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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 Robert James Brown
Deputy Leader of the Australian Greens—Senator Christine Anne Milne
Leader of the Family First Party—Senator Steve Fielding
Chief Government Whip—Senator Anne McEwen
Deputy Government Whips—Senators Carol Louise Brown and Helen Beatrice Polley
Chief Opposition Whip—Senator Stephen Shane Parry
Deputy Opposition Whips—Senators Judith Anne Adams and David Christopher Busby
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert
Family First Party Whip—Senator Steve Fielding

Printed by authority of the Senate
### Members of the Senate

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

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

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

Prime Minister
Hon. Julia Gillard MP

Deputy Prime Minister and Treasurer
Hon. Wayne Swan MP

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

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

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

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

Minister for Foreign Affairs
Hon. Kevin Rudd MP

Minister for Trade
Hon. Dr Craig Emerson MP

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

Minister for Immigration and Citizenship
Hon. Chris Bowen MP

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

Minister for Health and Ageing
Hon. Nicola Roxon MP

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

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

Minister for Finance and Deregulation
Senator Hon. Penny Wong

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

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

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

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

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

[The above ministers constitute the cabinet]
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 Parliamentary Secretary for Health and Ageing
Hon. Catherine King MP

Parliamentary Secretary for Disabilities and Carers
Senator Hon. Jan McLucas

Parliamentary Secretary for Community Services
Hon. Julie Collins MP

Parliamentary Secretary for Sustainability and Urban Water
Senator Hon. Don Farrell

Minister Assisting on Deregulation
Senator Hon. Nick Sherry

Parliamentary Secretary for Agriculture, Fisheries and Forestry
Hon. Dr Mike Kelly AM, MP

Minister Assisting the Minister for Tourism
Senator Hon. Nick Sherry

Parliamentary Secretary for Climate Change and Energy Efficiency
Hon. Mark Dreyfus QC, MP
SHADOW MINISTRY

Leader of the Opposition
Hon. Tony Abbott MP

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

Leader of the Nationals and Shadow Minister for
Infrastructure and Transport
Hon. Warren Truss MP

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

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

Shadow Treasurer
Hon. Joe Hockey MP

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

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

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

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

Shadow Minister for Energy and Resources
Hon. Ian Macfarlane MP

Shadow Minister for Defence
Senator Hon. David Johnston

Shadow Minister for Communications and Broadband
Hon. Malcolm Turnbull MP

Shadow Minister for Health and Ageing
Hon. Peter Dutton MP

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

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

Shadow Minister for Productivity and Population and Shadow
Minister for Immigration and Citizenship
Mr Scott Morrison MP

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

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

Shadow Minister for Small Business, Competition Policy and
Consumer Affairs
Hon. Bruce Billson MP

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

Shadow Minister for Employment Participation Hon. Sussan Ley MP
Shadow Minister for Justice, Customs and Border Protection Mr Michael Keenan MP
Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation Senator Mathias Cormann
Shadow Minister for Childcare and Early Childhood Learning Hon. Sussan Ley MP
Shadow Minister for Universities and Research Senator Hon. Brett Mason
Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House Mr Luke Hartsuyker MP
Shadow Minister for Indigenous Development and Employment Senator Marise Payne
Shadow Minister for Regional Development Hon. Bob Baldwin MP
Shadow Special Minister of State Hon. Bronwyn Bishop MP
Shadow Minister for COAG Senator Marise Payne
Shadow Minister for Tourism Hon. Bob Baldwin MP
Shadow Minister for Defence Science, Technology and Personnel Mr Stuart Robert MP
Shadow Minister for Veterans’ Affairs Senator Hon. Michael Ronaldson
Shadow Minister for Regional Communications Mr Luke Hartsuyker MP
Shadow Minister for Ageing and Shadow Minister for Mental Health Senator Concetta Fierravanti-Wells
Shadow Minister for Seniors Hon. Bronwyn Bishop MP
Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate Senator Mitch Fifield
Shadow Minister for Housing Senator Marise Payne
Chairman, Scrutiny of Government Waste Committee Mr Jamie Briggs MP
Shadow Cabinet Secretary Hon. Philip Ruddock MP
Shadow Parliamentary Secretary Assisting the Leader of the Opposition Senator Cory Bernardi
Shadow Parliamentary Secretary for International Development Assistance Hon. Teresa Gambaro MP
Shadow Parliamentary Secretary for Roads and Regional Transport Mr Darren Chester MP
Shadow Parliamentary Secretary to the Shadow Attorney-General Senator Gary Humphries
Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee Hon. Tony Smith MP
Shadow Parliamentary Secretary for Regional Education Senator Fiona Nash
Shadow Parliamentary Secretary for Northern and Remote Australia Senator Hon. Ian Macdonald
Shadow Parliamentary Secretary for Local Government Mr Don Randall MP
Shadow Parliamentary Secretary for the Murray-Darling Basin Senator Simon Birmingham
Shadow Parliamentary Secretary for Defence Materiel Senator Gary Humphries
Shadow Parliamentary Secretary for the Defence Force and Defence Support Senator Hon. Ian Macdonald
Shadow Parliamentary Secretary for Primary Healthcare Dr Andrew Southcott MP
### Shadow Ministry—continued

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<td>Shadow Parliamentary Secretary for Small Business and Fair Competition</td>
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Monday, 25 October 2010

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers.

PERSONAL EXPLANATIONS

Senator ABETZ (Tasmania) (12.30 pm)—I claim to have been misrepresented and seek leave to make a brief statement to the Senate.

Leave granted.

Senator ABETZ—I thank the Senate. On Saturday, 23 October, the Mercury newspaper printed an article on page 2 under the heading 'Citizenship action on Abetz folds'. The fact is that the matter has not folded; it is for mention again in the High Court on 15 November. I therefore kept my comments to the media on the case to a minimum. The petitioner, however, used the opportunity to make and have published assertions that are simply incorrect. Allow me to quote the petitioner as reported in the article:

… Senator Abetz’s renunciation was dated March 9, 2010.

He said it meant Senator Abetz had been ineligible, because of his dual citizenship, during the 16 years of his political career until that date.

‘You cannot renounce what you haven’t got, so it means that Senator Abetz was a dual citizen and thus ineligible from 1994 to 2010,’ he said.

He followed that up with:

‘If he was a proper chap he would resign.’

I have been advised by my legal advisers that I can respond to these public allegations. The facts are these: in the lead-up to my becoming an Australian citizen on 3 December 1974, I was given a document, a copy of which I still have, issued by the Australian government. It said, in part, under the heading ‘Duties’, ‘before we can become Australians we must renounce our present allegiance and swear or promise to be loyal to Her Majesty the Queen.’ Under the heading ‘Privileges’, on that same document, it says, ‘Australians have the right to offer themselves for election as a member of parliament.’

On 3 December 1974, the oath I swore commenced as follows—and I have a copy of it here:

I, Eric Abetz, renouncing all other allegiance, swear by Almighty God …

German authorities have advised us—and continue to advise on their website in an information sheet entitled ‘German citizenship law’—as follows:

Please note that a German National who is naturalized abroad (e.g. in Australia) loses his/her German citizenship automatically through that naturalization.

Out of an abundance of caution, before nominating for the 1993 election, I wrote to the German embassy on 26 November 1992. That same article somehow suggested that that letter may not exist, that I had somehow promised to the Hobart Mercury that I would make it available to them. I never promised to the Hobart Mercury that I would make that letter available to them; I did tell them that it existed. That letter, along with all the other documents, have been provided to the petitioner. In that letter of 26 November 1992, out of an abundance of caution, I said, in part:

Given the latest High Court ruling in relation to the possibility of dual citizenship, I write to advise that any citizenship that I may still have with West Germany or Germany is hereby renounced, and I consider myself simply to be solely an Australian citizen. In the event that anything further is required, please advise immediately so that those matters can be attended to.

I received no response. To completely clarify the matter, I asked German officials to provide me with a document confirming my noncitizenship. I was provided with a renunciation certificate, but with an explanation
that ‘the certificate does not necessarily state that you actually were a German citizen before it was issued’.

To assert that I renounced my German citizenship in March 2010 as asserted in the article is wrong. I believe I renounced my German citizenship on 3 December 1974 in my oath and in the application of German law. To make doubly sure, I wrote in November 1992 to clarify the position. I now hold a certificate to confirm all of this. To assert that that certificate somehow renounced my citizenship—which I allegedly held up until that time—is, I suggest, demonstrably false. I thank the Senate.

MINISTERIAL STATEMENTS

Afghanistan

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (12.36 pm)—by leave—I move:

That the speaking times in relation to the ministerial statement relating to Afghanistan be as follows:

(a) that a senator speaking to the motion shall not speak for more than 20 minutes; and
(b) no time limit apply to the conclusion of the debate on the motion.

Question agreed to.

Senator CHRIS EVANS—On behalf of the Prime Minister (Ms Gillard), I table a statement on Australia’s commitment to Afghanistan, and seek leave to incorporate the statement in Hansard.

Leave granted.

Senator CHRIS EVANS—I move:

That the Senate take note of the statement.

The statement read as follows

A national government has no more important task than defending the nation, its people and their interests. That is why we take so seriously any decision to go to war. The war in Afghanistan is no different. Today I will answer five questions Australians are asking about the war:

• why Australia is involved in Afghanistan;
• what the international community is seeking to achieve and how;
• what Australia’s contribution is to this international effort – our mission;
• what progress is being made; and
• what the future is of our commitment in Afghanistan.

Of course, while our troops remain in the field, I must be responsible in how much I say. But in answering those questions, I want to be as frank as I can be with the Australian people. I want to paint a very honest picture of the difficulties and challenges facing our mission in Afghanistan. The new international strategy and the surge in international troops responded to a deteriorating security situation. This means more fighting; more violence. It risks more casualties. There will be many hard days ahead.

1. Why Australia is Involved in Afghanistan

Australia has two vital national interests in Afghanistan. One, to make sure that Afghanistan never again becomes a safe haven for terrorists, a place where attacks on us and our allies begin. Two, to stand firmly by our alliance commitment to the United States, formally invoked following the attacks on New York and Washington in 2001. Last month we marked the ninth anniversary of 9/11 attacks. Before September 11 al-Qaeda had a safe haven in Afghanistan under the Taliban government, a safe haven where they could recruit, indoctrinate, train, plan, finance and conspire to kill. On September 11, al-Qaeda murdered more than 3,000 people—thousands of Americans, citizens of our ally the United States, people from many other countries and 10 Australians, 10 of our own, never forgotten. And millions of people were terrified.

So we went to Afghanistan to make sure it would never again be a safe haven for al-Qaeda. We went with our friends and allies, as part of the international community. We went with the support of the United Nations. The war has put pressure on al-Qaeda’s core leadership—killed some, captured others, forced many into hiding and forced them all on the defensive. Al-Qaeda has been dealt a severe blow.
But al-Qaeda remains a resilient and persistent network. Our successes against it in Afghanistan are only part of our effort against terrorism. We are working to counter the rise of affiliated groups in new areas such as Somalia and Yemen, and violent extremism and terrorist groups in Pakistan. That is why we support efforts in those countries, with those governments, to target terrorist groups there as well.

The terror did not end on September 11. Since 2001, some 100 Australians have been killed in extremists’ attacks overseas. Among them: 88 Australians were killed in the Bali bombing in 2002 and four Australians were killed in the second Bali bombing in 2005. Our embassy has been bombed in Jakarta. In each of these cases, the terrorist groups involved had links to Afghanistan. If the insurgency in Afghanistan were to succeed, if the international community were to withdraw, then Afghanistan could once again become a safe haven for terrorists. Al-Qaeda’s ability to recruit, indoctrinate, train, plan, finance and conspire to kill would be far greater than it is today. And the propaganda victory for terrorists worldwide would be enormous. So the goal of Australia and the international community is clear: to deny terrorist networks a safe haven in Afghanistan.

2. What the international community is seeking to achieve: the new international strategy

The international community has been in Afghanistan a long time—nine years. The Australian people are entitled to know what we are trying to achieve and when our troops can come home. Removing the Taliban government in 2001 and pursuing al-Qaeda in the years since has made a crucial difference in preventing terrorist attacks. From 2001 to mid-2006, US and Coalition forces and Afghan troops fought relatively low levels of insurgent violence. The international force in Afghanistan was focussed on a stabilisation mission. And there were no Australian units deployed in Afghanistan between December 2002 and September 2005. Through this period, few would now argue, US and international attention turned heavily to Iraq.

Australia’s substantial military involvement in Afghanistan resumed when the Special Forces Task Force was redeployed there for twelve months from September 2005 in support of international efforts to target key insurgents. Violence increased further in mid-2006, particularly in the east and the south. Due to significant intimidation and the absence of effective governance in many rural areas, some Afghans turned to the Taliban at this time.

The mission moved to a counter-insurgency focus. Australia’s contribution increased from October 2008 on as we took a growing role in training and mentoring in the southern Afghanistan province of Uruzgan. However the international counter-insurgency mission was not adequately resourced until 2009. In December 2009 President Obama announced a revised strategy for Afghanistan and a surge of 30 000 US troops. NATO has contributed more. So has Australia. I believe we now have the right strategy, an experienced commander in General Petraeus, and the resources needed to deliver the strategy. The overarching goal of the new strategy is to enable transition. That is, to prepare the government of Afghanistan to take lead responsibility for its own security.

But our vital national interests, in preventing Afghanistan being a safe haven for terrorists who attack us and in supporting our ally, do not end with transition. Our aim is that the new international strategy sees a functioning Afghan state become able to assume responsibility for preventing the country from being a safe haven for terrorists. Australia’s key role in that mission, training and mentoring the 4th Brigade of the Afghan National Army in Uruzgan, is expected to take 2 to 4 years. And President Karzai has said the Afghan Government expects the transition process to be complete by the end of 2014.

But let me be clear—this refers to the Afghan government taking lead responsibility for security. The international community will remain engaged in Afghanistan beyond 2014. And Australia will remain engaged. There will still be a need for Australians in a supporting role. There will still be a role for training and other defence cooperation. The civilian-led aid and development effort will continue. And we will continue to promote Afghan-led re-integration of former insurgents who are willing to lay down their arms, turn their backs on terrorism and accept the Af-
ghan constitution. We expect this support, training and development task to continue in some form through this decade at least.

Our mission in Afghanistan is not nation building. That is the task of the Afghan government and people. With international aid and development, we will continue to help were we can, but entrenching a functioning democratic Afghan state could be the work of a generation of Afghan people.

The new international strategy is comprehensive. It is focussed on:

- Protecting the civilian population—conducting operations together with the Afghan National Security Forces to reduce the capability and will of the insurgency.
- Training, mentoring and equipping the Afghan National Security Forces—to enable them to assume a lead role in providing security.
- And facilitating improvements in governance and socio-economic development—working with the Afghan authorities and the United Nations to strengthen institutions and deliver basic services.

The new strategy promotes efforts towards political reconciliation. It also includes a greater focus on partnership with Pakistan to address violent extremism in the border regions that threatens both Pakistan and Afghanistan. And the new international strategy is well resourced.

The international strategy is implemented by a combined civilian and military effort under the International Security Assistance Force. This involves 47 troop-contributing nations, working alongside a host of international bodies and aid agencies, with and at the invitation of the Afghan government, and under a United Nations Security Council mandate—a mandate renewed unanimously just this month.

This coalition includes many longstanding friends and allies of Australia, including the United States and New Zealand, the United Kingdom, Canada and France. Singapore and Korea, among other Asian countries, contribute. And several Muslim countries are involved, including Turkey, Jordan and Malaysia.

At the Asia-Europe meeting, I spent some time with Malaysia’s Prime Minister Najib. I was particularly struck by what he said was one of Malaysia’s most important contributions to Afghanistan: doctors—doctors who are Islamic women. They are able to work with Afghan women as few foreign medical professionals can.

We are part of a truly international effort in Afghanistan. To ensure the new international strategy can be delivered, last December the United States committed to a military and civilian surge in Afghanistan. The elements of this surge are now reaching full-strength. Once fully deployed, this will take coalition force numbers to roughly 140,000. US forces on the ground have tripled since early 2009. The total force now has the resources required to deliver a comprehensive international strategy focussed on counter-insurgency and designed to deliver transition.

3. Australia’s Contribution to the International Effort

Australia’s involvement makes a real difference in Afghanistan. The government supports the new international strategy and we have supported the surge. Australia has increased our troop contribution to Afghanistan by around 40 per cent in the past 18 months. We now have around 1,550 military personnel deployed in Afghanistan. Our military force is complemented by around 50 Australian civilians.

Earlier this year we took over leadership of the Provincial Reconstruction Team in Uruzgan to spearhead our civilian efforts, and increased our civilian commitment to Afghanistan by 50 per cent. In fact since 2001 we have committed over $740 million in development assistance to Afghanistan.

The main focus of the Australian effort in Afghanistan is directed towards Uruzgan province. It is a difficult job. Uruzgan province lies in southern Afghanistan. Around 500,000 people live there—roughly the population of Tasmania, across an area about one third the size of that state. Nearly three-quarters of the land is dry and mountainous. Most of the people live in a few major valleys alongside the rivers. Subsistence agriculture and poppy farming are the main ways to earn a living. Water is a precious and highly contested resource and overall economic pros-
pects are poor. School attendance is low, and illiteracy is high. In fact, the female literacy rate in Uruzgan is less than one per cent. For men it is only 10 per cent.

In Uruzgan, Australia’s soldiers and civilians are part of Combined Team-Uruzgan. Combined Team-Uruzgan is a new structure that brings the military, policing, political and development elements of our assistance under a single command. The team is commanded by a senior United States military officer, Colonel Creighton, and the senior civilian official is an Australian diplomat, Mr Bernard Philip. I met them both during my visit. We are lucky to have them.

The team is built around an Australian-US partnership, with contributions from a number of countries including New Zealand, Singapore and Slovakia. Combined Team-Uruzgan was established following the Dutch drawdown in August. We appointed our senior civilian representative to lead the Uruzgan Provincial Reconstruction Team and coordinate all ISAF civilian activities in the province.

The government has worked closely with the Dutch and US governments to ensure Australian soldiers and civilians have every support they need through the period of this handover. I welcome the Dutch government’s decision to extend their attack helicopter support. This is part of a broader ISAF contribution from which Australia and all contributing nations benefit. Australia’s contribution of two Chinook helicopters is part of this.

While in Afghanistan and Europe I met with: Colonel Creighton, commanding Combined Team-Uruzgan; General Petraeus, commanding the International Security Assistance Force; NATO Secretary-General Anders Fogh Rasmussen; and the then caretaker Prime Minister of the Netherlands, Jan Balkenende. In each of these meetings, I emphasised the strength of my view, my government’s view, that continuing this support was necessary. So I was glad to receive confirmation of the Dutch decision after my return. Our advice is that the planned arrangements for support following the full Dutch draw-down will see equivalent support to Australian forces. While lighter in absolute numbers, the American support available to our forces is agile and highly effective in pursuing our common mission. In addition, Afghan forces in Uruzgan have increased from around 3,000 to 4,000 in the past 18 months, meaning total troop numbers are larger now than when Dutch forces were present. As Prime Minister, I am satisfied that our troops have the right support. And, of course, this is a matter we keep under constant review.

In Uruzgan, Australia’s substantial military, civilian and development assistance focuses on:

- training and mentoring the Afghan National Army 4th Brigade to assume responsibility for the province’s security;
- building the capacity of the Afghan National Police to assist with civil policing functions;
- helping improve the Afghan government’s capacity to deliver core services and generate income-earning opportunities for its people.

As well as our efforts supporting transition in Uruzgan, Australia’s special forces are targeting the insurgent network in and around the province, disrupting insurgent operations and supply routes. While not part of Combined Team-Uruzgan, the Special Operations Task Group contributes to the province’s security. Our Special Air Service Regiment and our commando regiments are the equal of any special forces in the world. They will make a difference to the outcome of the war.

I know all this is very dangerous work for our soldiers and civilians. I give you my firm assurance that this government will listen to the professional advice and provide every necessary protection and support for our soldiers and civilians in Afghanistan. Over the past 12 months the government has announced more than $1.1 billion for additional force protection measures for Australian personnel. This includes upgraded body armour and rocket, artillery and mortar protection. The continuing and evolving threat posed to our troops by improvised explosive devices has seen us pursuing the right technologies to ensure our troops can detect these devices. Our troops are protected through hardened vehicles and other protective equipment. And, of course, we will keep these force protection measures under constant review.

I have spoken to Air Chief Marshal Houston, the Chief of the Defence Force. I have spoken to Ma-
jor General Cantwell, our national commander on the ground. Their advice to the government is that, as we stand today, our force structure—the number of troops on the ground and the capabilities they have—is right for our mission in Afghanistan. As Prime Minister, I want to be very clear. The government receives the advice on this decision. But we take the responsibility for this decision.

There has also been some debate about the rules of engagement for our soldiers in Afghanistan. Of course I will not comment on the particular case which is subject to current proceedings. I do, however, want to respond to some of the public comments on the rules of engagement generally. Those rules of engagement are properly decided by the government. They are consistent with the guidance provided by General Petraeus. They are consistent with the International Security Assistance Force’s rules of engagement. They are consistent with the international law of armed conflict. As with troop levels, we take the advice, but we take the responsibility.

As Prime Minister, let me say I believe the rules of engagement are robust and sufficient for the mission in Uruzgan. The Australian Defence Force is a professional military force, respected in Australia and around the world. They operate under strict rules of engagement. That is what they do. Rules of engagement are central to the mission of the ADF. Strict rules of engagement are in the long-term interests of our troops in the field. But, more than that, they are the difference between us and our enemy. As much as anything, what marks us from them is precisely this. We respect innocent civilian life. I believe Australians would not have it any other way.

4. What progress is being made nationally

The new international strategy is in place. The elements of the surge to support the strategy are now reaching full strength. The hard work is underway. We will monitor events closely. The NATO Lisbon summit in November will assess further progress against the International Security Assistance Force’s strategy. Mapping out that strategy will be a key focus of the summit. Afghanistan is a war-ravaged country that faces immense development challenges.

While the challenges are huge, I can report tentative signs of progress to date. The Afghan National Security Forces are being mentored and trained. The Afghan National Army reached its October 2010 growth objective of 134,000 ahead of schedule, and the Afghan National Police is also ahead of its October 2010 goal of 109,000. The Afghan National Army is becoming increasingly capable and supporting coalition operations more effectively. Nearly 85 per cent of the army is now fully partnered with ISAF forces for operations in the field. Afghan forces are now in the lead in Kabul.

The ability of the Afghan government to provide services to its people is being built. In primary education, enrolments have increased from one million in 2001 to approximately six million today. Some two million of these enrolments are girls. There were none in 2001. Nothing better symbolises the fall of the Taliban than these two million Afghan girls learning to read. In basic health services, infant mortality decreased by 22 per cent between 2002 and 2008 and immunisation rates for children are now in the range of 70 to 90 per cent. In vital economic infrastructure, almost 10,000 kilometres of road has been rehabilitated and 10 million Afghans now have access to telecommunications, compared to only 20,000 in 2001.

With the increase in troop levels, the fight is being taken to the insurgency. Insurgents are being challenged in areas, particularly in the south and east of the country, where they previously operated with near-impunity. Indeed, much of the increase in violence this year is attributable to the fact that there is a larger international and Afghan presence pursuing the insurgency more aggressively.

In Afghan politics, efforts are being made to convince elements amongst the insurgents to put down their arms, to renounce violence and adopt a path back to constructive and purposeful civilian life. And although we know democracy remains rudimentary and fragile, Afghanistan has a free press and a functioning parliament. Last month parliamentary elections took place—elections with real and widely publicised problems—but elections did take place. And the international community is working closely with Paki-
stan. Stability in Pakistan, and the uprooting of extremist networks that have established themselves in the border regions and terrorised both countries, is essential to stability in Afghanistan.

Let me turn more specifically to the progress of Australia’s mission in Uruzgan. Our Mentoring Task Force is training the 4th Brigade of the Afghan national army. The 4th Brigade, as our commanders on the ground told me during my visit, is proving to be an increasingly professional force, fighting better and becoming more capable at conducting complex operations. The brigade’s recent efforts in successfully completing a series of resupply missions between Tarin Kot and Kandahar has demonstrated improving capability. Since late last year, they have moved from observing and participating, to planning and leading these activities. The brigade also recently provided security for parliamentary elections in the province.

Our civilians are making a difference in Uruzgan. Our AFP contingent has trained almost 700 Afghan national police at the police training centre for the province. It has also contributed to the successful targeting of corrupt officials and the tackling of major crimes. We are helping build local services. In Tarin Kot township, business is flourishing at the local bazaar. There are two bank branches, crime is down, and the town is becoming a genuine provincial trading hub. I visited our trade training school on the Tarin Kot base, which is turning out 60 graduates each quarter in basic trades such as plumbing and carpentry, most of whom then contribute to reconstruction and development in the province.

Our aid to Uruzgan is increasing to $20 million in 2010-11. Already we have supported 78 school reconstruction projects and the disbursement of over 950 microfinance loans. We have helped refurbish the Tarin Kot hospital and assisted the rehabilitation and operation of 11 health centres and 165 health posts. We are constructing a new building for the Department of Energy and Water, and building a bridge crossing to connect to the Tarin Kot-Chora Road. Our civilians are working to build capacity within the provincial administration and support the reach of central government programs into Uruzgan.

We are taking the fight to the insurgency. On the C130 flight into Afghanistan, a map of Uruzgan spread out on his knees, our national commander Major General John Cantwell briefed me on our work in the field. Valley by valley, we are gradually making a difference to security. He told me about the agriculture-rich Mirabad Valley, a strategically important region with a history of violence in recent years, just to the east of the provincial capital Tarin Kot. Mirabad was dominated by the Taliban for the last seven years. It was a place where the provincial government had no influence. But over the last two years the Afghan security forces, in partnership with the Australian, Dutch and now US forces, have methodically expanded their permanent presence into the valley with the establishment of three patrol bases. Insurgents, clearly threatened by the growing reach of the Afghan national army, attacked the bases unsuccessfully a number of times during construction. Now the bases, combined with two nearby outposts, will allow the Afghan national army to better protect Mirabad’s communities. Mirabad is far from a success story yet. Progress in development, education and democracy is yet to begin. But in the specific mission we have given our forces in Uruzgan—to train the Afghan national army to take the lead in security—we see progress being made. That is the beginning of transition.

General Cantwell also told me about Gizab. It is an isolated township in the far north of Uruzgan province that had long been a Taliban safe haven, and one which the Taliban used as a base to launch attacks against the Chora district. Earlier this year, in April, the local community rose in revolt against the Taliban and, with the assistance of Afghan and Australian forces, captured the local Taliban commander and expelled the insurgents. Gizab now has a local police force and a new district governor, and the provincial government is beginning to make its presence felt. Again, it is a place where progress is painstaking and incremental, where there will be new setbacks and where consolidation is needed. Again though, it is a place where the seeds of transition are being sewn.

I have shared some positive stories about the beginnings of transition. There are many stories
which are not so positive. We should be realistic about the situation. Progress, even in security, is highly variable across the province. Any gains come off a low base. Any advances made are fragile. The challenges that face Uruzgan, and Afghanistan, are immense. But I do believe we should be cautiously encouraged.

5. The future of our commitment to Afghanistan

Australia’s national interests in Afghanistan are clear. There must be no safe haven for terrorists. We must stand firmly by our ally, the United States. There is a new international strategy in place—focused on counterinsurgency, designed to enable transition. Australia’s commitment to Afghanistan is not open-ended. We, along with the rest of our partners in the International Security Assistance Force, want to bring our people home as soon as possible. The Afghan people want to stand on their own. But achieving our mission is critical to achieving both these things.

The international community and the Afghan government are agreed on a clear pathway forward. The Kabul conference in July welcomed the Afghan government’s determination that the Afghan National Security Forces should lead and conduct military operations in all provinces by the end of 2014. At the upcoming NATO/ISAF Summit in Lisbon the international community and the Afghan government will assess progress against the international strategy. Mapping out the strategy for transition to Afghan leadership and responsibility will be a key focus of the summit.

Transition will not be a one-size-fits-all approach. It will be based on conditions. It will happen faster in some places and slower in others. It will be a graduated process, not an event or a date. There is no ‘transition day’. International forces will be thinned out as Afghan forces step up and assume responsibility. In some places the transition process will be subject to setbacks. We need to be prepared for this. My firm view is that for transition to occur in an area the ability of Afghan forces to take the lead in security in that area must be irreversible. Our government will state this as a simple fact in discussions before and at Lisbon. We must not transition out, only to transition back in.

In conclusion

Australia will do everything in our power to ensure Afghanistan is never again a safe haven for terrorists. Australia will stand firm in our commitment to our alliance with the United States. The international community understands this. Our enemies understand this too. I believe that the new international strategy, backed by the surge in military and civilian forces, is sound. Protecting the Afghan people, training the Afghan security forces, building the Afghan government’s capacity, working with the international community, Australia is making a real difference in Afghanistan. Delivering on the international strategy in Uruzgan province—and supporting transition in the country as a whole.

Australia will not abandon Afghanistan but we must be very realistic about the future. Transition will take some years. We will be engaged through this decade at least. Good government in the country may be the work of an Afghan generation. There will be many hard days ahead, but I am cautiously encouraged by what I have seen.

I believe this debate is an important one for our people and our parliament. That is why today I announce as Prime Minister that I will make a statement like this one to the House each year that our Afghanistan involvement continues. This will be in addition to the continuing ministerial statements by the Minister for Defence in each session of the parliament.

Attending funerals for Australian soldiers is the hardest thing I have ever done. And it is nowhere near as hard for me as it is for the families. There is nothing I can say to change their long walk through life without a loved one. A loved one, lost for our sake. In the ultimate, I can promise them only this: we will remember them. Their names are written on the walls of the War Memorial in Canberra. Their names are written in the walls of our hearts. When I think of these Australians we have lost in Afghanistan, I think of the Australian poet James McAuley’s words:

I never shrank with fear
But fought the monsters of the lower world
Clearing a little space, and time, and light
For men to live in peace.
I know the professional soldiers of the Australian Defence Force are proud people. They offer their lives for us. They embrace wartime sacrifice as their highest duty. In return, we owe them our wisdom. Our highest duty is to make wise decisions about war. I look forward to the deliberations of this parliamentary debate on Afghanistan. I hope we do our duty as well as they do theirs.

I welcome this debate on Afghanistan. In the months since June we have lost 10 of our finest soldiers. In total we have now lost 21 brave individuals and suffered more than 150 soldiers wounded as a result of our involvement in this war. I, as all senators, have been deeply saddened, as has the rest of Australia, by these losses. Our thoughts and sympathies are with their families, friends and loved ones. Each time we mark the loss of a soldier this Senate has felt very deeply that loss and felt very deeply the burden we carry in committing our troops to war.

We owe it to them to have a serious national debate about our involvement in Afghanistan. I am greatly encouraged by what I have heard of the debate in the House of Representatives so far. I see the debate as a testimony to the strength of our community and the power of our democracy: even in times of war we can deliberate and have an honest discussion about what is best for Australia and our people. The families and loved ones of these Australian soldiers and the nation as a whole rightly demand to know the purpose for which such great sacrifices have been made and naturally seek reassurance. They should know that our commitment to Afghanistan is one that is fundamentally in our national interest and that the sacrifices, painful as they are, have not been in vain. They should know that we have the right strategy in place, the right tools and resources to make the strategy work and that our resolve is unwavering.

For my part, I will emphasise the reasons we are in Afghanistan, what the UN mandated international force is seeking to achieve there, how Australia is contributing to this and what the future of Australia’s commitment shall be. Australia is involved in Afghanistan for two critical reasons. The first is that we have a vital national interest in making sure Afghanistan never again becomes a base for terrorists to launch attacks against us. The second is to support our alliance with the United States against a shared threat. Last month we marked the ninth anniversary of the September 11 terrorist attacks, when some 3,000 people were murdered, of whom 10 were Australians. Since September 11 some 100 more Australians have been killed in terrorist attacks, including in the Bali bombings, which killed 88 Australians. It is well known that the September 11 attacks were planned and financed by al-Qaeda in Afghanistan. What is less well known is that the perpetrators of several of the subsequent attacks that have killed Australians, including in Bali, have links back to Afghanistan.

Some have said in this debate that the terrorists have moved on from Afghanistan. The international community has indeed dealt al-Qaeda a severe blow there, removing its safe haven and training camps, but al-Qaeda remains a resilient and persistent network. Terrorism remains a global threat. We are working to counter the rise of affiliated groups in such new areas as Somalia and Yemen and the threat of violent terrorism and terrorist groups in Pakistan. Australia, along with the rest of the international community, continues an unprecedented global effort to combat terrorism wherever it may arise. It is categorically not true to say the terrorist threat is no longer real in Afghanistan.

Al-Qaeda maintains aspirations to re-establish a foothold in Afghanistan and it can do so under the Taliban umbrella. If we do not prevail, Afghanistan could once again become a base and a magnet for terrorists. In
addition, defeat would provide an immense propaganda victory and morale boost for al-Qaeda and its affiliates. It would help their efforts to recruit, finance and inspire like minded groups elsewhere. It would also deeply discredit the resolve of Australia, the United States and our allies and raise serious doubts among our adversaries about our ability to deal with other security challenges.

The goal of Australia and our allies is clear: to deny terrorist groups a safe haven in Afghanistan by building the capacity of the Afghan government and security forces to manage their own affairs. In Afghanistan we are part of an international coalition of 47 nations—the International Security Assistance Force, or ISAF—working under a United Nations Security Council mandate and at the invitation of the Afghan Government. It is worth noting that since the first UN Security Council Resolution—1386 of December 2001, legally authorising an international security force in Afghanistan—the council has renewed this mandate a further ten times, most recently on 13 October 2010 for a further 12 months. In doing so, the Security Council said that the situation in Afghanistan was still a threat to international peace and security and called on all nations to contribute to ISAF. The International Security Assistance Force is mandated by the UN but also, critically, in partnership with the Afghan government. ISAF is truly international, including a range of partners: New Zealand, the United Kingdom, Canada, France and seven Muslim nations, to name a few.

Most significant amongst the contributors is the largest contributor and our most important and steadfast ally, the United States. Our alliance with the United States remains a cornerstone of Australia’s security. Alliances entail obligations, and Australia does not shirk from its responsibilities. Our contribution to Afghanistan supports our enduring alliance relationship with the United States under the ANZUS Treaty, which was formally invoked at the time of the September 11 attacks. We stand firm there together, as we have so often before in facing down threats to global security.

We, like other nations, do not want our troops in Afghanistan for a day longer than necessary. But we are not yet at the point where Afghanistan and its government can meet its challenges alone—it cannot yet deny terrorist networks a safe haven in Afghanistan. So the overarching goal of the international coalition is clear: it is to enable transition—that is, to prepare the government of Afghanistan to take lead responsibility for its own security. This strategy is comprehensive, containing a number of elements: protecting the civilian population and fighting the Taliban insurgency; training and expanding the Afghanistan National Security Forces to enable them to assume a lead role in providing security; strengthening and expanding the reach of the Afghan government, particularly through support for provision of basic services such as water and health; promoting efforts towards political reconciliation and the re-integration of former insurgents; and encouraging constructive engagement by Afghanistan’s neighbours, particularly Pakistan, whose role will be critical to the long-term stability of Afghanistan and the region.

To bolster this strategy, last December ISAF committed to a US-led military and civilian surge in Afghanistan. This will take the number of non-US forces in Afghanistan to over 50,000, while US force numbers will hit roughly 100,000—three times the number of US forces on the ground in early 2009. The elements of this surge are only just now reaching full strength, and so it is only now and in the months ahead that we will be in a fair position to judge the success of these efforts.
Engaging Pakistan is also an important component of the international community’s effort in Afghanistan. Stability in Pakistan and countering violent extremism there, particularly in the border regions, that terrorise both countries, is an important aspect to progress in Afghanistan. That is why the international community must maintain its commitment to help Pakistan.

We are pulling our weight in Afghanistan. We have around 1,550 military personnel deployed, making us the largest non-NATO contributor—and the 11th largest overall. Our military force is complemented by around 50 Australian civilians, including from the Australian Federal Police, foreign affairs and trade, and AusAID.

Since 2001 we have committed over $740 million in development assistance to Afghanistan. As senators would well know, our main focus is in Oruzgan province through Combined Team-Uruzgan, a structure that integrates our military, policing, political and development efforts under a single command. Australia’s key role in Uruzgan under the overarching international strategy is the training and mentoring of the 4th Brigade of the Afghan National Army.

Some will ask during the course of this debate whether our forces have all they need to get the job done. The advice of the ADF leadership is that our force structure, both in terms of the number of troops on the ground and the capabilities they have, is right for our mission. With the greatest respect for those who argue otherwise, I think some misunderstand the scope of our mission and its requirements and clearly we must rely on the advice of our military leadership.

This government will also provide every protective measure it reasonably can to our soldiers and civilians in Afghanistan. That is why we recently announced an additional $1.1 billion for force protection measures—including upgraded body armour and rocket, artillery and mortar protection. I know Senator Faulkner worked hard to respond to concerns to make sure we had the best possible protective measures in place and obviously we will keep these matters under constant review.

While it is still too early to take stock of the impact of the US-led surge, there have been some encouraging early signs. With the increase in troop levels, insurgents are being challenged in areas they previously operated with near-impunity, particularly in the south and east of the country. We can expect the fighting to become even more intense as our counterinsurgency effort increases.

But there have been encouraging signs of military progress only in recent days. According to the British commander of coalition forces in southern Afghanistan, the Taliban has taken heavy losses and ISAF has now seized the initiative in the Taliban’s heartland province of Kandahar. It remains early days, but this is encouraging.

