week, because this is the heart and soul not only of our side of politics but of the Australian economy. Senator Cameron was up here talking about how the Labor Party cares about small business. At the moment they are launching an attack on unincorporated small businesses and personal services income to try and drag them into the unionised employee net. Their attacks on small business finance have been numerous. The government guarantee destroyed the non-bank lending to small businesses and medium businesses around Australia. The government guarantee put an end to a lot of the competition in the banking sector. What we see now is that more than ever it is hard for small business to access the finance they need to run and manage their business. With these interest rate increases that are coming, it is going to become not only harder to get but one hell of a lot more expensive.

The truth about this government’s impact on interest rates was made clear by the Treasury itself in the so-called red book when they said that ‘there is also scope for the government to improve the quality of its own spending programs in a way that takes pressure off interest rates and the exchange rate’. There we have it: the Treasury the government so often likes to refer to making it clear what everyone else knows is a basic principle of economics. If the government keeps borrowing and keeps running up debt, we will see higher interest rates than there otherwise needs to be. Just like in 1996, this government is going to pay for increasing
this interest rate burden on Australian people and small businesses.

AUDITOR-GENERAL’S REPORTS
Report No. 9 of 2010-11
Australian National Audit Office Annual Report for 2009-10


Senator MILNE (Tasmania) (5.26 pm)—by leave—I move:

That the Senate take note of the document.

The Senate will recall that on 4 February this year I wrote to the Auditor-General asking for an immediate and comprehensive investigation into the gross mismanagement of the Green Loans scheme by the then minister, Mr Peter Garrett, and the Department of the Environment, Water, Heritage and the Arts. I pointed out at the time that the Green Loans scheme was an excellent idea but had turned into an utter debacle through gross mismanagement by the department. I pointed out to the Auditor-General that there had been failure to adhere to the promised 1,000 to 2,000 limit on the number of assessors, failure to deliver on the online booking mechanism, failure to provide or oversee the interim call centre booking process, failure to administer the conditions the federal government placed on its own program regarding conflicts of interest and probity in terms of procurement, and failure to exercise quality control and due diligence in relation to the standard of training provided to prospective assessors and the quality of the assessments provided to consumers. I also asked the Auditor-General to report on the failure to implement an audit facility in the program and on favouritism and discriminatory practices relating to access to work through the program. The Senate will recall that I asked the minister representing the minister at the time, Minister Wong, about how it was that Fieldforce were able to book assessments over the summer when the system was down and the independent assessors were not able to get that work.

Now the Auditor-General has reported, and his report confirms largely all of the criticism that had previously been made by the other assessments of the Green Loans Program, including the Faulkner report. The Auditor-General has said that the problems besetting the scheme were largely due to ‘an absence of effective governance’ in the Department of the Environment, Water, Heritage and the Arts. I will say that again: ‘an absence of effective governance’. This was not just one person. This was systemic lack of effective governance in the department.
What is even more worrying is that there was clearly no oversight in the department at the highest levels; and what I am sure is shocking to people aware of this program is that the former minister—and I quote from the report—‘received incomplete, inaccurate and untimely briefings on program design, features and implementation progress, challenges and risks’. In other words, when the minister sat down to find out from the department how the Green Loans program was going, he was given inaccurate, incomplete and untimely briefings.

My question is: who is to be held responsible here? Clearly, there are real problems with procurement and that goes to the issue of Fieldforce, which I raised in the Senate previously. The Auditor-General finds that Fieldforce did gain market advantage due to the way this program was designed. He also acknowledges that Fieldforce did not seek that market advantage but got it nevertheless by virtue of the failure of a range of things—from the booking program and the failure to have an online booking system and the failure to adhere to proper processes throughout the program.

The Auditor-General’s report goes absolutely into all the problems, as I indicated. It points out the failure to have proper budget oversight of the program. It points out that at the executive level they seemed not to know what was going on and did not take much notice at all. But where I am disappointed with the report is that there was a lack of probity on procurement processes. There is even prima facie evidence of contract-splitting to avoid the mandated requirements of the Commonwealth Procurement Guidelines—if you split the contract you did not have to go through that. A whole lot of these procurements were poorly planned and recorded. There was poor management of requests for quotes. The majority, 96 per cent, of the procurements examined were procured through direct source—that is, without open competition. This is in complete breach of all of the Commonwealth requirements and is very serious.

One of the heartbreaking parts of the Green Loans program is that a lot of people embraced it and thought this was their opportunity to become part of the new green economy. This was their opportunity to get a career path in energy efficiency, recognising that energy efficiency was going to be a growth industry this century—as it ought to be—in the demand management of energy. However, as the Auditor-General says, the majority of assessors have been trained by unregistered training providers. That is the Commonwealth’s fault, because it did not set down that there had to be registered providers training the assessors. There was also the issue of the number of assessors. The assessors were led to believe there would be somewhere between 1,000 and 2,000 assessors. It turned out that almost 10,000 people had either been trained and accredited or trained and then got contracts and so on in the course of all that. Part of the whole debacle here has been: how do you rationalise that many people when clearly there is not that much work for them?

The assessors ended up complaining that the tools they were using to assess energy efficiency were not right. There were real problems with the calibration of these tools. Nothing happened about that. The Auditor-General agrees in the end that these problems occurred for the assessors. But right on the death knell of the election the government requested expressions of interest for the Green Start program. When it abolished Green Loans it went to Green Start, which is unkindly referred to in the community as ‘Newstart’ because it is not giving any real assistance to a lot of the assessors other than just directing them to income support. The issue here is that the closing date for expres-
sions of interest was the day before the election. I called for that to be extended because it was really unfair on assessors who were submitting expressions of interest not to know what the situation was going to be. However, the government did not extend the period of the Green Start program.

I really want to see this situation followed up because it is an issue of natural justice. The Auditor-General has stopped short of saying there should be compensation. I think there should be compensation and I intend to take this matter up with the new Parliamentary Secretary for Climate Change and Energy Efficiency, Mr Dreyfus, who has been given responsibility for this area of government administration.

I thank the Auditor-General for his comprehensive report. He has found all the problems that we identified some months ago to be valid concerns. He has pointed to systemic governance failure in the department and has said that the department is now taking steps to fix it. But the issue is: who is going to be held to account? If the minister was not given the information he needed, who in the department was responsible? Why did senior management not oversee this? How were the procurement guidelines so easily sidestepped?

There is a real problem in this department and it has to be fixed. I do not think it is enough to just say that it is being fixed. We want to know how it is being fixed. Not only do we want to know which individuals in the Green Loans management sector might now be examined in relation to this matter, but also the systemic failure of the department needs to be explained. The assessors need to know that there is going to be natural justice—that there will be upgraded training for some and compensation for some. Something has to be done about what I believe is a large group of people in Australia who were seriously let down by the government of the day with the Green Loans program.

Senator BIRMINGHAM (South Australia) (5.37 pm)—I too rise to take note of the ANAO report into the government’s Green Loans program. Here we are in a new parliament and the Labor government’s failures of the previous parliament continue to dog them. There continue to be hangovers from the previous parliament. Of all the hangovers that the government faces—including the Building the Education Revolution, the home insulation scandal and, in due course, the National Broadband Network—there is no hangover greater than the Green Loans program. The Green Loans program is a great big hangover for this government. It will hang over their heads for the life of the parliament as many thousands of people continue to suffer as a direct result of the Labor government’s mismanagement of this program.

Let us be under no illusions. The government try to explain away the home insulation and BER programs as being rushed because of the global financial crisis. But the Green Loans program was a 2007 Labor election promise. It was conceived before they came into office, and still they totally mismanaged it at every step of the way. This is just the latest damning report—a report into their mismanagement of the Green Loans program. The ANAO has found:

The primary cause for the administration problems encountered by the program was, to a very large extent, an absence of effective governance by DEWHA during the program’s design and early implementation.

That’s right, the flaws in this program were there from day one, from the very moment the new government came into office. They received the brief: ‘Here are your policies. Here’s what we have to implement.’ The flaws were evident from day one as the department started to implement this program.
And yet they were unable to identify or fix the problems at any stage during the process. It was a $300 million program and there were flaws from day one1 but still they could not identify them.

As Senator Milne alluded to, the problems within the department were systemic—so systemic that the Audit Office has found:

Procurement activity in the Green Loans program over a period of approximately 18 months was poorly managed and involved extensive non-compliance with government and departmental procurement requirements (including multiple breaches of the Financial Management Regulations related to the approval of spending proposals and contracts ...)

The report found multiple breaches of government financial regulations. That’s right, what we are essentially talking about here are breaches of the law. The program was so maladministered by the former minister Peter Garrett and by that department that it led to breaches of the government’s own financial management regulations tabled and passed through this chamber and the other place. That was the extent of the maladministration in the Green Loans program. The report went on:

Key program management plans, including in relation to risk management, procurement, IT and communications, were never finalised and endorsed by executive management.

That’s right, risk management plans were never finalised for this program. Procurement plans were never finalised. It is no wonder they were breaking the government’s own financial management guidelines. They had not even finalised procurement plans before they went out and spent millions and millions of Australian taxpayer dollars in this wasteful manner that we have come to see so often from the Labor government.

ANAO went out and surveyed some of those who were involved—the householders who participated and the assessors who undertook the assessments and the home sustainability audits as part of the Green Loans program. What did ANAO find? They identified poor assessment conduct practices. That is hardly surprising. As Senator Milne said, there was no registered or recognised training program that the assessors had to undertake. It was all done on a wing and a prayer, with the government setting up a program that did not give them some type of lasting qualifications that might help them in the future. It left the government totally exposed to the waste and failure of this program.

Respondents to the assessors’ survey also expressed a general lack of confidence in the accuracy of the assessment tool. So the assessors were not trained properly and the tool they were using to assess people’s homes from a home sustainability perspective was not up to scratch. They found that some reports contained anonymous results and incomplete cost and savings information. So the whole program, which was based around the idea that a trained assessor would go into your home, undertake an assessment and provide accurate information on how you could reduce your energy usage and make your home more energy efficient, was flawed at every step of the way. The assessors were not trained appropriately and the tool they used for assessment was so flawed that it provided false data.

I come back to the fact that millions of taxpayer dollars went into this program but it has delivered a disastrous, terrible outcome. There has been a terrible human toll for the hundreds of thousands of Australian households who participated, or wanted to get an audit done on their homes and considered taking out a Green Loan. Also, financial institutions were stuffed around and dragged into something which very few people ever cleared enough hurdles to manage to take up. Eventually the axe fell on the financial insti-
tutions’ involvement, with no warning from the government.