Real progress is being made in strengthening the ANSF. The size of the Afghan National Army and Afghan National Police continues to grow. The ANA in particular is becoming increasingly capable and supporting coalition operations more effectively. Afghan forces are now in the lead in Kabul and a number of other areas.

On the political track, efforts are being made in the development of the peace and reintegration plan. Australia together with international participants at the recent London and Kabul conference welcomed Afghan-led efforts which would encourage insurgents to put down their arms, renounce violence and support the Afghan constitution.

There are some preliminary signs that some senior Taliban leaders may be beginning to consider taking the path towards ne-
gotiation. It is a process that Australia supports, while emphasising that it must be consistent with conditions set by the Afghan government: namely, acceptance of the Afghan constitution, renouncing of violence and the severance of links to international terrorist groups. We are also realistic. The reconciliation process is likely to be complex and subject to setbacks. It also requires continued military pressure on the Taliban—to be able to talk from a position of strength rather than weakness.

Progress is also being made in strengthening the ability of the Afghan government to provide services. It is worth noting that since 2001, primary school enrolments have increased from 1,000,000 to around six million today. Some two million of these enrolments are girls, excluded from education under the Taliban. Basic health services are now available to some 85 per cent of the population, compared to only 10 per cent under the Taliban.

Economic growth has averaged 11 per cent per year since 2002. Poppy cultivation has decreased, and 20 of 34 provinces are now poppy free.

Afghanistan has a functioning, democratic parliament and just last month parliamentary elections were held, although we know democracy remains rudimentary and fragile. Interestingly, media is flourishing: Afghans now have access to some 400 print publications, 150 radio stations and 26 television channels. This sort of progress is crucial to the Afghan government gaining legitimacy and public support. I do not want to overstate the case. This progress comes off a very low base. The gains made are fragile. The challenges that face the country are immense. But we should be cautiously encouraged.

In Oruzgan, Australia’s military and civilian elements are working together to increase security and strengthen capacity and governance throughout the province. Our mission of training the 4th Brigade of the Afghan National Army is making headway. The 4th Brigade is proving to be an increasingly professional force, fighting better and becoming more capable at conducting complex operations.

Over the last two years the Afghan security forces, in partnership with Australian, Dutch and now US forces, have methodically expanded their permanent presence in key population centres in Oruzgan. This permanent presence has provided the security necessary for the provincial government to start to deliver goods and services to its people.

Our civilians are also making a difference in Oruzgan. It is a difficult job. Oruzgan is one of the least developed provinces in Afghanistan. But their efforts are yielding results. Our AFP contingent has trained almost 700 Afghan National Police. Our aid to Oruzgan is increasing to $20 million in 2010-11. Already we have supported 78 school reconstruction projects, over 100 kilometres of roadworks, and the disbursement of more than 950 microfinance loans. We have helped refurbish the Tarin Kowt hospital and assisted the rehabilitation and operation of 11 health centres and 165 health posts.

This effort to improve governance forms an integral part of the transition process—preparing Afghan institutions to be able to stand on their own two feet. Heartening as this progress is, again we need to be realistic. The challenges are immense and progress is highly variable, demanding painstaking, localised efforts. These must continue if the transition to Afghan-led responsibility for governance and security is to be irreversible.

Australia’s commitment to Afghanistan is not open-ended. The international community and the Afghan government are agreed on a clear pathway forward. This will involve a phased transition of lead security
responsibility from ISAF to the Afghan government, with the goal that this process be complete by the end of 2014. At the upcoming NATO summit in Lisbon the international community and the Afghan government will discuss this transition strategy. It will not be a one-size-fits-all approach; it will be conditions based. It will take place in specific districts as security, governance and development circumstances permit. Transition will be a graduated process, not an event or a date. For Australia, transition means we are working towards the goal of completing our training of the 4th Brigade to a level at which it can assume lead responsibility for security in Oruzgan. We expect this to take place over the next two to four years. As we transfer security responsibility to the Afghan forces, the ADF may remain in an overwatch role, on hand if need be to assist the Afghan security forces—a function similar to that which they performed in Iraq. Even after transition is underway, we will need to continue our development programs for years. This will require a long-term investment by Australia and the rest of the international community.

In conclusion, we believe Australia’s national interests in Afghanistan are clear. There must be no safe haven for terrorists. We must stand firm by our ally, the United States. We should be under no illusions. Afghanistan has immense challenges. Most will take decades or more to address, with the people of Afghanistan necessarily taking the lead. Our aim is accordingly realistic and linked to our own vital interests: to transition security to Afghan forces as soon as practicable for them to continue to deny a safe haven for terrorists. As part of this we must also continue to help strengthen the Afghan government and institutions sufficiently so that they can tackle these challenges themselves, with the international community playing a supporting role only.

The past six months in Afghanistan have been tough ones for Australia. There will be further hard days. But the choice we face is stark: either we prevail in Afghanistan, or we risk allowing it once again to become a place from which attacks are launched. All Australians have a stake in never seeing this happen again. I think that is why there remains such strong bipartisan support for our mission, as evidenced in the debate in the House of Representatives. I think people recognise there are no easy options. That is why we should remain steadfast: because we have the right strategy in place and the resources needed to meet our objectives; because the way ahead is clear and well-understood, if difficult; because the international community and our allies are alongside us, sharing the burden; because our involvement in Afghanistan serves our national interests.

Senator ABETZ (Tasmania) (12.56 pm)—Mr Acting Deputy President: It’s not the time to get the wobbles, it’s not the time to lose faith, it’s not the time to forsake the loss and the sacrifice and expense and the heartache that’s gone into [Afghanistan].

The coalition, in joining this debate to take note of the Prime Minister’s statement on Afghanistan, say ‘Amen’ to those wise and succinct sentiments uttered by Major General Cantwell in recent days. Let us be clear: the commitment to armed conflict is one of the most soul wrenching or soul searching decisions any Prime Minister or government could ever make. Those that have gone before us, and those that follow us, have made and will need to make these chilling calls—calls which all of us so passionately wish had not been part of our history or indeed part of our future, let alone the present. Nevertheless, we recognise the need to make such calls—calls which are made without perfect and full knowledge of all the situations and likelihoods, calls which need to be made without knowing the full consequences of
inaction or action. They are, in brief, the matters which leadership requires to sift, to distil and to analyse before our bravest and best are requested to engage in theatres where they know they will be called upon to make a commitment which might require the ultimate sacrifice.

We have over 1,500 personnel in Afghanistan. We have lost 21 of our own and seen more than 150 suffer injuries. I say ‘we’ because I have no doubt that all Australians personally feel the loss of and injuries to our personnel. I am sure Prime Ministers Howard, Rudd and Gillard and their defence ministers similarly felt or feel the pain. But there is no doubting that the wives, sons, daughters, parents, siblings and all those close to our fallen or wounded service personnel feel that pain 100-fold compared to the rest of us. Theirs will be the legacy of a father they never knew, of a lover they never married or of a lifelong dedication to the long, hard journey of rehabilitation or the nursing of a permanently injured loved one either physically or mentally, if not both. War is a terrible thing. And that is why no Australian Prime Minister or government has ever wantonly committed our armed forces without a full appreciation of the truly awesome responsibility which they shoulder. But nor have they shirked Australia’s responsibility.

Despite its moral ambiguities and its cost, conflict and war can be justified under certain circumstances. Self-defence has always been the most compelling reason. Assistance to an ally acting in self-defence is also a compelling reason. Protection of a third country or group experiencing a threat from an aggressor is also a reason. Our commitment to Afghanistan meets all three criteria. Australia has always answered the call in the preservation of civilised society, be it against imperialism, fascism, communism or, today, extremist Islamic terrorism. One hundred and eleven of our fellow Australians, along with thousands of others, have become the victims of the callous, random, senseless terrorist attacks orchestrated by extremist Islamic terrorists. Remembering that each number was an innocent human life cut short, on top of those murders are the many more thousands who were injured or maimed. Australians have been killed and wounded in Bali, in the World Trade Centre and elsewhere at the hands of terrorism. There is no doubt that Afghanistan—and I use the term in its geographic sense, not to describe its citizenry—was the hub from which the perpetrators of these evil acts were organised, counselled and encouraged. Indeed, let us be clear, and with apologies to Woodrow Wilson: we have no quarrel with the Afghani people; we have no feeling toward them but one of sympathy and friendship. It was for the reason that Afghanistan was such a hub that United Nations resolution 1386 was adopted to create ISAF, the International Security Assistance Force, a force which has the support of over 130 countries and the active assistance of over 40 nations.

The timeless truth of that old proverb is as appropriate today as it was when first thought of, before it was even uttered: for evil to triumph, all that is required is for good men to do nothing. Today, in the face of this evil of terrorism, which could strike again anywhere, anytime in the world, good men—and, for our modern era, I hasten to add good women as well—have been found willing from all over the world to ensure this evil scourge will not triumph. For them, doing nothing is not an option, and the coalition salutes them. We will remember them. Their sacrifice and service is our security.

It is proper that Australia should step up to take its share of responsibility. In shouldering our military responsibility, however, we should never close our mind to the option of negotiated peace in Afghanistan. Our respon-
sibility as a nation is as much to be vigilant to possibilities for peace as to the potential for acts of terrorism against our citizens and our allies. There have been reports that the Karzai government is now discussing a political settlement with the Taliban. As the US commander, General David Petraeus, said weeks ago of the negotiations: ‘This is how you end these kinds of insurgencies.’ We all want the discussions to bear fruit, but we also need to remember that our joint purpose in Afghanistan is clear. It is to remove the safe havens for terrorists; it is to disrupt the planning and activities of terrorists; it is to disrupt the training of terrorists; it is to disrupt access to the radical mullahs, whose homilies of hate turn to acts of atrocity; and it is to help rebuild a functional society and system of governance for the freedom-loving people of Afghanistan, who should not be required to live in fear of the oppressive Taliban.

The threat of radical Islam is real. It is not some ‘Western, bourgeois’ type of construct, as some would have us believe. There are about 1,800 separate terrorist attacks each year courtesy of Islamic extremists, a lot of them directed at fellow followers of Islam. And Afghanistan remains, albeit less so, one of the hotbeds from which this evil is delivered succour. Ours is a worthy cause—it is just, although it is heart-rending.

Pursuing justice does not have artificial time frames imposed on it, so our withdrawal should come with success. Complete success will not be achieved overnight, as it clearly has not, although some success has been achieved in all areas but especially in our area of engagement. In Kandahar the military efforts and the simultaneous civil efforts are winning not only the security but also the public’s hearts and minds. If General Carter’s report from locals is right, that ‘if you have a peaceful Kandahar you will have a peaceful Afghanistan’, then things are looking up. In Arghandab, where there has been heavy insurgent activity, attacks have collapsed from 50 a week to 15 a week in a space of eight weeks. This is progress—success—in anybody’s language, but of course not complete success. Panjwai is also witnessing a demoralisation of the Taliban, with reports of suicide bombers failing to turn up for attacks and senior officers questioning Mullah Omar.

Peter Hartcher’s poignant account of his recent visit to Afghanistan is inspiring. He catalogue the successes and the achievements, such as bazaars being full again, girls going to school and the increased size of the Afghan National Army and police force. But the best by far is the following extract:

…it was at the town of Gizab, about 150 kilometres from Tarin Kot, that the ultimate success story took place. In April a group of 15 villagers decided they’d had enough of Taliban demands for payment. In the middle of the night, they set up a roadblock and called for US back-up. Hundreds of local youths joined in the revolt. The Taliban fought back. The Americans were delayed by floods. Australian SAS troopers arrived, tied strips of reflective orange cloth around the barrels of the so-called Gizab Good Guys to mark friends from foe, and the battle was joined. And won.

The success led 14 nearby villages to stage their own uprisings against the Taliban. This is the beginning of how Afghanistan can be won; its people standing up, supported by the rest of the world.

There is enough of a glimmer of success here for the world to begin to dare to hope. These accomplishments are things of which our Australian personnel can be very proud and we, vicariously, with them.

The history of humankind has shown that lasting peace will only be achieved from a position of strength. Yes, military and hardware strength is a vital part of it. But might I say that, in the long term, even more importantly part of it is the moral strength that ac-
companies our endeavours, the strength that allows local villages to rise up against the Taliban and the evil for which they stand.

No-one wishes our troops and personnel to stay in Afghanistan one second longer than necessary. As we are securing areas, rebuilding schools and creating infrastructure, NATO needs to turn its attention to providing mentors or institutional trainers to develop a military and civil service capable of being run by Afghans for Afghans. This is a great and urgent task. Some estimates place the shortage of mentors at 2,000. Without these 2,000 mentors or institutional trainers, the transitioning of Afghanistan will be commensurately delayed, which in turn delays the return of our troops.

Whilst the government and the CDF tell us Australia is doing our bit—something I fully accept—it might be opportune at the Lisbon summit next month to plead with the ISAF partners to do their bit in this regard. Without that mentoring and that institutional training, the future wellbeing and self-determinative capacity of Afghanistan will be prejudiced. Here is a real opportunity for those countries not willing to make a military contribution to show that their support is not just idle lip-service.

Specifically, for our Australian operation, the coalition wishes all our personnel success, safety and godspeed as they set about establishing: a capable and independent 4th Afghan brigade able to secure the provincial population centres; secure population centres where reconstruction teams have freedom of action; a well-trained and active provincial response company of the Afghan National Police to deal with insurgency; and better governance, security and infrastructure. On current estimates that will take years rather than days, weeks or months to achieve. But they are worthy goals. They are just goals. They are goals that will see the threat of extremist Islamic terrorism diminished, providing greater security for not only Australians but also all the peoples of the world. They are goals that will see our friends in Afghanistan have the burden of oppression and repression removed.

As I said, they are worthy goals; just goals; goals that are being achieved with the cooperation of over 40 countries in the world; goals that are being achieved with the bipartisan support of the government and the coalition in this country; and, most importantly, goals that are being achieved with the on-ground support, help and goodwill of the vast bulk of the Afghan population.

For those advocating no military action, let us examine what the results of such a policy would have been. Under such a policy, Osama bin Laden would still be hatching successful plots against the West, including against Australia; al-Qaeda would still be operating with impunity in Afghanistan; and the Taliban would still be conducting mass executions of women in Kabul. I finish as I started with the words of Major General Cantwell:

It’s not the time to get the wobbles, it’s not the time to lose faith, it’s not the time to forsake the loss and the sacrifice and expense and the heartache that’s gone into [Afghanistan].

Now is the time to stay firm. Now is the time to strengthen our resolve. Now is the time to honour the sacrifice, heartache and expense that has already gone before by completing our task.

In saying that, I reconfirm the opposition’s bipartisan support for the government’s endeavours in Afghanistan as we enjoyed their support whilst in government.

Finally, let us all remember in our prayers the fallen, the wounded and the currently serving personnel. They have fought and are fighting for world freedom, Afghanistan’s freedom and our freedom. Surely, there is no
nobler task. We wish them strength, courage and God’s blessing as they pursue to success this task for all humanity.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.13 pm)—I welcome this debate, which is the direct outcome of the increased vote Australians accorded the Greens in the August election. It should not have waited nine years. But already out of this first parliamentary debate on Australia’s involvement in the war in Afghanistan comes one uniting and unanimous opinion. As I reassured Defence Chief Angus Houston at estimates last week, we senators and all members of the House of Representatives stand in total support of our troops in Afghanistan. The 1,550 members of the Australian Defence Force contingent and our 28 police trainers in Afghanistan can be reassured that this nation is with each and every one of them all the way back to these homely shores. Regardless of political allegiance, this body politic gives the Australians in Afghanistan our thanks and our congratulations for their brave service at the behest of the government and in the cause of the nation.

Yet the question which should have been regularly raised and debated in this parliament, as it has been in other parliaments around the world, is this: does it remain in our nation’s best interests to keep our armed service men and women in harm’s way in Afghanistan? We owe it to our people there to justify the growing toll of death and injury and their exposure to the increasing ugliness and violence of this protracted civil war. Safely in this parliament, we are required to move out of our comfort zone to much better and more demonstrably understand and relate to those events in Afghanistan. It is our responsibility to ensure we get our service men and women out of harm’s way as soon as possible, as soon as it is prudent and feasible to do so.

For the Greens, this justified time of withdrawal has arrived. This belated debate has drawn out the commitment of Prime Minister Gillard and Opposition Leader Abbott to years more—the Prime Minister flagged as many as 10 years more—for Australian personnel in Afghanistan. Yet the Netherlands, after a much more detailed and engaged parliamentary debate and a change of government at their national election, has now taken its troops home. Canada is to follow suit. The Greens believe Australia should also bring its troops home.

Twenty-one Australian diggers have already died. How many more will die? Hundreds more have come home physically or mentally scarred by this war. I again ask the Senate, this government and this Prime Minister: how many hundreds more will come back injured because we did not return them safely home now? Is that predictable toll justified? I do not think so. In a moment I will turn to the prospects for Afghanistan, but first I ask another salient question. Our troops remain in Afghanistan, but where are the men who began the war in 2001 with the objective, achieved years ago, of expelling al-Qaeda?

I remember those dark, post 9-11 days very well. The arch-criminal Osama bin Laden was in Afghanistan and, with the invasion, fled, as did the medieval Taliban leader, Mullah Omar. Both are still alive, but they are not in Afghanistan; nor is al-Qaeda. They are in Pakistan, the latter in Quetta. Let no-one forget there remains well-founded conjecture that, had President George W Bush continued negotiating with Mullah Omar back in 2001, Omar would still be in Kabul but would have captured and delivered Osama bin Laden to America at that time; or, had the Americans been willing, bin Laden reportedly could have been delivered to a third country for trial even earlier. That
would have made this whole bloody conflict unnecessary.

There is no question that the Bush administration bungled its war strategy when, having gained control of Afghanistan in 2002, President Bush invaded Iraq under the totally false premise of Saddam Hussein possessing weapons of mass destruction. The bellicose president withheld troops, military assets and attention from Afghanistan, while Australia, under John Howard, withdrew completely until 2005. Meanwhile, the Taliban re-grouped and began to ingrain itself within Afghanistan once more. Should Australian troops, seven years later, have their lives threatened daily because of a strategic stuff-up by George Bush and John Howard? John Howard’s role of deputy sheriff or, as George Bush put it in this parliament in 2003, ‘a man of steel’—President Bush said that was the Texan equivalent of fair dinkum, whatever that meant—cannot be forgotten or disregarded. Our troops are fighting in Afghanistan in 2010 because Bush, Howard and others, like Tony Blair, grossly mismanaged their international ascendency in 2001-03.

While Australian and other allied forces and the Afghan civil population face an accelerating toll of death and injury this year, where are these leaders who have safely exited the stage? ‘I will run them down and smoke them out,’ President George W Bush said. But he failed and, leaving that task to others, he is now comfortably retired at his ranch in Texas. His deputy, Dick Cheney, gives speeches to right-wing think tanks in America, but not in Afghanistan or Iraq. Then Secretary of State Donald Rumsfeld infamously summed up his strategic nous with this piece of philosophical gobbledegook:

“There are known knowns; there are things we know that we know. There are known unknowns; that is to say, there are things that we now know we don’t know. But there are also unknown unknowns; there are things we do not know we don’t know.”

Well, we all know that thousands of people have died in Afghanistan this year while Rumsfeld is comfortably at home. In Australia this very week, former Prime Minister Howard is publishing his memoirs—they will be launched in Canberra.

In Kabul, the war goes on. In fact, it is getting worse. The death toll of civilians and ISAF personnel is rising and, extraordinarily but sensibly, the new Obama administration is now openly backing talks with moderate factions of the Taliban and other insurgent groups. I, and many other Australians, wish those talks success. I acknowledge the complexity of the Afghan situation and the dangers of leaving this war-torn country to sort out its own affairs. But surely our job is to help Afghanistan reshape its future through civil aid rather than force. I am advised that current American expenditure on the war in Afghanistan is 10 times Afghanistan’s gross domestic product. There should be a commitment to reverse that spending imbalance.

None of us can canvass all the arguments on Australia’s commitment in Afghanistan in a 20-minute parliamentary speech. However, the Greens’ overriding strategy is to have Australia’s civil aid help build Afghanistan’s economy and wellbeing, not least its schools, hospitals and transport system.

Reconciliation of Afghanistan’s diverse tribal, cultural and political groupings is not assured with either the carrot or the stick. But the Prime Minister’s flagging of an ongoing intervention, possibly military, possibly for 10 years, is no substitute for her government’s responsibility to give Australia a clear exit strategy for its service men and women. All the more so when President Obama’s very different view, quoted in Obama’s Wars, is taken into account:

I’m not doing ten years—
Obama said—
I’m not doing long-term nation-building. I am not spending a trillion dollars.

So President Obama is not doing 10 years. He has said that in 2011—next year—a withdrawal will begin. But Prime Minister Gillard has got another 10 years on the table.

I welcome her commitment to an annual debate in this parliament, but I challenge the Prime Minister to have a defined exit strategy for the next debate, if not sooner. I remind her that the Karzai government is not only imperfect; it is corrupt. General Petraeus himself has called it a ‘criminal syndicate’. I also refer some recent recommendations from the Australian Council for International Development to the Prime Minister’s attention. The council has urged the government to embrace a few eminently sensible suggestions with respect to our ongoing involvement in Afghanistan. For example, it calls for an inquiry into all aspects of our work in Afghanistan by a committee of independent experts, resulting in recommendations to parliament, as has occurred in Canada. It further recommends quarterly reports to parliament, as again is the case in Canada, detailing progress in Afghanistan, particularly in the delivery of aid. These reports should outline all of our projects and expenditure, including overseas development assistance and eligible expenditure spent outside AusAID, how they connect with our overarching strategy and how their success measures up against key performance indicators. Again, this mechanism is drawn from the Canadian experience. A third recommendation is the decoupling of development and military projects to protect the impartiality and security of the former and to ensure that development work targets the most pressing development needs.

I also draw the attention of the Senate to the assessment of the former Deputy Director of the CIA’s Counterterrorist Centre, Mr Paul Pillar, that the withdrawal of foreign forces from Afghanistan will not significantly increase the risk of terrorist attacks against Western countries. That, of course, includes Australia. And when asked what difference it would make if terrorist training grounds did re-emerge in Afghanistan, this former CIA counterterrorism expert said:
… not nearly as much as unstated assumptions underlying the current debate seem to propose. When a group has a haven, it will use it for such purposes as basic training of recruits. But the operations most important to future terrorist attacks do not need such a home, and few recruits are required for even very deadly terrorism. Consider: The preparations most important to the Sept. 11, 2001, attacks took place not in training camps in Afghanistan but, rather, in apartments in Germany, hotel rooms in Spain and flight schools in the United States.

Mr Pillar has called for a timetable for troop withdrawal.

I ask why, given these realities, should Australia’s good and courageous service men and women be kept in such increasing hardship, hostility and danger? Some tell me there is now a change of mission: we must uphold human rights by force and we must ensure that the women, children and illiterate men of Afghanistan have their interests upheld. These are compelling matters. And what of the threatened Hazaras in this Pashhtun dominated country? Some sterling members of that community have fled Afghanistan and come here on boats, to become excellent citizens of Australia. What of the domino effect on Pakistan if we leave Afghanistan? In Pakistan, we are told, the nation’s intelligence agencies are covertly backing the Taliban!

The answer is twofold. Firstly, this war was entered by the Howard government to stymie al-Qaeda’s threat of terrorism to the US and Australia. While CIA analysts tell us
al-Qaeda is not in Afghanistan, it is en-sconced elsewhere. Let me cite Somalia. This failed state in East Africa is now a hot-bed of Islamist violence and al-Qaeda operations, including the bombing attack in Uganda after the World Cup final. It is perhaps now the focus, globally, for terrorist training. That includes allegations of the training of young men who are Australian or who have lived in and returned from Somalia to Australia. Our own intelligence agencies are alert to this direct threat to Australia.

To the extent that humanitarian concerns motivate our involvement in Afghanistan, they also apply to the situation in Somalia. Human Rights Watch reports:

... the population is subject to targeted killings and assaults, repressive forms of social control, and brutal punishments under its draconian interpretation of Sharia...

Perceived transgressions are punished with beheadings, amputations, stonings and floggings. Around 3.2 million people require humanitarian assistance, and a camp near Mogadishu that shelters half a million people is now the world's densest concentration of displaced people. Yet there is not the faintest impulse by the Australian government or opposition to join the small contingent of troops from African countries trying to return order and safety and to rid Somalia of Islamist terrorists.

Recently, I helped an Australian photographer and a Canadian journalist escape from being shackled to the floor in Somalia, where they faced death at the hands of a criminal gang. Despite having employed their own guards, they were kidnapped on their way to visit a vast, ugly slum or refugee camp outside Somalia’s capital, Mogadishu, where life and safety are daily at stake for up to half a million women, children and men. The world has left them to the sharia law of the Islamist extremists controlling Somalia. Nor has it invaded other countries, like Yemen or Algeria, where, these days, al-Qaeda or parallel terrorist groups are openly active. Should we? How can we?

The answer is that Australia, a small to moderate nation in terms of international clout, should secure its own region while offering aid through the United Nations to solve greater global problems. Except in very extraordinary cases—and Afghanistan in 2010 is not one of them—our troops should be available for Australia’s immediate regional security, stability and welfare. We do not underestimate the need for armed services to defend this nation and its neighbourhood. The Greens urged military intervention to stop the bloodshed in Timor-Leste before the Howard government decided on that justifiable deployment.

This parliament should recall that, faced with no prospect of clear victory, the ANZACs were withdrawn from Gallipoli in World War I precisely because the justification for them remaining in Gallipoli had become less persuasive than the justification for them leaving. We honour those ANZACs no less than had they conquered the Dardanelles. So will we honour Australia’s troops, brought home sooner, no less than if they had stayed a decade longer, accruing casualties in the unwinnable mountains and valleys of Afghanistan. The opinion polls show that most Australians believe our troops should come home. The Greens agree. While noting the government and opposition’s determination, I call on the Prime Minister, Julia Gillard, to bring our Defence Force contingent back home to Australia.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (1.29 pm)—It is extremely important and pertinent that this debate clearly express what is on this occasion the bipartisan support for our efforts in Afghanistan. I will quickly refute some of
the issues brought up by Senator Brown and I will start at the end. The Gallipoli campaign, as you know, was not a case of removing ourselves from that field of engagement; it was reallocating our resources to another part of that engagement. Senator Brown used Somalia as an example of a reason not to stay in Afghanistan. I think Somalia is a brilliant example of why we should stay in Afghanistan. Somalia is an example of what happens when you remove yourself from the field of contact and the anarchy that was so ably displayed by Senator Brown is an example of what we would see in Afghanistan if we were to remove ourselves from that area of engagement.

If we talk about the rights, equalities and other things that have been subverted by an oppressive regime, we are not going to go any further in upholding those rights by removing ourselves from Afghanistan. In fact, it would just be an entree for the Islamist extremists to come back in and completely subjugate the rights of women and of minority groups. It may not be a perfect situation now, but it is far and away a better situation than it would be if we were to return that territory to the Taliban.

Senator Brown talked about an exit strategy, but it is not so much a matter of when you leave but when you lose. If we leave when the situation has not been completely settled down, we will have lost and, therefore, we will have let down the 21 Australians who have lost their lives and the 150 or so who have been maimed. This would be the biggest letdown because, in essence, we would be saying that there was possibly no point to their being there, and that is an area we must never go into. If you want to negotiate, as Senator Brown suggested, then you should negotiate from a position of strength, not from a position of weakness, and you should negotiate with a position on the ground, not try to negotiate over the hope of a telephone line.

I do not know whether a vitriolic narrative against former Prime Minister Howard and former US President Bush does anything much to help the current problems or explain the current situation. We have to look at exactly where we are now, the exact form of the politics of this area and the threats to Australia, because there would be immediate threats to Australia if we get this wrong. I was interested when Senator Brown said that Osama bin Laden is not in Afghanistan. How would we know? That is an unknown, and I think it is a little bit naive to start suggesting that we know where Osama bin Laden is because, if we did, I am sure that there would be a concerted effort to strike that area and to deal with one section of a problem.

Senator Brown said that al-Qaeda are no longer in Afghanistan. That is entirely incorrect because they certainly are. He also talked about going out of our comfort zone by removing the troops. In fact, removing the troops would be going into our comfort zone. That is far and away the easier decision financially, emotionally and for a whole range of reasons, but it is not the right decision. Removing the troops may put you in your comfort zone, but it is also very naïve in the long term.

I think that this battle is incredibly important. Just the other day in flying back from Europe I flew over Afghanistan. I went to a section of the plane where I could stare out of a window at the countryside that was beneath me. What a wild, rugged and diverse place Afghanistan is. The next country I flew over was Pakistan. I know that it is presumed that Pakistan holds between 80 and 100 nuclear warheads in its arsenal. I also know that Pakistan has nuclear power plants and that Afghanistan is right next door to Pakistan. There is certainly turmoil on the perimeters
of Afghanistan in an area that includes Pakistan. If we were to remove ourselves from engagement in Afghanistan and we went from fighting a dispersed enemy through rugged countryside—where they at times attack us and have victory over us but in the majority of cases we are in the ascendancy and have control over them—to the collapse of Pakistan, as would be the goal of the insurgents, then we really would have a problem on our hands. This shows how clearly and quickly the results of a naive decision to remove ourselves from this field of engagement would be delivered back to us.

How would we feel in our discussions if we had the knowledge that a group of people who were quite willing to fly planes into the World Trade Center had taken over or controlled Pakistan and had the capacity to deliver a nuclear warhead? What would we then say? Would we look back and think, ‘If only we had that time again, if only we had that capacity again, we would have potentially saved the lives of so many’? No-one suggests for one moment that this area is easy—it is excessively hard—but it is excessively important that we remain in this field of engagement because we know that this is an area where Islamic extremism has taken a foothold, and it is personified in no better way than in the Taliban. The Taliban are not interested in keeping their area of influence just to the rugged hills and valleys, the topography of Afghanistan. They have moved their sphere of influence and have shown their desire in the past to reach over the horizon to affect those around them in the most virulent ways, with terrorism attacks in Africa and India. September 11 is of course a classic example of one of their attacks, but only one of many; Bali is another. It is absolutely beyond question that their capacity to deliver dissent, hurt and death to the edges of our country and to involve Australian people is without question. They have done it before. Their motivation is inspired in such a way that it will not be placated by us removing ourselves from Afghanistan.

I agree with the Minister for Foreign Affairs, Kevin Rudd, that, although the decision based on our comfort zone might be to remove ourselves from Afghanistan, it would not be the responsible thing to do. In a fashion, it would be a selfish thing for us as a nation to do, because we would merely be asking other people to shoulder our burden. That burden, if not shouldered by others at the moment of our extraction from Afghanistan, would definitely be shouldered by others down the track. It would be shouldered by our children, by our sons and daughters, by our peers—by people other than us. We have a responsibility to act now so as to save hurt and harm to others later on. Leaving because of our comfort zone is merely a message to those who come after us that they will have to deal with this issue. It is right to say that if we can instil a better sense of government—even if it is not a perfect government—a better sense of law, a better sense of order and a better sense of the rights of women, children and minorities, we have a better chance, not a perfect chance, to bring a sense of stability. No-one is expecting perfection. We are just expecting to lessen the risk that is quite clearly evident.
It is without a shadow of a doubt that if we remove ourselves from Afghanistan al-Qaeda, Osama bin Laden and his lieutenants would move back into that area as it would provide them sanctuary. It would also be taken as a clarion call to all those who hold extremist views that you can win, you can prevail and you can succeed. That will give them inspiration to go into other areas and do the same. Once they know that we will relent, that we will remove ourselves, that we will exit an area of hostility by reason that they are there and that the battle is protracted then no doubt it is in their form of tactics that they will extend the process of engagement. This fight is right. This fight is just. This fight is one that ties up their resources. This fight will be protracted—and it is most certainly in our sphere of engagement.

What we need to show our nation is that this parliament has a bipartisan view of this. In a bipartisan way we are not taking the easy way out. We may not be reflecting the polls, but a poll-driven society is not always a reflection of what is just and what is proper, nor is there the knowledge in the polls that there may be in this building as to the long-term consequences of extraction from Afghanistan. We also have to acknowledge, whether we like it or not, the relationship with our major allies, unless we wish to extend our budget in defence spending by multiples of tens of billions of dollars a year. There is an expectation by allies that we will act as allies, that we too will put our shoulder to the wheel. That is a fair expectation to have. It is only by reason of allies that we are sitting in this parliament at the moment. Australia must never forget its own history—that if we did not have allies such as the United States we would have succumbed to the Japanese, most definitely. It is an historical fact and it is the reason we have the life and liberty expressed in this parliament today.

When people talk about protracted battles and say that Vietnam was a failure, I do not believe that; I think Vietnam was a success. We tied up the resources of the Communist insurgents in such a way over such a long period of time that it exhausted them of their energy and of their capacity to continue. What we are doing now, carried out by the most gallant of Australian men and women, is something that will never show dividends but the cost will be absolutely evident if we are selfish enough to remove ourselves from that position.

If there were an easier process, if it were not necessary, there is not one reason why this parliament, this government, would be part of the engagement in Afghanistan. There is no pecuniary benefit for Australia to have an involvement in Afghanistan. There is no right to the quarries, the rocks, the minerals. There is no real gain in our involvement in Afghanistan except for a selfish reason: our own security. If we are not engaged in that context then we will become engaged in a later context in an area closer to our own nation. It has always been the aim of the infantry to seek out and close with the enemy—that is always the purpose—to kill or capture him, by day or by night, regardless of season, weather or terrain. But the whole purpose of seeking out and closing with the enemy—and this is the most important part—is that if you do not go out and seek and close with those who wish to do you harm then they, naturally enough, will seek out and close with you. It is the unfortunate reality of thousands of years of human history.

As we strive for a higher goal—the high aspiration that the future of humankind will be that conflicts will become a thing of the past—we can only do that from a position of strength. We cannot go with a begging bowl of aspirations. We must deal from a position of strength. When the strength is held by
people who are moral, right and just, the world goes to a better place. But it is neither moral, right nor just to hand over that power to people who have exercised it in such ways as al-Qaeda, other Islamic extremist groups and Osama bin Laden, as the grand architect, have exercised it. We should acknowledge that these organisations and these people are still in existence; they are still there. In fact, they are proximate to the field of engagement where the Australians are right now.

We will have this debate that the Greens have insisted on, but let it not be taken as the loss of one iota of Australia’s resolute desire to obtain success in this field of engagement or as diminishing by one iota the purpose of the conduct of our troops on the ground at the moment. Each one of them is doing an amazing job. They are protecting our nation as we speak. They are engaging with the enemy so we do not have to engage with them here. They are protecting future Australians from having to do the work that they are doing at the moment. They are protecting the capacity of this nation’s liberties and rights to be exercised in other countries. They are making a statement that it is not just for Australians, New Zealanders, Americans, British, Singaporeans or Taiwanese to have the rights of democracy, the rule of law and the protection of women, children and minority groups. Just as we can transfuse blood from one human being to another and have transplants, these rights are also absolutely indivisible. They exist. Surely it is right for us to try to give other people the capacity to live and enjoy their lives with at least a portion or a semblance of the rights that we have in this nation—or are we, on another field, just going to become a selfish nation that says, ‘As long as we look after ourselves, that’s all we need to do; as long as we’re all right, that’s all we have to worry about’? I think Australia is a better nation than that as well.

But the primary reason we are in Afghanistan is our own protection. In closing, there is an argument put forward by the Greens as to whether we should be in Afghanistan or not with, I believe, a simplistic view of how you extract yourself and somehow leave the place in some semblance of the rule of law. It is an argument we can have from a position which is quite selfish, because we cannot have that debate if we extract ourselves and get this wrong. If we extract ourselves then the insurgents, al-Qaeda and Islamic extremism will once more take hold, grow and use the weakness at their peripheries to extend their reach, power and control. In extending their peripheries and their capacity for control and power in that region, they will over time gain the capacity to dominate Pakistan and other areas around them and to dominate sea channels. Then we will not have the capacity in the future to have engagement in a limited form, as we are doing now. Our engagement will be absolutely massive and we will have a fundamental change in how we deal with the world and fight for our future liberties. It would definitely put at risk our future liberties and freedoms. How would we as a nation deal with an Islamic extremist group that gets its hands on Pakistan’s arsenal? We would look back with regret at a time when it was within our control and our capacity to deal with the enemy. So that is the task that we are performing and that we must maintain our purpose for. We must seek out and close with this enemy, kill or capture him and destroy him, because it is the only way that we will survive in the long term.
this debate. It is quite right that our national parliament should have a wide-ranging national debate about what we are doing in Afghanistan. The parliament, the press and the public have every right to ask searching questions about our commitment there.

It is a great honour to become part of the defence ministerial team, but it is also a heavy responsibility, and never is the responsibility of a defence minister or parliamentary secretary heavier than when discussing the commitment of our defence forces to the battlefield. Defence has been a department at war for the best part of a decade—in Iraq, in East Timor, in the Solomon Islands and, of course, in Afghanistan. I am acutely conscious that the war in Afghanistan has cost the lives of 21 of our service personnel since 2002, 10 of them just this year, the youngest of them just 21 years old. Each of those deaths is a tragedy for their families, for their friends, for their Defence Force comrades and, of course, for the nation as a whole. We in government, and indeed all of us in this parliament, need to be absolutely clear that, in asking our ADF personnel to run these risks and make these sacrifices, we do so in order to support a cause which we believe to be just and in pursuit of clear and achievable objectives. We also have an obligation to give the ADF the equipment and support they need to carry out the tasks that we assign to them. We as civilians have no moral right to ask our young men and women in uniform to put themselves in harm’s way unless these preconditions are met. In the time available to me, I want to address each of these questions.