In particular, there was a toll for the thousands of ordinary Australians who were passionate about the environment and saw an opportunity to help the environment by becoming home sustainability assessors. They signed up for this program believing it would provide them with skills and work. They believed that they would be able to build, in many cases, a small business or an independent contractor operation that was sustainable into the future. What has the Audit Office found? They found:

The number of contracted assessors ... quickly grew to levels significantly beyond what DEWHA had anticipated.

That’s right, they were all contracted to the government, and the department was just contracting all of those who trained. They never set any clear targets or caps, but just signed up far more than they expected. As a result, their entire bookings process and the entire process for considering assessments broke down. But most importantly, the report found that the government’s decisions and mismanagement ultimately left thousands of assessors, who had each invested their time and around $3,000 on training, insurance and registration, with unfulfilled work expectations.

‘Unfulfilled work expectations’ is the polite way of saying that thousands of assessors were without any work. Many more were underemployed. On a con from this government, these had invested thousands of dollars of their own money, not to mention their own time, in training for this program. They were left with nothing at the end of it—nothing at all—because this government and this minister could not manage to administer this program correctly. The program has been shifted, stripped, from Minister Garrett as so many things have been.

We discovered in the other place today that, even though Mr Garrett is the minister for schools, he has no responsibility for the Building the Education Revolution Program—not just no direct responsibility, not even representational responsibility. The government does not trust him—so much so that they will not let him answer questions on behalf of Senator Evans. No, they now consider it to be part of the jobs area and shunt it off to somebody other than the schools minister. It has been shifted to a different department. But even that different department has yet to determine a methodology for measuring the performance of the Green Loans program against its objective.

We have a new parliament and theoretically—as we keep being told—a new government; and the new department does not even know how to measure the success of what everybody knows is a failed program. It really has been a great disaster by this government. The Audit Office report shows systemic failures—from the program design right through to the implementation. It says: … the former Minister received incomplete, inaccurate and untimely briefings on program design features and implementation progress, challenges and risks—and that he ‘was not well served by his department’. We live under a Westminster system—or so we are told—so the buck is meant to stop with the minister. Sadly, in this case it has not, and it is a disgrace that the former minister still sits around the cabinet table.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (5.46 pm)—I too rise to take note of the ANAO report, and I thank the senators who have contributed. I seek to make on behalf of the government a few remarks pertaining to this report. The government welcomes the release of the ANAO report into the Green Loans program and accepts its findings. It has been
my privilege in recent times to have served on the Joint Committee of Public Accounts and Audit, so I am familiar with the work of the ANAO. It is always of the highest standard, so of course we accept this report and its findings.

The opposition, perhaps naturally enough, have tried to use this report to mount an attack on the government and, in particular, on the minister responsible for the program at the time, Minister Garrett. That is to be expected. But, from a careful reading of the report, I do not think it provides the ammunition that the senators opposite seem to think it does to attack the government and the minister.

The report makes it clear that the Green Loans program suffered significant failings in its design and implementation. The government accepts that, and those failings are to be regretted. The report is clear that the failings in the design and implementation of the Green Loans program resulted from deficiencies in the work of the Department of the Environment, Water, Heritage and the Arts. Ministers are of course responsible for the work of government departments, and I am not seeking to blame public servants for the deficiencies that the report identified in the Green Loans program. But I think fairness to Mr Garrett requires that the facts as noted in this report be placed on the record. Both Senator Milne and Senator Birmingham have touched upon a quote which I think will do this debate well if it is used in total. The report says:

… the former Minister received incomplete, inaccurate and untimely briefings on program design features and implementation progress, challenges and risks … the former Minister was not well served by his department in this respect … due to the poor quality briefings he received.

I think it is worth repeating that last line:

… the former Minister was not well served by his department in this respect … due to the poor quality briefings he received.

It should also be noted that the findings of the report largely relate to historical issues with the program. These findings are not exactly news. They were also covered in the report earlier this year by Ms Patricia Faulkner—a report that Senator Milne did refer to—into the administration of the Green Loans program. That is why the Audit Office has not made any specific recommendations to the Department of Climate Change and Energy Efficiency. They have noted that improvements to the structure and delivery of the program’s governance are now being made. In other words, the report identifies problems with this program that existed in the past but accepts that the government is already taking the action required to rectify those problems. As I said at the outset, the government accepts responsibility for the deficiencies identified in the ANAO report. The government has taken note of the lessons identified in this and other reports and is already taking the necessary action to rectify the problems identified in the report. The findings of this report are being used to improve the governance and delivery of the Green Loans program and other energy efficiency programs.

The administration of this program was transferred to the Department of Climate Change and Energy Efficiency in February this year. Following continuing problems with the program, the government took the decision in July to phase out the program altogether. The report highlights the work already being done by the Department of Climate Change and Energy Efficiency to remedy these problems. The minister, the Hon. Greg Combet, has appointed the Hon. Mark Dreyfus QC as Parliamentary Secretary for Climate Change and Energy Efficiency and has tasked him with taking re-
sponsibility for existing and future energy efficiency programs and ensuring continuous improvement. I am very confident that Mark Dreyfus will deal with these issues with his customary attention to detail and excellence.

Since those opposite have sought to make some political capital out of this report and the deficiencies it has identified, I will on the way through make some political points in return. The deficiencies identified in both the Green Loans Program and the Home Insulation Program are things the government regrets. But these were ambitious programs intended both to provide support to employment and help reduce our greenhouse gas emissions. In the face of the global financial crisis and the immediate imperative to take action against harmful climate change, it was necessary to roll out these programs quickly. This was the ultimate source of the deficiencies identified by this and other reports. It is of course a matter of fact that the opposition opposed all these programs. They opposed them because they did not believe that the government’s action was needed to protect Australian jobs and Australian businesses in the face of the global financial crisis, and they opposed them because they do not believe the science of climate change and therefore do not believe that any action on emissions is needed.

Senator Williams—Nor do half your mob.

Senator FEENEY—Having endured 20 minutes of lecturing on this subject, Senator, I would think that the courtesies would require you to perhaps endure a few more moments in courteous silence. We on this side reject both those propositions. We make no apologies at all for having acted swiftly to roll out our economic stimulus programs and our programs to reduce greenhouse gas emissions. They were both vitally important and they were both necessary actions. On both these issues we were right, and the verdict of history has demonstrated that those opposite were wrong. It is true that there were deficiencies in the rolling out of some of these programs. We have accepted that, and we have taken responsibility both for those errors and for rectifying those deficiencies.

This government was determined to take effective action against the global financial crisis and determined to take effective action against climate change, and they both remain priorities for this government. Those opposite opposed us all the way on both these issues, and no doubt they will continue to do so. We have taken some political heat for the problems identified by this report, and we have to wear it. We take responsibility for our mistakes. But it is about time those opposite took responsibility for their much greater failings of policy and acted with some political maturity in these important political debates before this chamber.

Question agreed to.

GOVERNOR-GENERAL’S SPEECH

Address-in-Reply

Debate resumed.

Senator WILLIAMS (New South Wales) (5.54 pm)—I continue from where I left off before there was a change of program in the Senate. I was talking about the Building the Education Revolution and about the waste of money in this program. I mentioned that on election day—Saturday, 21 August—I called into the school at Kingstown, which has a $330,000 building of about 10 metres by eight metres. I was saying that $300,000 will build you a good, large, four-bedroom brick home, but the school got a 10 metre by eight metre building with a little kitchen inside. It is just crazy.

I was interested one night to see Senator Joyce on television when he went to the
school at Manilla. Two demountable classrooms were brought in on a truck. There was nothing in them, but they cost $1.8 million. That could have built you six four-bedroom brick veneer homes. But no—the school at Manilla got two demountable classrooms for the same amount of money. This is just incredible, and this is what infuriates the people of Australia—the waste of not only taxpayers money but also borrowed money that has to be paid back with interest. It is borrowed money.

We can talk more about the waste. I think the issue of the pink batts has been aired enough in this place. It is just amazing. There was a $2.45 billion program to roll out pink batts for free to insulate houses around Australia, and the very tragic thing is that four young men lost their lives. That is the tragic part of that program, and what their families went through with their loss is something that we probably cannot imagine ourselves.

But now what is there? There is $1 billion to clean up the mess. There is not only a $2.45 billion program to put ceiling batts in houses but also $1 billion to clean up the mess. The Solar Homes Program blew out by $850 million. The laptops in schools program, which was under the direction of our now Prime Minister, Ms Gillard, blew out by $1.2 billion. Labor has wasted over $10 billion of taxpayers’ money and borrowed money in its first term, and they are now borrowing over $100 million a day, seven days a week.

What do we find now if we look at the debt and deficit? The forecasts are coming out now, and a media article today says:

The Federal Budget is at risk of returning to deficit in 2013/14 after the much touted surplus in 2012/13, because commodity forecasts are too optimistic, an independent forecaster says.

While Access Economics expects revenues will total some $6 billion more than official forecasts over this financial year and next, it believes high commodity prices are unsustainable.

That is a sound argument. Having spent most of my life on the land, I know that prices—whether they be wool prices, wheat prices, land prices or mutton prices—go up and go down according to supply and demand. We know that every time prices go up you should not expect them to stay there for ever—they will come down again. That is what Access Economics are saying. The article continues:

“Despite all the hoo-ha by politicians over the ‘return to surplus’, we see the five minutes of fiscal sunshine before re-emergence of a deficit,” Access Economics director Chris Richardson says.

Releasing his updated Budget Monitor today, Mr Richardson forecast a near $2 billion deficit in 2013/14, but stressed this wasn’t due to recent policy costs - neither the election campaign nor the “undignified scramble” for a parliamentary majority which followed it.

On that deficit that we talk about and going back over the years, the 2008-09 budget of $22 billion came out at $27 billion in the red, a turnaround of almost $50 billion. In the last financial year we borrowed $57 billion. In the current financial year, which we will be in until June 30 next year, another $41.8 billion was borrowed, and another $13 billion will be borrowed in the year after. What effect is it having? We have seen six rises in interest rates because the Reserve Bank is saying that there is too much money in the economy, and the talk is that November will bring interest rate rise No. 7.

So we have the government borrowing money and pouring it into the economy while people, the battlers, paying for their homes, running their small businesses or running their farms have to face high interest rates. That is nothing new under Labor. I can recall in the early nineties the 25.25 per cent interest rates I was paying under the then so-
called world’s greatest Treasurer—25.25 per cent! In other words, you pay your principal back every four years. What was the effect of that? I do not think regional Australia has ever recovered from it.