What is the basis for our presence in Afghanistan? We, of course, are not in Afghanistan on a military offensive to gain territory, as some others have tried to do in the past. We are there in partnership with the Afghan government and under a United Nations mandate as part of a 47-member International Security Assistance Force to prevent Afghanistan from again being used as a safe haven for terrorists to recruit, train and sustain and plot attacks against us and our allies, and to enable the country to look after its own security in these important respects.

In 2009, the defence white paper set out the tasks that our defence forces may be asked to carry out. They include:

… to contribute to military contingencies in the rest of the world, in support of efforts by the international community to uphold global security and a rules-based international order, where our interests align and where we have the capacity to do so.

The key phrase here is ‘where our interests align’. We cannot take on ourselves the duty of liberating all the people in the world who live under oppressive regimes. Sadly, such a task is impossible. But when participation in an operation such as this contributes directly to the security of Australia and Australian citizens, it is indeed in our interests to take part. It is my strong view that our role in Afghanistan does make such a contribution.

Since 2001 over 100 Australians have died in terrorist attacks: on 9/11 in New York, in the 2002 and 2005 Bali bombings, in the 2005 London bombings and, of course, in the 2009 Jakarta bombings. All of these attacks can be traced back to the international jihadist network loosely labelled as al-Qaeda, which in 2001 had control of Afghanistan and was using its territory to train semi-military formations—indeed, formations up to brigade strength. History now teaches us it is critically important that we deny terrorist organisations state capabilities; that we deny them the capacity to occupy failed states and thereby gain financial, diplomatic and procurement capabilities that are otherwise denied them.

Jemaah Islamiyah, responsible for the Bali and Jakarta bombngs, was the Southeast
Asian affiliate of al-Qaeda, and scores of JI operatives were trained in Afghanistan. Stamping out the al-Qaeda infrastructure in Afghanistan, which armed, funded, trained and sustained so many terrorist networks in our own region, is thus a vital part of the defence of Australia and protecting the lives of Australians. The jihadist network cannot be allowed to regain control of Afghanistan. The best way to prevent that is, of course, to create a stable Afghan state and army based upon the support of the Afghan people.

No one pretends that this will be an easy task. Afghanistan has now endured more than 30 years of continuous war, revolution, foreign invasion, persecution, religious fanaticism and mass immigration. Its infrastructure and economy were largely destroyed. In 2001 it was in the grip of one of the most oppressive regimes in the world; a regime that openly harboured terrorists and enabled them to use Afghanistan as a base to train and to plot attacks—most famously, of course, the attack of 11 September 2001. Despite setbacks, I am confident that we are now pursuing a sound strategy and possess the right resources to implement that strategy.

So what are our concrete objectives in Afghanistan? We are there as part of an International Security Assistance Force—ISAF—a NATO-led security mission which has a mandate from the United Nations Security Council. The legal basis for our presence is thus clear in a way that was not the case with the government’s war in Iraq. That is why 47 nations have contributed to the ISAF’s work in Afghanistan.

Within ISAF’s overall mission Australia’s task is training and mentoring the 4th brigade of the Afghan National Army and Afghan National Police in Oruzgan province. Australian personnel undertake a range of other activities as part of the ISAF strategy. These include the work of the Special Operations Task Group in disrupting and dismantling the insurgency, the work of the Rotary Wing Group based in Kandahar, our work with the National Army’s artillery school in Kabul and other specialist tasks which time does not permit me to go into. Our objective is, of course, to train the Afghan National Army and its security forces so that it can take over the security of the province as soon as is possible and practicable.

It is a pity that more Australians cannot see the work that our personnel are doing in Afghanistan: the new classrooms at the Tarin Kowt primary school, the construction of the girls school in Malalai, the Dorafshan basic health centre or the 116-metre long all-weather Kotwal crossing. This work that our personnel are doing in Afghanistan is something that all Australians should and will be very proud of.

Since my portfolio responsibilities include the ADF Reserves, I want to particularly commend the work that our reservists have done in Afghanistan. This government believes in the closest possible integration of our part-time and full-time forces. They give us a surge capacity in times of stress, and give us access to a range of specialist skills which we are able to deploy as required. There are currently some 65 reservists serving in Afghanistan, including medical and legal specialists as well as personnel in operational units. These are men and women who voluntarily leave their civilian lives and who expose themselves to considerable risk in the service of their country and to help the people of Afghanistan. They deserve recognition.

Many are pessimistic about our prospects for Afghanistan. Defeating insurgencies is always difficult, but it is not impossible and it has been achieved successfully elsewhere. To support the task, the international security
assistance force is undertaking a range of activities to build up the capacity of the Afghan government to govern, supporting the development of civil society and institutions and the provision of essential services. We are also working with the Pakistani government to counter serious problems of violent extremism in neighbouring Pakistan. More needs to be done.

But we need to remember that our objectives are limited: we are not trying to turn Afghanistan into Switzerland. We are trying to help the Afghan people to build a state and an army capable of preventing it from once again being turned into the base camp for international terrorism and the world’s extremists. This is a realistic goal, and we have made a great deal of progress towards achieving it. If we withdraw from Afghanistan before it is in a position to defend itself we will pay a price in terms of our own security and the safety of our own citizenry. The speeches of the Prime Minister and the Leader of the Opposition in the House of Representatives last week were an impressive display of bipartisan commitment to sustaining our mission in Afghanistan until it is complete. It would be very unfortunate if our mission were to become the subject of partisan bickering.

That is why I was disappointed by some of the comments made over the past few weeks about the level of support which we are supplying to our forces in Afghanistan. We are guided in these important matters by the advice drawn from the Chief of the Defence Force, in whom we have the greatest confidence.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Federal Election

Senator ABETZ (2.00 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. I quote the Prime Minister:

I think when you go to an election and you give a promise to the Australian people, you should do everything in your power to honour that promise. Has the government done everything in its power to honour the promises it made to the Australian people at the last election?

Senator CHRIS EVANS—The re-elected Labor government is very committed to proceeding with its commitments to the Australian people and is looking to implement those commitments. That has been a focus for us since—

Senator Ian Macdonald interjecting—

Senator CHRIS EVANS—Well, Senator MacDonald, you may call it ‘hanging on to power’; it is called a decision of the House of Representatives about who should form a government in accordance with our democratic traditions and the rules of our Constitution. That decision having been made, the government has set about looking to implement its commitments to the Australian people and working through those over time as we settle back into a second term of government. Clearly, these will be difficult times in the parliament and managing legislation through the parliament. Not having a majority in either house will put particular strains on the government in delivering its agenda. But we have indicated we intend to work in a very positive way with all parties in the parliament to try and achieve our objectives and the commitments that have been made to the Australian people.

We include in that the coalition, who we expect to act responsibly and assist the government in passing legislation that is in the national interest and helps us deliver on the commitments made. We are very much focused on delivering. We are aware that there will be certain constraints placed on us as a result of the balance in both chambers of the
parliament, but we will work with everyone to try to make sure that we are able not only to deliver stable government, which we are committed to, but also to deliver on our commitments to the Australian people.

Senator ABETZ—Mr President, I ask a supplementary question. I refer again to the Prime Minister’s statement that governments should do everything in their power to honour their election promises. Given the statement, does the government agree that it misled the Australian people during the election campaign in relation to: its intentions for new or expanded detention centres; addressing the unprecedented flow of boat arrivals; ruling out a carbon tax; and, indeed, promising to be open and transparent?

Senator CHRIS EVANS—I am very happy to say no to that. That is not the case at all. We were very clear in relation to our commitments. In terms of the announcement about new immigration centres, as the minister at the time I can assure the Senate that all the statements made during the election campaign and in the lead-up to it were accurate in terms of government decision making. There were inquiries being made and contingency plans being developed inside the department, but in terms of government decision making, comments made by myself and the Prime Minister during the election campaign and prior to it reflect accurately on the position. As you know, in relation to a carbon tax, the government have made it clear we are working through processes to try to ensure that we end up with a carbon price as part of our effort to deal with carbon pollution, and we will continue to pursue those.

(Time expired)

Senator ABETZ—Mr President, I ask a further supplementary question. Can the minister explain to the Senate why the government is failing to implement the policies it did not take to the election, some of which are in direct contradiction to those solemn election promises made by them to the Australian people?

Senator CHRIS EVANS—I reject the assertion in the third part of this rather confused question. I gather it is supposed to be very clever. Can I just make the point that the opposition will go a long way to determining whether or not this government is capable of delivering on its election promises. If we see the sort of obstructionism we saw in the last term of parliament then it clearly will be difficult for us. The opposition have it in their hands to assist the government in delivering on its commitments as we bring legislation forward to implement them. I look forward to the opposition giving the government that support in seeking to have legislation passed in this chamber which gives effect to the commitments we made, because if we are able to get legislation carried of course we will be able to deliver on the commitments made to the Australian public.

Economy

Senator FORSHAW (2.05 pm)—My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister inform the Senate about the importance of competition in the banking sector and why competition in the banking sector is important to Australian households?

Senator WONG—I thank Senator Forshaw for his question and for his interest in this issue, which is of course fundamental to ensuring that we maximise the benefits for Australian families when it comes to the home loan interest rates on offer. We know that the global financial crisis had a very big impact on competition in the banking sector, something which might have passed by those opposite. Those on this side of the chamber understand the impact on competition in the
banking sector that the GFC hit. It hit small lenders particularly hard, and this government acted to ensure that we took measures to boost competition in the mortgage market. These include helping small lenders fund their home loans, new loans to crack down on unfair mortgage exit fees and our bank guarantees. Those opposite might recall the $16 billion of investment in the AAA rated residential mortgage backed securities, which have been critical in supporting this important funding market.

The reason the government did this is that we understand that competitive pressures give banks the incentive to offer the best products to Australians at the best possible prices, and this includes encouraging banks to offer the most competitive mortgage rates. We understand, on this side of the chamber, that working families are facing cost-of-living pressures. The government’s reforms are aimed at boosting competition in the banking sector and helping Australian families, because competition means more choice for Australian consumers. This sensible approach from the government stands in stark contrast to that which is advocated by the so-called ‘economics team’ of the opposition. (Time expired)

Senator FORSHA W—Mr President, I have a supplementary question, and a very important one. Can the minister outline to the Senate the importance of independent determination of interest rates? Is the minister aware of any alternative approaches which would pose a threat to competition in the banking sector and therefore to Australian households?

Senator WONG—I think everybody should know that the independence of the Reserve Bank is critical to ensuring stable economic management, and everyone should know that if interest rates were to be re-regulated that would, amongst other things, restrict the flow of credit to Australian households and Australian businesses. The Secretary of Treasury commented in estimates that re-regulating interest rates would hit lower income earners harder because, obviously, banks would ration credit. This appears to be a point lost on the shadow Treasurer.

The shadow Treasurer seems to be heading headlong down a path towards re-regulation of interest rates, a path that he cannot even convince his own colleagues to support. It was quite extraordinary last week watching the member for Canning describing the shadow Treasurer’s proposal as a ‘lunatic fringe’ idea from the man who seeks to be Treasurer. I see that Mr Turnbull has also tried to distance himself from this rather extraordinary proposition— (Time expired)

Honourable senators interjecting—

The PRESIDENT—When there is silence on both sides, we will proceed. Senator Forshaw is waiting to ask the next question.

Senator FORSHA W—Mr President, I ask a further supplementary question. Can the minister further inform the Senate of any significant risks to the Australian economy through additional regulation?

Senator WONG—We know that the prospect of re-regulating interest rates is not the only economic thought-bubble that the opposition has come up with this month. I think it was quite extraordinary to observe the shadow finance minister recently appear to advocate some form of government intervention in relation to the dollar. I think everybody ought to know that Australia’s floating currency has, for more than a quarter of a century, served our nation well. Yet we see Mr Robb—supposedly one of the dries—coming out and saying that we should be looking at ways to impact on the dollar. It is interesting. I wonder what the former finance minister, Senator Minchin, would have
thought about Mr Robb’s ideas. What was even more interesting was reading what the opposition colleagues thought about this. One is quoted in the *Australian* as saying:

“This is certainly not Coalition policy … this was just Joe being Joe.”

and another as saying:

“Joe and Andrew should wear tie-dye shirts and flares because they’re stuck in the ’70s,” …

(Time expired)

**Asylum Seekers**

**Senator FISHER** (2.11 pm)—Mr President—

_Honourable senators interjecting—_

**The President**—Just wait a minute, Senator Fisher; you are entitled to be heard in silence.

**Senator FISHER**—My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Carr. South Australian Labor Premier Mike Rann says that he found out just one hour before the public announcement about the Gillard government’s decision to house 400 asylum seekers at Inverbrackie in South Australia. Why didn’t the Gillard government consult with the Adelaide community prior to this decision being made? Isn’t this just more of faceless Labor men sitting in Canberra issuing edicts for government and treating local communities with contempt?

**Senator CARR**—I thank the senator for her question.

**Senator Cormann**—‘S’ for South Australia or ‘A’ for Adelaide?

**Senator Fisher interjecting—**

**Senator CARR**—Well, given your contribution on detention—

**The President**—Ignore the interjections, Senator Carr; they are disorderly. Just address the question.

**Senator CARR**—The government has taken a decision to place detention facilities in particular locations, having carefully considered the options that are available to it. The decision was actually made on 18 October and it was difficult to consult about a decision that was not actually made prior to that date.

_Opposition senators interjecting—_

**Senator CARR**—The decision related to the use of Commonwealth facilities, and department of immigration—

_Opposition senators interjecting—_

**The President**—Senator Carr, just resume your seat.

_Opposition senators interjecting—_

**The President**—Senator Carr, proceed.

**Senator CARR**—The decision related to the use of Commonwealth land, and the Department of Immigration and Citizenship consulted with the Department of Defence in developing a plan for the Inverbrackie and Northam facilities. The relevant state and local government authorities were advised shortly ahead of Monday’s announcement. In fact there have been a number of public comments that have been made in relation—

_Honourable senators interjecting—_

**The President**—Senator Carr, just resume your seat.

**Senator Cameron**—Our lips are sealed!

**Senator Abetz**—Promises, promises!

_Honourable senators interjecting—_

**The President**—I remind senators that shouting across the chamber is disorderly. Senator Carr is entitled to be heard in silence.

**Senator CARR**—I am advised that the relevant state and local authorities were advised ahead of Monday’s announcement and, further, that the Defence Families of Austra-
lia’s national convenor and the local Army unit at Inverbrackie were also advised ahead of the announcement.

The government is working with these communities to minimise the impact of these new facilities. The Department of Immigration and Citizenship is leading full and detailed consultations with all affected stakeholders, including state governments, in the relevant areas. This will include consultation with regard to children’s access to education, clients’ access to health services, and the impacts on local services, amongst other things. The Department of Defence is leading consultation with Defence personnel and their families—(Time expired)

Senator FISHER—Mr President, I ask a supplementary question. The Prime Minister visited the Adelaide Hills the day before this decision was announced. Minister Bowen says the Prime Minister did not tell the local community when she was there that it would take 400 asylum seekers because ‘the cabinet had not made a decision when the Prime Minister was there’. Wasn’t the Prime Minister aware that a decision was imminent the day before it was announced, when she was there? Or was the decision made for her—(Time expired)

Senator CARR—The senator is quite correct in saying that the Prime Minister was present in the Inverbrackie area the day before the decision was announced. It is not the custom and practice of governments of any description to announce decisions of cabinet before they are actually made. Of course, the matter could not be raised because it was to be discussed by the cabinet. We have a simple proposition here that I suggest senators opposite give some thought to. This is an important element of our approach to this country’s international obligations to properly house people who come to these shores. We are providing proper facilities in a proper manner and consulting with the local communities about the way in which—(Time expired)

Senator FISHER—Mr President, I ask a further supplementary question. Yet another boat—putting 64 more lives at risk. This takes to a total of 110 the number of boats to arrive in Australian waters in 2010 and the total number of people on board to 5,523. When will the government admit that another boat is another policy failure?

Senator CARR—Those opposite ought to bear in mind that their policies were a complete failure. Their policies asserted, by way of slogan, that you can stop the boats, which is totally in contradiction of the facts. The claim that new facilities will result in more boat arrivals is equally untrue. From 1999 to 2000, some 12,000 asylum seekers arrived on this country’s shores—12,000 in that short period of time. There are peaks and troughs in the way people are moved to this country. The government is ensuring that there are appropriate facilities and that this matter is dealt with in an orderly manner. The government is ensuring that our international obligations are met while at the same time protecting Australia’s borders. We are ensuring that new facilities are able to ensure that we have proper—(Time expired)

National Broadband Network

Senator WORTLEY (2.18 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister inform the Senate why the government’s investment in the National Broadband Network and reforming telecommunications regulation is so critical to our future economic prosperity?

Senator CONROY—I thank Senator Wortley for her question. The NBN and the competition and consumer safeguards bill that we introduced last week represent fundamental microeconomic reform.
Senator Joyce—Mr President, I rise on a point of order. I cannot help but notice that Minister Conroy seems to be advertising something on his chest. I am just wondering whether that is parliamentary.

The PRESIDENT—If he is advertising something he should not be, he knows that.

Senator CONROY—In its report Innovation: new thinking, new directions, which it has released just today, The Australian Industry Group says:
The rollout of a very high-speed National Broadband Network provides an unprecedented opportunity for Australian businesses to transform their innovation practice in terms of realising cost savings, productivity, extending market reach and introducing brand new types of products and services.
The AIG report went on to say:
Ubiquitous open access connectivity will provide real benefits in the short and medium term as supply chain interactions are optimised and new business to business and consumer markets become accessible. In the longer term, ubiquitous connectivity makes radical business model innovations possible for Australian businesses—

Senator Fisher—Mr President, on a point of order: the minister seems to be advertising Adidas. Given that the NBN is just being rolled out, why is he not advertising Nike—‘Just do it’?

The PRESIDENT—Senator Fisher, that is not a point of order. Senator Conroy, you might do your coat up.

Senator CONROY—The AIG said:
In the longer term, ubiquitous connectivity makes radical business model innovations possible for Australian businesses through the creation of services and delivery models that do not yet exist.
The competition bill that we introduced last week supports the heads of agreement between NBN Co. and Telstra that was announced in June.

Senator Brandis—To exempt the NBN from the Trade Practices Act, Senator Conroy?

Senator CONROY—Why don’t you just read it, Senator Brandis, rather than shouting about it. The heads of agreement facilitates the structural separation of Telstra—the holy grail of telecommunications reform. Under the agreement, Telstra will migrate—(Time expired)

Senator WORTLEY—I thank the minister for his answer. Mr President, I ask a supplementary question. Is the minister aware of any research that shows the benefits of high-speed broadband?

Senator CONROY—There are many studies that confirm that investment in high-speed fibre generates billions of dollars in economy-wide benefits. A 2009 Access Economics study found an increase in the net present value of gross domestic product of between $35 billion and $80 billion over 10 years from the benefits of high-speed broadband in the electricity, irrigation, health and transport industries. More recently, two reports identified specific benefits from teleworking and telehealth, emerging applications that both rely on ubiquitous high-speed broadband. Access Economics estimates benefits of telehealth to Australia of between $2 billion and $4 billion a year, and savings of at least $1.4 billion from teleworking, if just 10 per cent of the workforce—(Time expired)

Senator WORTLEY—Mr President, I ask a further supplementary question. Is the minister aware of any alternative approaches to high-speed broadband?

Senator CONROY—I am aware of the many differences within those opposite to the issue of high-speed broadband. Following the election campaign, the Leader of the Opposition appointed Mr Turnbull to demolish the NBN.
Senator Joyce—Mr President, on a point of order: could you ask the minister if the reason he has that shirt on is that either he has lost a bet or he is worried about dribbling?

The President—No point of order.

Senator Conroy—This morning, on ABC's AM, Mr Turnbull said, ‘Look, my interest is not in bringing down the NBN or in demolishing the NBN.’ The Nationals also have a view. Senators Joyce and Nash said in April last year, following the NBN announcement, ‘How could we disagree with something that is quite evidently our idea?’ Senator Nash also said, ‘Rolling out fibre infrastructure across Australia will be like a glass Snowy.’ So who exactly is deciding the coalition’s policy on broadband? They are clearly a shambles. (Time expired)

Asylum Seekers

Senator Cash (2.24 pm)—My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Carr. I refer to the statement by the Western Australian opposition leader, Eric Ripper, that state Labor opposes the proposal to house 1,500 male asylum seekers at a disused Army barrack at Northam and to the statement of the President of Northam Shire Council, Steven Pollard, that he was only made aware of the Northam centre minutes before the Minister for Immigration and Citizenship, Chris Bowen, and Prime Minister, Julia Gillard, spoke to the minister and made the announcement. Does the minister believe that presiding over a rushed decision, which does not even have the support of the WA state Labor Party, is a way to fix the government's border protection mess?

Senator Carr—I thank Senator Cash for her question. I am aware that media reports have contained references of the type that she has referred to in her question today. I have noticed, however, that Mr Barnett has safety concerns for Northam, which were covered in an AAP report. He said, 'I am concerned about the security and safety of the residents of Northam.' I am advised that Northam was suggested as a site by the Western Australian Premier. He was the one that suggested this site. He said he chose the facility because of, amongst other things, its closeness to emergency facilities in comparison with the existing immigration detention centre at Curtin. That was the Premier of Western Australia who made this suggestion.

What I like about this issue is the glorious luxury that those opposite seek to indulge in when discussing these questions. They are more than happy, in conversation, to make suggestions about the location of facilities of this type but only to make the cheap, snide remarks that we hear today—the sorts of remarks—

Senator Brandis—Mr President, on a point of order: the minister is now not being relevant to the question at all. Engaging in a spray of abuse at the opposition on no view constitutes direct relevance to the question being asked.

The President—There is no point of order. Senator Carr, continue. I remind senators that interjections are disorderly during question time.

Senator Carr—The acts of hypocrisy here should know some limits. I know I am constantly disappointed on that topic, but it is one thing to go to the public and say there is a safety and security issue, having yourself suggested that this be a site for a facility. I do think that, by the standards of debate on this issue, this obviously gets there right at the top of public contribution. I think it is important to assure the local residents about the contractual arrangements between the Department of Immigration and Citizenship and its detention service provider, Serco. These require Serco to conduct its operations in
such a way that everything is done to ensure that the detention population is managed—

(Time expired)

Senator CASH—Mr President, I ask a supplementary question. Will the government provide an immediate guarantee to the local communities where detention centres are being placed that it will provide them with the necessary funds to ensure that they are properly resourced so that they are able to cope with the extra pressures placed on them—in particular, in the areas of security, housing and health?

Senator CARR—What I can assure the senator, as she well knows because of her interest in this topic—she would have heard government ministers say this over and over again—is that the government was spending $164.5 million to provide for the secure accommodation of 1,500 people at the northern training centre. The government will be working with affected communities to minimise the impacts of any new centre. The impacts will be paid for by the government.

That was always the case, Senator, as you well know. All health and education costs associated with the government’s detention activities will be met by the Commonwealth, as is always the case. Services provided to asylum seekers will include education, English language lessons for adults, health services on site and recreational facilities such as for sport to ensure that people are looked after properly. These are the standard provisions that the Commonwealth ensures will be provided. You know that. (Time expired)

Senator CASH—I rise on a further supplementary question. Minister, if according to the Prime Minister another boat represents another policy failure, tell this Senate: what does another detention facility represent?

Honourable senators interjecting—

The PRESIDENT—Order! When there is silence we will proceed. The time for debating this issue is at the end of question time.

Senator CARR—All of these things have a history. I might remind the senator who asked the question what Mr Ruddock drew to our attention on 9 May 2000. He said:

To relieve the pressure on existing facilities the government has decided to implement a long-term strategy that will see new centres established and older facilities upgraded. This will ensure that there is sufficient appropriate accommodation for detainees in the future and that Australian staff who have care of these people have satisfactory working conditions.

These were the words he used when he was announcing the reopening of the Curtin centre in Western Australia and the establishment of Woomera facility in South Australia. So, Senator, I suggest you do a bit of reading before you announce these sorts of pathetic attempts to— (Time expired)

Indigenous Suicide

Senator SIEWERT (2.32 pm)—My question today is to the Minister representing the Minister for Mental Health and Ageing, Minister Ludwig. Bearing in mind the increasing rate of suicide amongst Aboriginal Australians in Northern Australia, I ask a question on that issue. There have been six Indigenous people younger than 18 in the Northern Territory who have taken their own lives in the last month, and there have been at least two in northern Western Australia, along with a number of attempted suicides. I ask: is the government aware of this situation? Does it agree that this needs urgent action? Will the government start developing immediately a specific Indigenous suicide prevention strategy?

Senator LUDWIG—I thank Senator Siewert for her question and her continuing interest in Indigenous issues, including Indigenous suicide. The Australian government
is committed to reducing suicide rates amongst young people in Indigenous communities. Under the National Suicide Prevention Program the government is providing $6.169 million over 2009 to 2011 to community based suicide prevention projects in communities in WA, including the Kimberley region. We are also providing the Kimberley Division of General Practice $3.4 million from 2006-07 to 2010-11 to employ mental health professionals in areas such as Broome, Halls Creek, Fitzroy Crossing, Kununurra, Derby and the Kutjungka and peninsula region. The Kimberley Division will also receive $283,000 in 2010-11 to run the successful Access to Allied Psychological Services program, with a catchment area that includes Balgo.

I could add that over the last couple of years there have also been funds of up to $10 million allocated through the National Suicide Prevent Program nationally for community based projects that work with Aboriginal and Torres Strait Islander communities to build strength, capacity and resilience within the Indigenous communities, to support those in those regions. Of course it is recognised— Senator Siewert makes this point—that the ABS Causes of death, Australia, 2008 report did identify that suicide accounted for 4.2 per cent, which is approximately 103, of all Indigenous deaths due to external causes. That is, 74 males and 29 females— (Time expired)

Senator SIEWERT—I thank the minister for his answer. I ask a supplementary question. I specifically would like to know: what is the government’s considered opinion about a separate Indigenous strategy that deals with suicide prevention, as recommended by a wide range of mental health and health practitioners? I am asking about the specific issue of the strategy, because these programs, while they are very worthwhile, obviously need some other element, because they are not reducing the rate of suicide. We have just had a spike in the rate of suicides in Northern Australia.

Senator LUDWIG—I thank Senator Siewert for her supplementary question. As I understand it, it is not only about the broader issues, which the government has made election commitments on—to provide $276.9 million to prevent the tragedy of suicide in the wider community, which goes to boost helplines such as Lifeline provide areas of training for frontline community workers, improve safety at notable suicide hot spots, provide outreach teams to schools affected by suicide and support community led prevention activities. All of that comes within the general strategy of election commitments to provide support.

I understand that the specific question goes to Indigenous communities, which I have mentioned in part in my response to her primary question. If I could put it in the context of being part of the Labor government’s $276 billion, which I have outlined, those policies include— (Time expired)

Senator SIEWERT—I again thank the minister. I note that only $8.1 million of the government’s promised $277 million in additional spending on suicide prevention is earmarked for this financial year. I wonder if the government has looked at rolling out a high percentage of that money more quickly in Aboriginal communities, particularly in Northern Australia, to deal with this specific spike. As it is occurring right now, that money is required right now.

Senator LUDWIG—If I do not quite respond to the specific issues raised by Senator Siewert, I thank her for her supplementary question. I will see what the mental health spokesperson can add in this area if I do not finalise the question in the time. As part of the Labor government’s $276.9 million election commitment to tackle suicide, as I have
outlined, $22.4 million has been allocated to support additional community led suicide prevention activities, including in Indigenous communities. In terms of the specifics of the rollout and to address the urgency that Senator Siewert has identified within Indigenous communities, particularly on the issue of suicide, I will seek from the minister what I might be able add to the answer I provided to Senator Siewert. Within the broader area, of course, the National Suicide Prevention Strategy is the overarching strategy— 

Murray-Darling Basin

Senator PAYNE (2.39 pm)—My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. I refer to the report issued last Friday by the COAG Reform Council on water-saving infrastructure projects in the Murray-Darling Basin. The report highlights that, of your government’s so-called priority projects for water saving infrastructure, only two of 17 have been completed. To quote the report:

... there were significant delays in the development and approval all other projects.

What impact do these delays have on the livelihood of those whose lives are already on hold while the government attempts to sort out yet another mess?

Senator CONROY—My understanding of the process is that the states actually deliver the projects. That is what I thought happened. The Murray-Darling Basin Authority is an independent authority.

Senator Brandis—You don’t know the answer to this question, do you?

Senator CONROY—I am representing another minister, thank you, Senator Brandis. The government is trying to achieve three outcomes: to deliver a healthy river system, to deliver it acknowledging the importance of food protection and to deliver strong regional communities. That was the objective when the Water Act was first introduced, and this government’s determination to reach that objective is there as well. The minister has sought and received legal advice from the Australian Government Solicitor on the requirements of the Water Act. This advice has helped clarify what the requirements of the act are and how the act plays a role in helping to deliver what is referred to as the triple-bottom-line approach. The minister will table this—

Senator Joyce—Mr President, I rise in a point of order. He has already tabled the advice. I am reading it here. Doesn’t Minister Conroy have it?

The PRESIDENT—There is no point of order.

Senator CONROY—The minister will table the advice in parliament this afternoon—that is my advice. I am glad he has already tabled it. Let’s acknowledge that the government’s triple-bottom-line approach is what those in opposition once claimed they sought too when they were in government. It is certainly what the member for Wentworth sought and I hope it is what the Leader of the Opposition is willing to help deliver.

Senator Birmingham—Mr President, I rise on a point of order. With 24 seconds left on the clock, I point out to you that the minister has not mentioned once the COAG priority projects for water-saving infrastructure that Senator Payne was asking about. Perhaps you could ask the minister to be directly relevant in his answer.

The PRESIDENT—I cannot direct the minister how to answer the question. The minister has 24 seconds remaining. I draw the minister’s attention to the question.

Senator CONROY—We need to remember that we only have a guide at this stage to the proposed plan that has been developed by the independent authority. It is unreasonable
to discuss rejecting a plan that will not be finalised for another year. The government is committed to introducing this reform.

Opposition senators interjecting—

Senator CONROY—Those opposite may want to interject—(Time expired)

Senator PAYNE—Mr President, I ask a supplementary question. The COAG Reform Council report also states ‘the fact that most projects remain in the development and pre-approval stages appears contrary to the need for urgent action’. How does the government justify to these communities its failure to take urgent action?

Senator CONROY—Those opposite have absolutely no credibility on this issue. They continue to cry wolf, they continue to complain and they continue to believe that somehow they had a policy that was in any way relevant. They have abandoned all of the—

Senator Joyce—Mr President, I rise on a point of order. I have just heard that Senator Conroy wants a copy of his own report—that is, the Australian Government Solicitor’s report issued today by Robert Orr QC and Helen Neville. We do not have time to photocopy it. Do you want me to just walk it around to you, Senator?

Senator Chris Evans—Mr President, on the point of order, I think that is Senator Joyce’s fourth contribution today on attempted points of order where nothing has been raised of any substance, other than an attempt by Senator Joyce to somehow prove he is relevant to the Senate and a couple of very poor jokes. Mr President, I think Senator Joyce’s points of order are designed to wilfully delay question time in the Senate. I suggest you rule this one out of order and suggest to Senator Joyce that he might examine his behaviour.

The PRESIDENT—There is no point of order. Senator Conroy has 39 seconds remaining.

Senator CONROY—The original funding profile reflected early estimates made in advance of the extensive planning required for major infrastructure investment. Many of these infrastructure projects are highly complex—in particular, the state priority projects. It is important that robust business cases are prepared to support the investment of very large sums of public money. The Commonwealth due diligence process is vital for ensuring that state priority projects deliver much-needed water efficiency, river health outcomes and real benefits for irrigation communities. (Time expired)

Senator PAYNE—Mr President, I ask a further supplementary question. When will the minister have the courage to visit these communities and look them in the eyes rather than hide behind public servants? If, as you said at the beginning of your response, the states are responsible for delivering, what use is COAG?

Senator CONROY—The government is determined that the investment in rural water infrastructure will result in value for money: fit-for-purpose projects which best provide for a viable and sustainable future for irrigation industries. Comprehensive due diligence assessment of business cases is necessary and involves rigorous analysis against technical, socioeconomic and environmental data.

Senator Brandis—Mr President, on a point of order: relevance. The question was, ‘When will the minister look the communities in the eyes rather than hide behind a public servant?’ That was the question, Senator Conroy. On no view is anything the minister has said in response to the second supplementary question—after he floundered around for the first two questions addressing
the wrong report—remotely relevant, let alone directly relevant.

Senator Ludwig—Mr President, what we have now heard is a rant as an excuse for a point of order. The minister has been directly relevant to the question and has been addressing the second supplementary question. Unfortunately, Senator Brandis saw too much of an opportunity to provide a rant rather than listen to the response by Senator Conroy in respect of the second supplementary question. The minister continues to be relevant and is answering the question and there is no point of order.

The President—Senator Conroy, I draw your attention to the fact that you have 33 seconds remaining in which to answer the question.

Senator Conroy—As those opposite well know, the minister visited Griffith, one of the communities involved, just last week. But of the 13 state-led priority projects, one has been completed—the South Australia Lower Lakes integrated pipeline project, $120 million—which is assisting communities that were previously reliant on the Lower Lakes. Two pilot projects are underway in New South Wales—Border Rivers-Gwydir pilot project—as part of the $300 million irrigated farm modernisation project and metering pilot project—(Time expired)

Indigenous Employment

Senator Crossin (2.48 pm)—My question is to the Minister for Indigenous Employment and Economic Development, Senator Arbib. Is the minister aware that on Saturday the Business Council of Australia released its second annual member survey on Indigenous engagement initiatives, a survey which identifies activities undertaken by member companies to help close the gap? If so, can the minister inform the Senate about the findings of the report and about what the government is doing to encourage private sector led initiatives in achieving the government’s efforts to close that gap?

Senator Arbib—I thank Senator Crossin for the question. I know she has worked tirelessly on this issue. Many Northern Territory members of the community have benefited from her work. As senators in the chamber are aware, the Gillard government is committed to closing the gap in Indigenous inequality. At the heart of this effort is a drive to halve the gap on Indigenous employment. While the government is working hard with Indigenous communities through programs like the Indigenous Employment Program and Job Services Australia, the enormity of the challenge is great, and we cannot do it alone. It is vital that we engage corporate Australia to help drive demand for Indigenous employees, create sustainable career paths for jobseekers, and drive cultural change so that Indigenous employment becomes the rule rather than the exception in workplaces.

Because of this work we saw progress on the weekend. The Business Council of Australia report shows a number of positive changes. Forty of the 100 BCOA member companies now have Indigenous engagement initiatives, compared with 28 last year. Twenty-nine companies have Indigenous employment and/or traineeship strategies, compared with 21 last year. Twenty-one companies have specific Indigenous employment goals or targets, compared with 14 last year. Fourteen companies have completed reconciliation action plans, RAPs, compared with nine last year. This is good news and it is complemented by work being done by ACCI, Reconciliation Australia and AiG. Of course, because of the size of the challenge and the complexity of the issue, a great deal still needs to be done. That is why the government is working extremely closely with programs like the AEC, Australian Employment Covenant, through our Indigenous
employment program assisting companies to train and employ Indigenous Australians. The covenant has now generated more than 22,000 commitments. *(Time expired)*

**Senator CROSSIN**—Mr President, I ask a supplementary question—and I can see the Leader of the Opposition in the Senate is listening attentively to the answers. I ask the minister—

**Senator Ronaldson**—Mr President, Senator Crossin’s comment was completely unreasonable and gratuitous. The senator should be ashamed of herself and withdraw that comment. It had no basis whatsoever.

**The PRESIDENT**—Senator Ronaldson, there is no point of order. Senator Crossin, just address your comments to the chair.

**Senator CROSSIN**—My comments were through the chair, Mr President. My supplementary question: can the minister advise the Senate on what progress the government is making more generally in terms of closing the gap in Indigenous employment? In particular, how is the government working to support the development of Indigenous businesses to increase employment?

**Senator ARBIB**—At last week’s Senate estimates hearing we heard that many of the government’s Indigenous employment programs are successfully being implemented. Almost 3,000 Australian government and 750 state and local government jobs have been created from former CDEP positions with proper entitlements including superannuation and annual leave. In the Northern Territory, there has been a 46 per cent increase in job placements brokered with the assistance of Job Services Australia providers over the past six months, and 30 per cent of the workforce on the remote housing program in the Northern Territory is Aboriginal, exceeding our target of 20 per cent. But you cannot create sustainable Indigenous jobs without sustainable economic development.

In Indigenous communities we need Indigenous businesses to flourish. We heard in estimates that the Australian Indigenous Minorities Supplier Council pilot is delivering great results for Indigenous businesses. In its first year it has facilitated over $4 million in contracts between its 41 corporate members and 53 certified suppliers. *(Time expired)*

**Senator CROSSIN**—Mr President, I ask a further supplementary question. What is the government’s reaction to GenerationOne’s address to the nation last night on closing the gap between Indigenous and non-Indigenous Australians? In particular, what role does a grassroots campaign like GenerationOne play in helping to close that gap?

**Senator ARBIB**—Like six million other Australians, I watched Madeleine Madden last night deliver the GenerationOne address, and I found it absolutely inspiring. She challenged each and every one of us to play a part in creating a better future for Indigenous Australians, recognising that we must all work together. The address, as I said, was broadcast to six million Australians, and I am delighted to report that the GenerationOne website has now had 1.6 million hits since seven o’clock last night. The government applauds the efforts of groups like GenerationOne who are encouraging all of us to make a difference in any way we can. It will take time, but we are seeing results of these efforts. I encourage you all to visit the GenerationOne website to read the inspirational stories of Australians who are supporting Indigenous mentoring, employment, business and education initiatives. The strongest message that we can take from Madeleine’s address is that governments cannot do it alone. Non-government organisations, businesses and communities must all work together to provide a better country and opportunity— *(Time expired)*
Budget

Senator CORMANN (2.55 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Why does the government still refuse to publicly release the key assumptions it has used to estimate the revenue from its massive new tax on mining?