We saw the crash in the wool market, the droughts et cetera. Regional Australia, as far as the people on the land are concerned, has never really recovered from those days of the Labor government and those outrageous interest rates. I am sure those who are 30 or 32 years old or younger could not imagine paying such high interest rates. We saw home loans at 17 and 18 per cent. People had their houses repossessed. A million people were unemployed—11 per cent unemployment! We are now seeing more money borrowed and being put into the economy, and it will put upward pressure on interest rates; there is nothing surer.

There was the Green Loans fiasco, where we trained thousands of people to assess homes. What do we have? About 1,000 people actually took up the loans. With the millions and millions of dollars spent on that program, they should have just rebuilt the facilities in those houses and given them a free solar-powered hot-water system, free PB systems on the roof and free this and that. They would have been better off spending it on those thousand homes than wasting all that money on those who did the inspections. The program was a failure.

On the National Broadband Network, one person says: ‘The important point, however, is that your standard ADSL service that is available right now for around 91 per cent of the population provides minimum download speeds of 1,500 kbps and 256 kbps upload—which will give you videoconferencing just fine. ADSL2+ gives much faster speeds—minimum speeds of between 256 kbps and a maximum of 8 Mbps—and is being progressively rolled out across Australia.’

One of the big arguments for the NBN is that it is about to provide videoconferencing for medical facilities. We are hearing from people that it is already there. This means that broadband services available right now without any fancy NBN will give you high-quality videoconferencing suitable for medical and health uses, including consultation and, in theory, procedures via the internet. Leading surgeon and medical media pioneer Professor Andrew Renaut has said that either the National Broadband Network or the $6 billion coalition alternative would be sufficient to overcome Australia’s bandwidth barrier, which he says is preventing technological advances in fields such as medicine and education.

The big fear for the National Broadband Network is the take-up rate. We have seen similar networks rolled out in places like South Korea and Japan for some 10 years, yet only 30 to 35 per cent of people have taken it up. Today the Armidale Express in northern New South Wales, where I live, says:

Mr Davies’ call comes in the face of a less than stellar take-up of fibre installation in the first release area in north-west Armidale. It is free, and Mr Davies is calling on people to ‘please take up the NBN’. He is concerned that people are simply not taking it up. So why run it out to every household at such a huge cost? As I said, going on the take-up rate in places like Korea and Japan, if after 10 years we are only going to have 35 per cent of people taking it up, look at the cost and where that money is invested and what return there will be.

My greatest concern about this government is the influence the Greens are going to have on the Labor government. Let me take you back to New South Wales and a bloke called Kim Yeadon, the minister for the environment in the early days of the Carr gov-
ernment. He introduced a thing called SEPP 46—State Environment Protection Plan No. 46—where farmers were not allowed to cut down a tree or alter anything on their property. SEPP 46 went on to become the Native Vegetation Conservation Act. We have seen people like Peter Spencer up a pole for 50-odd days protesting about his property rights. I note that when asylum seekers get on a roof at Villawood they attract immediate attention, but when Peter Spencer spent 50 days up a pole he could not get any attention from the government in fighting for the property rights of people in Australia.

The Greens’ influence in New South Wales has been dramatic and all negative. We are going to see exactly the same thing here. We have seen the Prime Minister’s promise: ‘There won’t be any carbon tax while I lead the government.’ Now it is all on. We have this cosy little club of stern believers in climate change saying: ‘What are we going to do? We’re going to have a conference. We’re going to work it through. We’re going to gather some facts together and we’ll look at a carbon tax.’ It is so amazing—

Senator Feeney—BHP

Senator WILLIAMS—I take the interjection from Senator Feeney. BHP want a carbon tax but not on anything that affects their exports. It will have no effect on their bottom-line profit—very clever by Mr Klopppers. Imagine if Australia, producing 1.4 per cent of the world’s greenhouse gases, abolished all its greenhouse gases. Imagine if Australia emitted zero gases. Of course that is impossible. When you breathe, you inhale 380 parts per million of carbon dioxide and you exhale 50,000 parts, so we cannot bring our emissions to zero. But if we bring our emissions to zero and produce 550 million tonnes of CO2 a year, or if we reduce our emissions by 500 million tonnes and just produce 50 million tonnes of CO2 a year, what effect will that have on the world by 2020?

We know that India is going to go from three billion to five billion tonnes of greenhouse gas emissions a year by 2020—that is up by two billion tonnes. China is going to go from seven billion to 10 billion—up another three billion by 2020. Those two countries will produce another five billion tonnes of greenhouse gases a year by 2020. If Australia cuts it greenhouse gas emissions by 500 million tonnes a year, that is an extra five billion tonnes. But you are not going to change a thing. The amount of greenhouse gases is going to continue to rise. While India, China and the United States are producing 50 per cent of the world’s greenhouse gases and are not going to do a thing about it, you want to take us down a road of taxation and put electricity prices up for everyone—including aged-care facilities, local governments, our exporting industries, our abattoirs, the people who live at home and even Senator Sterle’s own household. And you think you are going to save the earth by doing this!

This is just outrageous. This is what we are going to face: we have a government that is in bed with and dominated by the Greens. The Greens will want their pound of flesh, they will dictate to the government what they want and the government will simply go along with them. There will be more of the same. What will the Greens policy of ‘Let’s raise the registration fee for B-doubles to $23,000 a year and take away their 16c rebate on fuel’ do for the price of everything that is transported around regional Australia? What will that do for the prices of food going into the towns and for the export of grain etcetera going out to the wharves? This is what the government will be facing. The Greens will have leverage on them with a 10-foot crowbar, leveraging the government until

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they get their demands. That is what we have in front of us in Australia—a Labor government, a minority government, dominated by the Greens.

This government will do the same thing to our nation that the disgraceful government in New South Wales has done to the state of New South Wales. The New South Wales government has driven people out of their state at a rate of 500 a week. That is why we lose seats. That is why the seat of Gwydir was taken from us and the seat of Flynn was formed in Queensland. That is why another seat is gone. We have just had the seat of Wright formed in Queensland. People are being driven out of New South Wales because of the Greens-Labor coalition in that state, and this is what Australia is going to face.

The government will see how many jobs will be cut, how many industries will suffer and how many industries have been moved overseas because of its carbon taxes. The cement industry will be the first one gone. This is the direction the government will take our country. Come next election, do not worry about minority governments, because the people of Australia will see that Independents like Tony Windsor and Robert Oakeshott from the conservative seats just turn their backs on their electorates. The public will not forget that next time, and we will see a big change. (Time expired)

Senator BILYK (Tasmania) (6.09 pm)—It gives me great pleasure to reply to Her Excellency the Governor-General’s address to the 43rd Parliament. The opening of parliament is a special occasion and quite properly a very ceremonial occasion. This ceremony not only celebrates the fact that Australia has one of the most stable democracies in the world but also recognises our cultural heritage and the Westminster tradition that has led to that stability. Of course, there has been an important recent addition to this ceremony, the welcome to country, which recognises that we meet on the land of the first Australians.

The commencement of a new parliament brings with it many new faces in the House of Representatives and, come 1 July, there will be several new faces in this place as well. It also brings the departure of several members and senators—some by choice, others not. I would like to congratulate all new members and senators on their election and all those who have retained their seat. It is a great honour to be chosen by your constituents to represent them and it carries with it a great sense of responsibility. To those elected to the next Senate it may seem like a long wait until the term begins on 1 July next year, but I can assure them the time will pass quickly. I also congratulate the ministers and parliamentary secretaries on their appointments. I hope that everyone who comes into this parliament does so to advance the interests of the Australian people, and I believe that is the case.

Parliament involves a contest of ideas and in that contest there are inevitably casualties. Politics can be a tough and unforgiving business. To those who were not re-elected, I offer my commiserations. I would like to thank you for your contribution to this parliament. While your election results may make it difficult at the moment to feel that your service is valued, I can assure you that it has been of great value. You have dedicated yourself to public service and sought to advance the interests of your fellow Australians, and I commend you for this.

The federal election just past seems to have produced a series of disparate results across the country. Despite the swing against us in some areas, the Labor Party achieved an excellent result in my home state of Tasmania. I would like to congratulate my col-
league Senator Polley on her re-election to the Senate for another six-year term and Senators-elect Anne Urquart and Lisa Singh on their success as well. As a result of the past two elections, Tasmania will soon have six Labor senators for the first time since 1985.

The member for Franklin, Julie Collins; the member for Lyons, Dick Adams; and the member for Braddon, Sid Sidebottom, were all re-elected on comfortable margins. I think this demonstrates that, while there may be national factors at play, there is a lot of value in having a hardworking member who represents their electorate well. Ms Collins has worked hard for the people of Franklin, and I congratulate her on her promotion to Parliamentary Secretary for Community Services. I have known Julie for a long time. She has worked hard for the people of Franklin since her endorsement prior to the 2007 election and I firmly believe she will continue to do so. With Senator Sherry’s continued tenure as a minister—the Minister for Small Business and the Minister Assisting the Minister for Tourism—it is pleasing to see two fellow Tasmanians in the ministry. It is a proper reflection of the abundance of talent that exists within the Tasmanian federal Labor caucus.

Geoff Lyons’ result in Bass is also to be highly commended, given the seat’s history of volatility and marginal outcomes. Mr Lyons has already worked hard to establish his local credentials through his involvement in sporting administration, surf-lifesaving and various other grassroots community organisations. He also has a strong background in health and aged care, and I know he will be a worthy representative for the people of Bass. Although I did not make it across to Mr Lyons’ first speech, I know he has delivered it. So it is straight down to business for Mr Lyons in representing the people of Bass.

The result in Denison was obviously unexpected. As with the other four Senate seats in Tasmania, we actually recorded a swing in our favour against the Liberal Party under two-party preferred terms. I strongly believe that Jonathon Jackson—the Labor candidate—had and still has a lot to offer. While I would like to see him continue to pursue a political career, I wish him well in whatever he does. However, it is a rare and monumental achievement for an Independent to be elected in their own right at a general election, and I congratulate Andrew Wilkie on his election as the member for Denison. I guess it is somewhat a coincidence that he enters parliament at a time when Independents have a significance never before seen in Australia’s House of Representatives.

Nationwide, the federal election just past has produced an unusual result where neither Labor nor the coalition hold a majority of seats in the House of Representatives in their own right. A stable government depends on three things. Firstly, it needs the majority of its members to agree to pass supply bills so that the government is able to fund its programs. Secondly, it must have the confidence of the majority of members in the House of Representatives. It is these two matters on which Her Excellency the Governor-General seeks advice in deciding who will form government. It is these two matters on which we have agreement from a sufficient number of the Independent members and one Green member to allow us to form government. Whatever arguments the coalition may advance about their right to govern because of more votes or more seats, the simple fact is that government, under the Australian Constitution, requires the confidence of a majority in the House of Representatives. If neither side wins an election outright then there is a second contest, and that is the contest to convince the crossbenches that you will be able to form a stable and secure government.
This brings me to the third criterion for stable government, and that is goodwill. While the Gillard government have sufficient support on confidence and supply, we still need to negotiate each piece of legislation individually. To make this parliament work, every member needs to approach these negotiations in good faith. So I find it very disappointing that Tony Abbott and the opposition’s approach has been to try and take a wrecking ball to this parliament. Their attitude seems to be that they will do anything within their power to destabilise the parliament because they want to go rushing back to the polls as soon as possible.

Exhibit A is the way they tore up an agreement on the pairing of the Speaker and Deputy Speaker, an agreement they say is unconstitutional, despite the advice of the Solicitor-General to the contrary. If they seriously believe that the pairing arrangement is unconstitutional, why did they agree to it in the first place? Why did they not get their advice before they signed on the dotted line? Or was it a simple case of doing what suited them at the time and then changing their mind when the result did not go the way they expected? That is not quite Australian, I would suggest. There seems to be a born to rule mentality on that side of the chamber.

Exhibit B is the coalition’s refusal to join a parliamentary committee to discuss options to tackle climate change. That is not surprising, given their current leader’s pronouncement that climate change is crap. Once again, it is a great example of the opposition preferring to try and spoil parliament rather than work cooperatively for the good of the Australian people. The members for Lyne, New England, Melbourne and Denison all appear to have had their decisions vindicated. They decided that their vote would go towards providing stable government. They are looking for a government that is willing to engage in cooperative discussions about outcomes, that is willing to negotiate in good faith and that wants to see arrangements put in place to make the parliament work.

The Prime Minister, Julia Gillard, has selected a competent and talented team for the front bench. I know that they will be well supported by their fellow members of the Labor caucus. The Gillard government is committed to a strong, fair Australia and is prepared to do everything possible to ensure that this nation has a bright future. The people of Australia deserve nothing but the best and the Gillard government will deliver this, no matter what the opposition throw at us.

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Prime Minister Julia Gillard and her team are committed to making this minority government work and we expect the same level of commitment from all other members of parliament, regardless of their political affiliation or independence.

The Gillard government is committed to continuing the excellent financial management that saw Australia fare much better than other developed countries during the global financial crisis. Treasurer Wayne Swan has already shown that he can do the job, and with his skills and expertise Australia will continue to have a growing economy.

We are committed to creating jobs and providing Australians with a first-class education and the skills necessary to be effective members of society in whatever career they choose. Peter Garrett, Senators Chris Evans, Kim Carr and Mark Arbib, along with Kate Ellis and Senator Jacinta Collins, are a strong, effective team who will work hard to keep employment and education on track.

The Gillard government is also committed to looking after regional Australia, with Simon Crean leading the way in this area. Tony Burke holds the portfolio of population and sustainability and will ensure that Australia has strategies in place to set a popula-
tion target and to provide infrastructure for a growing population.

Ministers Nicola Roxon and Jenny Macklin continue the great work they have started in their areas and are supported by the great team of Warren Snowdon, Mark Butler, Kate Ellis, Senator Mark Arbib, Catherine King, Julie Collins and Senator Jan McLucash. Together, they will continue to pursue health and hospital reforms and to deliver family and community services that meet the needs of the most vulnerable Australians. Health reforms are essential to ensure that Australians can access the best possible medical services. For the first time, the Australian government will provide the majority of funding for the public hospital system but local communities will retain control through the local hospital network.

More money is being invested in training medical professionals, including specialists, to reduce waiting times in emergency departments and for elective surgery, as well as making it easier to access a doctor after hours. The government is providing an additional $50 million being invested in the National Binge Drinking Strategy. Welfare reform is another area that we will continue to work hard in. The people of Australia deserve financial support to help them through the tough times they may be going through. We need to do what we can to ensure that their hardships are only temporary.

Kevin Rudd will lead the way as Minister for Foreign Affairs, with Dr Craig Emerson as Minister for Trade. We all know that international relations are complex. That is why we need to have people with talent, skills and diplomacy looking after Australia’s interests on the international scene. Stephen Smith will take over from Senator John Faulkner as Minister for Defence, a very important role, with our troops deployed in Afghanistan and Iraq. The Gillard government are committed to protecting Australia’s national security. We are committed to making the world a safer place than it is today.

Robert McClelland and Brendan O’Connor will continue the excellent job that they have done as Attorney-General and Minister for Home Affairs respectively. There are others I could mention, but there is a time limit to this speech. It is not possible to discuss all the areas the Gillard government is working in to progress Australia. But rest assured that the Gillard government is a team effort and all members of the team will be working hard. This is one area that separates us from those in the opposition. The people of Australia are not fooled—nor, I would imagine, impressed—by the childish antics of poor losers.

I can only imagine Mr Abbott as a child in the playground, taking his bat and ball and going home when he did not win the toss, or refusing to play ball when he could not get his own way to play on the ground of his choice, wanting to change the rules to suit his own ends and taking no notice of the independent umpire—really bad sportsmanship, Mr Abbott.

It is not only Mr Abbott’s approach to the parliament that makes him a wrecker; it is the policies he would pursue as Prime Minister if he had the opportunity. As soon as Mr Abbott appointed a spokesperson for broadband, Mr Turnbull, his first instructions to
him were to ‘demolish’ the National Broadband Network. Maybe he should look at the votes in Tasmania, to see if the people there want the National Broadband Network. Maybe that issue had an impact on the bad result the opposition had in Tasmania. It is quite ironic that the person in the coalition given responsibility for pursuing the development of broadband has actually been instructed to stop the rollout of optic fibre broadband. Prior to the election, Mr Abbott clearly demonstrated that, when it comes to national infrastructure, public services, broadband, trade training centres and GP superclinics, he is defined not by what he proposes but by what he opposes.

Government should proceed on the basis of plans for the future, not plans to tear up infrastructure, axe services and try to take Australia back to the past. Despite Mr Abbott’s plans to destabilise the 43rd Parliament, the government are going to try and make it work, and we have evidence that it can work. The evidence is history. In 1999 and 2002, in Victoria and South Australia respectively, Labor formed successful minority governments with the support of Independents on the key questions of confidence and supply. They put in place working arrangements to negotiate the passage of legislation through their lower houses. Only this year, Tasmanian Labor successfully entered into a minority government arrangement with the Greens and have demonstrated that they can work together.

And what better evidence is there of the workability of such arrangements than the Australian Senate? Since I came into this chamber, we have had to negotiate with the Greens and the two Independents to pass legislation without the support of the opposition. We have already demonstrated through that process that we can work together with the crossbenchers. We can discuss legislation with Senator Bob Brown and his colleagues, with Senator Xenophon and with Senator Fielding, and we know how to negotiate and get bills passed. And we in the Senate are used to being conscientious about turning up to every division, even at times when we are sitting at two o’clock in the morning. To my colleagues in the lower house: while some media commentators may tell you that the situation is some new paradigm in Australian politics, all I have to say is: ‘Welcome to our world!’

I know we can move forward with these arrangements in place to pursue a true nation-building agenda. We will pursue health and hospital reforms to take the pressure off waiting lists and give local communities a greater say in the administration of their hospitals through the establishment of local hospital networks.

We will build a national broadband network with fast optic fibre to 93 per cent of businesses and household premises. This network will revolutionise telecommunications and the way we do business and dramatically improve education, health and community care services. It will boost productivity and make Australia the most connected nation on the planet. The NBN has already been rolled out in Tasmania, with customers already signed up to internet service providers for speeds up to 100 times faster than anything they have experienced before.

We have already introduced a paid parental leave scheme, giving working parents the opportunity to spend more time bonding with their newborn children. This scheme will also assist businesses to retain skilled and valuable workers.

We will give Australians a greater share in the wealth extracted from our non-renewable resources through the minerals resource rent tax. These resources are owned by all Australians, and by providing a fairer share of the
wealth we can boost Australians’ superannuation savings and offer tax cuts to small businesses.

I look forward to working in the 43rd Parliament with the re-elected Gillard Labor government and pursuing Labor’s strong, aggressive agenda. It will be an interesting and exciting time for all of us. With a dose of goodwill and a spirit of cooperation, I am confident that it will work.

Senator Barnett (Tasmania) (6.26 pm)—I am pleased tonight to speak to the motion on the address-in-reply to the Governor-General’s speech and to raise a number of issues, particularly with respect to health and healthy lifestyles. In the speech presented in this chamber by Her Excellency the Governor-General, Quentin Bryce, she made it clear that the federal Labor government, in its wisdom:

… will invest in increasing participation in community sport and supporting our elite athletes, thus contributing to a more active and healthy society.

It is a laudable objective, of course, to invest in increasing funding for community sport. So I was scratching my head as to why this government would be saying such a thing when, on the other hand, they expect to chop the most successful and popular after-school program, the Active After-School Communities program, which was announced and started in 2004. Why would they say that they wanted to increase community sport and support for community sport when, in a matter of months, that program will conclude?

The government did not make their position clear during the election campaign. Why not? Probably because they expect the program to terminate at the end of this year. In fact, the rumour mill is moving fast, and people are seriously concerned, because the government have not made their final position clear. All we can say is that we can expect that the program will conclude at the end of this year.

It is an incredibly successful program. It was launched by former Prime Minister John Howard in 2004 in Launceston, in fact—in my home town of Launceston, in my home state, at my healthy lifestyle forum to help combat childhood obesity. At that time, in the lead-up to the 2004 election, then Prime Minister John Howard announced the coalition’s anti-obesity strategy action plan, which included the Active After-School Communities program. The Minister for Sport at the time, Senator Rod Kemp, was also there to assist in the launch of that program. I am proud as Punch that the program was launched at my forum. I am proud as Punch that I was part of the thinking and the strategy behind getting that particular program announced and then, in due course, developed in conjunction with the Australian Sports Commission.