Senator CHRIS EVANS—The Treasurer and the Prime Minister have answered this question a number of times, and Senator Cormann is well aware of that response. As he knows, the negotiations with three large miners over the mining tax and the agreement struck following those negotiations involve those companies providing very sensitive commercial-in-confidence material to the government, and the calculations therein were based on that information. The government has released Treasury forecasts of revenue and in all the normal ways made information available, but it is perfectly appropriate when dealing with commercial interests to ensure that those interests are protected when having a frank negotiation with them.

I am not sure whether Senator Cormann has consulted those mining companies as to whether they would be comfortable with their commercial-in-confidence information being released, but it seems to me that it is an unreasonable expectation that Senator Cormann seeks to pursue, one that he knows the previous coalition government—the Howard government—would not have responded to, because it does involve commercial-in-confidence matters and frank exchanges of information that could possibly prejudice people’s commercial interests. But the normal government calculation of revenue and the normal forecasting has been made publicly available, and all that information is available to Senator Cormann and to the Australian public.

Senator CORMANN—Mr President, I ask a supplementary question. Is the minister aware that the state government in Western Australia surveys individual mining companies about their commodity price and production volume expectations to develop its commodity price and production volume assumptions? Why is it that the state government in Western Australia is then able to publish those assumptions as a matter of course in their budget papers when the Gillard government continues to hide behind spurious claims of commercial-in-confidence?

Senator CHRIS EVANS—Mr President, if you listened as carefully to the senator’s question as I did, he answered the question himself. He refers to a state government surveys—not an exchange of details of financial and commercial information but a survey. I was not aware that the state government did a survey such—

Senator Cormann—Are you saying that your commodity price assumptions are the BHP information?

Senator CHRIS EVANS—Senator, do you want me to answer the question or are you going to keep talking as always? I am happy, Senator, to try to answer the question. Mr President, the senator makes the point that it is very different information being contemplated. But it was perhaps the information which Mr Barnett, the Liberal Premier of Western Australia, used when he sought to increase royalties paid by those mining companies. In the middle of the mining tax debate, the Liberal Premier moved to gouge extra royalties out of those mining companies, which is seemingly inconsistent with the proposition that the federal Liberal party was advancing at the time. But it does not suit Senator Cormann to admit to that in this current climate.
Senator CORMANN—Mr President, I ask a further supplementary question. How can anyone have any confidence in the government’s mining tax revenue estimates when the government is clearly too scared to be open and transparent about very basic information like this? What do you have to hide, Minister?

Senator CHRIS EVANS—Making the same old tired accusations day after day after day like Senator Cormann does is not a replacement for intelligent questioning of a minister in question time. This is a political campaign by Senator Cormann—and that is fine if he wants to pursue that—but it is not about the proper responsibilities of the government in dealing with commercial-in-confidence information.

We have tried to deal with those companies openly and frankly and protect the commercial-in-confidence information they have provided to us. The Australian community can have complete confidence that all the relevant government forecasting is released, that the government budget will be underpinned by that forecasting, and that Australians will be very clear as to the amount of revenue that is expected to be garnered by the passing of the tax. *(Time expired)*

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

**QUESTIONS WITHOUT NOTICE:**

**TAKE NOTE OF ANSWERS**

**Asylum Seekers**

Senator CASH (Western Australia) (3.01 pm)—I move:

That the Senate take note of answers to questions without notice asked by Senators Fisher and Cash.

On 23 April 2003, Ms Gillard in her capacity as shadow minister for population and immigration issued the following media statement: ‘Another boat on the way, another policy failure.’

In the media release, Ms Gillard stated:

Reports today that yet another boat of Vietnamese asylum seekers is on its way to Australia is a stark reminder that the Howard Government policy is not working.

She also said:

Only Labor has a comprehensive policy to deal with asylum seekers and refugees ... The Government’s plan on asylum seekers is simply to engage in policy on the run.

The ‘another boat, another policy failure’ media release was in addition to similar comments made by Ms Gillard in the parliament at the time commenting on the arrival of just the second boat under the Howard government.

If the now Prime Minister of Australia wants to talk about policy failure, I suggest that she look at the Labor government’s abysmal record when it comes to protecting Australia’s borders. This abysmal record has been well and truly exacerbated since Ms Gillard took over from Mr Rudd. Forget ‘another boat, another policy failure’ because what we now have under the Gillard Labor government is not another boat; it is another detention centre.

Labor’s complete and utter failure to properly control our borders is reflected in the latest boat arrival. We now have a record number of boats arriving in Australia: 110 boats have arrived in Australia under Labor—and that is only in 2010. We have reached a record of 5,523 people arriving in boats in Australian waters under the Gillard Labor government.

I have to quote from Labor’s 2003-04 response to the budget statement where they proudly dictated to the people of Australia: F is for fail. I can tell Ms Gillard, the now Prime Minister, that she gets a big F when it...
comes to border protection. The Gillard government is a complete failure when it comes to protecting Australia’s borders.

Under the Gillard Labor government now more than ever people smugglers are dictating who comes to this country and under what terms. Christmas Island is now full. Labor are now opening detention centre after detention centre, and we know from all of the comments from the local communities that it is without any consultation with them.

Universal offshore processing is now history under Labor. Asylum seekers are being sent to the mainland in chartered secret flights at night when they should be sent home. Detainees are escaping from detention centres, and what does the government do? It attempts to counter all of these policy failures with a massive wall of spin. Australians deserve better when it comes to border protection. What does Labor do despite its continual policy failure, despite its failure the halt the arrival of boats. Its answer is this: we will just provide more beds. Now there is a policy response for you.

Since Labor was reappointed, an extra 3,300 beds have been announced by the Gillard Labor government. Ms Gillard needs to ask herself this question: when will the Labor Party wake up and realise that opening more beds will not stop the boats? Perhaps the Prime Minister of Australia can tell the people of Australia why the people smugglers will stop bringing people to Australia when the Gillard Labor government’s answer to its failure on border protection is to merely open up more beds. On this scorecard, Labor gets a great big F. (Time expired)

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (3.06 pm)—I note with great interest that the coalition members tend to get a bit excited about this issue—in fact the surge of adrenalin that ripples through the opposition benches as they bounce up and down on their seats asking questions in relation to asylum seekers, I think, is highly unbecoming of the opposition and defies the seriousness of the issue that we are contending with.

I think it is also worth noting that I listened carefully to Senator Cash’s contribution today and there was nothing in her statement that offered a policy from the coalition. They are happy to criticise the government but are still only capable of flinging slogans, the latest being this F for failure. I am sure they are hoping for a newspaper headline somewhere.

Senator Cash—Capital F for failure, and in neon lights!

Senator LUNDY—And, as Senator Cash says, that would be with neon lights. This shows the shallowness of the approach, and there is not one Australian who does not understand that we are facing a very difficult challenge. We have faced that challenge for many years now, and one thing the Labor government will not do is indulge in some of the trashy sloganeering that we experienced during the election campaign and that we are dealing with now. It has been thrown across the chamber in question time.

It is important to go through the facts. On 18 October the Prime Minister and the Minister for Immigration and Citizenship announced the commissioning of two new detention facilities to house irregular maritime arrivals: firstly, a facility for up to 1,500 single men at Northam in Western Australia—and, as my colleague Senator Carr took pains to point out in his response to questions today, at the suggestion of the Liberal Premier of Western Australia—and, secondly, a facility for up to 400 people in family groups, including children, at Inverbrackie in South Australia. The government has also an-
nounced expansions to accommodate unaccompanied minors and people in family groups and has identified two contingency sites. These announcements allow for the decommissioning of less suitable temporary accommodation, which the coalition has also criticised, so I would have expected some acknowledgement of the fact that we are ensuring that appropriate accommodation is available to these people.

Another point I would like to make is that the Prime Minister and the minister also announced an expansion of the use of the minister’s residence determination powers to enable placement of unaccompanied minors and vulnerable families into community detention placements on a case-by-case basis through existing powers under the Migration Act. These announcements recognise the importance of balancing mandatory detention of unauthorised arrivals with the humane treatment of those fleeing persecution and seeking protection in Australia. It is important at this point to remind everybody listening to this debate that last year Australia received 0.6 per cent of the world’s asylum seekers and that refugees, including those referred by UNHCR for resettlement, represent only eight per cent of our migrant intake. I further point out that people arriving by boat are less than 1.5 per cent of this intake. So we are talking about a relatively small number of people, despite, as I said, the rather unbecoming excitement across the chamber as they try to whip up fear associated with the boat arrivals. It is important to keep it all in a realistic perspective.

I would also like to touch on the point about consultation with the communities. I certainly understand and appreciate the uncertainty within local communities at Woodside and Northam, but I reiterate that the department and the government are committed to working through all of those issues raised. They are establishing community reference groups at Northam and Woodside, and these reference groups will be important mechanisms in managing the implementation of the new facilities. Senior departmental officials attended a full meeting of the Adelaide Hills Council on the 19th, and they had a town hall style meeting at Woodside on 21 October. The issues that were raised have been responded to by the government and the assurances that the minister has provided, as you have heard from Senator Carr, have been provided to those communities, particularly in relation to housing, security and health and other government services.

In conclusion, there is a system in place to respond to the situation we are facing with irregular maritime arrivals. It is a challenging one for the whole nation, but I would expect less unbecoming excitement across the chamber when dealing with— (Time expired.)

Senator McGauran (Victoria) (3.11 pm)—I will try not to be as droning as that, and liven the debate up a bit. Regardless of all of the pre-election commitments of the Labor government, all of the spin and con on this issue, it has reached a new level of crisis. We have now reached a record number of boat arrivals—I would call them ‘illegal boat arrivals’, and I would debate that very point—in this country for one year, and we still have two months to go. It is likely to break all records, and it is likely to flow over into 2011. Does anyone really think that the boats are going to stop under the current policies?

The previous speaker, Senator Lundy, and the representative for the minister in this chamber, Senator Carr—and there is an insult in itself, I should add, before I get to my very point. I am going to distract myself! Senator Evans, the Leader of the Government in the Senate, as failed a minister as he was in this particular issue, as embarrassing
as he was, was dumped aside and for whom? For Senator Carr to be the spokesman here in the Senate! Talk about adding insult to injury. And Senator Carr, like Senator Lundy, hid behind a mass of statistics to hide the reality of this issue. I know the others from the other side are always latching on to statistics to spin their story. They say that under the previous government there were arrivals in the thousands and, in the year 2001-02, there were over 5,000—there were some 5,516, an enormous number. And that is true. The Howard government did face a surge of boat arrivals in this country, but we acted to stop them. We did it not by one or two measures, but by a series of tough measures on the grounds of national security and quarantine. It was expected of any government. It is a base responsibility of a government. And in the year after 2002, there were zero boats. Now that we have broken the record of the Howard government—we have now had 5,553 in this year alone—does anyone ever think there will be zero boats next year under the current policies? There will not be, and yet the Prime Minister rolled the previous Prime Minister—Senator Ludwig, you were a party to that.

Senator Ludwig—That is not true.

Senator McGauran—You are not going to deny it, are you? You were up to your neck in it. You were going to be a lot tougher on this issue, but Mr Rudd was not tough on this issue at all. We have heard nothing but con and spin. You are now breaking all records. The biggest insult, as I said, is that Senator Carr could not get out of the chamber quick enough today. This is the first real opportunity since the new parliament convened that we have had to debate the issue in this chamber, be it during question time or when taking note of answers to questions, but Senator Carr would not stay back to debate the issue of his new responsibilities. This is the contempt that they are showing.

Earlier during this debate I happened to hear an interjection from across the table. I do not know who else heard it. Senator Cash was speaking at the time, so she probably did not hear it, but I heard it. I will not say who said it, but it was along the lines of: ‘Where are your Christian values in that?’ It is typical of the Labor Party to play that hypocritical moral Christian card. I pose these moral questions to the other side and to the senator who will follow me in this debate. Is it you?

Senator Hurley—Yes.

Senator McGauran—I pose these questions to you on those moral grounds. Answer these instead of taking the high moral ground and playing the Christian card as you would have it. Where is the morality in giving succour to the people smugglers? Where is the morality in encouraging desperate asylum seekers to make that perilous journey? Where is the morality in soft laws that encourage people to cross that perilous sea when we know that so many men, women and children do not make it? Where is the morality in delaying or preventing those in refugee camps overseas coming to this country? Ask the United Nations High Commissioner for Refugees, who called boat arrivals ‘queue jumpers’. They are not my words; they are his words. How are you fulfilling the responsibility you have to the Australian people with regard to border security? Why don’t you answer those questions? Why doesn’t the person who made the interjection come back and answer those moral questions? (Time expired)

Senator Hurley (South Australia) (3.16 pm)—I have no intention of answering Senator McGauran’s questions. I notice he is not becoming any more statesmanlike in his declining months in the Senate. What I would like to say, however, is that I am very pleased that the government is now fulfilling the policy to keep children out of detention. I
will be pleased to see positive measures being put in place to see this happen over the coming months. People in this place on both sides of the chamber have said that they do not want to see children in detention. Whether they are behind razor wire on Christmas Island or in tents on Christmas Island does not matter: children should not be treated in that fashion. It has been well agreed that that is the case, yet, when the government puts in place positive measures to ensure that it does not happen, we hear complaints from the other side about consultation and the manner in which it is done and no cooperation whatsoever with this policy move that the government has made.

One of the areas to which families with children will be sent is Inverbrackie, near Woodside, just outside Adelaide. It is a beautiful area with a close-knit community, and people in this area do not want their lifestyle compromised. Fair enough, but the arrival of 400 family groups, mostly women and children, will not overwhelm that country lifestyle in the Adelaide Hills, particularly given that the government has pledged an amount of money to ensure that health and education services are well maintained in that area to cope with the new arrivals. It has been widely reported that some members of the community are unhappy about the arrivals, but I have met many refugees in my time as a member of parliament and most of these asylum seekers who come by boat will be given refugee status. Most of the people coming to Inverbrackie, near Woodside, will be given refugee status. This will be the beginning of their time in Australia. I am convinced that most—not all, because that would be unrealistic, but most—of those people will make a solid contribution to Australian life.

The sooner we get people, particularly children, out of detention and start them on their lives in Australia the better the contribution that they will make. It quite possibly is the case that people from Woodside have not come across refugees very often. They may not understand the kinds of people who have desperately fled conflict in their own countries and come to Australia to seek a better life, predominantly for their children. When in Woodside those children will be going to schools to learn English as well as possible, if they do not already speak it, and making the best they can of their lives, to fulfil the faith that their parents have shown in them and to also say thank you to the Australian community.

Our Lieutenant Governor in South Australia, Hieu Van Le, came on a boat from Vietnam. He is a man who has made his way in society and is well recognised and well liked. He has said over and over again that he is grateful for being taken in by Australia at a time when his family were in desperate need. It will be no different with this group of 400 people in Woodside.

I would have thought that in this case the government might have got a bit more support from around the chamber for that kind of initiative. It is a realistic, sensible, pragmatic policy to move family groups out of detention to enable them to begin their lives in the Australian community. I am very pleased to see it happen and I am sure that, after a while, the people of Woodside will begin to see that it only benefits their community and broader society. It will be a great advantage to South Australia, which has constantly said that it wants to keep up its numbers of immigrants and get people into the jobs that South Australia needs to fill in order to prolong growth and continue its expansion and economic development.

Senator BACK (Western Australia) (3.21 pm)—Senator Hurley’s presentation this afternoon on this motion to take note of answers was yet another clear indication of a
Labor government policy in absolute disarray. We heard Senator Hurley talk about cooperation and consultation and yet only minutes earlier we heard her colleague Senator Carr deriding West Australian Premier Barnett, who tried to do exactly that, aware of the continuing failure of this government in all of its activities associated with asylum seekers. Premier Barnett—desperately concerned about the welfare of people in Leonora—when asked by the then minister, Minister Evans, offered the concept that Northam, close to Perth, a facility owned by the Australian Army, might be suitable for a small number of asylum seekers, as families, up to 500 maximum. But what do we now see? This afternoon we saw Senator Carr trying to explain away the fact that he is putting 1,500 young, single men into that facility, a disused Army facility in Northam, without any consultation with the Northam community—of which, I am very proud to say, I was a member for many, many years. Those 1,500 people will not have smiles on their faces when they realise the temperature in those old Army Nissen huts gets up to 44 and 46 degrees in our summertime! What a tragedy it was that the community was not made aware.

What a tragedy it is that we are seeing such duplicity and lies from this government. Senator Evans lost the portfolio and the new Minister for Immigration and Citizenship, Mr Bowen, has already abdicated his responsibility. Only two weeks ago the shadow minister and the shadow parliamentary secretary, sitting in front of me, visited the detention centre in Derby. In very, very wise questioning, Senator Cash asked last week in estimates, ‘Is it not the case that you are intending to go up to 3,000 people at the Derby detention centre?’ ‘No, no, no, Senator; there will be a maximum of 1,200,’ they said. In estimates the other day, Senator Cash showed a photograph of recently filled-in trenches in an added area of stage 3 of the Curtin detention centre, which we were told had no application at all and there were to be no more people. I heard from an associate in Perth whilst estimates was on that a DIAC official instructed the workers to fill in the trenches containing sewage, electricity, water and other services because the shadow minister and the shadow parliamentary secretary were in attendance. Further evidence: in the middle of the wet season, you could see the fresh tyre marks of the vehicles filling in those trenches. I challenge the minister to come into this place tomorrow and tell us that they are not intending to increase the facilities at Derby. It is an absolute disgrace. And we hear senators say that there is no cooperation.

Those in refugee camps overseas would be dismayed to learn today that Senator Hurley has told us that these people in South Australia and in Western Australia will be looking to enjoy the facilities and the services of this country. It suggests to all of us that the decision has already been made; that they have already been processed and are already on their way into this community. What about those who have legitimately applied for asylum in this country—remembering again that, on a per capita basis, we are the second most generous country in the world when it comes to accepting asylum seekers? But all of the pull factors are alive and well. The comments of this new Gillard government about some solution based in Timor-Leste and the fact that we are opening up these facilities as quickly as is possible for the asylum seekers here say to us that those people who are waiting in African and other camps are fools, are idiots, to have believed that the Australian government would actually give them the priority which they richly deserve.

So we have the scenario, unfortunately, of this government failing, being lost and hav-
ing nowhere to go. The Prime Minister, who was the shadow minister before they came into government, put the policies in place that we see being played out today. Unfortunately, we have a government that has abdicated its responsibility in this area. It is a disgrace.

Question agreed to.

**Indigenous Suicide**

**Senator SIEWERT** (Western Australia) (3.26 pm)—I move:

That the Senate take note of the answer given by the Minister representing the Minister for Mental Health and Ageing, Senator Ludwig, to a question without notice asked by Senator Siewert today, relating to Indigenous suicide.

Unfortunately, there has been a recent increase in the number of suicide deaths in Northern Australia, both in the Northern Territory, where we have had seven deaths, six of which were of people under the age of 18, and in Western Australia, my home state, where I am aware of at least two in recent weeks and three attempts by people to take their own lives. This situation needs to be dealt with urgently.

I chaired the Senate inquiry into suicide in Australia, and suicide in Indigenous communities was one of the areas that we focused on and made a specific recommendation about. The recommendation was:

The Committee recommends that the Commonwealth governments develop a separate suicide prevention strategy for Indigenous communities within the National Suicide Prevention Strategy. This should include programs to rapidly implement postvention services to Indigenous communities following a suicide to reduce the risk of further suicides occurring.

This is why I am asking this question of the government right now. The government moved fairly quickly to implement some of the recommendations from the suicide inquiry. In fact, when it comes to governments responding to recommendations from Senate inquiries, I think it was the quickest response I have seen to date in this place.

I welcomed the $277 million that the government allocated over four years to address suicide. I think that more needs to be allocated in the future, and I look forward to the government’s formal response, which the minister has indicated will be done by 24 November—and I am very pleased to hear that, because it is within the time frame. Normally I would respect that time frame; however, in this instance, I simply cannot. We have seen and are seeing a number of suicides in Aboriginal communities, and that necessitates a much speedier response by government.

Last week in estimates departmental representatives said that the government had earmarked $8.1 million of the $277 million for expenditure this year. That is a relatively small amount that is going to be spent on this issue this year. I propose to government that, given the urgent nature of the need to intervene and to provide further resources, they (a) urgently start developing an Indigenous strategy for suicide prevention as recommended in the Senate inquiry and (b) start spending some of the money that they have earmarked for suicide prevention now.

All the research shows us that clusters are a particular feature associated with suicide in Aboriginal communities. They call it ‘contagion’. I actually do not like it, but that is the official word that it is used in mental health and in dealing with suicide prevention. It is much higher in Aboriginal communities. We know the proportion of people taking their own lives in Aboriginal communities is much higher than in the broader Australian community and we know that young men are the greatest at-risk group. We know that a suicide in an Aboriginal community may in fact lead to others unless we have urgent
We also know that there is not sufficient training and there are not enough mental health workers in Aboriginal communities at this present time. It has been clearly articulated in Aboriginal communities. Whenever you go into Aboriginal communities, it is, ‘We’ll let you know’. I have been contacted by a number of people on this issue. They are crying out for help. They need urgent resources; they need resources in these communities to start addressing the issues around suicide and to help the young people. When I asked last week in estimates about the most recent causes, the department at that stage did not have a clear idea around what some of those issues are.

It was interesting to note also—and I think this is a very important point to bear in mind—that people in Aboriginal communities have suffered more trauma incidences than virtually anybody else in Australia. They believe that this is one of the issues that needs to be dealt with. It points to one of the reasons why we need to be investing resources now. My plea to government is as follows, you have earmarked $277 million to address suicide. One of the most pressing issues facing us right now is the number of suicides that we are seeing in Northern Australian Aboriginal communities. Please, please have a look at moving some of the funding that you have already committed to spending to start addressing this issue now. I know there are some really good programs operating. We need to be building on that.

(Time expired)

Question agreed to.

CONDOLENCES

Hon. Kenneth Shaw Wriedt

The PRESIDENT (3.32 pm)—It is with deep regret that I inform the Senate of the death on 18 October 2010 of the Hon. Kenneth Shaw Wriedt, a senator for Tasmania from 1968 to 1980.

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (3.32 pm)—by leave—I move:

That the Senate records its deep regret at the death on 18 October 2010 of the Honourable Kenneth Shaw Wriedt, former federal minister and Senator for Tasmania, and place on record its appreciation of his long and meritorious service, and tenders its profound sympathy to his family in their bereavement.

Kenneth Shaw Wriedt was a great Labor champion. He served in public life for more than four decades and represented the people of Tasmania with dedication and distinction. He was a great Labor leader and figure when the labour movement needed such people—when the political and economic times were tough, when Labor was an opposition that the federal or state level, and when the politics of the day called for men and women of principle.

He was born in Melbourne in 1927, the third son of a fitter of Danish descent. He grew up in Fairfield and attended University High School. He first tried to go to sea at the age of 13 but was unsuccessful. Three years later, in 1944, his parents were able to buy him a merchant marine apprenticeship. He spent 14 years on merchant ships, which included wartime experience in the merchant navy and eventual promotion to navigation officer on bulk carriers and on oil tankers which operated to and from the Persian Gulf.

In 1958 he decided to settle in Hobart. He selected Hobart because of his fondness for the Derwent. He settled ashore and took up insurance work. It was at this time he became involved in Labor politics. He would later declare that his travels and the poverty he saw, the Depression, and the Second World War were the reasons he embraced the Labor cause. It is also fair to say that through his travels he became interested in the underlying themes of Buddhism and its karma and the value of meditation. He was strongly
against the continuation of the war in Vietnam and disparaging of the Soviet Union and China, which he regarded as hypocritical in not supporting U Thant’s attempts to broker peace with North Vietnam. He campaigned accordingly during the 1967 federal election, having gained a place on the Tasmanian Senate Labor ticket.

A measure of the man can be seen in his first speech in the parliament. He said:

How many of us can look forward with certainty to security and dignity in our old age?

He went on to argue for a national superannuation scheme to give security to those in retirement. He was mindful of the plight of pensioners who waited for the handouts which came with each federal budget. That was the system of the time, which had little to offer security for the many senior Australians who did not share in a government- or privately-organised superannuation retirement scheme. Of course, the age pension at the time meant living on a standard little above the poverty line. He argued for the need to provide transferable benefits between superannuation schemes which might arise when an employee moved from job to job. He spoke about the perceived fallacies of national security, as he saw it, which was promoted on the basis of pending wars between nations. Rather—and in light of today’s events, quite interesting to note—he stressed that real dangers would come from other directions: from the poor nations of the world which provide the ‘breeding grounds of political violence and unrest’.

Every man glimpses a truth—
he added in that first speech.

No one man has a monopoly of truth. For this reason I hope that I can make a worthwhile and positive contribution to this nation.

I think we can agree he did. He was appointed Minister for Primary Industry in the first Whitlam government. It is often quoted that his portfolio surprised him because he could not tell a merino from a Corriedale. I hope the current minister can. However, he gained the reputation of a reformer and a hard worker, and during this time, and in the second Whitlam government as Minister for Agriculture, he was instrumental in reforming and restructuring the wool and dairy industries, understanding the competitive realities of the world market.

These were important reforms because they addressed the need to ensure the best possible income return for the producers. Change did not come easily but emerged from wide consultation and finding compromises acceptable to all. These changes were visionary and their success was applauded by many. Former Senate leader John Button declared:

Whatever any of us say about the partisan political debate about the Whitlam government, if honourable senators want to make these comments about Ken Wriedt in the countryside of Australia, they do so at their peril if their remarks are in any sense derogatory. The people in the non-metropolitan areas have immense regard for his work as minister in that government.

In February 1975 he replaced Lionel Murphy as Leader of the Government in the Senate and in October he replaced Rex Connor in the minerals portfolio. He was there at cabinet, at caucus and as Senate leader during the events of 1975. The Khemlani affair and its aftermath had undermined the veracity and intent of the Labor government and the passage of supply through the Senate was in dispute. Many have written about Ken’s role in the passage of supply and Gough Whitlam’s lack of communication with his Senate leader on 11 November, when supply was finally passed.

It is not for me to add to that history or that moment but I would like to make a couple of observations. He carried out the duties of Leader of the Government in the Senate in
accordance with the standing orders in an honourable and principled fashion. He was, in fact, the only Labor senator in the chamber when the new Queensland senator Albert Field was sworn in because he believed that his presence as government leader was necessary. He did, however, turn his back on Senator Field’s swearing of the oath.

Throughout the latter part of 1975 he remained true to his principles and advocated in cabinet and in caucus his support for a double dissolution, which he knew would result in a major Labor election loss. He firmly believed that preserving Australia’s democratic processes and ensuring the stability of government, which many Australians wanted, was more important than a tactical decision of the government of the day. But he was in the minority in cabinet on this issue. The disastrous election brought an end to the second Whitlam government and to Ken’s ministerial tenure.

He retained his Senate leadership in opposition and continued his work as leader and as a senator for Tasmania until 1980, when he resigned to stand for the state seat of Denison. He had served for nearly 14 years in the Senate. Ken’s bid in Denison failed but he successfully won the seat of Franklin at the next election. He served as leader of the state Labor Party from 1982 to 1986 and later served as a minister in the minority Field Labor government. Government was never easy at either the federal or the state level, and Ken retired from state politics in 1990. When Ken Wriedt retired from the Senate, Sir John Carrick, then Leader of the Government in the Senate and coalition leader in the Senate, remarked:

He had never doubted the quality of Senator Wriedt as a gentleman, as a person who holds values and holds them in trust and as a person who, when sitting opposite, was willing to understand and to extend the true courtesies of the Senate chamber.

On his retirement from the Senate he did not wish for speeches and did not intend to give one, but his wishes were ignored and many spoke, forcing him to respond. His speech was short, with two themes: the first of which reiterated his opening sentences in his very first speech—he had come to the parliament with the intention to serve the people of Australia. The second was typical of the man; he mused:

I can never work out why it is that if I was such a good minister for agriculture we lost all those rural seats in 1975. I reckon that by that record I must go down as about the worst minister for agriculture the country ever had.

Clearly, he was a person who did not take himself too seriously. Of course it was never the case. He was a great Labor figure during a time of need. Ken lost his wife, Helga, just four weeks before his death. Our thoughts are now with his two daughters, Sonja and Paula, and his grandchildren: Jack, Ella, Daniel and Amy. I know a number of senators will be joining me on Wednesday to attend the state funeral of Kenneth Shaw Wriedt to pay our last respects. I thank the Senate for allowing me to move this motion today and look forward to the contributions of other senators in recognising the contribution of a great Tasmanian senator and a great Labor champion.

Senator ABETZ (Tasmania) (3.41 pm)—The coalition joins in the condolence motion that honours the life of the Hon Kenneth Shaw Wriedt, and especially his public life as a servant of the people of Tasmania and the Australian Labor Party. Ken Wriedt was a man not only of substantial physical stature but also of substantial political stature. It goes without saying that we on this side did not embrace his politics, but we do acknowledge his service and salute it. He was a passionate Tasmanian. He loved his adopted state and had no difficulty in switching to state politics in the service of the Tasmanian
people and his party when he thought it was needed.

As a minister in the Whitlam government from 1970 to 1975, I would have to say—and I think most of my coalition colleagues would agree—that we would put him in the same category as John Kerin when it comes to Labor ministers for agriculture. We claim that there are not many good ones amongst all the Labor agriculture ministers, but in fairness there is no doubt that Ken Wriedt and John Kerin delivered way beyond what I might describe as coalition expectations. That applies to both of them, but on this occasion we are concentrating on Mr Wriedt. He served rural communities exceptionally well.

Of course, later on he became Minister for Minerals and Energy, after the political demise of Mr Connor. Indeed it would seem that Mr Wriedt was one of those few ministers who were able to serve the whole period of the Whitlam government without scandal, without controversy and with the abiding respect of both sides of politics. Of course, as Leader of the Government in the Senate he was one of only a few Tasmanians to hold such a vitally important role. More seriously, I note that, on reflecting back on his period as leader, which was only a short period of time, Ken Wriedt’s great regret was that his Prime Minister or leader in the other place did not listen to him sufficiently and that he was not consulted.

I am told that Senate leaders on both sides of politics—and I am the exception to this, Mr President, you will understand—have believed Mr Wriedt’s observations to have been true over the past 35 years. I just thought I would place that caveat, in the very unlikely event that my leader in the other place happens to read the Senate Hansard—and I do not think there is much chance of that. The events of 11 November 1975 may have been different if Mr Wriedt had been consulted, but that is ultimately for others to speculate about.

Mr Wriedt, after he left the Senate, went into the Tasmanian parliament. It seems a pity—if I can reflect in this way—that Mr Wriedt, who was such a capable and competent minister, did not really have the opportunity to allow his capacities to shine as they otherwise would have. This was because—and I do not mean to be too partisan—he served in what might be described as ‘not successful governments’—the Whitlam government and also the minority Labor government in Tasmania. I have no doubt that, if he had had the opportunity to serve in governments that did not suffer from the disabilities that the Whitlam government and the Tasmanian Labor government had, he would have had a longer and even more distinguished ministerial record.

Mr Wriedt was also a passionate sailor. His weekends and leisure time would be spent sailing the scenic Derwent River or the D’Entrecasteaux Channel. I recall him becoming involved in the debate as to whether the waters south of Hobart should be described as the Derwent River or the D’Entrecasteaux Channel. I am not sure where Mr Wriedt actually lined up in this debate but, given his seamanship, he was asked about it and interviewed about it—and I read about it but, unfortunately, I cannot recall what his verdict was. Suffice to say, he loved the sea and enjoyed many leisure hours and days on the waterways around Tasmania.

Ken Wriedt is survived by his daughters Sonja and Paula and their children. The coalition extend to them our condolences. We trust that happy family memories and community appreciation of their father and grandfather’s service will sustain them in this time of loss.
Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.47 pm)—I stand briefly to concur with the remarks of Senator Evans and Senator Abetz. Obviously, Kenneth Shaw Wriedt was a great contributor to areas that are of interest to the National Party, and that relies on his appointments in agriculture and primary industries and also minerals and energy. He is unique in having a role as a leader in this place and then going back to state parliament. He obviously had a belief in public service. He also had a role in the merchant navy from 1944 to 1945. Kenneth Wriedt reflected on his desire to serve his nation. I never knew him but, from reading about him, he seems to have had a soft and generous side. His love of classical music spells out his character. He was a widely respected person in the Whitlam government. These attributes will recommend him well in the annals of our nation. Unfortunately his wife passed away mere weeks before Kenneth did. We celebrate a gentle man who has served his nation in a number of ways and will be well remembered and well respected.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.49 pm)—I join with the other senators in extending condolences to the daughters, loved ones, friends and associates of Ken Wriedt. Ken Wriedt has a special place in my 30 years of politics. I never had a cross word with him, nor did he with me. Long after we parted the same arena of politics—the Tasmanian parliament—we were able to send each other notes or make phone calls about special events that occurred. We remained very, very good friends. I greatly admired Ken Wriedt and will miss him greatly.

After I made a particularly lacklustre appearance with Margaret Throsby on ABC Classic FM, I advised her that she should get the former federal minister for agriculture Ken Wriedt on the show—someone much better acquainted with classical music than I. Ken was a great lover of 20th century European musicians and composers. He went on her program and it was a dazzling program. He had an extraordinary knowledge and remarkable love of classical music. He commented afterwards—and Margaret will not mind me saying this—that he could ‘tell that girl one or two things about classical music’. He loved going on the program.

Christine Milne, another admirer of Ken’s, is unable to be in the chamber at the moment. But I have the honour of being able to read a few of her thoughts about Ken that she was going to say in the chamber today:

I rise today to pay my deepest respect to Ken Wriedt and to offer my condolences to his daughters Paula and Sonja and to his grandchildren. He was a great Tasmanian who served this country with distinction as a Federal Minister in the Whitlam government and as Opposition Leader in the Tasmanian Parliament in the early 1980s. In 1989 I was elected to the Tasmanian Parliament and was part of the historic Labor-Green Accord in which Ken Wriedt served as a Minister. He was one of the few Labor Ministers who understood that for the Accord to succeed, cooperation between the Parties was essential.

Every time I drive to the Tasman Peninsula I remember Ken Wriedt because it was he, as Minister, who listened to my objections to the plans by the Transport Department to put a four lane highway across Eaglehawk Neck. As a student of Tasmanian history, I was horrified when I learned of plans to widen the neck. I could not believe that the government was about to destroy the integrity of the site. Ken Wriedt visited the site, where I had organised to have the Port Arthur authority join us, and the result was his decision not to proceed with the neck widening. This permanent legacy will only grow in importance now that Australia’s convict heritage has been listed as World Heritage.

In his politics, Ken Wriedt was inspired by Marx and was deeply disappointed by the fall of socialism. He was passionate about social justice and a fair go for everyone.
He was a genuine democrat who recognised the contribution of the Greens to Australian politics. He was outspoken in his rejection of the ‘majority or nothing’ mentality that dominated Tasmanian politics in the 1990s. He added his voice to those who objected to the politically expedient cutting of the numbers in the Tasmanian parliament in 1998—

a matter I may interpolate that is being now rectified by tripartisan agreement. I return to Senator Milne’s submission:

He was proud of both of his daughters and was Paula’s greatest supporter through her political career.

Beyond politics, his passion for the sea and for music was legendary. The memorial service in the Hobart Concert Hall is a fitting tribute as Ken Wriedt regarded music as his religion.

He loved the Derwent and still towards this the end of his life he was campaigning to have the port known as the Derwent Harbour to give it the status he believed it deserved.

Ken Wriedt was an intelligent and thoughtful man of integrity whose love for his family, his state and his politics set an example for us all.

Vale, Ken Wriedt.

Senator FAULKNER (New South Wales) (3.53 pm)—As we have heard, Ken Wriedt died last week at the age of 83. He served as a senator for 12 years, between 1968 and 1980. They were turbulent times, but he was a man of quiet and steady demeanour and he brought maturity and a breadth of experience to his political life. Moderation in style did not mean an infirmity of purpose. He had clear views—honed in a strong Labor tradition—on equality and social justice, toleration and the dignity of work. These, in part, he inherited from his parents who, as they raised Ken and his brothers during the Depression, set an example of frugality and responsibility, hard work and service. His mother was a teacher. His father was a fitter and turner.

If the experience of the Depression had influenced the politics of Ken’s father towards the Left, Ken’s own life experience—wider-ranging travel in the merchant marine, taking him to Asia and the Middle East—gave him a great interest in foreign policy, a tolerance for different cultures and a willingness to consider other ways of looking at the world. He held strong views on the Vietnam War, which he opposed. It was, he said, a ‘futile and shameful war’. He had seen firsthand the conflict in Iran between Prime Minister Mossadegh and the international oil companies over the control of Iran’s resources, and he sympathised with Iran’s position.

He supported international aid, recognising especially the importance of the United States as the country most able to assist in addressing world poverty. He believed that poverty in underdeveloped countries was the greatest threat to international security. He took a strong stance on the invasion of East Timor. Like all of us, of course, he had his quirks. Although he was never remotely a communist sympathiser or supporter, I am told by some of Ken’s former colleagues that he was largely impervious to criticism of the Soviet Union. He balanced this, though, with a deep interest in the teachings of the Buddha and, as we have heard, a genuine love of classical music.

He related his values back to first principles, and they were essentially Labor principles. Ken Wriedt’s first speech, delivered on 11 September 1968, foreshadows his political beliefs and many of his future attitudes. He asserted the democratic principle that every man glimpses a truth; no man has a monopoly on the truth. This informed his approach to politics, his support for the role of caucus within the parliamentary Labor Party, and helps explain his anger when he was not consulted on vital issues. He was idealistic, believing that the parliament offered him the chance to give the highest pos-
sible service to Australia. He hoped he could make a positive contribution to the life of the nation, but he also recognised the limitations of government—that we cannot achieve perfection; we cannot change the course of history.

Once the Labor Party came to power, in 1972, Ken Wriedt became a minister: first, Minister for Primary Industry, in 1972; then, in 1974, Minister for Agriculture. When Rex Connor resigned, in October 1975, Ken Wriedt took over and served briefly, until the dismissal, as the Minister for Minerals and Energy. But it was as Minister for Primary Industry and then Minister for Agriculture that Ken Wriedt had his best opportunity to influence public life—and he did so with distinction. He had little prior experience of agriculture. The Labor historian Ross McMullin says of Wriedt that he applied himself to his portfolio with determination and became one of the government’s most unlikely ministerial successes. It was an area of policy that was made particularly difficult by the reform agenda of the Whitlam government.

The Whitlam government looked critically at the legacy of 23 years of coalition government and, particularly, Country Party influence. Acting on a report produced by Stuart Harris, Sir John Crawford and Professor Fred Gruen, Prime Minister Gough Whitlam moved to rationalise rural policy. Whitlam considered the concessions and subsidies to the dairy industry, petrol subsidies and the superphosphate bounty to be inequitable and unjustified. It was argued that they went disproportionately to wealthy producers who did not need them and, although farm incomes were rising rapidly, rural poverty remained a serious problem. Tariff cuts and increased expenditure on agriculture research would, the government believed at the time, offset the withdrawal of these concessions.

The rationality of the argument was lost on the rural electorate—regardless of Wriedt’s best endeavours to argue their case in cabinet, he had to explain the changes to the sector—and they felt only the pain and the loss of privileges. But, despite all this, Wriedt remained popular with farmers. He established the Australian Wool Corporation in 1973, which put in place a floor price for wool in order to try to stabilise prices. He ended decades of large-producer domination on many agricultural boards—the wool, dairy, and apple and pear marketing authorities. He worked to find new agricultural markets to replace those lost by the entry, in 1973, of Britain into the European Economic Community. He is credited with the restructuring of the wool and dairy industries to their long-term benefit. According to a statement made by Senator McLaren in the Senate in 1982, the green paper prepared for Senator Wriedt in 1974 was often referred to, by agricultural people, as their bible. In 1984, his old nemesis Michael Hodgman said of Wriedt that he was a man regarded as one of the finest ministers, if not the finest, in the Whitlam era. Perhaps those words do represent just a little more than Tasmanian solidarity!

But Ken Wriedt’s most dramatic time in politics came in 1975 when, as leader of government in the Senate, he was responsible for managing the progress of the appropriation bills which had been blocked by the coalition. I would like to read the words that were written by John Faulkner in the book True Believers, about the events of 11 November 1975, and Ken Wriedt’s involvement in those events:

At 1 pm at Yarralumla, Kerr ambushed Whitlam with a letter dismissing his government. Unknown to Whitlam, Kerr had been in collusion with Chief Justice Sir Garfield Barwick and opposition leader Malcolm Fraser to bring Labor down. Kerr had betrayed the elected Prime Minis-
ter and debauched the office of Governor-General. The Labor Party would never forgive his treachery.

Whitlam returned to the Lodge, where he planned tactics with senior staff and three of his senior colleagues, Frank Crean, Fred Daly, and Kep Enderby. He still had time to eat the lunch he had ordered on his way to Yarralumla—medium steak with German mustard and a horiatiki side salad. Whitlam’s inner circle focused exclusively on how events would unfold that afternoon in the House of Representatives. Incredibly, with the Senate due to consider the appropriation bill shortly after resuming at 2 pm, no-one thought to tell any of the Labor senators let alone Labor Senate leadership, and Senate leader, Ken Wriedt acknowledges this: ‘The fact is, I didn’t know what had happened. Gough didn’t tell me.’

Wriedt still didn’t know when, after lunch, he called on the appropriation bills at 2.20 pm for yet another vote. Labor had urged continuously for a vote on the bills since they were introduced in the Senate on 14 October. This time, to Wriedt’s surprise, the coalition instantly acceded. The last vital stage of the coup was completed in just four minutes. The bills were passed unanimously on the voices and the Senate adjourned at 2.24 pm. Labor had forfeited its only chance to frustrate Kerr’s decision.

A decade ago I had quite a number of conversations with Ken Wriedt about the events of 11 November 1975. Ken Wriedt did feel aggrieved, not only that he had been left in the dark on that fateful day but also that he had not been sufficiently consulted on the position of the Senate throughout the crisis. Thenceforward he distanced himself from Gough. He retained his leadership in the Senate in spite of Gough’s support for another candidate and he worked more assiduously within the party to ensure that in future leaders consulted with the caucus on all matters of significance.

Ken Wriedt’s career in the federal parliament ended when he sought to move from the Senate to the House of Representatives in the 1980 election. He contested but lost the seat of Denison. Any ambitions for leadership of the federal parliamentary Labor Party ended there. But he did go on to lead the Tasmanian state parliamentary Labor Party from 1982 until 1986. He remained a member of the Tasmanian House of Assembly until 1990. He retained, amid all the drama of those years, a sense of principle and an understanding of the importance of fair dealing. He played a straight bat. On the tactics for dealing with the supply crisis he commented later: ‘We were being manipulated in the cause of survival. I believed that you played the game straight or you didn’t play at all. Of course, Fraser was manipulating the system, but I couldn’t accept that we should get into the gutter with him.’

Ken Wriedt lived his political life faithful to his stated ambitions. He glimpsed a truth, collaborated with his fellows, remembered those who sent him to parliament and, while not achieving perfection, he made a positive contribution to the life of the nation. I join with other senators in offering my condolences to Ken Wriedt’s family, particularly to his two daughters Paula and Sonja and his grandchildren.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (4.09 pm)—I too would like to extend my sincere condolences to Ken Wriedt’s family. I am sure they knew of his passion for public service and his commitment to the betterment of our community through it. I also take the opportunity of associating my remarks with those who have contributed this afternoon. Ken was Minister for Primary Industry in the Whitlam government. I want to take particular care to appreciate the work that he did for the primary industry department and confine my remarks to that small but large area that he undertook.

Ken led the department in its first major reform for almost 50 years. The 1970s was a
time of considerable change for the department. The period that Ken was appointed Minister for Primary Industry and then Minister for Agriculture is remembered as a period of reorganisation and reform. The fundamental administrative reorganisation reflected and reinforced the perception that Australian agriculture had a set of discrete industries. Six industry divisions were created, with each responsible for all aspects of its production, marketing and inspection. Two other new divisions were created, the agriculture and food services division and the development division. The latter was responsible for developing and reviewing new initiatives, coordinating policy development among the industry divisions, the department’s international policy and its role with overseas organisations. The changes represented a greater focus for the department in the primary industries sector as critical to the Australian economy.

Ken commissioned a high-level review of agriculture which resulted in what is universally known as the green paper. This was designed to avoid ad hoc policy decisions by developing a basis upon which to formulate economically sound and socially equitable measures. The green paper itself became the framework for the agricultural policy reforms which were implemented by the Hawke government when it came to government in 1983. It was the beginning of a very long and successful parliamentary career, despite some disappointments that I will come to a little later. It was the beginning of a very long and distinguished parliamentary career at both the federal and the state levels.

Ken was not a Tasmanian by birth; nor indeed did he live in Tasmania during the early years of his working life. He grew up during the Depression in Melbourne, as my colleague Senator Faulkner referred to, and he had a very radical political background. He became a merchant seaman. He saw a great deal of the world. He drifted from one sailing job to another until he arrived in Hobart in 1959—quite by accident. Ken would relate how, sailing up the Derwent River—the D’Entrecasteaux Channel—he arrived in Hobart and of course fell in love with the city. He married Helga Ann-Rose Burger on 26 December 1959. They had two daughters,
Sonja and Paula. Ken used his seaman skills. He came on shore and became an insurance inspector. He purchased a house on the eastern shore of Hobart, in Tranmere—I make particular note of this because he and Helga and the family lived there all their lives. I enjoyed many cups of coffee and tea with Ken at their house in Tranmere.

He was a very significant contributor to the Tasmanian branch of the Labor Party. He joined the local Howrah branch in 1959, and indeed he remained a member of that branch until the day he died. He was a branch secretary, he was campaign manager in the House of Representatives seat of Denison in 1966, he was treasurer of the Tasmanian branch of the Labor Party from 1970 to 1972, he was a delegate to the ALP federal conference in 1971 and he served on the federal executive of the Labor Party from 1970 to 1980.

His parliamentary career at both federal and state levels was significant. It included two attempts at federal preselection for Franklin. He was a state candidate for Franklin in 1964. As I have mentioned, he was elected to this place in 1968 and became the federal Minister for Primary Industry (Agriculture) after Labor’s victory in December 1972. He was elected Leader of the Government in the Senate in 1975. He was re-elected at the head of the Labor Party ticket for Tasmania in 1975. He was elected opposition leader in the Senate. It was a post he held until his retirement from the Senate in 1980, when he contested the federal seat of Denison against the then federal member, Michael Hodgman, but it was an unsuccessful campaign.

He then contested the state seat of Franklin in May 1982. He was immediately elected. He topped the poll but it was part of a losing team. The Labor government was defeated at that election. He immediately became opposition leader and remained in that position until the state election loss of February 1986. He remained in parliament, however, and on 13 May 1989 there was a hung parliament and an agreement between the Labor Party and the Greens. Under the Field government, he became the Minister for Roads, Transport, Police and Emergency Services. Suffering from illness, he retired from state parliament in mid September 1990. It ended a 22-year career—with that two-year break—in state and federal parliaments. It was a very long and distinguished career in parliament at both state and federal levels and a very long and distinguished contribution to the Labor Party itself.

I would like to make a few personal reflections about the various roles he had over that period. It certainly did not go unnoticed that in his first speech in 1968, amongst other policy contributions, he was a strong advocate of a national superannuation scheme—an issue and project dear to my own personal interests and an issue we discussed on many occasions privately.

He was a child of the Great Depression. He was from a working-class background in Melbourne. His time in the Great Depression and his time as a merchant seaman obviously left him with a very deep, passionate and caring attitude to his fellow human beings. He truly believed in the role of government and the good that government could do in changing people’s lives, in a practical and sensible way. Despite the referred-to radicalism of his father and despite Ken’s well-known commentary about some of the virtues of the former Soviet Union, he did understand that the political approach in Australia required practical and sensible policy.

He was in many ways a surprising choice as agriculture minister. As he told my father and me at the time, he was not the most obviously choice; he had spent all his working life on water and he did not have any back-
ground in the rural sector at all. But, as a number of contributors in this debate have said, he was regarded as a very fine minister and one of the great success stories amongst what I would have to acknowledge was a number of significant failures in that period of the Whitlam government, 1972 to 1975.

I referred to his decision, a selfless decision, to retire from the Senate. He could have had a continuing and long career in this place, but he passionately believed that if Labor was to have any chance of being re-elected federally, the Labor Party had to win seats in Tasmania. We had been wiped out in 1975. In a selfless act he resigned from this place to contest the federal seat of Denison against Michael Hodgman—and, as I have mentioned, he lost that campaign. What is little known is not only was it an extraordinarily selfless act but he paid all his own campaign expenses. He would not accept any money from the Labor Party, which I think is a mark of the man and his commitment and dedication to the Labor Party.

As opposition leader, when he was elected to state parliament, Ken was years ahead of his time in many respects and in one key area in particular: he would regularly point out both the massive debt accumulating under the then Gray Liberal government and the irregularities of that government. Unfortunately for Ken, and I think this was a sadder aspect of his career which did at times leave a touch of hardness in his attitude, the electorate did not recognise his critique of the then state Liberal government for at least another eight to 10 years, and that was after he had retired from state politics.

Throughout his career he was a leading voice for moderation, and what is little known is that Ken was a moderating voice during the dreadful circumstances surrounding the expulsion of Brian Harradine, the then Secretary General of the Tasmanian Trades and Labour Council. Ken feared the consequences for the Labor Party of the expulsion of Brian Harradine, and he was a leading figure in urging moderation at that time in the Labor Party. Of course, those events led to a Labor Party split in Tasmania, and Ken was right in his fears about the consequences that would flow from those actions in 1974 and 1975.

Ken was always willing to give advice to and mentor others in the labour movement and in the Labor Party, including me, and I want to place on record that he gave me much sage advice during the early part of my political career. Later, after he retired from state politics, Ken found a renewed activism in managing the successful campaign of his daughter Paula for election to the state seat of Franklin.

I referred in my opening remarks to the fact that at my first meeting with Ken over a pie and sauce in Triabunna he gave me the impression of being a big man. But he was more than a big man physically; he was a big man in every way. He had big ideas and he was big in his passion, in his contribution and in his compassion for his fellow human beings. He was very thoughtful about policy, he was loyal and he was selfless. He was one of the leading figures in the Labor Party in Tasmania for some 20 years and a leading, passionate and loyal person to his adopted community of Hobart and Tasmania. Sadly, his wife, Helga, died just a few weeks ago, and I send my condolences to his two daughters, Sonja and Paula. Vale Ken Wriedt.
loyal and loving grandfather so soon after the death of their beloved grandmother.

Ken Wriedt was deservedly a life member of the Australian Labor Party, and he had a long and distinguished career in both state and federal politics. Ken served for 13 years as a federal Labor senator, and shortly after his resignation from federal parliament he was elected to the Tasmanian House of Assembly, where for a further eight years he represented the seat of Franklin. His daughter Paula Wriedt later followed in her father’s footsteps, serving as the state member for Franklin and as a minister. Like her father, she had a distinguished career and achieved some important outcomes for the state of Tasmania.

Ken Wriedt served in a number of front-bench positions, including state Leader of the Opposition, state Minister for Roads and Transport, state Minister for Police and Emergency Services, federal Minister for Primary Industry and federal Minister for Minerals and Energy. As a senator, he spent most of his career in opposition and had a federal ministerial career which was cut short by the dismissal of the Whitlam government in 1975. When the Whitlam government was elected at the December 1972 election, Ken was appointed Minister for Primary Industry. In June 1974, his ministerial portfolio was renamed ‘Agriculture’. We have heard today that, even though in his own eyes he was a most unlikely choice to be Minister for Agriculture, Ken did a great job in that position.

On 14 October 1975, Ken Wriedt was appointed as Minister for Minerals and Energy due to the resignation of the former minister. Unfortunately, Ken lost his position when the Whitlam government was dismissed, but he remained in the Senate until his resignation in September 1980. At the 1982 Tasmanian state election, Ken Wriedt won a seat in the Tasmanian House of Assembly representing the electorate of Franklin. I noticed in reading the valedictory speeches from when Ken left this place that it would have come as no surprise to people on both sides of the chamber if Ken had returned to public office. A number of those on both sides of the chamber who gave speeches honouring his time here mentioned that they thought they would see him do so.

Ken Wriedt was leader of the state opposition from 1982 to 1986 and a minister from 1989 to 1990 in a minority government led by Michael Field. Ken resigned from parliament in October 1990. Prior to his political career he spent 14 years as a merchant ship’s officer and worked for a short time in insurance. In his spare time, he was an avid sailor and had a great love of classical music. Ken Wriedt rose to great heights in public life and epitomised the idea that you can come from humble beginnings and still have a successful career in politics. It is important that we have examples such as his to demonstrate that people from all backgrounds can succeed in politics. Having people in the parliament from all walks of life helps to create a parliament that is truly representative of the people of Australia.

The Premier of Tasmania David Bartlett described him as ‘a principled leader and a strong reformer’. The Prime Minister has described him as ‘a great servant of his party, the Parliament and our nation’. Today in this place we have heard many other comments highlighting what a true Labor man but also what a great politician Ken Wriedt was. I think these descriptions are all very apt and I endorse them wholly.

I would like to offer my condolences in particular to Ken’s daughters, Paula and Sonja, and to his grandchildren, Jack, Ella, Daniel and Amy. While I know they will be feeling their loss acutely, I hope they can be...
comforted by the knowledge that during his life Ken was well known for being an extraordinarily talented, honourable and loyal person who made a great and valued contribution to not only Tasmania but Australia, and for that we are all grateful. He will be remembered as a true gentleman.

Senator CAROL BROWN (Tasmania) (4.30 pm)—With the passing of Ken Wriedt on 18 October, we lost a man known for his compassion, intelligence and sense of justice. I would like to place on record my appreciation of his work and to offer my sincere sympathy to his family at this difficult time.

When I first heard that Ken had passed away my thoughts went to our first meeting in 1983, 27 years ago. I came to know and work with Ken when he was elected to the state seat of Franklin in 1982 and I was working at the state ALP head office. During this time I was fortunate to gain firsthand knowledge of what drove Ken both politically and personally, and what an extraordinary man he was.

As mentioned by Senator Abetz in his contribution, Ken loved sailing. Tasmanians will be ever grateful that Ken, a Victorian by birth, decided to drop anchor in ‘Derwent Harbour’—Ken’s preferred name for our beautiful Derwent River—and called Tasmania home in 1959. With that decision, Tasmania received a man that would serve them for over four decades from 1967 to 1990 at the highest levels in both the state and federal governments.

Ken devoted his life to public service, and a very successful life in public service it was indeed. Ken served the public with distinction, dedication and devotion—a devotion to achieve the best possible outcomes for the people he represented with a willingness to listen and to embrace new ideas based on sound, reasoned arguments.

Ken Wriedt started his political career in 1967 at the age of 40 after joining the Australian Labor Party in 1959. As a senator for Tasmania, he went on to become a minister five years later in the Whitlam government. Ken also served as leader of the Senate. Ken mentored new senators, and everyone that knew Ken described him as an outstanding minister, a man who did not care for dirty politics and a great reformist.

During the last week many accolades and positive retrospective comments have been made of Ken Wriedt, and much has been said of the Whitlam dismissal: the what-ifs and ‘what if the Senate leadership was informed of the Whitlam dismissal.’ We have heard it in contributions here today. I will leave that, as Senator Evans also mentioned, to others to muse over. Of the dismissal, Ken is quoted as saying:

The events of November 11, 1975, were evidence that when the ‘establishment’ is under challenge, it will resort to whatever tactics it deems necessary to maintain its position in Australian society.

We have heard that those tactics were tactics that Ken Wriedt would never lower himself to.

Ken held the federal portfolios of primary industries—later to become agriculture—minerals and energy, and was leader of the Senate at the federal level until 1980 when he quit to contest the federal seat of Denison in a bid to end the Liberals’ hold on Tasmania—a selfless decision that went beyond the call of duty. In 1982 he won a state seat and was the leader of the opposition from 1982-86, at a time when the state Labor needed someone with a steady hand. Ken later became minister at the state level responsible for police and emergency services, and roads and transport portfolios in the Field government.

Ken retired as an elected ALP representative in 1990 but not from his involvement
with the Australian Labor Party. He still attended regular branch meetings, still engaged in positive public policy debate and still advised and assisted ALP members when asked.

Ken’s political contribution has been widely reported over the last week but he had many other joys and loves. One of his joys was classical music and his big love was his family. Ken’s beloved wife of over 50 years, Helga, sadly passed away last month. Ken was also very proud of his daughters, Sonja and Paula. Paula contested and successfully held the same seat in Tasmanian state politics that Ken held.

Ken Wriedt was awarded the ALP’s highest accolade, life membership, in 2003 in recognition of his contribution to the Labor movement, his commitment to Labor values and his unwavering support of the ALP.

I would like to echo the Prime Minister’s words:

Ken will be long remembered in this place as one of the true gentlemen of Australian politics, an excellent minister and fine human being…

Ken will be deeply missed, and I offer my condolences to Paula, Sonja and their families at this very sad time.

Question agreed to, honourable senators standing in their places

CONDOLENCES

Dr Gareth Clayton

The ACTING DEPUTY PRESIDENT (Senator Troeth) (4.36 pm)—It is with deep regret that I inform the Senate of the death on 1 July 2010, of Dr Gareth Clayton a member of the House of Representatives for the division of Isaacs, Victoria, from 1974 to 1975.

NOTICES

Presentation

Senator Fielding 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 30 April 2011:

The adverse impacts of rural wind farms, and in particular:

(a) any adverse health effects for people living in close proximity to wind farms;

(b) concerns over the excessive noise emitted by wind farms which are in close proximity to people’s homes;

(c) the impact of rural wind farms on property values; and

(d) any other relevant matters.

Senator Cormann to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Government has refused to provide information requested by the Senate about key assumptions it has used to estimate revenue from its original as well as its revised mining tax proposals,

(ii) specifically, the Government has refused to provide information about changes to commodity price, production volume and exchange rate assumptions and any other variables relevant to its mining tax revenue estimates,

(iii) in its response to the relevant order of the Senate, the Government justified its refusal to provide the information on the basis that, ‘commodity price forecasts underpinning the terms of trade forecasts are based in part on information provided by companies that is commercial in confidence. Disclosure of these individual commodity price forecast may therefore prejudice negotiations between private companies’,
(iv) the information sought by the Senate is published by the Western Australian State Government in its budget papers as a matter of course, and

(v) information published by the Western Australian Government includes its commodity price assumptions developed after relevant information about commodity price expectations is obtained from relevant mining companies, which includes at least some of the companies involved in the mining tax negotiations with the Federal Government;

(b) based on the Government’s response which does not accept that there are any legitimate public interest grounds for the Government to refuse to provide the requested information;

(c) orders that there be laid on the table by noon on Thursday, 28 October 2010:

(i) all the Government assumptions used to estimate the revenue from the Resource Super Profits Tax as contained in the 2010-11 budget, including, but not limited to, the assumptions on commodity prices, production volumes and exchange rates, and

(ii) all the Government assumptions used to estimate the revenue from and overall fiscal impact of the Minerals Resource Rent Tax/expanded Petroleum Resource Rent Tax arrangement announced on 2 July 2010, including all changes to assumptions used for the 2010-11 budget;

(d) notes the agreements between the Government and other parties and independents to refer disputes about public interest disclosures to the Information Commissioner, who will arbitrate on the release of documents; and

(e) orders that, if the Government does not produce the information required by this order within the specified timeframe, there be laid on the table by 15 November 2010, a report on the matter by the Information Commissioner, including a review of the adequacy of the grounds specified by the Government for its refusal to produce the information and, if applicable, his arbitration on the release of the information.

Senator Cormann to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Government has refused to provide any of the information requested by the Senate about its negotiations with BHP Billiton, Rio Tinto and Xstrata on the revised mining tax proposal,

(ii) in relation to some of the information only, the Government justified its refusal in its response to the relevant Senate order on the basis that, ‘Data and other material provided to the Treasury as part of negotiations around the MRRT are considered to be commercial in confidence’,

(iii) no justification was provided by the Government as to why release of any of the other information was not in the public interest, and

(iv) specifically, no reason was provided by the Government as to why the release of the signed heads-of-agreement between the Government and BHP Billiton, Rio Tinto and Xstrata would not be in the public interest;

(b) considers release of all the information requested on the negotiations between the Government and BHP Billiton, Rio Tinto and Xstrata about the revised mining tax proposal to be in the public interest;

(c) orders that there be laid on the table by noon on Thursday, 28 October 2010:

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

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

(d) notes the agreements between the Government and other parties and independents to refer disputes about public interest disclosures to the Information Commissioner, who will arbitrate on the release of documents; and

(e) orders that, if the Government does not produce the information required by this order within the specified timeframe, there be laid on the table by 15 November 2010, a report on the matter by the Information Commissioner, including a review of the adequacy of the grounds specified by the Government for its refusal to produce the information and, if applicable, his arbitration on the release of the information.

Senator Cormann to move on the next day of sitting:
That the Senate—

(a) notes that:

(i) the Government has ignored a request by the Senate for information about where the $10.5 billion in estimated revenue from the mining tax over the 2010-11 forward estimates is expected to come from, by commodity and by state and territory, and

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

(b) orders that there be laid on the table by noon on Thursday, 28 October 2010:

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

(c) notes the agreements between the Government and other parties and independents to refer disputes about public interest disclosures to the Information Commissioner, who will arbitrate on the release of documents; and

(d) orders that, if the Government does not produce the information required by this order within the specified timeframe, there be laid on the table by 15 November 2010, a report on the matter by the Information Commissioner, including a review of the adequacy of the grounds specified by the Government for its refusal to produce the information and, if applicable, his arbitration on the release of the information.

Senator Ludwig to move on the next day of sitting:
That, on Wednesday, 27 October 2010, the routine of business be varied to provide that:

(a) government business be considered from 2 pm to 3 pm; and

(b) questions without notice be called on at 3 pm.

Senator Ludwig to move on the next day of sitting:
That standing order 50 (Prayer) be amended as follows:

Omit the standing order, and substitute the following:

50 Prayer and acknowledgement of country

The President, on taking the chair each day, shall read the following prayer:

Almighty God, we humbly beseech Thee to vouchsafe Thy special blessing upon this
Parliament, and that Thou wouldst be pleased to direct and prosper the work of Thy servants to the advancement of Thy glory, and to the true welfare of the people of Australia.

Our Father, which art in Heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil: For thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

The President shall then make an acknowledgement of country in the following terms:

I acknowledge the Ngunnawal and Ngambri peoples who are the traditional custodians of the Canberra area and pay respect to the elders, past and present, of all Australia’s Indigenous peoples.

Senator Fierravanti-Wells to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) mental illness afflicts more Australians than almost all other health disorders, only ranking behind cancer and heart disease in prevalence,

(ii) 45 per cent of the nation’s population will experience a mental health disorder at some point in life,

(iii) younger Australians, those between 16 and 24, bear the brunt of mental illness with the prevalence of problems declining with age,

(iv) with early and targeted treatment many young people can overcome mental illness or lower the incidence of progression or relapse,

(v) expansion of the ‘headspace’ and Early Psychosis Prevention and Intervention (EPPI) centres models could help an estimated 200,000 young Australians and in doing so free up existing services for others with mental illnesses whilst also alleviating pressures on public hospitals and emergency departments, and

(vi) the Government has moved to cut services in mental healthcare;

(b) calls on the Government:

(i) to expand the number of ‘headspace’ centres to a minimum of 90 nationally,

(ii) to establish a national network of 20 EPPI centres,

(iii) to provide an additional 800 beds for mental health associated with EPPI centres,

(iv) to appropriate the funds necessary to provide these critical steps to expanding mental health treatment facilities, and

(v) immediately to provide additional funds for existing ‘headspace’ centres; and

(c) send a message to the House of Representatives informing it of this resolution and requesting that it concur.

Senators Xenophon and Hanson-Young to move on the next day of sitting:

That—

(a) the Water (Crisis Powers and Floodwater Diversion) Bill 2010 be referred to the Environment and Communications Legislation Committee for inquiry and report by 18 November 2010;

(b) the Senate notes that the Environment, Communications and the Arts Legislation Committee had all but completed its inquiry into the Water (Crisis Powers and Floodwater Diversion) Bill 2010 when the Parliament was prorogued on 19 July 2010; and

(c) in conducting its inquiry the committee have the power to consider and use the records of the Environment, Communications and the Arts Legislation Committee
Senators Siewert and Xenophon to move on the next day of sitting:

That the Senate—

(a) notes 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 Australian Government to introduce clear and effective labelling standards that ensure all GM additives in Australian food products are labelled.

Senator Siewert to move on the next day of sitting:

That the order of the Senate of 30 September 2010 adopting Report no. 11 of 2010 of the Selection of Bills Committee be varied to provide that the Commonwealth Commissioner for Children and Young People Bill 2010 be referred to the Legal and Constitutional Affairs Legislation Committee instead of the Community Affairs Legislation Committee, for inquiry and report by the last sitting day in May 2011.

Senator Cameron to move on the next day of sitting:

That the Environment and Communications Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 27 October 2010, from 4 pm, to examine the 2010-11 supplementary budget estimates for the Australian Broadcasting Corporation.

Senator Trood to move on the next day of sitting:

That the Select Committee on the Reform of the Australian Federation be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 27 October 2010, from 11 am.

Senator Hanson-Young to move on 28 October 2010:

That the following bill be introduced: A Bill for an Act to amend the Migration Act 1958 to prohibit the detention of minors in detention centres, and for related purposes. Migration Amendment (Detention of Minors) Bill 2010.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes:

(i) that a study release by the Australian National University’s Centre for Climate Economics and Policy concludes that the conditions for lifting Australia’s minimum emissions reduction target from 5 per cent to 15 per cent have been met,

(ii) that a study by the Climate Institute of comparative implied carbon prices shows that Australia’s existing implied carbon price of US$1.70 lags far behind the United Kingdom’s US$29.30 and China’s US$14.20,

(iii) that the European Union is publicly discussing a plan to unilaterally lift its target of 20 per cent emissions reductions below 1990 levels by 2020 to 30 per cent, embracing the economic benefits that come with this investment, and

(iv) that Scotland has recently announced that it will easily surpass its ambitious target of 50 per cent renewable energy by 2020 and is lifting that target to an impressive 80 per cent by the end of the decade; and

(b) calls on the Government to formally set aside the unconditional 5 per cent emissions reduction target by 2020 and lift its minimum ambition.

Senator Birmingham to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Climate Change and Energy Efficiency, no later than noon on 28 Oc-
October 2010, a copy of the audit report by PricewaterhouseCoopers into the Green Loans Program’s assessor accreditation process and adherence to the Protocol for Assessor Accrediting Organisations, as referred to by the then Minister for Climate Change, Energy Efficiency and Water (Senator Wong) in her statement to the Senate on 10 March 2010 (Senate Hansard, p. 1521) and previously required by the Senate on 12 May 2010.

LEAVE OF ABSENCE

Senator CAROL BROWN (Tasmania) (4.36 pm)—by leave—I move:
That leave of absence be granted to Senator Farrell for the period of 25 October to 26 October 2010 on account of parliamentary business, and Senator Polley from 25 October to 28 October 2010 for personal reasons.

Question agreed to.

Senator WILLIAMS (New South Wales) (4.37 pm)—by leave—At the request of Senator Parry, I move:
That leave of absence be granted to Senator Ferguson from 25 October to 28 October 2010 for personal reasons.

Question agreed to.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Meeting

Senator CAROL BROWN (Tasmania) (4.37 pm)—by leave—On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, I move:
That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 26 October 2010, from 3.30 pm till 5 pm, to take evidence for the committee’s inquiry into the provisions of the Corporations Amendment (Sons of Gwalia) Bill 2010.

Question agreed to.

NOTICES

Postponement

The following item of business was postponed:

General business notice of motion no. 34 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Plastic Bag Levy (Assessment and Collection) Bill 2010, postponed till 15 November 2010.

RESTORING TERRITORY RIGHTS (VOLUNTARY EUTHANASIA LEGISLATION) BILL 2010

Consideration of Legislation

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.38 pm)—by leave—I move:
That the Senate notes the Australian Greens’ intention to debate and vote on the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010 as a matter of priority on the first Monday night dedicated to private senators’ bills or during general business on 28 October 2010, whichever occurs first.

Question put.

The Senate divided. [4.43 pm]

(The Acting Deputy President—Senator JM Troeth)

Ayes…………… 5
Noes…………… 31
Majority……… 26

AYES

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

NOES

Back, C.J.  Bilyk, C.L.  Boyce, S.  Bushby, D.C.  Cash, M.C.  Crossin, P.M.
Bernard, C.  Bishop, T.M.  Brown, C.L.  Cameron, D.N.  Cormann, M.H.P.  Feeney, D.
Monday, 25 October 2010

SENATE

625

Fielding, S.  
Fisher, M.J.  
Furner, M.L.  
Hutchins, S.P.  
Lundy, K.A.  
McEwen, A.  
Moore, C.  
Pratt, L.C.  
Troeth, J.M.  
Wortley, D.  

* denotes teller

The Senate divided. [4.51 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes............ 34
Noes............ 32
Majority........ 2

AYES

Arbib, M.V.  
Bishop, T.M.  
Brown, C.L.  
Carr, K.J.  
Crossin, P.M.  
Faulkner, J.P.  
Fielding, S.  
Furner, M.L.  
Hogg, J.J.  
Hutchins, S.P.  
Ludwig, J.W.  
Marshall, G.  
McLucas, J.E.  
Moore, C.  
Sherry, N.J.  
Stephens, U.  
Wortley, D.  

NOES

Abetz, E.  
Back, C.J.  
Bernardi, C.  
Boswell, R.L.D.  
Brandis, G.H.  
Cash, M.C.  
Cooman, H.L.  
Fierravanti-Wells, C.  
Fisher, M.J.  
Johnston, D.  
Kroger, H.  
Mason, B.J.  
Nash, F.  
Payne, M.A.  
Ryan, S.M.  
Troeth, J.M.  

PAIRS

Conroy, S.M.  
Farrell, D.E.  
O’Brien, K.W.K.  
Polley, H.  
Wong, P.  

Minchin, N.H.  
Ferguson, A.B.  
Heffernan, W.  
Eggleston, A.  
Trood, R.B.  

TOBACCO ADVERTISING

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

That the Senate—

(a) notes that 30 September 2010 marked the 60th anniversary of the landmark 1950 report by Doll and Hill in the British Medical Journal identifying beyond doubt that smoking causes lung cancer;

(b) acknowledges that since then more than 960,000 Australians have died because they smoked and that given current rates our nation will reach the millionth Australian death from smoking in 2013;

(c) welcomes the introduction of further measures to tackle smoking related harm, including plain packaging and increased taxation measures and the formation of the Australian National Preventive Health Agency;

(d) raises concern that, despite legislation banning tobacco advertising, major tobacco companies funded and directed a $5 million advertising campaign to oppose plain packaging during the recent 2010 Federal election; and

(e) calls on the Government to introduce measures to restrict the ability of tobacco companies to engage in all forms of tobacco promotion, including direct and indirect advertising, advertising through third parties, public relations activities, lobbying activities and donations to political parties.

Question put.
Matters of Public Importance

Murray-Darling Basin

The President—I have 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 failure to properly manage the Murray-Darling Basin reform process.

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

Senator Joyce (Queensland—Leader of the Nationals in the Senate) (4.55 pm)—Well, here it is: the guide by the Murray-Darling Basin Authority. It is an incredible document. Today it has even lost its own minister as a friend. Today, even Minister Burke has come out and slammed his own report. He has slammed the report, saying that there are some things in it that are probably worth while. I think those things are the font size and the photos. I think he likes the font size and the photos and that is about it.

This is yet another part of the retinue of Labor Party stuff-ups—from the ceiling insulation scheme to the Building the Education Revolution and to their current NBN. But this is the daddy of them all. They decided that they would redesign the way Australia feeds itself. After gaining power on the back of saying that they would look after regional Australia, in the process of looking after regional Australia they came up with a guide that pulled the economic rug out from underneath towns in the Murray-Darling Basin.

This is the most absurd process that has come before this parliament, including the consultation period that follows the release, the almost riot-like conditions and the fact that we are getting legal opinions after the fact. Then there is the fact that, whilst I am sitting down here reading the legal opinions, the minister representing this portfolio is asking me for a copy of his own legal opinion. This is the Labor Party as its best! We have a guide before us that is going to absolutely decimate regional Australia. To go into areas and say, ‘You are going to lose 45 per cent of the water,’ is like going to a motel and saying, ‘We’re going to take 45 per cent of your rooms back.’ How naive were you to set up a committee that could deliver this?

And Minister Wong, the person who was going to stand behind ‘the greatest moral challenge of our time’, not only deserted the ship on ‘the greatest moral challenge of our time’ but also deserted the ship on the Murray-Darling Basin. She bolted and then poor, old Minister Burke had to come in and pick up the pieces in this disaster. I cannot have a debate with Minister Burke at the moment, because he has agreed with me every day. He is coming back to where we are. He is agreeing that this process is absurd, that the outcome is absurd, that the outcome is an anachronism of ever trying to manage anything. This was a case of ‘look after the environment and count the bodies later’—and it got the response that was due to it.

People were absolutely livid that our nation could go down this path. People were absolutely livid to think that you could deliver such hurt to regional Australia—that you would go to people in towns and say,
'We will pull the economic rug out from under you so that the value of your house is taken away' and that you would go to people in businesses and say, 'We will take the sustenance out of your community so that your business will be without purpose.' By the way, I live in one of those towns—so I declare my interest. I sold my accountancy practice to someone in one of those towns. I now wonder whether that person would have bought my accountancy practice had they known that this was coming down the track. This is the sort of hurt that you are causing people.

The socioeconomic study that sat behind this was appalling. They were still banging the socioeconomic study together literally hours before they released the report. What total and utter incompetence! Then we had the process of the release of the report. It should have been released before the election so that the Australian people had the right to do what was democratic: to vote, taking it into account. But isn’t it convenient that a document as toxic as this one could not come out before the election? Surprise, surprise! And then the negotiations were going on with the Independents. It was going to be released then—remember?—by the end of August. But, while the negotiations were going on with the Independents—surprise, surprise!—it could not be released. It is yet another reason. Why, pray tell, could it not be released then?

Then we get to the absolute fiasco—no, the penultimate fiasco, not the final one—when they did release it on that Friday afternoon at four o’clock, where they locked the politicians up in one room and locked the fourth estate and the peak bodies up in another room so they could not talk to each other. They obviously have mistaken us for some new breed of political mushrooms! This is the way that the Labor Party had decided to work. This is the way they were going to conduct their business. After all that we find out why—because, basically, this was going to be an absolute bomb. It went off like a bomb throughout regional Australia.

Also through the process we have had this draw for some of the environment in some of the catchments. It is peculiar, because these people had received letters saying that they were not in the purview of having water purchased off them because they had no environmental assets around them and yet, a matter of a month or so later, we get declarations such as that, in the Macintyre Valley, they are going to take in excess of 30 per cent of the water. Why? I do not know. Why was there a change of opinion? How could this be? How could this happen—how could these opinions just change? Surely there was not a political motive behind this! Surely not—surely this was not a plasticine committee that was bending and twisting to the inclinations of those within it!