This is a very important program. This is a program which encourages children to be physically active, whether it be in a sport that they enjoy or some recreational activity. It is a fantastic program and it has been proved to be successful. There have been reviews, and the reviews all give it the big tick. There are some 150,000 school children across Australia in over 3,250 schools that have participated annually in the program. In Tasmania we have 90 schools and 5,000 students participating in the program this year.

At the moment the Active After-School Communities program employs some 180 staff nationwide, all of whom face a very uncertain future. In Tasmania there are five full-time employees and one part-time employee and they do a fantastic job. I would like to commend and congratulate specifically Blair Brownless, who is the state manager for the program based in Hobart. He is such an enthusiast. Of course, he is also an
enthusiast for the Geelong football club—his brother is Billy Brownless. In my home town of Launceston there is Ralph Morris, who does such a fantastic job as a coordinator to make things happen. He does not need to do very much because the kids love it, the mums and dads love it, the families love it and the schools love it.

The shadow Assistant Treasurer, Sussan Ley, and I launched a petition on 18 June this year to save the program. My office has been inundated with responses and encouragement from families and children, who say, ‘We want the program to continue.’ Earlier today I was pleased to lodge in the Senate a petition with 320 signatures, not just from adults, mums and dads, but also from children who support the program. It is a great program.

Features of the program are that after-school sport and team-playing activities are provided, with funding for the regional coordinators—as I have said, there are five full-time and one part-time employee in Tasmania—and grants to help delivery costs, teacher-staff supervision, delivery fees, venue hire and equipment and transport costs, giving children an opportunity to participate in a variety of activities.

Is this just directed to big cities? Is it just available to what some people would call city slickers? The answer is no. This program covers rural and regional areas as well. That is one of the fantastic things about the program: it gets to rural and regional Australia. Rural communities love it. In those communities we must remember that there are limited opportunities for children to participate in sport programs, and children are often left without the opportunities of their city counterparts due to the significant costs and the travel involved.

The benefits of the program are obviously the reduced risks of obesity and all the flow-on effects of that, the improved cardiovascular fitness and sleep outcomes, the increased confidence that it gives to the kids and the improved cooperation, social and leadership skills. These are not just problems for Tasmania; these are problems for this country. Frankly, we need to do better.

I want to refer to one of the letters in support of the program that I have received. It is from the Snug Primary School and it says:

On behalf of the Snug Primary School students I am writing to you about stopping the Active After School Communities Program.

Ending the program will cause a big upset to our school. Many students participate in activities and enjoy them greatly. It is a big part of our school Health and PE program for many students...

and it goes on and on. I also have a letter from the Cancer Council Tasmania. I know senators on both sides of this chamber have some involvement and interaction with the Cancer Council Tasmania. They do a great job. What do they say? Darren Carr, CEO, wrote to me on 12 August and said that the council:

...would like to congratulate the Government for initiating the Active After Schools Community (AASC) program. What a success it has been.

He was referring, of course, to the Howard government in that regard. He went on:

I am writing to advise of Cancer Council Tasmania’s desire for the continued support of the AASC program.

The opportunities created by the program in nearly 90 Tasmanian schools have had immense health benefits for primary aged children. This is fantastic. He went on to say:

As you may already be aware, one quarter... of Australian children were deemed overweight or obese in 2008. A lack of physical activity is one of the main causes of childhood obesity.

Unfortunately Tasmania has the lowest percentage of children participating in organised sport, according to the Australian Bureau of Statistics. If the AASC program were to lose its support and funding from the Federal Government, the statis-
tics are likely to worsen and in turn would have a negative impact on the health of our children. Obesity needs to be tackled from childhood because if it is not, obesity may persist through to adulthood. There is also an increase in the likelihood of developing diabetes, heart disease, high blood pressure and a variety of cancers.

Programs such as AASC have the potential to make a difference to these childhood obesity rates. Therefore we cannot let the Federal Government dismiss the funding and support of such a worthwhile program.

We call on all political parties to indicate their support for continuation of the AASC program... I stand here tonight saying the community support it and the campaign should be supported. This program should be supported. I had the honour and privilege of being in the other place just a couple of hours ago to hear the first speech of the new federal member for Bass. I congratulate him on his first speech. I noted his special interest in community sport. He has had quite a background in that area and I note that and commend him for that. So I would say that this is probably the first major challenge that he will face, because during his speech he called for increased funding and increased support for community sport. The question is: will he support this campaign? The question for the new federal member for Bass is: will he lobby his Prime Minister? Will he lobby the relevant federal minister for education, the Minister for Sport and the minister for children? Will he join the campaign? Will he distribute petitions in his electorate of Bass. Likewise, to other senators and members in Tasmania and around the country: will you get behind this campaign to save this fantastic program which was started under the Howard government at the my healthy lifestyle forum. Will it happen? I do not know.

I also know that the Hon. Sharman Stone is a fantastic supporter of this program. She and I did a lot of work in Tasmania on her recent visit prior to the federal election in support of it. So I leave that open as a question for the federal member for Bass and say that this will no doubt be the first real challenge for him.

The petition I lodged in the Senate today says:

We the undersigned citizens agree that the federal government should continue funding the Active After-schools Communities program. The program was launched at the Healthy Lifestyles Forum in Launceston in June 2004 by former Prime Minister, John Howard. The popular and successful program has benefited 3,250 schools nationwide with over 150,000 children participating. In Tasmania alone, over 90 schools are involved with 5,000 children participating... and it goes on. One of the features of the school sport and team-playing activities is that they provide funding for regional coordinators and so on. The program also gives children a safe place to go after school if no one is home, and that is an added benefit. It is not just a health benefit but there are childcare benefits after school.

The federal government has committed funding for the program only until December 2010 pending a review. This is an issue for the staff. The staff are concerned about their future. Let me put the government on notice: staff are now looking for other opportunities. You will lose good people. Here we are at the end of September and you have got October and November. The school term will be concluded within a matter of months and by the end of the year you will find that those good staff will leave to find other opportunities. They have got no guarantee of their future. This is an issue front and centre for the government and I call on the government to heed the calls and the merits of this campaign.

I was at the Bridport Primary School in July, providing congratulations to the school up there for their wonderful work and pre-
senting certificates to those involved. I noted at the time the sound health and social benefits and the community support for the program. Mike Furlong from the Bridport Bowls Club was very involved in supporting the Bridport Primary School. They have got bowls champions now coming out of the Bridport Primary School. It is fantastic. So the skills that are being developed flow through. So I call on the government to take that into account.

A couple of years ago, in 2007 before the election, the government said that obesity should be a national health priority. What are they doing about it? This is something that can be used to address that problem. At my Healthy Lifestyle Forum just two years ago Access Economics released a report which said that the obesity epidemic in Australia is estimated to cost around $58 billion a year. That is a huge figure. This is something for all of us to be aware of.

These and other details are set out in my book The Millennium Disease, which was launched by Tony Abbott just a few years ago. One quarter of all Australian children, or around 600,000 children, were overweight or obese, up four percentage points from 1995. The figures are getting worse; they are not getting better. The obesity rate for children increased from five per cent in 1995 to eight per cent in 2007-08. It shows a shift towards the higher and heavier end of the body mass index.

In terms of adults, 61 per cent of Australian adults are either overweight or obese based on the latest statistics. The facts and figures are getting worse, not better. We have an epidemic. We are one of the four fattest nations on earth, behind the US, the UK and Mexico. Australia comes fourth. All the trend lines are getting worse, not better. We need to do something about it. This is one area where we can make a difference. I call on the government to address these issues and to make that difference.

I now wish to move to another area of concern for me personally and, I think, for many others in this country. It is an area of considerable sensitivity, and that is the issue of euthanasia. I would just like to draw to the attention of senators and members and members of the public the report of June 2008 by the Senate Legal and Constitutional Affairs Committee into Senator Bob Brown’s bill at the time, the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008. The committee made a number of observations. The end result was that the way the bill was drafted at the time made it a dog’s breakfast and it needed to be substantially amended. Even Senator Brown in his report agreed with the committee’s conclusions that it needed to be vastly amended.

Subsequently Senator Brown did bring in a further bill with respect to euthanasia to provide the ability for the ACT and the Northern Territory in particular to have a right to legislate in this area. I have particular concerns, and have had for a long period of time, with respect to providing and supporting euthanasia, which involves one person being sanctioned to kill another. That is the long and the short of it.

I am particularly concerned about the safeguards or the adequacy of those safeguards. Clearly, with respect to the Northern Territory—and you can have a look at our report—there were inadequate safeguards in the Northern Territory at the time prior to the Andrews’ bill being passed and promulgated from our parliament in 1997 when their bill became effective. While the Northern Territory bill was alive and active it was clearly deficient in my view.

Have a look at the report. It is on the record. People will no doubt have to dig deep to review their own conscience on this mat-
ter. But that report does outline some of the arguments for and against, such as: the issue of the importance of palliative care and quality palliative care; the problem of adequate safeguards; and the possibility that it would lead to a slippery slope. For example, acceptance of voluntary euthanasia would lead to involuntary euthanasia and, indeed, euthanasia for lesser diseases and conditions. There is the potential for the erosion of the doctor-patient relationship. It places pressure on people to end their lives even when they are not ready, for example, to reduce the burden on their family or the health system. This is a particular area of concern. Whether it be the vulnerable, the old, the frail, the disabled or the weak, the pressures will be there. Once you introduce a bill like this, if it is successful there will be financial pressures. There will be a healthcare costs and pressures. There will be expectations of family and they will assume new dimensions.

I want to alert the public to Paul Kelly’s commentary today in the *Australian*. It is excellent in my view. Under the heading ‘Brown’s euthanasia bill a perilous test for Gillard’ he makes some very thoughtful observations, including quoting from this Senate report. Obviously, the sanctity of human life is critical in any of these decisions. In the case of the Northern Territory legislation, the impact on Indigenous communities must be taken into account and the way they see these issues. This is clearly a great concern.

Senator Bob Brown and Ms Gillard, the Prime Minister, see this as a top priority for the government and the Greens and that is why this bill has been introduced. I simply raise these concerns. I draw the attention of others to that Senate committee report. Hopefully, it will better inform senators in this place who in due course will have to exercise their views and, I assume and hope, their conscience on this matter.

In the remaining minute I have I want to ask a question and make an observation. The observation is that the Prime Minister did not attend the church service prior to the opening of parliament. I respect and understand that because she is an avowed atheist, but of course that would be the first time in my memory that that has happened in the political history of this country. I stand to be corrected and am happy to check the facts and figures there—and if somebody could do that then that would be good—but certainly to my understanding that was the first time the Prime Minister did not attend the church service.

The question I have is: why didn’t the Governor-General, Her Excellency, attend that service? There has been no reason given. I hope she will make that clear to members of the public. The public in general have a right to know. In past years the Governor-General has attended.

**Senator POLLEY** (Tasmania) (6.46 pm)—It is with great delight that I rise to add my comments to this debate on the Governor-General’s opening speech. What a historic occasion it was to have our first female Governor-General opening the 43rd Parliament with Julia Gillard as Prime Minister. This Labor government sees as important for the future of this country having a strong economy, having a vision for the future and tackling the difficult issues that we are confronted with.

Before I go on to talk about some of those issues I want to take this opportunity to congratulate my Tasmanian colleagues on their re-election to the other place—Sid Sidebottom in Braddon, Julie Collins in Franklin and Dick Adams in Lyons—and I want to make some comments about the new federal member for Bass, Mr Geoff Lyons. He made his first speech to the parliament this afternoon. I congratulate him on his contribution. He
has set a very high bar for not only what he will bring to the federal parliament but how he will be a strong, outstanding advocate for the electorate of Bass. I want to take this opportunity as the Labor senator who led the Senate ticket in the election to congratulate senators-elect Anne Urquhart and Lisa Singh. They are both outstanding women who will make a fantastic contribution in this place.

I want to turn now to the issues that we as a government will confront. These things were neglected over the 12 years of the previous Liberal government. They are things like investing in infrastructure in education, tackling homelessness and talking about aged care. I would also like to talk about an issue in Tasmania that was key to our success in the last federal election—the rollout of the National Broadband Network. This is the most important development for Australia in a very long time, as important as roads, rail and electricity. It is certainly the largest single investment in infrastructure made by an Australian government. The benefits are very real.

The opposition talk of the cost of doing this but there is never any mention of the huge cost to the Australian community and to our economy of not doing it, of not making this investment. This would be a missed opportunity for creative talent, for existing businesses and for new businesses to upload their video files without constraints and for health, for education and for all of us to operate in a more secure Internet system.

Debate interrupted.

DOCUMENTS

**The ACTING DEPUTY PRESIDENT (Senator Moore)**—Order! It being 6.50 pm, the Senate will proceed to the consideration of government documents.

**Digital Television**

**Senator BARNETT** (Tasmania) (6.51 pm)—I move:

That the Senate take note of the document.

This report of the Department of Broadband, Communications and the Digital Economy on digital television transmission and reception is quite extensive and comprehensive and it highlights the litany of failure with respect to digital television access in rural and regional parts of this country. I specifically will address my remarks to Tasmania. There is a litany of complaint for rural and regional parts of Tasmania and it has continued. For example, last year we were the only state in Australia that missed out One HD 24-hour sports TV channel. It has now been rolled out. Initially it was to be rolled out to the capital cities but not Hobart—not Tasmania. Then I started a campaign in June or July last year. We had a Facebook campaign, we had community support and Tasmanians, particularly in the south, said: ‘We want it. We deserve it. We are part of Australia. Hobart is the capital of the sovereign state of Tasmania and one of the capitals in this country of Australia.’ We said it is not fair. That campaign continued for some time because we felt we were being treated as second-class citizens and it was not good enough. We are just as keen on sport—AFL football and also rugby league, but mostly AFL football, I must say. Many of us down there support the Richmond Tigers. They have not had a great year—

**Senator Feeney**—Go the Pies!

**Senator BARNETT**—Go the Pies, says Senator Feeney, for this Saturday. So we are saying that we are like every other member of the Australian community. So it was disappointing at the time that Southern Cross Ten Network launched One HD to regional viewers in New South Wales, Queensland, Victoria and the ACT from 2 July and of
course there was a huge delay in Tasmania. In the end we got it to Hobart. We made that campaign successful. Community support and community pressure made it happen. And guess what? It then went to other parts of Australia. So we started a campaign for all the other parts of Tasmania. It took time and we were ultimately successful, but we had to fight to make it happen. I am proud to be a member of the Tasmanian Liberal Senate team and, with others, we fought very hard. There was a group of sports fans not just in Hobart but also in Launceston. We urged quick action and we ended up getting it.

But since then it seems that the networks, this government and Senator Conroy have not learnt their lesson. Why have they not learnt that lesson? Just a month or two ago, I think it was the week of August 30, Channel 7 and Channel 10 announced that they would launch new digital channels, 7Mate and Channel 11, across Australia except Tasmania. So they have not learnt their lesson. There was a Facebook page created and a campaign started. I commend Rebecca White from Tasmania, a local member of parliament down there, for making an effort to say that we should be treated like all other parts of Australia. Well, guess what? In due course they did listen and they did learn and now those new digital channels are coming to Tasmania.

I am very disappointed that the federal Labor government has not acted more directly with respect to access to digital television on the east coast of Tasmania. I am advised, based on this report of September 2010 and other advice I have received, that that is not going to be due until 2013. That is a long way away. We want to be treated like other parts of Australia and 2013 is a long way away—obviously more than two years away. That is a decision that I know Senator Conroy can influence. He can make a decision and he can stand up for the people of Tasmania. I am asking him tonight to do so and putting him on notice. I am saying to him: ‘Please intervene. Please step forward. We know that your government has pledged some money to be spent on broadcasting digital services to regional areas across Australia and we want Tasmania included—the east coast of Tasmania and other parts of Tasmania, whether it be the west coast, the far north-east or the islands, King and Flinders.’ We need that support from the Federal government. I ask this government to come forward and say, ‘We acknowledge there is a problem here.’ The way the program and the system is running at the moment is discriminatory. This report that I am referring to tonight, dated September 2010, is very clear. The fact is that it is simply not good enough. I am asking the government to step forward, take on board the concerns and fix the problem. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Consideration**

The following government documents tabled earlier today were considered:


General business orders of the day nos 1 to 10 relating to government documents were called on but no motion was moved.
ADJOURNMENT

The ACTING DEPUTY PRESIDENT
(Senator Moore)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Building the Education Revolution Program

Senator FURNER (Queensland) (6.58 pm)—I rise today to compliment the Labor government’s Building the Education Revolution initiative, which has seen schools across this great nation receive much wanted and much appreciated multipurpose halls, classrooms, undercover areas, libraries and technology rooms. After 12 years of neglect, our schools now have brand new or upgraded facilities which will bring them into the 21st century. In the last six months I have been privileged to visit many schools in Queensland which benefited from the Labor government’s injection of $16.2 billion to inspect and officially open these great new facilities. Contrary to Senator Joyce’s ‘glorified garden sheds’ claim, not one was in sight. Instead, I saw big enclosed halls complete with stages, where students can play sport when the weather is inclement and can hold their graduation ceremonies, musicals and school assemblies. One school I visited can fit the entire student body in a building for the first time. I saw extended classrooms, where schools like Living Faith Lutheran Primary School can expand and become a triple stream school. I saw covered walkways at Toowong State School, under which students can walk from one building to the next without getting wet or facing sunburn. I saw new libraries and rooms full of computers, allowing every student in a class to develop their IT skills.

To me, this project has been an absolute success. For many schools I visited this funding, which was part of our $42 billion economic stimulus package, was a dream come true. Dayboro State School principal, Ms Glynnis Gartside, whose school received a multipurpose hall and a library resource centre, said that she had not seen anything like it before. At the BER opening on 14 July she said:

Firstly, we are happy. These new facilities, that we wouldn’t have even dreamed to dream of two years ago, are well built, appropriate to our needs and will serve the Dayboro community well into the future. Secondly, in my long career as a teacher with Education Queensland—this is my 39th year—I have never seen first-class facilities like these made available to primary schools unless the pressure of growth or sheer decay of existing facilities has made it absolutely necessary. It just goes to show that if you stay around long enough anything can happen.

Another school which I visited in the electorate of Dickson was Living Faith Lutheran Primary School. During the official opening of their new multipurpose hall and classroom in August, school council chairperson, Roz Cooper, said that these facilities would not otherwise have been a reality for the school for many years. She said:

We are just absolutely delighted because we couldn’t have got as high-quality or well appointment to the buildings without the funding of the state and the federal Labor governments for both this hall land our third year 1 class. Given that this is our 10th year, that would have been well down the track before we could achieve that, so we’re very, very grateful.

Of all the schools I visited, not one negative comment was made. The students and teachers are pleased with their new buildings, and the principals are thankful and delighted. Not only has this project benefited 9,500 schools in Australia; it has also kept people in jobs during the global financial crisis.

The BER was a key element of the Labor government’s $42 billion Nation Building and Jobs Plan, which aimed at supporting up to 90,000 jobs to keep Australians employed.
In February 2009, $1.288 billion was allocated to 9,495 schools to renew and refurbish existing facilities under the National School Pride Program; $821.8 million was announced to fund the Science and Language Centres for 21st Century Secondary Schools, to provide state-of-the-art facilities for our schools; and $14.1 billion was allocated to Primary Schools for the 21st Century, to fund 10,656 projects in 7,961 primary schools throughout the nation. When the rest of the world heard about the financial crisis taking place in the United States, the Labor government decided to take direct action to prevent our prosperous nation from falling into a recession. The construction industry had slowed down, which meant many people would have faced the prospect of unemployment. To curb this problem and to keep Australians in jobs the Labor government turned to an economic stimulus package to boost the economy and provide vital infrastructure for our future generations. These projects have delivered new and refurbished buildings for our growing schools that have benefited not only their students but also their wider communities. Community groups will also be able to access these halls at little or no cost.

Standing in any of these fantastic facilities, the last thing that comes to mind is ‘monumental failure’, as the member for Sturt described the BER program. A media statement released by the Building the Education Revolution Taskforce, which was established to investigate and respond to complaints made about the program found:

… BER P21 is delivering quality infrastructure within the timeframe constraints set.

The statement went on:
For some of the 22 education authorities' project costs are materially higher than would have been obtained pre-BER in a business as usual environment. For some education authorities however the costs do not appear to be higher.

Notwithstanding the validity of issues raised in the complaints which are concentrated in the NSW Government system, our overall observation is that this Australia wide program is delivering much needed infrastructure to school communities while achieving the primary goal of economic activity across the nation.

The project was a highly positive initiative for our nation and achieved what was intended by the Labor government. It kept people in jobs, it stimulated the economy and it provided quality new infrastructure for our schools.