Now we have the legal opinion that has come out and stated the bleeding obvious—that ultimately we should be looking at both the economic and social consequences, that they should not be secondary to environmental consequences, and that the minister at the end of the day has the power to change it anyhow. So the minister is doing it inch by inch, and he was just on Sky News a second ago bucketing his own report. And well may he do that, because it is the only thing that is really left. I do not know what we do with these things. What do we do with the boxes of these things? What happens to them now? And how can we trust a government that has been so totally and utterly incompetent? How can we trust a process which has failed so miserably—by their own minister’s admission? How can that come about? How do we get ourselves into this position? How can you send a sense of confidence back to the
people that the process, as overseen by the Labor Party, will be fair?

We accept that the river system was over-allocated. We never denied that. We accepted that and we actually set up a process for the purchase of water. We set up the process for the structural re-engineering, which they never got round to, by the way—which they have never actually done. But only the Labor Party could then go out and oversight a process that would come out with something like this.

Some of the fiascos in this Labor Party are just so incredible they are beyond belief. Like the purchase of Toorale Station—$23.75 million, 23.75 cold, hard ones—and it does not even deliver water into the Darling system; it spills out over flood plain. How could they make such a botch-up? Because they never inspected it. They never actually went to have a look at it. Obviously, what is $23.75 million between mates! You had a minister, Minister Wong, overseeing a process with not one person setting foot on that place before the Australian public picked it up. Then you have the purchase of Twynam for in excess of $300 million. The problem was that a lot of what they were purchasing was actually air. It was a right to water which, the vast majority of time, was not there. It was yet another fundamental fiasco overseen by the Labor Party when it was under the care of Minister Wong.

Then of course you had the big one—Menindee Lakes storage. We had report after committee after report after committee. It was a Kafkaesque devolution into anarchy. And what happened at the end? They waited so long that even God could not wait for them: it rained and filled back up with water. This is what we have got. So the Labor Party by their own admission by their own minister, as recently as an hour and a half ago on Sky, is bucketing its own report. I bet as you are speaking you are not even aware he has done that, yet you are going to give a speech, Senator Wortley. What are you going to say now—that you support it and you do not support your own minister? Your own minister has bucketed your own report because as a process, as a government, you are absolutely an utter fiasco.

Senator WORTLEY (South Australia) (5.05 pm)—I rise to address the matter of public importance currently being debated in this place. Can I say to begin with that I do not know why Senator Joyce thinks you have to shout and scream to get a point across. I sat there and listened to the raving that went on and I think the only truth that I heard, the only thing that was actually correct, was the title that he gave when he referred to the report, when he said that it was the *Guide to the proposed Basin Plan*. It is not the plan; it is a guide to the plan, Senator Joyce—and we know the fearmongering that your side has already started. The Murray-Darling Basin Authority, as you would well know, is an independent authority. What has been produced by that authority is a guide; it is not the plan. There is a consultation process now which people can be involved in, and you are aware of that. Let me just go through it now.

The government acknowledges that the Murray-Darling Basin is, without doubt, one of our most precious environmental assets and is our largest single source of food. We do not disagree on that, do we? Healthy river systems are essential to the long-term future of communities throughout the Murray-Darling Basin, and that is why it is important that we develop long-term, sustainable extraction limits. The government understands also the issue of impact on local communities and the very real need to get the balance right. On many occasions those on this side of the chamber have spoken about this issue, both in opposition and, in more recent years, while in government. Not only have we spo-
ken about it, but in government we have taken action which has gone some way to addressing some of the challenges we are now facing.

We know that poor management and the lack of a national plan saw the health of the Murray-Darling Basin reach a critical point over the past decade. I have said it before and it still rings true today: for more than 11 years, while those opposite were in government, they failed to prepare Australia for the tough challenges of the future. And we all know that amongst those failures are the challenges facing us today: climate change, skills shortages, water availability and the Murray-Darling Basin.

This government refuses to turn its back on a crisis, denying its existence, like those opposite did for more than 11 years. History will record that it was a former coalition government—which included many of those sitting opposite in this chamber today—who were in government for nearly 12 years that failed to act in a timely manner to better collect, store, use and reuse water. It took a Labor government—confronting the problem of historic overallocation, compounded by more than 10 years of drought and a future where it is likely that there will be less water in the Murray-Darling Basin—to act. When we were elected to government, we needed to act to protect Australia’s long-term future and our children’s future, to protect our economic security, and to insist on protecting our environment.

For too long, those opposite have had many different positions on many important changes. They cannot agree on climate change. They cannot agree on a national broadband network. They cannot agree on how to address the issues facing us in water. What we have seen, though, and what they have demonstrated is that, in many cases, their position depends on which state they live in, which state they are visiting or who they are speaking to. When in South Australia, some of them express outrage at the state of the Lower Lakes and call for emergency action. When they are upstream, they tell their constituents that the lakes cannot and should not be saved and the government should stop purchasing water entitlements. So, on the issue of water, as on many other issues, they are all over the place. They lacked leadership when it came to our environment, and they continue to lack leadership.

The Labor government was the first federal government to purchase water entitlements. The opposition failed to deliver a single drop of water over their 12 years in government. They refused to support urban water infrastructure, and now they are running a fear campaign with the promotion of misinformation. They are not dedicated to taking the high road when it comes to the Murray-Darling Basin Plan; they simply want to destabilise the government’s plans. The people of the Murray-Darling Basin will suffer as a result. In other words, the opposition have pulled out their wrecking ball and, shamefully, have no genuine interest in the long-term future of Australia’s water supply or their constituents along the Murray-Darling. An interesting article I read recently in the Business Spectator points out that the opposition is only interested in ‘maximum fear, minimum policy’. To quote from the article, as printed, about the opposition’s ‘maximum fear’ policy when it comes to the Murray-Darling Basin:

This is not behaviour befitting an ‘alternative government’. If the Coalition really has abandoned the independent body its own legislation set up, perhaps it should explain to its Murray-Darling constituents why trusting their future to such a statutory body was a good idea in the first place.
This shameful politicking by the opposition is in stark contrast to the government’s reform agenda.

What we cannot do is to hide away from the fact that our wetlands have been devastated and many of our irrigators have gone out of business. We cannot hide away from the fact that algal blooms and acid sulphate soils have made much of the water unusable to farmers and destructive to the environment. And we cannot hide away from the fact that the way we have been using water in the Murray-Darling Basin is not working—it is not working to support the long-term viability of the rivers or of rural communities. Climate forecasts show that we can expect hotter and drier conditions in the southern basin; longer and drier droughts; and more extreme weather events, including floods and storms. Only by returning that river to health, and managing limited water supplies, will we be able to provide more certainty for the businesses and the communities that rely on it.

As I have already mentioned, there has been, unfortunately, and sadly, a fear campaign generated by those opposite regarding this issue. The government is aware that communities are suffering—that they are worried. This is a very difficult issue, and we understand that anything that involves reform to water usage is particularly difficult for irrigation based communities.

We need to be very clear about the process that we are going through to achieve these goals, and we need to understand that process. As I have already said, the Murray-Darling Basin Authority is an independent authority. The document released on Friday, 8 October, is officially titled Guide to the proposed Basin Plan. The guide that is out now is just that—a guide to a draft plan. It is not the plan. It is not a proposal from the government. It is a proposal from the independent authority. And what this guide does is to provide for additional opportunity for consultation and engagement with communities.

Public community consultations for the guide will run until mid-November. The authority will release its proposed basin plan next year and, under the legislation, it will be followed by 16 weeks of consultation. There are over 12 months to run this consultation process, and the authority will be conducting these consultations to get better feedback on the social and economic implications of the plan before the minister is presented with the plan at the end of next year—that is, 2011, not 2010.

The authority will then present a final plan to the ministerial council, which includes representatives from each of the basin states, for consideration. The minister can ask the authority to reconsider issues or make some changes. The final plan will then be signed off by the minister. Once the minister has signed off on the final plan, it is tabled in parliament, where it may be disallowed in either house. It is a disallowable instrument and it needs to go through both houses. (Time expired)

Senator BIRMINGHAM (South Australia) (5.15 pm)—Madam Acting Deputy President Kroger, congratulations on your appointment to the office of Acting Deputy President, which I am sure you will fill well. This Labor government simply cannot manage a reform agenda. Anything of substance, anything of note, that they touch just turns into mush, turns into waste, turns into expense and delay and problems for taxpayers and for Australia that we all end up having to wear for many, many years to come. We have just heard Senator Wortley speak on this matter of public importance. We heard her talk about the process. Like so many others on the Labor side, she tries to have it both
ways in this debate. When they feel under pressure about the way Murray-Darling reform is going, they say: ‘The coalition initiated this. The coalition were the ones who passed the Water Act. The coalition were the ones who started this whole process.’ But when they want to boast about the reforms they say: ‘The coalition never did anything. The Howard government never did anything at all.’ It is a remarkable tactic: wanting to have it both ways.

I am very happy and proud to say that the Howard coalition government did pass the Water Act and did initiate water reform. We did it with a complementary $10 billion fund—and amazingly, given Labor’s propensity and capacity to spend money, you have barely been able to dribble any of that out the door. You have barely been able to spend a cent of the money on infrastructure—a key point of your failure to which I will return in just a moment.

Senator Wortley also says that we on this side have been initiating some type of fear campaign across the basin. Let me say that I only wish we had the capacity to mobilise people like they have been mobilised these last couple of weeks. I have attended these community meetings personally. I have gone into those basin communities and talked to people. I have not asked one person to attend the meetings. I have not had to encourage people to go along. I have not had to encourage people to do anything. They have come of their own accord and they have mobilised en masse because they are scared and worried—and their worries and concerns are only amplified by the failings of those opposite in their mismanagement of this program. You have mismanaged this program from the day you took office.

The Labor Party inherited the Water Act, which established the Murray-Darling Basin Authority. Yet for some reason it took nearly 18 months for the members of that authority to be appointed—nearly 18 months of delay and procrastination before you actually got people sitting around the table to start this process. It is little wonder then that what has just been released is only a guide, not the original plan that was proposed; it is little wonder that its release was delayed three or four times; and it is little wonder that its final implementation was rushed—because the first 18 months of the three years for which the Water Act has been in existence was wasted with total and complete inaction. Most particularly, we have seen inaction on the promise to deliver water-saving infrastructure projects. This inaction has only heightened the fears and concerns in the communities that all of the water that is required to implement basin reform will simply come out of productive capacity rather than through the win-win benefits that the coalition envisaged when we committed $5.8 billion to water-saving infrastructure projects in the first place.

In a 2008 intergovernmental agreement, Labor signed off on some projects which you even had the gall to call priority projects. We have seen what COAG reported just last Friday in a very timely report on those priority projects. It said that, in the 18-month period between when the IGA was signed and the end of the reporting period, only two projects were completed, or largely completed—that is, two out of 17 projects—and there were significant delays in the development and approval of all the other projects. COAG highlighted that this seemed to stand in contrast to the urgency that people give to this topic. And it does stand in marked contrast to talk about the urgency of action here when we have not managed to get 15 out of 17 projects progressed in any meaningful way. And all Labor’s failure to progress these projects has done is to amplify concerns throughout basin communities that the water
required for the environment is going to come wholly and solely out of their productive capacity rather than by demonstrating that large parts of it can come from water-saving infrastructure efficiency upgrades.

Every year that Labor have been in office they have spent more on buybacks than they budgeted and less on infrastructure than they budgeted. That, of course, has highlighted concerns that this government has a one-track focus. Where people have put together structured packages to retire entire irrigation channels, they have been turned away. You will only take the piecemeal, Swiss-cheese-effect type buybacks that leave stranded assets and increase the cost and concerns for people throughout the community.

We have seen the failure of the MDBA to actually undertake a thorough, decent, comprehensive socioeconomic analysis before releasing this guide. The MDBA’s own chairman acknowledged that the guide is seriously lacking in socioeconomic analysis. Well what on earth has the government been doing in the regular briefings ministers have with the chairs and CEO of the MDBA if not saying: ‘Have you done detailed economic analysis? Is it part of the guide? Is it part of the plan?’ The failure to do that has only heightened those fears and concerns throughout the community. That is what has driven people to protest. That is what has driven people to express their concerns.

Then there was the great lie of the election campaign when the Prime Minister, Ms Gillard, flew into Adelaide and announced that the government would accept whatever the recommendations were of the independent authority. She was greeted by an entire front-page picture in the Adelaide Advertiser under the headline ‘River Queen’. I am sure Senator Wortley remembers the headline well. It turns out that that promise was made by the river rat, not the river queen, because the river rat has demonstrated that it has no commitment to its word or its promise and that this government, instead, has no intention of implementing the independent authority’s report. The Minister for Sustainability, Environment, Water, Population and Communities, Mr Burke, went to great lengths in the other place last week to highlight that he reserves the right to change that report himself. We always said during the campaign that was the right thing to do, yet we were pilloried for it. Australia deserves a Murray-Darling plan, but a good plan—not just any plan.

Senator NASH (New South Wales) (5.23 pm)—I am very happy to stand here and join my coalition colleagues in this debate, because there is probably only one word that can properly describe this government’s management, if you want to call it that, of the Murray-Darling Basin water reform—that is, an absolute shambling. How they have run this has been a shambles from day one. It took them six months to get to a water policy and 18 months to actually establish the Murray-Darling Basin Authority. It has taken them 36 months to get to any kind of understanding that there needs to be a proper analysis of the social and economic impact. It is an absolute shambling.

As my good colleague Senator Birmingham has just pointed out, we have had a situation over a period of time now of who actually has the responsibility for all of this. Apparently, it is a guide to a plan, and the Minister for Sustainability, Environment, Water, Population and Communities is not going anywhere near that. The government says, ‘This is simply a guide. Don’t be scared, everybody; don’t be worried.’ Let me tell you: the minute it hit the public domain, people out there in regional communities were, quite rightly, so concerned about what this meant for them that they mobilised and took to the streets and their towns and com-
community halls. It had nothing to do with any kind of fear campaign, so-called by the other side, in this place. It was genuine heartfelt fear about their communities and what the future holds in store for them.

Senator Penny Wong, the former Minister for Climate Change, Energy Efficiency and Water, said on 1 July last year that the final decision on the basin plan ‘rests with the Commonwealth minister for water alone’. Then, during the election campaign, we heard from the government, ‘Gee, we’re going to absolutely accept whatever the authority throws to us.’ Now they are apparently distancing themselves again and saying, ‘No, it does come back to the minister.’ They have not got a clue. It is an absolute shambles, and those on the other side of this chamber and in the other place have no idea of the impact on our regional communities of permanently removing the water.

I do have to place on record that I am a farmer and I do live in a basin community, but this government has not a clue about what permanently removing that water is going to do. It is going to give those communities under the guide to this plan—this Court of King Caractacus plan that they have going over there—a permanent drought. I asked the minister in May 2009 about the development of the plan and the consultation process with communities on the social and economic impacts of the decisions that are going to be made in the development of the plan. I asked, ‘What is the process for that?’ I got a wishy-washy answer. Over a year ago, the social and economic impacts, and how important it was to get a proper understanding of that, was being raised with this government. We have heard absolutely nothing.

It is only now because of community concern—because people out there in the communities have risen up and had their voices heard—that we are now going to have a report and another inquiry. The guide states that 800 jobs would be lost through the implementation of the plan. What a load of rubbish! Every single person that lives in a regional community knows that that figure is a furphy. The Cotton Catchment Communities, the CRC, commissioned a report recently. The estimation was that a 25 per cent cut in water equates to 14,000 lost jobs. This government has not a clue. It did not even understand its own legislation—the environmental versus the social and economic impacts. We had the authority out in the community saying the guide was only written under their interpretation of the act, which meant that the environment had to take priority over the social and economic impacts on those towns.

We now have the minister commissioning his own advice, which is telling him that that is an absolute furphy, that you can treat them equally. How can that minister not understand or have any input into the interpretation of the act that the Murray-Darling Basin Authority was working under? This is the crux of the whole thing, and the minister simply had no understanding of his own act. Here we are in October 2010, and he has to go off and get some advice on what the act might mean. It is not good enough. How this is being managed by this government is an absolute shambles.

What we have seen from this minister is total incompetence. He just distances himself and says, ‘Well, it is only a guide to a plan.’ My good colleague Senator Joyce said that apparently this afternoon he has been out there bucketing his own guide to the plan. When is this government going to take regional Australia seriously? We have heard from the Prime Minister—since the last election campaign, of course—on how important regional Australia is, yet they have simply no understanding. Not once since this guide to the plan has been announced has the minis-
ter, Tony Burke, been publicly out into any of these communities. He has not been to any of the community meetings. He says, ‘That’s for the independent authority,’ but he will send his department. There must be some link to government, I would imagine, and the link is the minister. He should have been there to see those people at the meetings I went to in Deniliquin and Griffith.

These are real people that this policy is going to affect. These are not just numbers that are pulled out of thin air. These are real people with real families, real lives and real businesses in the communities that this policy is going to affect, and it is about time this government realised the impact it will have. These people are dead scared about their future. This is the region that feeds this country. This is the region where we have our farmers toiling away through hardship and through difficult times, still, to provide for this country.

If we are going to rip the rug out from underneath them and not give them the capacity to produce—not give them the ability to grow food and fibre and feed this nation—then we are going to go down the road of becoming a nation of importers. I do not think anybody in this country wants to go down that route, with its lack of quality assurance and lack of security of supply. It is about time that this government stopped mouthing words and started paying attention and listening to those people living in the communities in those regional areas, who truly understand what sustainable nature needs to be for those regional communities—not some guide to a plan that is going to scare the willies out of them. That plan should never have been dropped on them like it was, and this government has to take responsibility for that uncertainty out in the community. And this government has to take responsibility to make sure those regional communities have a sustainable future.

Senator XENOPHON (South Australia) (5.30 pm)—It was Mark Twain that likened the River Murray to America’s great river, the Mississippi, but a couple of years ago the Courier-Mail’s Mike O’Connor wrote:

Were Twain to see the Murray River today it is unlikely he would repeat the comparison, for the Murray and its sibling the Darling are dying, strangled by a combination of political apathy, cowardice and stupidity.

In 1999, Philip Coorey, when working for the Adelaide Advertiser, wrote of a leaked CSIRO report that said Adelaide’s water would be too salty to drink in two days out of five by 2020 unless there was a major shift in water management along the Murray-Darling river system. We are still waiting for that shift. That is why it is important that there is a process of reform.

The rains that we have had in the basin are incredibly welcome. They have given new life to the river system and new life to the Lower Lakes and the Coorong and to irrigators up and down the entire Murray-Darling Basin at large. We now have breathing space to get it right.

The process that the government has used has not been perfect but I think it is fair to say that both the government and the opposition—and the Liberal Party when they were in power—agreed to a process with the Water Act. There were amendments that were supported by the opposition in respect of the Water Act in 2008. I opposed those amendments. I believe I was the only member of this chamber that opposed the Water Bill, because I believed that unless we had a national takeover of the river system we would be left at square one. We will still have a case of state against state, irrigator against environment, region against region. And it does not need to be like that. The only way to solve that is to have, for one river system, one set of rules. Unless we have a national takeover we will continue to be hamstrung in
the way the Murray-Darling Basin is administered and the way it is managed.

The issue of overallocation needs to be dealt with. One factor in overallocation is the managed investment schemes which have completely skewed the water market in many parts of the basin. Huge tax write-offs have been given to corporations by virtue of their managed investment scheme status, which has created more demand for water and put up unviable farming enterprises—those that family farmers and small corporate irrigators would not have entered into. By virtue of these tax minimisation schemes we have seen a terrible distortion of the water market and of agriculture in the basin.

I think it is fair to say that if the minister was involved in any way in interfering with the processes of the Murray-Darling Basin Authority he would have been castigated. He would have been politically crucified for interfering with that process. So I believe the minister did the right thing in letting the authority do what it was meant to do within the constraints of the Water Act. I do not think criticisms of the minister are fair in respect of that.

But I think it is fair to say that the Murray-Darling Basin Authority ought to have looked at issues of efficiency for those irrigators who were early adopters with respect to climate change and water efficiencies. It is interesting that in the lead-up to the federal election campaign the Prime Minister said that early adopters with respect to climate change ought to be rewarded for that. My argument is that early adopters with respect to water efficiency ought to be rewarded for that. In my home state of South Australia, in the Riverland, those irrigators had to be more water efficient because they are at the end of the river system, and they are not getting any credit or cannot fairly access the $5.8 billion that has been set aside for water efficiency projects.

I was in Renmark just a couple of Fridays ago for the community consultation with the authority. It is fair to say that that was a shemozzle. The hall—the meeting area—was too small. The audio system broke down. Those are things that I think the authority needs to take heed of, because the community consultation did not work because of that. I know the authority has worked tirelessly for this but it is important that we balance issues of food security with issues environmental flows. I draw to the attention of each of my colleagues here and of my colleagues in the other place page 113 of the guide. It makes reference to the fact that, as iconic as the Murray mouth is, it is more than that because it is essential to the environmental health of the entire basin for a range of reasons, including the export of salt and nutrients that will toxify the river system unless something is done. I also draw to my colleagues’ attention page 95 of the report, which is about the productiveness of various parts of the basin, where South Australia is by far the most productive part of the basin per hectare. These are matters that must be considered.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (5.35 pm)—I am pleased to have this opportunity to speak on this matter of public importance concerning the Murray-Darling Basin reform process.

The first point to make about the speeches of senators opposite is that they share the characteristics of most of their other attacks on the record of the Labor government. First, they assume that history began in December 2007 and that none of these problems existed before that date. Second, they seek to ignore and conceal their own record in government. Third, they ignore all external circum-
stances—including, in this case, climate change. Fourth, they make demagogic appeals to affected communities, while ignoring the wider national interest.

The crisis in the Murray-Darling Basin is a crisis we inherited from the previous government, just as they inherited it. In fact, we inherited it from every federal and state government of the past 100 years. It is a crisis that results from the chronic unwillingness of previous governments over many decades to face up to facts and to take the necessary steps to secure the future of the basin, its environment and its people. Failure to face up to facts is a hallmark of this opposition.

The root cause of the crisis in the Murray-Darling Basin is the fact that for decades we have been taking more water out of the river system than rainfall has been putting into it. The opposition is not willing to face the fact that many of the water use practices in the basin are simply unsustainable. It is not willing to tell the truth about that to its own supporters in the region. It was not willing to do so when it was in government and it is certainly not willing to do so now. Nor is the opposition willing to face the fact that climate change is worsening the situation in the basin and will continue to do so. Although we are currently having some welcome respite from drought in the eastern states, all climate experts agree that the long-term trend is for this region to become hotter and drier. Since this opposition refuses to accept the science on climate change, it is not surprising to find that they refuse to accept facts about the long-term climactic future of the basin.

As we read in the Age this morning, water use in the basin has increased by an extraordinary 500 per cent over the past 80 years. As we read in the Financial Review just last week, new research by the CSIRO and the Bureau of Meteorology shows that there is a long-term trend to lower rainfall and higher temperatures in south-eastern Australia linked to atmospheric changes caused by global warming. The consequences of these two trends should be obvious to all. Over the past decade the amount of water available in the basin has declined by 40 per cent compared to the long-term average. The current system of water usage is simply not sustainable. It is not sustainable for the environment but it is also not sustainable for the region’s primary producers—the people whom senators opposite claim to represent. To give but one example: in the Lower Lakes of South Australia some years ago there were some 23 dairy operations; today, as a result of a sustained drought and upstream overuse, that number has fallen to three. This should tell us that the current system of water usage in the basin, the system that has been in place for many decades, is simply not working and must change. This fact should be obvious to all, but it seems to not be obvious to the opposition, which always prefers the short-term political grandstanding to serious policy work.

To be fair, there have been some people in the coalition willing to face the facts about climate change, water use and the cumulative effect on the Murray-Darling Basin. Former Senator Robert Hill, who was environment minister in the Howard government, warned in December 1999 of ‘an impending disaster of almost biblical proportions’. He said:

As a South Australian, I don’t believe that I’m being melodramatic when I say this: if we continue to strangle our river, we will inevitably strangle our state.

But of course Senator Hill’s efforts to do something about overuse of water were vetoed by the National Party. The then Nationals leader Tim Fischer campaigned against any restriction on water use in the basin with the slogan ‘Zap the cap’. Some members of the Nationals, however, were willing to face
facts, at least in the past, about unsustainable water use. In August 2007, former Nationals leader John Anderson said:

I think we need to sober up a little and recognise the reality that a great deal of the hysteria surrounding water at the moment stems from the fact that there is a shortage of water, which has nothing to do with any government, which is beyond the control of any government and which is, frankly, outside the purview of any of we mere mortals to greatly influence.

But, alas, such common sense can no longer be found in the contemporary National Party.

This government is willing to face facts on the situation in the Murray-Darling Basin. This government is willing to take the necessary decisions in the interests of both the environment and the communities that live in the basin. By returning the Murray-Darling Basin system to health and managing limited water supplies more sustainably, we can provide more certainty for the businesses and communities that rely on it. We cannot do that by ignoring facts and resorting to cheap and dishonest populism for short-term political gain, as seems to be the current tactic of the opposition. That is why this government is developing a plan for the Murray-Darling Basin, a plan to revive our rivers by addressing the overuse of water. Its objectives will be a healthy Murray-Darling river system, strong regional communities and sustainable food production. This is what I believe is called the triple-bottom-line. There is of course some tension between these three objectives, but the government believes that with careful planning and proper attention to the science they are all achievable.

The opposition has sought to make short-term political capital by criticising the proposals made in a document called the Guide to the proposed Basin Plan, recently released by the Murray-Darling Basin Authority. It must be pointed out that the Murray-Darling Basin Authority is an independent authority.

It does not make government policy and its statements cannot be seen as reflecting government policy. The opposition knows this because, of course, the Murray-Darling Basin Authority was established under their legislation, the Water Act 2007. As Senator Colbeck said in 2007:

The Murray-Darling Basin Authority will be an expert, independent body which will report to the Commonwealth Minister for the Environment and Water Resources. Its primary responsibility is the preparation of the basin plan.

It follows from this that the document recently released by the authority was not a statement of government policy. The document issued by the authority is an opportunity for consultation. It will inform the drafting of the proposed plan, but it is not government policy. The government’s policy will be announced by the Minister for Sustainability, Environment, Water, Population and Communities at the end of the consultation period.

Sadly, but predictably, there has been a great deal of misinformation put out by the coalition in relation to these issues. Members such as Dr Sharman Stone and Mrs Sophie Mirabella have been spreading this misinformation in communities along the Murray, trying to whip up fear and hysteria for their own short-term political purposes. First, opposition members have claimed that the document issued by the Murray-Darling Basin Authority represents government policy, which of course it does not—and they know it does not. Next, they have claimed that the government will forcibly acquire water from people. This is untrue. They have also alleged that no account will be taken of the water conservation work already done in basin communities. This is also untrue.

Nevertheless, there is no point in pretending that we can go on as we have for the past century, taking more water out of the Murray-Darling river system than rainfall is
putting into it. Since we cannot make it rain more, any rational plan for the Murray-Darling must involve reducing water usage. In the past, when they were in government, opposition members were willing to recognise this very simple but very fundamental fact. Let me quote Ms Mirabella from 2007, speaking in the debate on the Water Act:

Important elements of this bill, which give effect to the National Plan for Water Security, include an independent Murray-Darling Basin Authority with enforcement powers; a basin plan which sets a cap on water systems; an environmental watering plan to coordinate management of the available water in the basin; a Commonwealth environmental water holder to manage environmental water in and out of the basin; …

So in 2007, contrary to what she is saying now, Ms Mirabella recognised that there would have to be a cap on the use of water from the Murray-Darling system and that there would have to be a body to enforce that cap. So she was quite willing to see the Howard government pass a bill that would give the Murray-Darling Basin Authority coercive powers over irrigators and other water users in the basin. It is curious that now she is in opposition she no longer sees things the same way.

Let me outline briefly the process that the government has set out for the development of this plan. The government has announced a parliamentary inquiry into the social and economic impact of cuts in water allocations in the basin. Mr Tony Windsor, the Independent member for New England, will be chairing the committee undertaking this inquiry. The inquiry will of course seek input from people living in the Murray-Darling region. The inquiry will have a strong focus on understanding the social and economic impacts of the necessary changes.

In the meantime, the government is investing more than $12 billion in the Water for the Future initiative to help communities adjust to a future with less water, and the Murray-Darling Basin Authority is undertaking more detailed studies on the local and community impacts of the proposed Basin Plan. This study will consider the likely impact of reductions in water use. This study will be completed by March 2011.

The opposition claims to be representing the interests of farmers. They do not seem to understand that ‘if we strangle the river, we will strangle Australian agriculture’—to paraphrase former Senator Hill. A viable Murray-Darling Basin Plan must secure long-term water supplies for all water uses, including for agriculture. The government wants to ensure that water for agriculture is used for sustainable, effective and efficient food production. This means working with farmers and rural communities to ensure that irrigated agriculture in the basin continues to be an efficient and sustainable contributor to Australia’s economy.

We cannot kid ourselves that things can go on as they are. Denying the reality of climate change will lead only to disaster for Australian agriculture. The erosion of soils, the decreasing food production, the decreasing rainfall and the recent long drought should inform all participants as to the very real crisis facing the Murray-Darling Basin, even those who do not believe in the science of climate change. The government fully understands that change will impact on regional communities. But it is important to appreciate that no change will also impact on regional communities.

No change, continued destruction of the environment and continued overuse of the basin will inevitably and inexorably see our Murray-Darling system die. That is why the government is committed to helping communities adjust, through water buybacks, rural water infrastructure investments and its Strengthening Basin Communities program.
This is a government that believes in evidence based public policymaking, this is a government that will tell the people of Australia the truth and this is a government that will make hard decisions when they have to be made.

Senator HANSON-YOUNG (South Australia) (5.48 pm)—Today’s debate comes in good time, as the minister has tabled a ministerial statement regarding legal advice received today from the Government Solicitor in relation to the Water Act. Unsurprisingly, the Water Act clearly shows that the necessity of ensuring environmental sustainability, coupled with looking at the social and economic costs and benefits for the community, has always been there. Any reform regarding the basin needs to give the river and the communities that rely on it the best fighting chance.

Reform to management of the basin has been such a long time coming. We know that we have grossly overallocated the system for decades. We have played the river off—state versus state, community versus community and state versus federal government. This is not a new debate that we are having. It was a debate that happened around the formation of the Constitution when states did not want to have to give up their water rights. It is a debate that we are now suffering the consequences of—generations on—because we did not make the necessary reforms we should have 50 or 60 years ago.

I obviously come from South Australia. I can see for real the effects of an overallocated system—a system that has had so much water come out of it that it has started to kill itself. The river system is dying. Yes, the rains that have fallen in the last couple of months have been blessed and wonderful for all of the various sections and communities within the basin—and no-one is rejoicing as much as those communities down on the Lower Lakes—but we rejoice with the concern that, unless we get these reforms right, there will simply be another time when this river system is in crisis. If we do not tackle the overallocation problem, if we do not take into consideration the issues of climate change, then we simply will not be able to rely on those good rains when they come.

We know how hard communities throughout the basin have struggled in the past few years—through the drought and as a result of overallocation. We did not leave enough in the system for those drier times. There will always be wetter times and drier times. With climate change it will get drier and drier, particularly in the south. That is what the science tells us and that is what the modelling shows us. We need to ensure that we leave enough water in the system for when times are poor.

The government’s legal advice as suggested in the Water Act says that of course the government must look at the social and economic costs and benefits of any reform that puts the river on a sustainable footing. Why is that? Clearly it is because if we do not give back to the river the water it needs—if we do not keep the river living and do everything we can to revive it and put it on a sustainable footing—of course there is going to be a significant impact on both costs to those communities that rely on it and food production in Australia. If we want to have a basin where communities are vibrant and have security and if we want there to be a future for our basin communities, we need to make sure there is a future for the river.

If we want food production to be secure in Australia, we need to make sure that the places that produce our food are sustainable and therefore have security into the future. The best way for us to do that is to tackle the river crisis. To do that, the best available science tells us that we need to put a minimum
of 4,000 gigalitres back into the system and that if we really want to save the river we need to be looking at 7,600 gigalitres. That is what the best available science tells us and that is what we need to be talking about. These figures are now on the table. We should not be debating the figures; we should be looking at how we engage with those communities to find out how we can work with them so that they can be sustainable in a future with less water. That is the reality. Otherwise, this river is going to be dead and the communities are going to suffer.

So the government has an amazing opportunity here. Rather than seeing the government find every which way to backtrack and back-pedal on these reforms let us see a true commitment to the volume of water that science tells us the river needs, and then let us get out and engage those local communities in how they can be helped and how they can be innovative living in a future with less water. The government has an amazing opportunity because there is money on the table. We do not have to fight about that—there is $9 billion sitting there. The government needs to go out and engage with these local communities about how they can transition and how they can take ownership of their participation in this necessary and urgent water reform. The money is there. If we have the political will, we just need the resources to go and do it.

Of course those communities are concerned, because there has been enough fear-mongering about their future to scare anyone. But most of these communities in South Australia, in Victoria, in New South Wales, in Queensland and even here in the ACT know that they have no future if there is no river. What they want to know is how we can help them in a drying climate where we need to put more water back into the river to keep it alive and how they can work sustainability, efficiently and effectively with less water. We have the money, so let us engage those communities. Let us give them some ownership of this reform.

That is what the government needs to be doing rather than backtracking on the best available science. We have to listen to that. We know that this water needs to be returned to the river. Let us not go back to the drawing board. Let us not talk about amendments to the Water Act. We have done that hard work. There is meant to be tripartisan support for these reforms, so let us figure out how we can deliver them. That means engaging with communities; it does not mean fear-mongering and it does not mean a government trying to distance itself from some really necessary reforms that have been outlined by the Murray-Darling Basin Authority.

We have to remember that one of the best things about this process is that we all agreed some years ago that the Murray-Darling Basin Authority needed to be independent of politics if it was going to deliver the necessary reforms. In the last couple of weeks the saddest thing has been the backtracking on that—the sense that politics is now playing into it. If we are to get this right, we need a commitment again from the government, from the opposition and from all the cross-benches to put politics aside and put our communities first.