Another school which was delighted with their new buildings was Chevallum State School. During the BER opening in August, a poem was read by a student, Penny, which voiced the school’s delight. I would like to share the poem with those in the chamber this evening and those listening:

The Building Education Revolution
Has created answers and been a solution
In enhancing and complementing our existing facilities
It will boost our student learning abilities
Our new hall is the heart of our education
Upholding Chevallum’s high achieving reputation
Parades and performing arts, we do
Ceremonies and concerts, to name a few
When multi-age prep comes to town
There is now more space to move around
Lots more area for think and play
Children negotiating and having their say
The space is open and bright
It’s easier to construct, read, problem solve and write
The new library is a place of quiet and peace
As you read your brain will surely feast
With nooks and crannies and personal space
You can curl up against a bookcase
A central place for all to meet
Computer labs where one can take a seat
For readers and others it’s a second home
If you come here you’re never alone
Our new teaching kitchen is a diverse learning space
Lifelong learning skills students will embrace
We work in a safe, hygienic and efficient way
Preparing a variety of meals from the garden to gourmet
The Building Education Revolution
Has created answers and been a solution
In enhancing and complementing our existing facilities
It will boost our student learning abilities.
It is clear not only from that poem but also from the other feedback that I have received in attending BER openings that the Building the Education Revolution is a successful program which has delivered 21st century facilities to schools across the nation, kept people in jobs and boosted our economy. Our students now have new halls, new computers and an even more prosperous future ahead, thanks to a Labor government.

Mr Gilad Shalit

Senator FIFIELD (Victoria)—Manager of Opposition Business in the Senate (7.06 pm)—As we enter the fifth year of the captivity of Gilad Shalit at the hands of his Hamas tormenters, we cannot escape the importance of the continued struggle for his freedom. On the morning of 25 June 2006, eight terrorists used a tunnel excavated during a period of ceasefire to launch an unprovoked assault on an Israeli Defense Forces position. IDF soldiers were attacked while guarding a place called Kerem Shalom—‘Vineyard of Peace’—a border crossing which enables trade between Israel and Gaza. For years facilities such as these have been attacked by Palestinian terror organisations because of a brutal opposition to any exchange that might foster an end to the conflict. Firing automatic weapons and rocket propelled grenades, the attackers killed two soldiers, Lieutenant Hanan Barak and Sergeant Pavel Slutzker, both 20, and injured three more. They abducted then-19-year-old Corporal Gilad Shalit, who was seen being publicly dragged, wounded, into Gaza, where he is believed to have been held captive since then.

Gilad has been virtually shut off from the outside world; the only signs of life have been three letters and a short video, for which 20 Palestinian prisoners were released in exchange. The International Red Cross has been refused any access. Mail and aid packages cannot reach him. To make a mockery of his family’s pain and anguish, Hamas has staged re-enactments of the kidnapping. They have held plays in which actors portraying Gilad beg for their release. They have even released an animated film depicting an aged Noam Shalit, Gilad’s father, grieving over his son’s coffin.

Gilad Shalit was born on 28 August 1986 to parents Aviva and Noam Shalit. Gilad’s family lives in Mitzpe Hila, a small village in western Galilee. He grew up playing basketball and soccer with his neighbourhood friends. He was a great fan of the American NBA. In high school he excelled in physics and maths and often helped other students. Like his uncle before him, Gilad joined the tank division when he was drafted into the IDF in 2005. His story resonates with the Israeli people because many in the ranks of the Israeli Defense Forces are young citizens fulfilling the obligation to serve their country; it could have been any Israeli’s son or daughter who was captured that morning. His plight has become the plight of an entire nation. Public events mark his birthday and the anniversary of his kidnapping. Photographs of Gilad as a teenager appear on public walls and fly on flags from car antennas. His name is inscribed on bracelets worn by Israeli youth and the number of days of his
captivity is publicly displayed near the Prime Minister’s residence.

Israel in this situation was attacked from a territory which it does not occupy and over which it makes no claim. It was attacked from a territory from which it had withdrawn in an effort to forge peace. Let us not forget that the territory from which the raid was launched claimed to be a democracy, but real democracies respect the rule of law; real democracies do not take hostages; and real democracies do not allow entities within their borders to operate outside the law, to launch attacks on their neighbours and to kidnap their neighbours’ citizens. There should be no doubt, if ever there was, that any claim of democracy is a facade for a brutal and ugly agenda.

Hamas has granted no quarter to civilian populations on either side of the border; Hamas has fired more than 10,000 missiles indiscriminately at the population centres in Israel. Hamas deliberately and contemptuously puts the residents of Gaza in danger by storing and using weapons in civilian areas. Hamas enforces the isolation of Gaza and its people. The truth is that Hamas seeks neither peace nor prosperity for Gazans. Captive with Gilad are all Israelis and Palestinians, hostage to a cynical and violent campaign of jihad being waged by Hamas and its fellow travellers. Israel’s difficult journey reconciling the nation’s security needs with the Jewish principle of pidyon shvuyim, the redemption of prisoners, reveals the enduring strength of its national character. Every effort has been made to secure Gilad’s release, yet for months at a time Hamas does not respond to proposals mediated in good faith by third parties. His captors continue to issue unreasonable demands and ultimatums for Israel to release as many as 1,000 prisoners. Many on its list are convicted of fatal terrorist attacks. Gilad Shalit should not languish a moment longer. His family and his nation should not spend another moment in torment. He should be released without equivocation, condition or delay. Gilad was defending his country, democracy and the rule of law, but above all Gilad was defending his homeland, defending Israel from those sworn to destroy it.

The state of Israel has the right to defend itself but, more than that, the government of Israel has an obligation to protect its citizens and to fail to do so would be a dereliction of its duty. Australia has always stood by the people of Israel and I think always will, but ultimately it is because of soldiers like Gilad that the nation of Israel still stands. Israel consistently strives to maintain the rules of international law. This acknowledgement is not reciprocated by its enemies, who cynically push for Israel to be held to the highest standards of compliance with the very rules they comprehensively repudiate. Taking a hostage to compel a state to do or abstain from any act is criminal. Prohibiting prisoners contact with their families is criminal. Refusing any right of visitation by a humanitarian body is criminal. Those who kidnapped Gilad are criminals, and for too long the international community has passively accepted Gilad’s captivity. For too long Hamas has not taken seriously the imperative of negotiations to secure his return. For too long many have ignored the fundamental injustice of the suffering and isolation of an innocent youth.

The criticism of Israel’s efforts to enforce a blockade against arms shipments to Hamas cannot be a distraction from Gilad’s confinement and deprivation. The campaign to free Gilad grows stronger. On 30 August 2010, dozens of students gathered in Melbourne to reflect on Gilad Shalit’s 24th birthday, marking the 1,525th day he has been held in captivity. I acknowledge the tireless efforts of Gilad’s family and all of his supporters. The pain of his family is shared...
by many of their fellow citizens and supporters, and these efforts continue to bring light to the struggle of Gilad.

Contrary to all standards of international law and decency, a young man’s life still hangs precariously in the balance. The international community must escalate its advocacy on behalf of Gilad and all those who Hamas holds hostage, not just in words but in deeds.

Ours—Australia’s and Israel’s—is a solidarity built on common values. Israel is indeed a beacon of hope and liberty in the Middle East. It is a great and robust democracy, a nation of free men and women, and Australia, I hope, will stand by them. We must not rest until the message is heard: Gilad Shalit must be freed.

Disability Employment Services

Senator WORTLEY (South Australia) (7.16 pm)—The Gillard government cares about those in our community with disabilities. This is evidenced by many of the government’s actions, and I wish to elaborate on some of these this evening. In doing so, I first of all congratulate the Parliamentary Secretary for Disabilities and Carers, Senator the Hon. Jan McLucas, on her appointment.

The Australian government provides a range of specialist disability employment assistance to help people with disability prepare for, obtain and retain employment. Approaches to disability employment assistance include, firstly, open employment through disability employment services and, secondly, supported employment through Australian Disability Enterprises. The government is committed to improving access for people with a disability who need supported employment, improving the experience of people with disability in supported employment and strengthening Australian Disability Enterprises as progressive and sustainable commercial enterprises providing inclusive supported employment. It wants to ensure that supported employment is valued as a pathway to full participation and inclusion in community life for people with disability.

To achieve this goal, the Gillard government proposes to develop a new vision for people needing supported employment. It wants to partner with people with disability and their families and carers, supported employment organisations and the wider community to deliver on a new vision. The new 10-year vision will be positioned within a human rights framework where everyone has the right to work where possible, where everyone has the right to work in an environment that is inclusive, supportive and accessible and where everyone has the right to fully participate and be included in Australian society. To this end, the government has released a discussion paper on improved support to Australians with severe or profound disability requiring supported employment through Australian Disability Enterprises.

The discussion paper, Inclusion for people with disability through sustainable supported employment, offers a starting point for the 10-year vision which will see people with disability achieving greater participation and inclusion in the community through quality supported employment. On the release of the discussion paper, the minister for community services, Jenny Macklin, said:

The Government is committed to an Australia where people with disability have the same opportunities as other Australians to have a job where possible, participate in the community and have a meaningful life ...

The government funds Australian Disability Enterprises to provide supported employment in a real workplace offering real work. The enterprises operate over 600 commercial businesses across Australia and employ around 19,000 people with disability. These enterprises pay a wage to people with dis-
ability for the work that they do and provide them with the support they need to do their work.

The Gillard government values the significant contribution of Australian Disability Enterprises to the wellbeing and independence of people with disability as well as to the Australian economy. It is working in partnership with Australian Disability Enterprises to ensure people in supported employment meet their career goals and aspirations whilst also ensuring the commercial viability and sustainability of the sector.

This discussion paper also progresses key commitments of the government following Australia’s ratification of the United Nations Convention on the Rights of Persons with Disabilities and its release of the National Mental Health Disability Employment Strategy. As stated by the former parliamentary secretary for disabilities, work is the cornerstone of social inclusion for people with disability, and Australian Disability Enterprises provide dignity and purpose to many people with a disability.

We all know that work provides financial independence, builds self-esteem, provides friendships and gives a person respect. These benefits should not be denied to people just because they have a physical or mental impairment. There has been real progress in recent years to strengthen and improve the supported employment system, but there are still many barriers preventing people with disability from being part of the workforce.

The government aims to improve the quality and inclusiveness of the supported employment system. That is why we are keen to hear people’s ideas about the future direction of supported employment to help the Australian government develop a new vision for supported employment. The Gillard government recently increased funding for Australian Disability Enterprises by $4.5 million in the 2010-11 financial year, bringing the total funding to $204 million. It has also appointed an advisory committee on Australian Disability Enterprises to guide the consultation process and give expert advice to government.

With the horizon to 2020 for this vision, six areas for improvement have been identified in this discussion paper reflecting our understanding that (1) people with disability in supported employment want to be employed in a work environment that has inclusive workforces and safe workplaces. (2) People with disability in supported employment want to earn a fair wage through improved wage determination processes and other employee benefits. (3) People with disability in supported employment want choice and flexibility in where they work and the work they do through a person centred approach. (4) People with disability in supported employment want appropriate supports over their lifetime through timely and seamless access to assistance. (5) People with disability in supported employment, the supported employment sector and government want to be confident that businesses are delivering supported employment through better practice models. (6) People with disability in supported employment, the supported employment sector and the government want to be confident that partnerships are formed through genuine respect and innovation to improve the supported employment system into the future.

In closing, I wanted to bring to the attention of the chamber and those listening to the broadcast this evening that there is still time for individuals and organisations to make submissions on this very important topic as the closing date has now been extended to Friday, 26 November. For more information, including a copy of the discussion paper and details about making a written submission or
joining a community consultation, interested parties can visit www.fahcsia.gov.au.

Senate adjourned at 7.24 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.]

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directive—AD/PW4000/20—15th Stage High Pressure Compressor [F2010L02531].

Customs Act—Tariff Concession Orders—
1014413 [F2010L02516].
1014472 [F2010L02506].
1014655 [F2010L02521].
1014661 [F2010L02518].
1014664 [F2010L02517].
1014668 [F2010L02519].
1014802 [F2010L02505].
1014870 [F2010L02520].
1014877 [F2010L02504].
1014978 [F2010L02522].
1015007 [F2010L02507].
1026114 [F2010L02524].


Return to Order

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—Old Parliament House.

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2009-10—Letter of advice—Foreign Affairs and Trade portfolio agencies.

The following document was tabled pursuant to the order of the Senate of 24 June 2008, as amended:

Departmental and agency appointments and vacancies—Budget (Supplementary) estimates—Letter of advice—Broadband, Communications and the Digital Economy portfolio agencies.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Australian Pesticides and Veterinary Medicines Authority

(Question No. 2833)

Senator Milne asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 3 June 2010:

With reference to the investigation by the Australian Pesticides and Veterinary Medicines Authority (APVMA) of contamination at the Sunland Freshwater Fish Hatchery near Noosa:

(1) Why has the APVMA not taken any action on the veterinary reports provided as adverse event reports and the internationally published scientific data of aquatic toxicity caused by the nonylphenol and the alkylphenol group of detergents and wetting agents, given they were removed in 2006 from regulatory approval in the European Union, and have been implicated in causing some of the syndromes investigated in the Biosecurity Queensland Noosa fish health investigation.

(2) (a) What legislative grounds does the APVMA have to appoint the Noosa Fish Health Investigation Taskforce to undertake an investigation of reported adverse events involving chemicals used according to their label; and (b) if there are no legislative grounds, why has the APVMA failed to commence its own investigation given the availability of numerous veterinary reports flagging the likely involvement of agrichemicals in serious impacts of fish reproduction and survival.

(3) Why has the APVMA stated on its website that there is ‘no evidence’ of the involvement of chemicals in the Noosa fish health investigation when it has in its possession over 500 pages of veterinary reports with multiple lines of evidence which are strongly suggestive that chemicals are the necessary cause for all of the events observed (malformations and mortalities) at Sunland Freshwater Fish Hatchery, due to air blast spraying on the neighbouring macadamia farm and chemical pollution of the Noosa River.

Senator Ludwig—The answer to the honourable senator’s question is as follows:

(1) I am advised that detergents that are found in agricultural chemical products as solubilisers for pesticide active constituents and as spray adjuvants and wetters are regulated by the APVMA. The veterinary reports alleging involvement of the nonylphenol and alkylphenol group of detergents in the fish health problems reported at a Noosa fish hatchery were provided to the APVMA as Adverse Experience Reports (AERs) in March 2010. These reports, including information available in the scientific literature, are being assessed by the APVMA. They are also seeking additional expert advice from aquaculture experts. These assessments should be finalised by the end of September 2010.

The APVMA’s preliminary assessment is that the reports do not provide evidence to support the author’s assertions that the low detections of nonylphenol in some of the hatchery ponds and tanks were the cause of the reported fish health problems or that their presence arose solely from the use of agricultural chemicals. The first of the two expert aquatic consultants concurs with the APVMA assessment. The APVMA is currently awaiting the report of the second expert consultant.

Other sources of nonylphenol and related compounds include domestic and industrial surfactants (detergents) and plasticisers in a range of plastics. Collection of water samples for chemical analysis using plastic buckets and sample bottles can lead to detectable leaching of nonylphenol compounds from the plastic containers.
The report leading to the 2006 European Union (EU) decision to remove this group of compounds from regulatory approval in the EU noted that the major source of nonylphenols in EU waterways was from industrial and domestic uses - the contribution from agricultural sources was minimal.

The United States Environmental Protection Agency set ambient aquatic life water quality guidelines for nonylphenols in December 2005 but these do not affect approval for use in agricultural products; nonylphenols may be used in a range of industrial and consumer products in the United States.

(2) (a) and (b) The APVMA did not appoint the Noosa Fish Health Investigation Taskforce. The Taskforce was established by the Queensland Minister for Primary Industries and Fisheries - http://www.dpi.qld.gov.au/4790_12920.htm.

The APVMA also did not appoint the Taskforce to conduct investigations of the AERs submitted to it on the APVMA’s behalf. The APVMA is conducting its own investigations of the reported adverse events at the Noosa hatchery, including seeking expert advice from the Department of the Environment, Water, Heritage and Arts and external aquaculture specialists. This work is on-going.

As part of its investigations into AERs received, it is standard practice for the APVMA to seek input from the relevant state/territory authorities that are part of the National Registration Scheme for Agricultural and Veterinary Chemicals. The APVMA’s regulatory powers extend to the point of retail sale, and the states and territories are responsible for control of use; therefore they are likely to have relevant information to assist in the assessment of adverse experience reports.

The Queensland authority (Biosecurity Queensland, Department of Employment, Economic Development and Innovation) has advised the APVMA that their formal response to the APVMA request for advice on the submitted AERs will be included in the final report of the Taskforce.

The APVMA has provided technical assistance to the Queensland Taskforce in the form of literature and data searches on agricultural chemical fish toxicity studies and spray drift modelling.

(3) The APVMA website states; “To date, the Taskforce has not found any firm evidence that agricultural chemicals might have been involved.” If, and when, the Taskforce reports such evidence, then the APVMA will consider that evidence for possible action.

Special Broadcasting Service
(Question No. 2916)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 2 July 2010:

(1) Which positions are being made redundant in the Special Broadcasting Service (SBS) subtitling and news and current affairs areas.

(2) What are the reasons for these cuts.

(3) Will these cuts make a difference to the quality of SBS’s news and current affairs coverage; if so, how.

(4) Will the need to purchase pre-subtitled content, rather than subtitling programs in-house, change SBS’s selection of programming; if so, (a) how; and (b) will it result in some language groups being better served than others.

(5) Will the subtitles be different in any way to the subtitles SBS would have inserted in-house; if so, how.

(6) Are these changes the result of the ‘legacy of successive funding shortfalls’ SBS mentioned in its 2009-2012 triennial funding submission to Government.
Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) SBS has identified 21.67 full time equivalent positions for redundancy including subtitlers, video captioners, editors and journalist/producers.

(2) SBS advises it is now carrying more first-run multilingual content than at any time in the past. This has been achieved by maintaining the traditional 50-50 split of LOTE (languages other than English) and English content on SBS ONE while, in 2009, launching SBS TWO, which is carrying LOTE programming in excess of 70 per cent.

Later this year SBS intends to lift both the level and range of first-run multilingual content on SBS TWO. This will include languages, particularly from the Asian region, for which SBS has limited in-house subtitling capacity.

SBS commissioned the consulting firm Deloitte to conduct an independent review of its Subtitling Unit. This review included an assessment of the Unit’s current levels of activity, and its ability to handle the future demand created by SBS TWO.

The review concluded that among the languages that were staffed at SBS, there was considerable over-capacity, that is, it did not have the right mix of staff languages to meet the programming needs of SBS ONE and SBS TWO. It also found that many highly skilled staff were undertaking duties other than subtitling for the majority of their time (for example, closed captioning).

The review also advised that it was not possible to fully align an in-house subtitling unit serving a limited number of languages with the requirements of the program schedule both in terms of varying volumes and additional languages. It identified a number of quality international subtitling companies, serving broadcasters such as the BBC, which could potentially service SBS.

The recommendation of Deloitte was to introduce efficiencies, some of which had been identified by staff, before progressing to a fully outsourced subtitling service.

SBS Management did not adopt the recommendation to fully outsource subtitling, deciding instead to retain a significant, albeit reduced, Subtitling Unit by reducing the excess capacity across all parts of the Unit (not just among subtitling staff).

SBS will continue to use a mixed-model to source its subtitles including, as now, from the in-house unit and freelance staff, when this is necessary, using SBS facilities. It will explore commissioning some subtitles from well-credentialed international subtitling companies and will increase, subject to quality, the use of subtitles which are supplied with some of the programs SBS buys from overseas.

The resulting efficiencies and greater flexibility will produce some savings, all of which will be required to invest in purchasing more multilingual programs for SBS TWO.

SBS is committed to expanding its multilingual offering and, to do that, it requires a flexible subtitling service that directly fits the requirements of the program schedule.

The SBS News and Current Affairs 2010/11 budget planning process identified the need to reduce staff numbers in the Division.

(3) No. The cuts are relatively small and will be alleviated by more efficient rostering and new technology.

(4) No. SBS will continue to use a mixed-model to source its subtitles including, as now, from the in-house unit and freelance staff. It will explore commissioning some subtitles from well-credentialed international subtitling companies and will increase, subject to quality, the use of subtitles which are supplied with some of the programs SBS buys from overseas.

(5) Pre-subtitled content may use a different visual style to that used by SBS for its subtitles. For example, a different font style or colour may be used. SBS will assess all pre-subtitled content and will only use subtitles which it considers acceptable for its audience. In those cases where subtitles
are not acceptable or beyond modification SBS will make use of in-house or freelance staff, as necessary, to subtitle the content.

(6) SBS routinely assesses all areas of its operations to see if improvements can be made and to ensure that it is performing its functions in a proper, efficient and economical manner, and with the maximum benefit to the people of Australia, as required under the Special Broadcasting Service Act 1991.