MINISTERIAL STATEMENTS

Global and Domestic Economies

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Minister Assisting the Minister for Tourism) (5.56 pm)—I present the following ministerial statements:

Economics—Global and domestic economies, and

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

The list read as follows—

(a) Documents certified by the President
1. Department of the Senate—Report for 2009-10 (received 14 October 2010)
2. Department of Parliamentary Services—Report for 2009-10 (received 14 October 2010)

(b) Committee reports
1. Environment and Communications References Committee—Report—Sustainable management by the Commonwealth of water resources (received 7 October 2010)
2. Economics Legislation Committee—Report: Tax Laws Amendment (Public Benefit Test) Bill 2010—Additional information received by the committee (received 7 October 2010)

(c) Government responses to parliamentary committee reports
1. Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity—Interim report—Operation of the Law Enforcement Integrity Commissioner Act 2006 (received 13 October 2010)
2. Legal and Constitutional Affairs References Committee—Report—Australia’s judicial system and the role of judges (received 19 October 2010)

(d) Government documents
3. Classification Board and Classification Review Board—Reports for 2009-10 (received 6 October 2010)
4. Family Law Council—Report for 2009-10 (received 6 October 2010)
5. Office of Parliamentary Counsel—Report 2009-10 (received 12 October 2010)
7. Inspector-General of Intelligence and Security (IGIS)—Report for 2009-10 (received 13 October 2010)
10. CrimTrac Agency—Report for 2009-10 (received 13 October 2010)
11. Attorney-General’s Department—Report for 2009-10 (received 13 October 2010)
12. Administrative Appeals Tribunal—Report for 2009-10 (received 13 October 2010)
13. National Native Title Tribunal—Report for 2009-10 (received 13 October 2010)
14. Department of Broadband, Communications and the Digital Economy—Report for 2009-10 (received 13 October 2010)
15. Australian Communications and Media Authority—Report for 2009-10 (received 13 October 2010)
17. Department of Finance and Deregulation—Report for 2009-10 (received 14 October 2010)
19. Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2009-10 (received 14 October 2010)
20. Family Court of Australia—Report for 2009-10 (received 14 October 2010)
21. Federal Court of Australia—Report for 2009-10 (received 14 October 2010)
22. Federal Magistrates Court of Australia—Report for 2009-10 (received 14 October 2010)
23. High Court of Australia—Report for 2009-10 (received 14 October 2010)
24. Customs Act 1901—Conduct of Customs and Border Protection officers [Managed deliveries]—Report for 2009-10 (received 14 October 2010)
25. Repatriation Medical Authority—Report for 2009-10 (received 14 October 2010)
27. Australian Federal Police—Report for 2009-10 (received 15 October 2010)
28. Department of Human Services—Report for 2009-10 (received 15 October 2010)
29. Centrelink—Report for 2009-10 (received 15 October 2010)
30. Medicare Australia—Report for 2009-10 (received 15 October 2010)
31. Department of Agriculture, Fisheries and Forestry—Report for 2009-10 (received 15 October 2010)
32. Australia Post—Report for 2009-10 (received 15 October 2010)
33. Australian Government Solicitor—Report for 2009-10 (received 15 October 2010)
34. Inspector-General of Taxation—Report for 2009-10 (received 22 October 2010)

(e) Report of the Auditor-General
Report no. 12 of 2010-11—Performance audit—Home Insulation Program: Department of the Environment, Water, Heritage and the Arts; Department of Climate Change and Energy Efficiency; Medicare Australia (received 15 October 2010)

(f) Statements of compliance and letters of advice relating to Senate orders
1. Statements of compliance relating to indexed lists of files:
   Treasury portfolio agencies (received 1 October 2010)
   Commonwealth Ombudsman (received 14 October 2010)
   Official Secretary to the Governor-General (received 15 October 2010)
   Fair Work Ombudsman (received 15 October 2010)
   Department of Climate Change and Energy Efficiency (received 18 October 2010)
   Australian Organ and Tissue Donation and Transplantation Authority (received 20 October 2010)
   Infrastructure, Transport, Regional Development and Local Government portfolio agencies (received 22 October 2010)

2. Letters of advice relating to lists of contracts:
   Human Services portfolio agencies (received 1 October 2010)
   Veterans’ Affairs portfolio agencies (received 1 October 2010)
   Defence Materiel Organisation (received 13 October 2010)
   Resources, Energy and Tourism portfolio agencies (received 14 October 2010)
   Education, Employment and Workplace Relations portfolio agencies (received 22 October 2010)

3. Letters of advice relating to lists of departmental and agency appointments and vacancies:
   Health and Ageing portfolio agencies (received 7 October 2010)
   Australian Institute of Family Studies (received 7 October 2010)
   Office for Sport (received 11 October 2010)
   Department of Immigration and Citizenship (received 11 October 2010)
   Department of the Prime Minister and Cabinet (received 11 October 2010)
   Office of National Assessments (received 11 October 2010)
Office of the Official Secretary to the Governor-General (received 11 October 2010)
Attorney-General’s portfolio agencies (received 11 October 2010)
Department of Climate Change and Energy Efficiency (received 11 October 2010)
Infrastructure and Transport portfolio agencies (received 11 October 2010)
Privacy Advisory Committee, Office of the Privacy Commissioner and the Office of the Australian Information Commissioner (received 11 October 2010)
National Archives of Australia (received 11 October 2010)
Department of Veterans’ Affairs (received 11 October 2010)
Australian National Audit Office (received 11 October 2010)
Australian Public Service Commission (received 11 October 2010)
Department of Families, Housing, Community Services and Indigenous Affairs (received 11 October 2010)
Innovation, Industry, Science and Research portfolio agencies [2] (the latter being a correction) (received 11 and 20 October 2010)
Department of Agriculture, Fisheries and Forestry (received 11 October 2010)
Office for the Arts (received 11 October 2010)
Old Parliament House (received 11 October 2010)
Office of the Commonwealth Ombudsman (received 11 October 2010)
Office of the Inspector-General of Intelligence and Security (received 11 October 2010)
Human Services portfolio agencies (received 12 October 2010)
Finance and Deregulation portfolio agencies (received 12 October 2010)
Department of Regional Australia, Regional Development and Local Government (received 14 October 2010)
Resources, Energy and Tourism portfolio agencies (received 15 October 2010)
Department of Education, Employment and Workplace Relations (received 18 October 2010)
Treasury portfolio agencies (received 18 October 2010)
Defence portfolio agencies (received 22 October 2010)
4. Letters of advice relating to lists of departmental and agency grants:
Department of Broadband, Communications and the Digital Economy (received 6 October 2010)
Australian Institute of Family Studies (received 7 October 2010)
Office for Sport (received 11 October 2010)
Department of Immigration and Citizenship (received 11 October 2010)
Department of the Prime Minister and Cabinet (received 11 October 2010)
Office of National Assessments (received 11 October 2010)
Office of the Official Secretary to the Governor-General (received 11 October 2010)
Attorney-General’s portfolio agencies (received 11 October 2010)
Department of Climate Change and Energy Efficiency (received 11 October 2010)
Department of Infrastructure and Transport (received 11 October 2010)
National Archives of Australia (received 11 October 2010)
Privacy Advisory Committee and the Office of the Privacy Commissioner (received 11 October 2010)
Department of Veterans’ Affairs (received 11 October 2010)
Australian National Audit Office (received 11 October 2010)
Australian Public Service Commission (received 11 October 2010)
Office of the Inspector-General of Intelligence and Security (received 11 October 2010)
Department of Education, Employment and Workplace Relations (received 18 October 2010)
Treasury portfolio agencies (received 18 October 2010)
Defence portfolio agencies (received 22 October 2010)
Department of Families, Housing, Community Services and Indigenous Affairs (received 11 October 2010)
Department of Agriculture, Fisheries and Forestry (received 11 October 2010)
Office for the Arts (received 11 October 2010)
Old Parliament House (received 11 October 2010)
Human Services portfolio agencies (received 12 October 2010)
Finance and Deregulation portfolio agencies (received 12 October 2010)
Department of Regional Australia, Regional Development and Local Government [2] (received 14 and 19 October 2010)
Resources, Energy and Tourism portfolio agencies (received 15 October 2010)
Department of Education, Employment and Workplace Relations (received 15 October 2010)
Treasury portfolio agencies (received 18 October 2010)

COMMITTEES
Reports: Government Responses

The ACTING DEPUTY PRESIDENT (Senator Pratt)—In accordance with the usual practice and with the concurrence of the Senate, the government responses will be incorporated in Hansard.

The documents read as follows—

Government Response to Recommendations Two and Three of the Interim Report from the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (PJC on ACLEI) inquiry into the Operation of the Law Enforcement Integrity Commissioner Act 2006 SEPTEMBER 2010

Recommendation 2
2.51 The committee recommends that, as an immediate measure, the Australian Customs and Border Protection Service be brought under ACLEI’s jurisdiction on a whole-of-agency basis by regulation.

Recommendation 3
2.52 The committee recommends that, in the longer term, the Australian Customs and Border Protection Service be prescribed as a law enforcement agency within the Law Enforcement Integrity Commissioner Act 2006 through the amendment of section 5 of the Act.

Agree
Subject to finalisation of consultations relating to resources required by the Australian Commission for Law Enforcement Integrity (ACLEI), the Government will extend the jurisdiction of ACLEI to include the Australian Customs and Border Protection Service (ACBPS) in recognition of ACBPS’s critical law enforcement and related functions. It is expected this jurisdiction will commence in 2011.

The Australian Government will respond to the Committee’s other recommendations when the Final Report is tabled.

———

The Senate Legal and Constitutional Affairs References Committee Report on Australia’s Judicial System and the Role of Judges (December 2009)

Government Response
The Government welcomes the report of the Committee on Australia’s Judicial System and the Role of Judges. It is a significant contribution to the body of work in this area and will assist in the ongoing debate and growing impetus for a more effective complaints handling system.

The Government welcomes the Committee’s endorsement of its judicial appointments processes. The Government has improved processes for appointing judicial officers to the federal courts by implementing more transparent processes. While recognising the quality of the Australian judiciary, transparency and merit based appointments have strengthened the quality of appointments and ensured that the process is fair and effective. The Attorney-General has received significant support and positive feedback regarding the implementation of the new processes.
The Government also welcomes the Committee’s support of the work currently underway in relation to judicial complaints handling. A transparent, impartial and accountable system of judicial complaints handling has the potential to enhance public confidence in the administration of justice, and ultimately, to strengthen the judiciary itself. At the request of the Attorney-General, the Standing Committee of Attorneys-General (SCAG) has established a working group to examine the feasibility of a national judicial complaints handling mechanism.

Recommendation 1

2.9 The committee recommends that the High Court of Australia adopt a written complaint handling policy and makes it publicly available, including on its website, within 1 month of the tabling of this report.

The Government notes this recommendation. The implementation of this recommendation is a matter for the High Court of Australia.

The Attorney-General received a letter from the Chief Justice of the High Court of Australia dated 17 December 2009 in which his Honour stated:

Section 72 of the Constitution provides that the Justices of the High Court shall not be removed from office ‘except by the Governor-General in Council, on an address from both Houses of the Parliament in the same session, ... on the ground of proved misbehaviour or incapacity’.

There is no statutory or other basis for establishing any procedure for ‘handling complaints’ against Justices of the High Court. Because it seems inevitable that any question as to the constitutional validity of procedures of that kind would come to this Court for decision, the Court will make no further comment on the issue.

Recommendation 2

2.19 The committee recommends that, following consultation about the best way to achieve this, all federal courts publish quarterly complaint handling summary status reports on their websites recording the number of complaints received and, in relation to each complaint, the date it was received, the nature of the complaint, the date on which it was resolved and a summary of any action taken in response to the complaint.

2.20 The committee recommends that no personal details of either the complainant or judicial officer be identifiable from these reports.

The Government notes this recommendation. The implementation of this recommendation is a matter for each of the federal courts.

Recommendation 3

3.23 The committee recommends that when the appointment of a federal judicial officer is announced the Attorney-General should make public the number of nominations and applications received for each vacancy.

3.24 If the government or department prepared a short-list of candidates for any appointment, the number of people on the list should also be made public.

The Government accepts this recommendation in part. The Government proposes that on the announcement of the appointment of federal judicial officers, the number of nominations and applications received (if sought) would be included in the announcement.

Recommendation 4

3.72 The committee recommends that the process for appointments to the High Court should be principled and transparent. The committee recommends that the Attorney-General should adopt a process that includes advertising vacancies widely and should confirm that selection is based on merit and should detail the selection criteria that constitute merit for appointment to the High Court.

The Government accepts this recommendation in part. Appointments to the High Court are made on merit having regard to the qualifications for appointment in section 7 of the High Court of Australia Act 1979.

The Government agrees with the Committee’s observation that the special position of the High Court means that an identical judicial appointments process to that used in other courts is not appropriate.
The Government will continue to consult widely on all appointments. With respect to appointments to the High Court, the Attorney-General will continue to invite nominations for appointment from a broad range of individuals and organisations and from State Attorneys-General (as required under section 6 of the High Court of Australia Act 1979).

In light of the high profile nature of appointments to the High Court, and that most of the candidates will themselves be known to Government, advertising vacancies will achieve little in addition to the broad consultation detailed above.

Recommendation 5

4.27 The committee recommends that all jurisdictions set a nationally consistent compulsory retirement age for judicial officers and encourages each jurisdiction to implement it within the next 4 years.

The Government does not accept this recommendation.

The retirement age for all federal courts is the maximum permitted by the Constitution. There is no proposal to amend section 72 of the Federal Constitution.

The compulsory retirement age for State and Territory judicial officers is a matter for each State and Territory.

Recommendation 6

4.28 The committee recommends that at the next Commonwealth referendum section 72 of the Constitution should be amended in relation to the compulsory retirement age for judges to provide that federal judicial officers are appointed until an age fixed by Parliament.

The Government does not accept this recommendation.

As noted in relation to Recommendation 5, there is no proposal to amend section 72 of the Constitution.

Recommendation 7

4.64 The committee recommends that the High Court of Australia Act 1969 (Cth) prohibition on federal judges holding another office of profit be retained.

The Government accepts this recommendation.

Recommendation 8

4.70 The committee recommends that by 30 June 2010 the Attorney-General develop and implement a protocol that provides guidelines to federal courts for the appropriate use of short and long term part-time working arrangements for judicial officers.

Recommendation 9

4.71 The committee recommends that the Attorney-General present the protocol to the Standing Committee of Attorneys-General for consideration at the first meeting after 30 June 2010.

The Government notes recommendations 8 and 9.

The Federal Magistrates Act 1999 provides that a Federal Magistrate (other than the Chief Federal Magistrate) may hold office on a part-time basis if their commission of appointment so specifies, although no Federal Magistrate has been appointed on a part-time basis to date.

The High Court of Australia Act 1979, the Federal Court of Australia Act 1976 and the Family Law Act 1975 do not provide for the appointment of judges on a part-time basis. There is no proposal to amend these Acts to provide for part-time appointments at this stage.

Recommendation 10

7.82 The committee recommends that the Commonwealth government establish a federal judicial commission modelled on the Judicial Commission of New South Wales.

The Government notes this recommendation.

The Government is currently working within SCAG to consider possible models for a national mechanism for judicial complaints handling. A range of options are being considered including adopting a consistent set of rules, procedures and standards and the establishment of an appropriate complaints handling body.

A federal mechanism could be either an interim step or complement a national mechanism. The SCAG working group’s recommendations will assist the Commonwealth Government’s consideration of an appropriate federal mechanism.
Recommendation 11

7.83 The committee recommends that this new judicial commission include the three functions of complaints handling, assisting courts to achieve consistency in sentencing and judicial education.

The Government notes this recommendation. As outlined in relation to recommendation 10, the Government is working within SCAG on a range of options.

Recommendation 12

7.84 The committee recommends that the functions currently fulfilled by the National Judicial College of Australia be incorporated into the new judicial commission.

The Government notes this recommendation. As outlined in relation to recommendation 10, the Government is working within SCAG on a range of options.

Recommendation 13

7.85 The committee recommends that within 12 months the government undertake planning and budgetary processes necessary for the establishment of this commission.

The Government notes this recommendation. As outlined in relation to recommendation 10, the Government is working within SCAG on a range of options.

Recommendation 14

7.86 The committee recommends that within 18 months the government introduce a bill to establish the new judicial commission.

The Government notes this recommendation. As outlined in relation to recommendation 10, the Government is working within SCAG on a range of options.

Recommendation 15

7.87 The committee recommends that recommendations 10 to 14 above are implemented subject to any constitutional limits and in consultation with the federal courts.

The Government notes this recommendation. In the consideration of judicial complaints handling mechanisms at both the SCAG and federal levels, the Government has been mindful of the Constitutional protections on judicial independence. This has included drawing on assistance from the Special Committee of Solicitors-General and the Commonwealth Solicitor-General.

The Attorney-General, in a speech to the Annual Conference of Supreme and Federal Court Judges on 25 January 2010, invited all judicial officers to engage positively with the issue and to have input into proposals as they are developed.

Recommendation 16

7.96 The committee recommends that as soon as possible, and no later than, 30 June 2010 the government:

- implement a federal process enabling it to establish an ad hoc tribunal when one is needed to investigate complaints of judicial misconduct or incapacity;
- establish guidelines for the investigation of less serious misconduct or incapacity issues; and
- implement the Family Court and Federal Magistrates Court proposal for an oversight committee.

The Government notes this recommendation. As outlined in relation to recommendation 10, the Government is working within SCAG on a range of options for handling complaints against judicial officers.

The proposal raised by Chief Justice Bryant and Chief Federal Magistrate Pascoe for an oversight committee, to assist heads of jurisdictions in the investigation of complaints, is currently being considered by the Government.

Ordered that the annual report of the Department of the Senate and the report of the Environment and Communications References Committee be printed.

Department of the Senate: Travel

The Acting Deputy President—
I table documents providing details of travelling allowance payments made by the Department of the Senate to senators and members for the period 1 July 2009 to 30 June 2010, and travel expenditure for the Department of the Senate for the same period.

Response to Senate Resolution

The Acting Deputy President—
I present a response from the Minister for
Sustainability, Environment, Water, Population and Communities to a resolution of the Senate of 23 June 2010 concerning mobile phone chargers.

DELEGATION REPORTS
Parliamentary Delegation to United Kingdom, Ireland and Italy

The ACTING DEPUTY PRESIDENT (Senator Pratt) (6.00 pm)—I present the report of the official visit of the President of the Senate to the United Kingdom, which took place from 15 to 22 April 2010. I also present the report of the Australian parliamentary delegation to Ireland and Italy, which took place from 26 June to 12 July 2010.

PARLIAMENTARY SERVICE COMMISSIONER
Annual Report

The ACTING DEPUTY PRESIDENT (Senator Pratt)—I present the annual report of the Parliamentary Service Commissioner for 2009-10.

COMMITTEES
Rural and Regional Affairs and Transport References Committee
Report

Senator PARRY (Tasmania) (6.00 pm)—On behalf of Senator Heffernan, I present the report of the Rural Affairs and Transport References Committee on matters referred to the committee during the previous parliament.

Ordered that the report be adopted.

Legal and Constitutional Affairs Legislation Committee
Report

Senator MOORE (Queensland) (6.01 pm)—On behalf of Senator Crossin, I present the report of the Legal and Constitutional Affairs Legislation Committee on the visit to Indonesia and Singapore, from 5 to 9 July 2010, as part of the committee’s inquiry into counterterrorism.

Ordered that the report be printed.

CARER RECOGNITION BILL 2010
CIVIL DISPUTE RESOLUTION BILL 2010
FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT BILL 2010
INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (No. 2) 2010
NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS SCHEME) BILL 2010
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS MANAGEMENT AMENDMENT BILL 2010
PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT BILL 2010
PROTECTION OF THE SEA LEGISLATION AMENDMENT BILL 2010
SUPERANNUATION LEGISLATION AMENDMENT BILL 2010
TELECOMMUNICATIONS INTERCEPTION AND INTELLIGENCE SERVICES LEGISLATION AMENDMENT BILL 2010
TRADEX SCHEME AMENDMENT BILL 2010
VETERANS’ AFFAIRS AND OTHER LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2010
NATIONAL SECURITY LEGISLATION AMENDMENT BILL 2010
PARLIAMENTARY JOINT COMMITTEE ON LAW ENFORCEMENT BILL 2010
OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE
LEGISLATION AMENDMENT
(MISCELLANEOUS MEASURES)
BILL 2010

OFFSHORE PETROLEUM AND
GREENHOUSE GAS STORAGE
(SAFETY LEVIES) AMENDMENT
BILL 2010

First Reading

Bills received from the House of Representatives.

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Minister Assisting the Minister for Tourism) (6.05 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 these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Minister Assisting the Minister for Tourism) (6.06 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

Carer Recognition Bill 2010

This bill is the Government’s commitment to enshrine in law the Australian Government’s national recognition of the exceptional contribution made by hundreds of thousands of carers across the country.

Every day they sustain and support the people they care for.

And through their dedication and hard work they enrich community life and are an inspiration to us all.

I am certain that every member in this place, representing electorates from the bush to the city, understands only too well the challenges and the sacrifices that come with the job of caring.

It’s a job where you can’t knock off at five o’clock – or six or seven. No public holidays.

No annual leave, no time off when you’re sick.

Mr Speaker, this Bill recognises in legislation the contribution by the mums and dads, the grandparents, the sons and daughters, the brothers and sisters and partners who every day get on with the job of caring.

We are determined to give carers the acknowledgement of their role that they have asked for – and which they so clearly deserve.

Last year, carers told us they wanted greater acknowledgement and increased recognition.

This message came through loud and clear when the House of Representatives Standing Committee on Family, Community, Housing and Youth tabled its report, Who Cares? Report on the inquiry into better support for carers.

Central to the Government’s response to this Inquiry was a commitment from the Commonwealth to lead the development of a National Carer Recognition Framework.

The National Carer Strategy will deliver on this commitment and will place the needs of carers at the centre of government policy so that they have the same opportunities as other Australians to live healthy, happy lives and reach their full potential.

This Bill is the first element of the Framework.

It formally acknowledges the vital contribution that carers make to Australian society and complements carer recognition legislation already in place in some States and Territories.

There are several key elements to the Bill.

Firstly, the Bill establishes a broad and encompassing definition of carer. This definition captures the diversity of carers and care relationships.
Secondly, the Bill sets out a Statement for Australia’s Carers. The Statement contains ten key principles that set out how carers should be treated and considered in policy development and program and service delivery. This includes the fundamental principle that all carers should have the same rights, choices and opportunities as other Australians. All public service agencies will be required to take all practicable measures to ensure their staff have an awareness and understanding of the principles in the Statement. This includes a direction that all public service agencies should have due regard to the Statement for Australia’s Carers when developing human resource policies that significantly affect an employee’s caring role. Public service agencies with responsibility for policies, programs and services that affect carers and the people that they care for will have additional obligations under the legislation. These agencies need to ensure that their staff take action to reflect the Statement’s principles when developing, implementing, providing or evaluating policies, programs or services directed to carers or the people for whom they care. These agencies will also be required to consult with carers, and the bodies that represent them, in the development and evaluation of relevant policies, programs and services. And they will be required to report publicly, in their annual reports, on their compliance with their obligations under the legislation. Critically, the legislation also extends to associated providers, people or bodies contracted or funded by Australian Government public service agencies with responsibility for policies, programs and services that affect carers and the people that they care for, and their immediate subcontractors. These associated providers will need to ensure staff and agents have awareness and understanding of the Statement’s principles and take action to reflect the principles when they develop, implement, provide or evaluate policies, programs or services. The Bill supports the work the Government is undertaking to reform the system of supports for carers and the people for whom they care. It recognises that carers should have the opportunities and the capability to enjoy optimum health and wellbeing, and social and economic participation. Implementation of the Bill will drive increased awareness and understanding of the role and contribution of carers. As well as a much-needed cultural and attitudinal shift so that carers’ interests are taken into account by public service agencies and service providers. Raising the status and profile of the caring role builds on the Government’s practical measures to improve the lives of carers. Members will also be aware that Government has commissioned a Productivity Commission inquiry to examine the feasibility, costs and benefits of a National Long-term Disability Care and Support Scheme that would provide an entitlement to services over a person’s lifetime, with a focus on early intervention. This is a complex area that has the potential to transform the lives of people with disability and their carers – a transformation I am sure you all will agree will be for the better. The Productivity Commission has been asked to report their findings to the Government in July 2011. But, Mr Speaker, we know there is still much more to be done to achieve our vision of a fairer Australia for carers. Which is why, as part of the National Carer Recognition Framework, we are developing the National Carers Strategy to be delivered early next year. Working with the States and Territories, the National Carers Strategy will shape our long-term agenda for reform. It will guide policy development and the delivery of services by government agencies and non-government organisations that work with carers. The National Carer Strategy will include many of the issues raised by carers through the Inquiry into Better Support for Carers.
We have already identified that the strategy will consider, among other things, the training and skills development needs of carers and the adequacy of case management and care coordination for carers.

Addressing the needs of young carers and carers in rural and remote communities will be also be key priorities of the Strategy.

Mr Speaker, this Bill is the first part of a fundamental reform process for carers through the National Carer Recognition Framework.

It recognises in law, the valuable social and economic contribution, as well as the many personal sacrifices that carers make.

Civil Dispute Resolution Bill 2010

I am pleased today to introduce the Civil Dispute Resolution Bill 2010 into the Parliament.

The Bill encourages parties to take genuine steps to seek to resolve their dispute where possible, before commencing proceedings in the Federal Court or Federal Magistrates Court. It builds upon the enhanced case management powers that were legislated by this Government in the previous Parliament.

The Bill will encourage parties to turn their minds to the issues in dispute, the outcomes they are seeking and how this can best be achieved before commencing litigation.

Launching into litigation is not always the best approach. Parties can benefit from exchanging information, narrowing the issues in dispute and exploring options for resolution will lead to more matters being settled by agreement earlier on, before significant costs have been incurred and positions become entrenched. Even if matters progress to court, costs will be saved as the issues in dispute will be better understood and narrowed.

The Bill is a further step to moving from the adversarial culture of litigation to one where resolution is actively sought. Of course, not all matters can be resolved, and some do need the clarity of a judicial ruling. However, the general aim of considering resolution where possible should be fostered. In doing so, this Bill does not undermine the critical role of the courts as ultimate adjudicators of legal issues. Equally, courts are already taking a modern approach and actively promoting judges to facilitate agreements between parties, for example through court-referred ADR. This Bill does not displace those processes, but encourages parties to genuinely negotiate before commencing litigation. A further aim of the legislation is to encourage lawyers to fully inform clients about options to resolve disputes and alternatives to legal action.

The Bill does not introduce mandatory ADR or prescriptive or onerous pre-action protocols, nor does it prevent a party from commencing litigation. It is deliberately flexible in allowing parties to tailor the genuine steps they take to the circumstances of the dispute. In doing so, it encourages parties to genuinely turn their minds to what they can do to attempt to resolve the matter.

I am pleased that other jurisdictions are taking a similar approach. I note the passage of the Civil Procedure Bill 2010 in Victoria, and the consideration by the NSW Attorney-General of recommendations made in the Blueprint for Alternative Dispute Resolution. It is heartening that other jurisdictions are seeking to take similar measures.

I commend the Bill.

Food Standards Australia New Zealand Amendment Bill 2010

I am very pleased today to be introducing the Food Standards Australia New Zealand Amendment Bill 2010 which implements a reform agreed to by the Council of Australian Governments on 3 July 2008.

This amendment reflects the Government’s strong commitment to microeconomic reform. In particular this amendment supports the goal of reducing the level of unnecessary or poorly designed regulation, with its resulting negative impact on Australian business.

While regulation is essential for the proper functioning of society and the economy, the challenge for government is to deliver effective and efficient regulation. In doing this, we must ensure that the regulation is effective in addressing an identified problem, and that it does this in a way that is not unduly onerous or duplicative in nature.
This amendment is part of a package of reforms being pursued by the Government in relation to the regulation of chemicals and plastics, which followed a study by the Productivity Commission in 2008. The reforms have been agreed to by all States and Territories through COAG as part of the “Seamless National Economy” reform agenda.

Specifically, this reform will address the delay and uncertainty for users of agricultural and veterinary chemicals, who are typically primary producers, which results from overlapping regulatory responsibilities for setting maximum residue limits of chemicals allowed to be present in food.

Under the existing arrangements, both the Australian Pesticides and Veterinary Medicines Authority (APVMA) and Food Standards Australia New Zealand (FSANZ) have a role in establishing safe limits for agricultural and veterinary chemical residues. The APVMA does this in the course of issuing registrations and permits for agricultural and veterinary chemical products. FSANZ, with its role in establishing and maintaining food standards, is responsible for incorporating maximum residue limits into the Food Standards Code. Both regulatory systems are charged with the protection of public health and safety. Both rely on rigorous scientific assessment. But while both systems work well to ensure the safety of Australians, the overlapping regulatory responsibilities of the two agencies lead, in certain circumstances, to significant delays in decisions which mean a product might be grown on a farm but cannot be sold as a food for some months later.

This results from the time-lag of nine to twelve months which occurs between when the APVMA establishes a maximum residue limit in relation to an agricultural or veterinary chemical product, and when FSANZ is able to effect a corresponding modification to the Food Standards Code.

Amendments to the Food Standards Australia New Zealand Act 1991, designed to improve the operation of the food regulation system in response to consumer, industry and government feedback, were most recently made in 2007. These included changes intended to streamline the process for establishing maximum residue limits in the Food Standards Code. The amendments achieved a modest reduction in the timelines for modifying the Food Standards Code, through giving FSANZ early notice of any applications to the APVMA for chemical products that would be likely to result in a change to a maximum residue limit. However, the 2007 amendments did not address the fundamental problem with setting maximum residue limits: the duplication of the scientific assessment and decision making process, and the resulting significant time delay for primary producers.

The amendments I am presenting to you today will fix this problem once and for all, by streamlining the decision making process for determining maximum residue limits. Under the new system, if the APVMA makes a decision on setting a maximum residue limit, in the course of approving a chemical product registration or permit application, then the APVMA can use that decision to vary the maximum residue limits Standard in the Food Standards Code. FSANZ, as the scientific experts in food safety, will retain responsibility for the dietary modelling that the APVMA will rely on to establish safe chemical residue limits. These amendments will not jeopardise the protection of public health and safety in any way. In over ten years of the system’s operation, there has never been an occasion where FSANZ has not adjusted the Food Standards Code in line with the maximum residue limits set by the APVMA. Instead, these amendments reduce duplicative administrative processes, and herald a new era of better integration of the roles of the two regulatory agencies.

All States and Territories, which are partners in the joint food regulation system, have been consulted on the Bill and are committed to ensuring the system continues to protect public health and safety, whilst also promoting improvements in regulatory efficiencies.

International Tax Agreements Amendment Bill (No. 2) 2010

Today I introduce the bill to give the force of law to the second protocol to the tax treaty with Singapore which will upgrade the exchange of information provisions in that treaty to the internationally agreed tax standard.
The government is a global leader in the implementation of the international standard of tax transparency. In line with this standard, the upgraded exchange-of-information provisions in the protocol between Australia and Singapore will allow the tax authorities of both countries to exchange a wider range of information on a wider range of taxes.

In particular, the new provisions will provide that neither tax administration can refuse to provide information solely because it does not require the information for its own domestic purposes or because the information is held by a bank or similar institution.

The government has taken an important leadership position to promote international cooperation to combat cross-border tax evasion. The enhanced provisions in the second protocol to the tax treaty with Singapore are an important tool in Australia’s efforts in this regard, by increasing the probability of detection when taxpayers participate in abusive tax arrangements. The protocol will further facilitate the prevention of tax evasion by facilitating the exchange of information that predates the protocol.

The Joint Standing Committee on Treaties has considered this protocol and has recommended that binding treaty action be taken.

Full details of the amendments brought forward in the bill are contained in the explanatory memorandum.

National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2010

The National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2010 will amend the National Health Act 1953 (the Act) to achieve a more efficient and sustainable Pharmaceutical Benefits Scheme (PBS), better value for money for Australian taxpayers, and policy stability for the pharmaceutical sector.

The Bill underpins the Gillard Government’s commitment to reform of Australia’s health system, by ensuring that every precious health dollar is used as effectively as possible.

The Bill also embodies an historic level of cooperation and collaboration between the Government and the pharmaceutical industry, represented by Medicines Australia. Through jointly negotiating these reforms, the Government and the industry will help ensure the sustainability of the PBS for years to come.

The Bill sets out new PBS pricing arrangements aimed at reducing growth in PBS expenditure, ensuring access to quality medicines at lower cost to the taxpayer, and providing certainty to the pharmaceutical industry in relation to PBS pricing policy.

The PBS plays a vital role in Australia’s health system, particularly for the prevention and management of chronic disease, and for the treatment of life threatening conditions. The PBS provides reliable and timely access to a wide range of medicines at a cost individuals and the community can afford.

In the coming years, medicines will continue to be a significant and growing component of health expenditure. Since the previous major pricing reforms in 2007, the growth rate for PBS expenditure has increased from 4.3 percent in 2006/07 to an estimated 10.5 percent for the 2009/10 financial year.

The Report to Parliament on the 2007 PBS Reforms warned that the cost of the PBS is projected to grow significantly over the next few years. While those earlier reforms will provide more savings than originally estimated, these will be more than outweighed by higher growth in PBS costs. The PBS Reform Report estimates that PBS costs will reach $13 billion in 2018, compared to about $9 billion in 2010.

For the PBS to continue to provide access to medicines, increases in costs need to be managed. The viability of the medicines industry in Australia also needs to be maintained.

To this end, the Government has entered into a four year Memorandum of Understanding with Medicines Australia. Medicines Australia represents over 50 companies, which together account for 86 percent of total annual PBS expenditure and nearly 60 percent of sales of off-patent medicines.

The Memorandum of Understanding (MOU) sets out the negotiated pricing reforms which are the subject of the Bill, and the policy innovations that
will be introduced to improve the pathway for subsidy of medicines under the PBS.

Under the MOU, the Government will provide the industry with pricing certainty over the next four years. In return for implementing new pricing arrangements that are the subject of this Bill, the Government will undertake not to introduce further new policy to generate price-related savings from the PBS over the life of the MOU. This will provide stability to the industry, helping to foster investment and availability of new and innovative drugs in Australia, such as the $50 million biotech investment in Queensland announced by Eli Lilly in June this year.

Further process and policy changes for the listing of PBS medicines under the MOU will reduce red tape and further foster the availability of new medicines in Australia.

Under the MOU, the PBS will continue to support access to subsidies for new and innovative products. Price reductions are achieved as a result of competition between brands in the market, within a framework of policy certainty. These are good outcomes for all sectors of the medicines industry and for the Australian community in general.

The amendments in this Bill propose a significant broadening of current pricing arrangements which were originally introduced as part of the 2007 PBS Reforms.

The proposed changes to pricing policy recognise that competitive pricing already exists in the market for many PBS-subsidised medicines. The changes acknowledge that Australian taxpayers should be benefiting from that competition and the lower prices that result from it.

The principles which underpin existing price setting and maintenance mechanisms for PBS medicines will continue. In particular, the general separation of medicines between the pricing formularies for single brand drugs (F1), and drugs where there is competition (F2), will be maintained.

The application of price disclosure will be accelerated and expanded to include all drugs in the F2 formulary.

Price disclosure allows market forces to play a part in PBS pricing. Competition between pharmaceutical companies to gain market share for their products can result in significant discounting to pharmacies. The actual price of a brand of medicine may be much less than the Government PBS subsidy price.

Under price disclosure arrangements, pharmaceutical suppliers are required to advise the Government of the price at which PBS medicines are sold into pharmacies. The information is used as the basis for possibly adjusting the price for all brands of a medicine to the weighted average price. Price disclosure ensures that, over time, Government prices reflect more closely actual market prices. This is a fairer deal for taxpayers.

Since it was first introduced in 2007, price disclosure has only been applied to medicines after a new brand lists.

Under these further pricing reforms, price disclosure will become mandatory from 1 December 2010 for all drugs on the F2 formulary. This will increase the number of brands subject to price disclosure from 162 to over 1,600 brands.

The Bill also provides that, for the cycle commencing on 1 December 2010, an average price reduction of at least 23 percent is to be achieved across all the brands in that cycle. These price reductions will occur on 1 April 2012 and represent a very large saving in PBS costs. In the event that the price reductions delivered under the normal operation of price disclosure do not yield an average of a 23 percent price reduction across the formulary, prices for medicines in this cycle will be reduced a little further to achieve the required 23 percent reduction overall. However, this provision will only apply to the price disclosure cycle commencing on 1 December 2010, and no medicine will be reduced to less than the lowest disclosed price for a brand of that medicine.

Expanding price disclosure is a fair and equitable way of achieving value for money for PBS medicines. It allows competition to play a real part in pricing for the PBS and allows taxpayers to benefit from discounting practices in the market. Companies can continue to compete for market share for their products as prices are generally reduced to the weighted average price, and not the lowest price.

In addition, under the further pricing reforms being introduced today, all medicines on F2 will
experience a price reduction of two or five percent on 1 February 2011. The level of price reduction for each medicine reflects the level of discounting the medicine has been experiencing in the market.

In a further reform, the price reduction that occurs when the first new brand of a PBS medicine is listed will increase from the current 12.5 percent, to 16 percent as of 1 February 2011. Medicines that have already taken a 12.5 percent price reduction will not be required to take the balance of the 16 percent price reduction.

It is also important to note that the reforms embodied in this Bill preserve features of the PBS that make it such a valued part of Australia’s health system.

Under the new pricing arrangements, medical practitioners will continue to be able to prescribe PBS medicines that are clinically appropriate. The robust process for listing new medicines on the PBS will continue. Only medicines recommended by the Pharmaceutical Benefits Advisory Committee (PBAC) will be considered for listing by the Government.

There will be no extra costs for patients. Some non-concessional patients may pay less, for example, where price reductions cause the price of a medicine to fall below the general co-payment amount. My Report to Parliament on the 2007 PBS reforms estimated that consumers will benefit from those reforms via direct reductions in prices for some prescriptions by $600 to $800 million over the ten years to 2018. The additional direct saving to consumers from these new measures is independently estimated to double this previous estimate, to save general patients an average of almost $3.00 per prescription.

To support awareness of brand choice under the PBS, the Government will invest $10 million, through the National Prescribing Service, to provide factual information to inform consumers that generic medicines are an equal choice in terms of quality and effectiveness, and that some brands of a medicine may cost less than others.

The Bill does not prevent the generic medicines industry from competing for a growing share of PBS scripts. In 2008-09, member companies of the Generic Medicines Industry Association had a share of 33.8 per cent of PBS scripts, up from 27 per cent in 2005-06. Generic manufacturers will also benefit from some $2.3 billion worth of medicines coming off patent over the next 12 years.

The proposed amendments to the Act will also streamline the way drugs are listed for supply under section 100 arrangements. Section 100 of the National Health Act applies to certain specialised medicines with specific supply arrangements, such as chemotherapy or HIV/AIDS medicines. The amendments will make clear how general PBS provisions apply to drugs supplied under those arrangements. The power to make special arrangements under section 100 will be clarified and broadened.

The wider scope of section 100 will mean arrangements such as the revised Intravenous Chemotherapy Supply Program announced in the 2010-11 Budget can be made. Under the new chemotherapy arrangements, the method for supply and pricing of combinations of vials required for single infusions will reduce unnecessary wastage of these expensive chemotherapy drugs. As a result, savings of around $75.4 million are expected over the next four years.

In addition, the Bill contains provisions that address gaps in the current PBS prescription data captured by Medicare Australia. Currently, community and hospital pharmacies supplying PBS medicines only provide data for PBS prescriptions for which the Commonwealth pays a subsidy. The changes being introduced will result in data also being provided for prescriptions when a subsidy is not paid – that is, under co-payment data. For these ‘under co-payment’ prescriptions, the cost to patients is below the co-payment amount, currently $33.30 for general patients. The collection of this information, in common with all other PBS prescription data, will give the PBAC and others a more complete picture of PBS medicine prescribing, dispensing and usage. Provision for this change is also included under the Fifth Community Pharmacy Agreement announced in this year’s Budget.

This Bill also makes explicit price reductions related to the 25 percent staged reductions that were put in place at the time of the 2007 PBS Reform. Price reductions required on listing of a
new brand of a drug affected by staged reductions are currently occurring administratively and through serial amendments to Regulations. Including these reductions in the Act will make the provisions clearer for industry and easier to administer.

In conclusion, the reforms in this Bill provide a firm basis for achieving a more efficient and sustainable PBS while, at the same time, providing a period of certainty to industry in relation to medicines pricing policy.

The reforms have been collaboratively and closely negotiated with the pharmaceutical industry to provide benefits for taxpayers and stability for the sector. I would like to acknowledge the important role of Medicines Australia in developing this package of reforms for the benefit of all Australians.

Consumers will pay no more for their medicines, and some may pay less. A choice of medicines and brands will still be available. Medical practitioners will be able to prescribe medicines that are clinically appropriate.

Australians will benefit as consumers and taxpayers from a more sustainable PBS through lower prices for medicines and access to new medicines sooner.

I commend the Bill.

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Ozone Protection and Synthetic Greenhouse Gas Management Amendment Bill 2010

The Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 (the Ozone Act) gives effect to Australia’s international obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer and the United Nations Framework Convention on Climate Change, to phase out the use of ozone depleting substances and to minimise the emissions of synthetic greenhouse gases.

The Bill will improve the effectiveness of the Act by introducing a civil penalty and infringement notice scheme and will address a number of issues that have arisen from the practical application of the Act and its subordinate legislation.

The most significant amendment made to the Act is in relation to the compliance and enforcement framework.

The Act currently contains several criminal offences for breaches of the legislation.

For example, the Act and regulations prescribe a number of conditions that must be met by holders of the various permits and licences.

Currently, the only penalty available for breach is the suspension or cancellation of a permit.

This would mean a permit holder could no longer run their business – irrespective of the severity or nature of the breach.

The Bill will introduce a civil penalties regime so that there will be for each offence, an equivalent civil penalty provision.

Other enforcement measures include the ability to issue infringement notices for some offences under the Act.

These measures will ensure that appropriate action can be taken in respect of breaches of the Act.

The Bill includes measures to improve the enforcement of the Act.

As it stands the Act is difficult to enforce, and after 20 years of operation is out of date.

The Bill improves the qualification and conduct requirements for inspectors and clarifies the role of the Minister in compliance under the Act.

The Bill will clarify the powers of inspectors, to allow for them to assess on site if a breach has occurred.

In limited circumstances, an inspector may be assisted. This acknowledges the expertise required to undertake an effective search under the Act.

There are also new provisions in the Act setting out the rights of private individuals, for example, the procedural aspects relating to the collection, handling and return of evidence and warrants and notices for seized and forfeitable material.

The Bill also fully articulates the way material seized or collected under the Act is to be treated—be it returned, used as evidence in a civil or criminal proceeding or forfeited to the Commonwealth.
Although these provisions are new within the Act they are consistent with other Commonwealth legislation.

When stored in bulk, ozone depleting substances and synthetic greenhouse gases are stored in pressurized containers. Where an inspector finds an unsafe container, they can make an application to the Secretary of the Department to have the container dealt with appropriately—including its destruction.

The Bill also amends provisions relating to forfeiture of goods, removing the nexus between conviction and forfeiture. The amendment is necessitated by the inclusion of civil penalties as, without this amendment, forfeiture cannot flow from a civil penalty order.

As a result, the forfeiture provisions in the Act will be amended and expanded, to ensure the system works and has appropriate checks and balances to protect private individuals and companies. As with other amendments covered in this Bill, although these provisions are new they are consistent with other Commonwealth legislation.

There are new offences in the Bill that arise from amendments to the compliance and enforcement framework. The offences relate to moving, altering or interfering with evidence that has been secured, but not yet seized, in the course of a search to monitor compliance with the Act.

These provisions have been introduced to ensure that seizure is done only under warrant—as is appropriate. Criminal provisions have also been introduced to protect the process of obtaining a warrant. While this is a new offence under this Act, it is a procedural offence common to other Commonwealth legislation.

The Bill also amends existing penalties to align penalties in the Act with comparable provisions in Commonwealth legalisation and to ensure they reflect the seriousness of the offence and provide an adequate disincentive.

The Bill will make several minor amendments to ensure the Act is administratively effective and simple for the covered industries.

The Bill will ban the import and manufacture of hydrochlorofluorocarbon refrigeration and air conditioning equipment in order to support Australia’s phase out of hydro-chloro-fluoro-carbons, or HCFCs, mirroring the successful approach taken to phase out chloro-fluoro-carbons in the mid-1990s.

This policy was widely consulted with industry and is appropriate considering the status of the technology in this industry. A ban is currently imposed for air conditioning equipment containing HCFCs as a licence condition. The Bill, however, also provides that exemptions to the ban can be made through regulations, to address cases where a ban would be impractical.

Several minor amendments will be made to the way licences are administered. In light of the introduction of the civil penalty regime, civil penalties can be taken into account when deciding to grant, cancel or suspend a licence under the Act.

The time limits for reporting under the Act will also be amended to allow for flexible and robust reporting.

Licence periods for the import of pre-charged equipment, for example, a domestic refrigeration unit, will also be altered to reduce cost for the licence holder. The matters to which the minister may have regard are also being amended in light of the new civil penalty regime.

In closing, this Bill will strengthen Australia’s implementation of our international commitments to phase out the use of ozone depleting substances and to minimise the emissions of synthetic greenhouse gases, through industry-supported and sensible regulation.

Primary Industries (Excise) Levies Amendment Bill 2010

The Primary Industries (Excise) Levies Amendment Bill 2010 amends the Primary Industries (Excise) Levies Act 1999 to increase the maximum allowable levy rate cap on the research and development component of the laying chickens levy from 10 to 30 cents per laying chicken.

Australian Egg Corporation Limited has requested on behalf of the egg industry that its operative research and development levy rate be increased from 10 cents to 13.5 cents per laying chicken. To meet this request, a change to legislation is required as there is currently a maximum allowable cap of 10 cents under the Act.
The egg industry put forward this proposal to assist it in expanding the research and development objectives outlined in its 2008-12 Strategic Plan. The industry undertook an extensive period of debate and consultation in coming to its recommendation to increase its levy rate. The decision was ultimately put to a vote, conducted from December 2008 to January 2009, where egg producers representing almost 80% of the industry’s production supported this change. The Government has endorsed this recommendation from industry.

The Government has decided to increase the cap from 10 to 30 cents at this time to cover potential future levy increases that the industry may seek to accommodate for its new strategic directions and the impacts of inflation. Any change to the operative rate within the cap will require the industry to demonstrate compliance with the Levy principles and guidelines, particularly to demonstrate industry support for any change. It would then need to be approved by the Minister for Agriculture, Fisheries and Forestry, with the necessary regulations then put to the Federal Executive Council and tabled in Parliament. Following the passage of this Bill, the Government intends to put forward amendments to the Primary Industries (Excise) Levies Regulations 1999 to give effect to the levy increase to 13.5 cents per laying chicken.

Australia’s primary industries have a strong tradition of being innovative and adaptive. The Government’s investment in research, development and innovation for agriculture, fisheries, forestry and food is vital for ongoing growth and improvement in the productivity, profitability, competitiveness and sustainability of Australian Primary Industries. Levies provide an effective system to support this. The Government remains committed to supporting jobs in rural industries through increasing productivity and vital research and development, including the egg industry.

Protection of the Sea Legislation Amendment Bill 2010

Today, I am introducing into the Parliament, the Protection of the Sea Legislation Amendment Bill.
limits the emission of sulphur oxides by limiting the sulphur content of fuel oil and prohibits the deliberate emission of ozone depleting substances from ships.

Amendments to Annex VI, which were agreed to by the IMO in October 2008, entered into force on 1 July 2010. The main effect of these amendments is to provide for a progressive reduction in the permitted sulphur level in fuel oil used in ships.

The current maximum sulphur content of 4.5% will be reduced to 3.5% from 1 January 2012. Subject to a review to be conducted in 2018 by the IMO, it is further proposed that the sulphur content of fuel oil be reduced to 0.5% from 1 January 2020.

The IMO has agreed that some parts of the seas which are close to heavily populated areas be designated as Emission Control Areas. An Emission Control Area is an area in which there is a proven need for a further reduction of emissions from ships for health reasons.

At present, only two areas have been designated as Emission Control Areas – the Baltic Sea and the North Sea.

The permitted sulphur content in fuels used in Emission Control Areas was reduced from 1.5% to 1% from 1 July 2010 and will be further reduced to 0.1% from 1 January 2015.

In order to implement the progressive reduction in permitted sulphur content of fuel oil, the Bill provides for the maximum sulphur content to be set by regulation.

The proposed reduction in sulphur fuel content to 3.5% from 1 January 2012 will have little practical impact on vessel operations in Australia.

That is because the average sulphur level in world-wide fuel oil deliveries and the sulphur levels in fuel refined in Australia currently fall below the 3.5% cap.

Another important aspect of this Bill is to provide protection for persons or organisations that assist in the cleanup following a spill of fuel oil from a ship.

It is essential that persons or organisations not be deterred from providing assistance following an oil spill because they think they may become liable if their actions inadvertently lead to increased pollution.

The Bill includes a so-called responder immunity provision to protect persons and organisations who respond to a spill of fuel oil from liability provided they have acted reasonably and in good faith.

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Superannuation Legislation Amendment Bill 2010

This bill amends superannuation and taxation laws to implement a range of improvements to Australia’s superannuation and tax laws.

Schedule 1 to this Bill amends the Superannuation (Unclaimed Money and Lost Members) Act 1999, and the Income Tax Assessment Act 1997 to allow State and Territory authorities and public sector superannuation schemes to transfer unclaimed superannuation to the Commissioner of Taxation.

Currently, State and Territory public sector funds typically report and pay unclaimed superannuation moneys to the relevant State or Territory authority. In contrast, private sector superannuation funds are required to pay unclaimed superannuation to the ATO.

States and Territories currently also hold a stock of private sector unclaimed superannuation which was paid to the States and Territories prior to 1 July 2007. Since that date all private sector unclaimed superannuation has been payable to the ATO.

Individuals will still be able to claim back their money from the ATO at any time.

The legislation will operate so that it only applies to those Commonwealth, State and Territory schemes that are prescribed in the regulations.

This schedule also contains amendments which will enable the ATO to subsequently pay out, and apply the correct taxation treatment to, amounts transferred from Commonwealth, State and Territory public sector schemes.

These amendments will facilitate more uniform treatment of unclaimed money across the public and the private sectors and assist in the central administration of unclaimed superannuation monies.
These amendments will have an ongoing gain to revenue, estimated to be $29.6 million over the forward estimates.

Schedule 2 to this Bill provides transitional relief for income tax deductibility of total and permanent disability insurance premiums, known as TPD insurance premiums, paid by superannuation funds. To this end, the Bill amends the Income Tax (Transitional Provisions) Act 1997, and the Income Tax Assessment Act 1997.

The transitional relief will broaden the application of the current law regarding deductibility of TPD insurance premiums for the 2004-05 to 2010-11 income years. It will allow complying superannuation funds to fully deduct TPD insurance premiums, regardless of the definition of TPD contained in the policy.

The provision of the transitional arrangements will minimise the disruption to the superannuation industry and will allow superannuation funds enough lead time to make the necessary administrative changes to apply the current law from 1 July 2011.

This is achieved by allowing, in the transitional period, broader definitions of ‘death or disability benefits’ in the Income Tax Assessment Act 1936 and ‘disability superannuation benefit’ in the Income Tax Assessment Act 1997 to the extent they relate to the deductibility of TPD insurance premiums. For the transitional relief to apply to a TPD insurance policy premium, the insured permanent disability must be one that is described in regulations made for the purposes of the transitional provisions. The content of these regulations is being developed in consultation with industry.

By way of background, superannuation funds commonly take out death and disability insurance policies to insure their risk for a liability they may incur to their members. Disability insurance taken out by superannuation funds includes TPD insurance. The current law allows superannuation funds to claim an income tax deduction for TPD insurance premiums to the extent that the policies have the necessary connection to a liability of the fund to provide disability superannuation benefits.

The amendments do not limit the operation of the current law. The current provisions of the Income Tax Assessment Act 1997 will apply throughout the transitional period. Funds who have claimed a narrower deduction pursuant to the current law will be able to choose whether to amend their assessments to claim a broader deduction.

This amendment will give certainty to the superannuation industry and allow lead time for arrangements to be put in place that will enable funds to comply with the current law upon the cessation of the transitional period. There is at least one insurance provider has developed products to meet the requirements of the law from 1 July 2011.

In addition, as announced as part of the 2010-11 Budget, the Government intends to introduce a tax deduction in relation to the provision of terminal medical condition benefits. This will be a new deduction which is consistent with retirement income policy objectives.

Schedule 3 to this Bill amends the Superannuation Industry (Supervision) Act 1993 to allow the trustee of a regulated superannuation fund to acquire an asset in-specie from a related party of the fund, following the relationship breakdown of a member of the fund.

This Schedule also amends Subdivision D of Division 1 of Part 8 of the Superannuation Industry (Supervision) Act 1993 to ensure equitable application of the transitional arrangements in relation to in-house assets where an asset transfer occurs as the result of the relationship breakdown of a member of the fund. Relationship covers those in respect of marriage, and opposite sex and same-sex de facto relationships.

These amendments will ensure that section 66 is not an impediment to separating partners achieving a ‘clean break’ from each other in terms of their superannuation arrangements, and does not discriminate against opposite-sex and same-sex de facto relationships.

Schedule 4 to this Bill makes a number of minor amendments which will:

- Allow an individual to give a notice of intent to deduct a contribution to a successor superannuation fund where the contribution was made to the original superannuation fund;
• Increase the time limit for deductible employer contributions in respect of a former employee;
• clarify that the due date of the shortfall interest charge for the purposes of excess contributions tax is 21 days after the Commissioner of Taxation provides notice of the amount payable;
• allow the Commissioner of Taxation to exercise discretion to disregard or allocate to another financial year all or part of a person’s contributions for the purposes of excess contributions tax before an assessment is issued;
• provide a regulation making power to specify additional circumstances when a benefit from a public sector superannuation scheme will have an untaxed element; and
• streamline references to the Immigration Secretary and the Immigration Department in relation to disclosure of migration and citizenship information for the legislated purposes.

These amendments will improve the operation of superannuation provisions of the income tax legislation.

Full details of the measures in this Bill are contained in the explanatory memorandum.

Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010

This Bill reintroduces measures contained in the Bill which was introduced into the House on 24 June 2010 and which lapsed when Parliament was prorogued.

The Bill amends three Acts to facilitate greater co-operation between law enforcement and intelligence agencies and removes legislative barriers to information sharing within Australia’s national security community.

Interception Assistance

Currently, under the Telecommunications (Interception and Access) Act, law enforcement agencies can seek the assistance of other law enforcement agencies in exercising an interception warrant.

This ability has enabled smaller agencies with limited interception capacity to rely on larger agencies to intercept on their behalf.

However, ASIO does not fall within the group of agencies from whom assistance can be sought.

The Bill will amend the Interception Act to enable ASIO to intercept on behalf of other agencies and to ensure that ASIO has greater flexibility to support whole-of-government efforts to protect our communities.

In assisting law enforcement agencies, ASIO will continue to be subject to the existing legislative requirements set out in the Interception Act and ASIO Act.

Other Assistance

The Bill also contains amendments to the ASIO Act and the Intelligence Services Act to enable the intelligence agencies to cooperate more closely and provide assistance to one another in a wider range of circumstances than is possible under the existing legislative framework.

This will facilitate greater interoperability in multi-agency teams and enable agencies to harness resources in support of key national security priorities.

Amendments are also included to enhance information and intelligence sharing among Australia’s national security community.

The amendments set out in this Bill retain the important accountability frameworks within which the agencies are required to operate.

Other amendments

The Bill also makes several amendments to the Interception Act that will improve the operation of that Act.

Carriers and carrier service providers will be required to inform the communications access co-ordinator of proposed changes, such as maintenance and support, that could significantly affect their ability to comply with their statutory obligation to assist interception agencies.

Early notification of such changes will avoid the need for costly alterations once a change has been implemented.

Amendments are also contained in the Bill that will support police forces to find missing persons and to solve crimes where the victim cannot be
found or cannot consent to their communications being accessed. Constraints on the disclosure of this information are also included in the Bill as there are circumstances in which missing persons may not want their location revealed. The operation of the Act will also be improved by allowing a carrier or service provider representative who has been authorised by the managing director to receive notice of the issue of an interception warrant.

Finally, the Bill makes several minor and technical changes to address formatting and typographical errors and to better reflect plain English drafting conventions.

**Conclusion**
Ensuring our national security and law enforcement agencies have the ability to respond to threats to our national security is a key priority for this Government. By shaping and supporting a national security community we will strengthen the capacity of all agencies to protect our communities from criminal and other activities threatening our national and personal wellbeing.

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**Tradex Scheme Amendment Bill 2010**
This bill will clarify the eligibility of partnerships for the Tradex Scheme and remove redundant provisions. The Tradex Scheme was introduced as a streamlined program for providing relief to businesses paying customs duty and GST on imported products that are to be exported or incorporated into other goods that are to be exported. Currently the Tradex Scheme Act 1999 (the Act) requires an applicant for the Tradex Scheme to be a ‘legal’ person who proposes to import goods. The Acts Interpretation Act 1901 provides that a person generally includes a body politic or corporate as well as an individual. While a partnership is a relationship recognized by the law, it is an unincorporated body. Coverage of partnerships under the Tradex Scheme is therefore unclear. While partnerships were not explicitly referenced in the legislation, they were not, intended to be excluded the Tradex Scheme. This Bill seeks to clarify this position in law.

The Bill also contains a minor amendment aimed at removing redundant parts of the Act consistent with the Government’s objective of reducing the regulatory burden. The Tradex Scheme will continue to provide real benefits to Australian industry and improve our international competitiveness as a trading nation. I commend the bill.

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**Veterans’ Affairs and Other Legislation Amendment (Miscellaneous Measures) Bill 2010**
This legislation will benefit a number of deserving Australians and address some anomalies to make the system work better for the very people that it is designed to serve. These measures will improve support services for veterans and serving Australian Defence Force personnel. For example, under the Veterans’ Entitlements Act, the Bill will extend the period for lodgement of claims for non-treatment related travel expenses, from three to twelve months. This change creates greater flexibility for veterans and their dependants who, for example, are required to travel to attend review meetings or obtain medical evidence.

In addition, the Bill will extend eligibility for non-liability health care for malignant neoplasia under the Australian Participants in British Nuclear Tests (Treatment) Act to certain Australian Protective Service officers involved in British nuclear tests between 20 October 1984 and 30 June 1988. The Bill will also tighten the processes regarding the serving of legal documents and notices. Protection of these processes will assist the delivery of services under the Veterans’ Entitlements Act and the Military Rehabilitation and Compensation Act.

Importantly, amendments in the Bill will ensure that the policy relating to the aggravation of an initial war or defence-caused injury or disease by service under the Military Rehabilitation and Compensation Act, and the payment of a pension
to the dependant of a veteran who was a prisoner of war, operate as originally intended.

The Bill will also enable Defence Service Homes Insurance to collect a State Emergency Service levy from policy holders, to assist the New South Wales Government with the cost of providing emergency services in that State.

The Bill will also enhance the operation of the Specialist Medical Review Council by making it clear that the Specialist Medical Review Council may review a decision of the Repatriation Medical Authority to not amend a Statement of Principles.

Furthermore, the Specialist Medical Review Council will be able to review both versions of a Statement of Principles even if the applicant has requested a review of only one of the Statements. This will protect the integrity of the regime and ensure that the Statements of Principles for a particular condition are aligned.

Importantly proposed amendments will protect the interests of certain compensation recipients under the Military Rehabilitation and Compensation Act by requiring that compensation payments are made to bank accounts in the recipients' names.

Finally, Victoria Cross and decoration allowance recipients will be eligible for both a Victoria Cross or decoration allowance under the Veterans' Entitlements Act plus a similar allowance or annuity from a foreign country. These proposed changes, although relatively minor, will result in more positive outcomes for the veteran and service communities.

Ongoing review of the system that serves those who have served us is a promise this Government will keep. With this Bill, I present changes that are not just of benefit today but will secure essential support for our veterans and members in the future.

National Security Legislation Amendment Bill 2010

Today I introduce the National Security Legislation Amendment Bill, which lapsed when Parliament was prorogued on 19 July 2010.

The Bill implements the Government's responses to a number of independent and bipartisan reviews of national security and counter-terrorism legislation, including:

- The Clarke Inquiry into the Case of Dr Mohamed Haneef
- The Parliamentary Joint Committee on Intelligence and Security, Review of Security and Counter-Terrorism Legislation
- The Parliamentary Joint Committee on Intelligence and Security, Inquiry into the proscription of 'terrorist organisations' under the Australian Criminal Code, and

The Government announced its response to these reviews in December 2008.

Public consultation

A key part in the development of this Bill involved a public consultation process. In August 2009, the Government released a Discussion Paper which contained exposure draft provisions as well as extensive explanatory material in order to provide for meaningful consultation. The Government was encouraged by the level of public participation and submissions received in response to the Discussion Paper. The Government took into account some valuable suggestions made by those who provided feedback on the proposals.

Senate Committee report

The Bill was also considered by the Senate Committee on Legal and Constitutional Affairs before Parliament was prorogued. I would like to take this opportunity to thank the Senate Committee for its detailed consideration of the Bill.

In re-introducing the Bill, the Government has considered the recommendations of the Senate Committee.

In response to Recommendation 1 of the Committee's report, the Explanatory Memorandum now clarifies the reasons for including the proposed urging violence offences in Chapter 5 of the Criminal Code.

The Government has also decided to accept in principle Recommendation 3. The Attorney-General’s Department will arrange a broader review of pre-charge detention once there has
been further operational use of, and experience with, the provisions in Part 1C of the Crimes Act. The Government does not accept Recommendation 2, as it considers that it is desirable to retain the ‘good faith’ defence to the urging violence offences. The Government also does not accept Recommendation 4 in relation to the period of specified disregarded time in the investigation of terrorism offences. The Government considers that a maximum 7 day cap is reasonable and appropriate.

Specific amendments
I will only briefly outline the measures proposed in this Bill.

1. Treason and sedition (urging violence)
The name of the sedition offences in the Criminal Code will be changed to “urging violence” to better reflect the nature of the offences. The urging violence offence will be expanded to include urging force or violence on the basis of ‘ethnic’ or ‘national’ origin. The urging violence offence will also be expanded so that it applies to the urging of force or violence against an individual, not just a group, and covers the urging of force or violence, even where the use of the force or violence does not threaten the peace, order and good government of the Commonwealth.

2. Part 5.3 measures
The Bill will make amendments to improve the terrorist organisation listings provisions and some other provisions in Part 5.3 of the Criminal Code. This includes extending the duration of listings from 2 to 3 years, consistent with a recommendation of the Parliamentary Joint Committee on Intelligence and Security.

3. Part 1C of the Crimes Act
The Bill will also clarify and improve the practical operation of the investigation powers in Part 1C of the Crimes Act, in direct response to the issues raised in the Clarke Inquiry into the Case of Dr Mohamed Haneef.

4. Enhanced police powers to investigate terrorism
The Bill will amend Part 1AA of the Crimes Act to provide police with a power to enter premises without a warrant in emergency circumstances relating to a terrorism offence where there is material that may pose a risk to the health or safety of the public. The Bill will also modify the existing general search warrant provisions in the Crimes Act to provide more time for law enforcement officers to re-enter premises under a search warrant in emergency situations.

5. Bail provisions for terrorism offences
The Bill will amend the bail provisions relating to terrorism and serious national security offences in the Crimes Act to include a specific right of appeal for both the prosecution and the defendant against a decision to grant or refuse bail.

The Bill will amend the Charter Act of the United Nations Act 1945 to improve the standard for listing a person, entity, asset or class of assets, and to provide for the regular review of listings under the Charter Act.

The Bill will amend the National Security Information (Criminal and Civil Proceedings) Act 2004 to improve the practical operation of that Act.

7. Inspector-General of Intelligence and Security Act 1986
The Bill will amend the Inspector-General of Intelligence and Security Act to enable the Inspector-General, on the request of the Prime Minister, to extend inquiries beyond the six Australian Intelligence Community agencies and inquire into an intelligence or security matter relating to any Commonwealth agency.

Concluding remarks
The Australian Government is committed to fulfilling its responsibility to protect Australia, its people and its interests, while instilling confidence that our national security and counter-terrorism laws will be exercised in a just and accountable way.

I am confident that this package of reforms delivers strong laws that protect our safety whilst pre-
serving the democratic rights that protect our freedoms, and helps prepare us for the complex national security challenges of the future. I commend this Bill.

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Parliamentary Joint Committee on Law Enforcement Bill 2010

Today I introduce the Parliamentary Joint Committee on Law Enforcement Bill, which lapsed when Parliament was prorogued on 19 July 2010.

This Bill, along with the National Security Legislation Amendment Bill, forms part of the package of reforms being progressed by the Government to Australia’s national security legislation. These reforms are aimed at promoting transparency and ensuring that our laws are appropriately accountable in their operation.

The Bill will improve oversight of the activities of the Australian Federal Police by establishing the Parliamentary Joint Committee on Law Enforcement which will replace and extend the functions of the current Parliamentary Joint Committee on the Australian Crime Commission. The new committee will be responsible for providing broad Parliamentary oversight of the Australian Federal Police and the Australian Crime Commission. It will continue the work of the Parliamentary Joint Committee on the Australian Crime Commission by also monitoring and reporting to Parliament on the performance by the Australian Crime Commission of its functions.

The committee will also have the ability to examine trends and changes in criminal activities, practices and methods and report on any desirable changes to the functions, structure, powers and procedures of the Australian Crime Commission or the Australian Federal Police.

The establishment of the Parliamentary Joint Committee on Law Enforcement exemplifies the Government’s commitment to improving oversight and accountability in relation to the exercise of the functions of Commonwealth agencies. I commend this Bill.

Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Miscellaneous Measures) Bill 2010

This bill amends the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (the Act). This is a relatively small Bill making a number of minor policy and technical amendments.

It is nevertheless an important Bill as it will augment the existing functions of the National Offshore Petroleum Safety Authority (NOPSA) to include non-occupational health and safety (non-OHS) aspects of structural integrity for facilities, wells and well-related equipment in Commonwealth waters.

Since its establishment on 1 January 2005, NOPSA has had structural integrity functions relevant to occupational health and safety for petroleum facilities, including for pipelines, and associated wells.

The amendments introduced in this Bill clarify NOPSA’s role and strengthen their ability to fully carry out their functions in relation to all facilities, wells and well-related equipment – including during the drilling and construction of wells and whether or not wells are associated with a facility.

The augmentation of NOPSA’s functions to include non-OHS aspects of structural integrity is not to extend NOPSA’s responsibilities into environmental management or resource management regulation but to allow NOPSA to more effectively carry out its responsibilities as an occupational health and safety regulator.

This is particularly the case where a structure used in petroleum operations such as a well or a pipeline is on the sea floor and contact between people and the structure is only occasional.

To a large extent, the structural integrity of a pipeline or a well is an OHS matter, as it is central to the safety of operational or maintenance crews whenever they are required to do work on the structure. There will always be some aspects of structural integrity that fall outside this category, however, and it is these that the present amendments seek to address. The amendments will enable NOPSA to take a comprehensive and integrated approach to the integrity of structures, without any question as to the scope of their functional responsibilities.
The Government will work with industry and other stakeholders to determine in regulations which matters relating to the structural integrity of pipelines and wells are also resource security or resource management matters. These will continue to be the responsibility of the Designated Authorities under proposed regulations relating to resource management. There will therefore be an element of overlap between the responsibilities of NOPSA and those of the Designated Authorities, although they will be performing different functions.

The Government is committed to augmenting NOPSA’s powers to ensure that it has sufficient capability to effectively regulate all aspects of occupational health and safety for the offshore petroleum industry and that its role is not limited in the event of any future failure of a well or pipeline. The current amendments will go some way to addressing issues arising from the Montara incident in August 2009; however I also remain committed to the establishment of a single national regulator for the offshore petroleum industry. This initiative will be a key development in the ongoing improvement and streamlining of the national regime for the regulation of petroleum and greenhouse gas activities in Commonwealth waters, and will help avoid regulatory duplication that may compromise the effectiveness of the safety regime.

Other minor policy amendments proposed in this Bill seek to:

- Provide a streamlined process for the submission of applications, nominations, requests or notices in relation to a title when that title is jointly owned by 2 or more titleholders (known as multiple titleholders);
- Make clear that when the Act imposes obligations on a titleholder and where a title is owned by multiple holders, while the obligation is imposed on each and every titleholder that the obligation may be discharged by any one of the titleholders; and
- Correct a technical problem with the authority of responsible State and Northern Territory ministers to participate in the performance of Joint Authority functions, and to perform Designated Authority functions, under the Commonwealth regulations.

On this last matter, existing State and Northern Territory legislation, which corresponds to the Act, provides the Designated Authority (the relevant State or Northern Territory minister) with authority to perform functions and powers under the Act, but this does not include the regulations in force under the Act. This amendment therefore closes the gap, as many important functions and powers of Designated Authorities are conferred by the regulations. For consistency, corresponding amendments have also been made to Joint Authority provisions.

A further small but important amendment clarifies the duties of titleholders under the occupational health and safety provisions of this Act. This amendment narrows the titleholder’s duties in the current clause 13A of Schedule 3 to the Act from facilities generally to wells and well-related equipment, specifically in new clauses 13A and 13B.

As it currently stands the clause can be read as imposing a duty of care on a titleholder in relation to the design of facilities, such as drilling rigs, which the titleholder could not reasonably be expected to have any control over.

Therefore this duty of care has been recast so that it applies to all aspects of wells from design through to operation and closing off. Consequential amendments have been made to allow OHS inspectors to monitor compliance and investigate possible contraventions.

Technical amendments in this Bill include changes to offence provisions that relate to titleholders, where the offence consists only of a physical element. These amendments provide that offences under these provisions are made provisions of strict liability, which removes the need to prove intent.

Given the geographically remote nature of offshore petroleum and greenhouse gas activities it is not possible for regulatory staff to be constantly monitoring titleholder activities, so they are reliant on accurate reporting by titleholders to inform them that directions and requirements in the Act have been complied with.
Where the offences relate to doing or not doing an act, proving the intent of a titleholder is very difficult. In these circumstances making the offences ones of strict liability is justified. This application of strict liability is consistent with Government policy on the application of strict liability and is to provide a regulatory regime that is effective and enforceable. These amendments do not increase any penalties on titleholders, and in fact in some instances removes imprisonment as a penalty and instead replaces with penalty units.

Further technical amendments in the Bill correct a referencing error and update the listed OHS laws set out in the Act to take into account recent changes to safety regulations.

In summary, through a range of measures including:

• strengthening the functions of NOPSA;
• increasing the effectiveness of compliance through the application of strict liability to appropriate offences;
• clarifying the application of titleholder provisions in the Act in relation to multiple titleholders; and
• setting out that a titleholder’s duty of care under OHS provisions of the Act relates specifically to wells;

This Bill underscores the Government’s commitment to the maintenance and continuing improvement of a strong, effective framework for the regulation of offshore petroleum and greenhouse gas storage activities.

Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Bill 2010

This bill amends the Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003 to provide transitional arrangements in relation to the phasing out of the pipeline safety management plan levy. Amendments in 2009 to this Act and regulations under the Act (which commenced on 1 January 2010) removed provisions referencing pipeline safety management plans and pipeline safety management plan levies. The safety case levy was extended to cover pipelines.

While the Amendment Act provided transitional arrangements, it did so on the basis the states and Northern Territory had agreed to amend their regulations (which correspond to, or mirror, the Commonwealth regulations), in line with Commonwealth amendments, for designated coastal waters. These amendments have not yet occurred in all jurisdictions which means that some safety case levy payments for facilities that are pipelines due to the National Offshore Petroleum Safety Authority may not be collectable by the Safety Authority.

To address this situation, this Bill provides transitional arrangements to give the States and the Northern Territory until the end of 2012 to implement corresponding amendments under their legislation applying in designated coastal waters, and to ensure that appropriate levies for activities in these jurisdictional coastal waters can continue to be collected by the Safety Authority in the intervening period to fund its regulatory activities.

The amendments in this Bill ensure the complete coverage of the safety regime for pipelines in designated coastal waters. It provides that from 1 January 2010, when amendments to the Act and related regulations came into force, until 31 December 2012, a pipeline safety management plan in force is treated, for the purposes of this Act, as if a safety case for the pipeline is in force. These amendments ensure that safety levies relating to pipelines in designated coastal waters can be collected.

The amendments also include transitional amendments to reflect minor changes relating to safety case in force in relation to a facility in designated coastal waters, understood to be within the meaning of regulations of a State or Northern Territory that have not yet been amended to reflect Commonwealth changes made on 1 January 2010.

Debate (on motion by Senator Sherry) adjourned.

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on
Deregulation and Minister Assisting the Minister for Tourism) (6.07 pm)—I move:
That the National Security Legislation Amendment Bill 2010 and the Parliamentary Joint Committee on Law Enforcement Bill 2010 as one order of the day; the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Miscellaneous Measures) Bill 2010 and the Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Bill 2010 as one order of the day; and the remaining bills as separate orders of the day.
Question agreed to.

COMMITTEES
Gambling Reform Committee
Membership
Message received from the House of Representatives notifying the Senate of the appointment of Mr Champion, Mr Stephen Jones, Mr Neumann, Mr Frydenberg, Mr Ciobo and Mr Wilkie to the Joint Select Committee on Gambling Reform.

DOCUMENTS
Australian Law Reform Commission
Senator BARNETT (Tasmania) (6.09 pm)—by leave—I move:
That the Senate take note of the document.
In particular, I wish to raise some concerns about the future of Australia’s premier law reform body. We had Senate estimates last week, and it highlighted, in my view, serious concerns for the commission’s future. It is clear that funding for what should be Australia’s premier law reform agency has been cut, it has been scalped and skinned, and as an agency it is now grossly diminished. What concerns me is that the law reform’s long-standing record of successful law reform is now at risk, and this flies in the face of statements made by Prime Minister Gillard since she was appointed prime minister in the 42nd Parliament. On the day of her appointment, she said that her government would:

… be held to higher standards of transparency and reform, and it’s in that spirit that I approach the task of forming a government.

The commission was established in 1975 with the Hon. Justice Michael Kirby as its president, and has had other distinguished chairs, such as Justice Elizabeth Evatt, Justice Xavier Connor, Professor David Weisbrot, Justice Murray Wilcox and Alan Rose. All of these presidents had the benefit of being able to discuss critical law reform with their fellow full-time commissioners and to develop quality ideas for good law to work for all Australians. Unfortunately the current president could hold her meetings with her other commissioners in a telephone box because she is the only full-time commissioner—the president. Is this the template for other agencies in the future, whether it be the ACCC, the ACC, AHRC, all of which currently have more than one full-time member.

It was revealed during budget estimates last week that the commission had lost its funding for its education function, including its longstanding journal Reform. It is a blow to the community legal education on law reform, and one which should concern all law schools, legal practitioners and the community at large on whose support the legal system relies. There is considerable discussion now among the legal fraternity and members of academia regarding this particular matter. It is a sad state of affairs for the transparency and reform in this nation. I understand that turnover of the organisation is in the vicinity of 100 per cent. Of course in any normal business or organisation, the turnover is 25 per cent or less. What is the government planning to do with the future functions of the Law Reform Commission? I asked the government: will it be merged with other agencies or other entities, whether it be the Human Rights Commission or other entities? I would like the government to make a
clear and unequivocal statement about the future of the commission.

We have seen that the $900,000 surplus has been eaten into this year. Will that surplus go back into consolidated revenue, or will it remain at the discretion of the commission to use into the future? These are questions that need to be answered, and I ask the minister responsible, Minister McClelland, and if necessary the Prime Minister to answer these questions. The future of law reform is in the balance. I notice that in the Financial Review on Friday, 22 October, James Eyers wrote a very thoughtful piece—’Reform commission hamstrung by cuts’—and he quotes Attorney-General Robert McClelland when he said that ‘the government is confident that the commission’s funding is sufficient to enable it to carry out its functions’. That is not very confidence-building from my point of view, and I think from the point of view of other members of the community—particularly the legal community.

So I ask those questions, and the future of administrative law in this country is in question. We have had questions previously regarding the Administrative Review Council. I asked questions in estimates last week, and in previous estimates, about its future. So we have a number of questions that need to be answered by the government, and I ask that the Senate take note of that report and I seek leave to continue my remarks.

Leave granted.

**Office of the Official Secretary to the Governor-General**

Senator BARNETT (Tasmania) (6.16 pm)—I move:

The document is a letter of advice relating to lists of departmental and agency appointments and vacancies. In the response, which I have here, it notes that the response was nil. But, with respect to the Office of the Official Secretary to the Governor-General, I want to alert the Senate that I am in possession of a letter from Richard Egan, of Western Australia, who has written to Her Excellency Quentin Bryce AC, Governor-General of the Commonwealth of Australia, where he says:

I understand that Your Excellency was not in attendance at the ecumenical service for the opening of the 43rd Parliament held at Wesley Uniting Church, National Circuit, Forrest, ACT at 7.30 am on Tuesday the 28th September 2010. I believe this may be the first time the incumbent Governor-General has not attended the service. Would I be correct in assuming that Your Excellency was invited to attend? If so, I would be grateful if you could let me know why Your Excellency declined this invitation. The absence of both the Prime Minister and Your Excellency has occasioned some comment and it would be helpful to understand the reasons.

Yours faithfully,

Richard Egan

I have also been provided with the answer, from Mark Fraser OAM, who writes to Mr Egan:

Thank you for your email to the Governor-General. Her Excellency has asked me to reply on her behalf. The ecumenical church service before the opening of Parliament is organised by the Parliamentary Christian Fellowship, a group of Christian parliamentarians. It is not a formal part of the opening of Parliament proceedings and is for those members of Parliament who hold Christian beliefs. It is a personal choice of Governors-General as to whether they attend the service and, in the past, some governors-general have attended the service and others not. Thank you for bringing your views to the attention of the Governor-General.

I would be very interested to know which governors-general have not attended the service at the opening of parliament. Since I arrived at the parliament, in 2002, at every opening the Governor-General has attended
as, indeed, has the Prime Minister, the Leader of the Opposition and many members of parliament of different faiths, not just the Christian faith. It is a very important service and I think it should be noted that in many respects it is a priority for many people.

I asked the question in the Senate at the time, because I was quite shocked that the Governor-General was not in attendance at the service, whether a public statement would be made by the Governor-General as to why Her Excellency was unable to attend. I had not been made aware of any public statement, but, of course, I am now in possession of this correspondence, which does make things a little clearer, although, for me, very disappointing, and it also raises further questions. The key question is: does the Governor-General only attend functions where she shares the beliefs of those who sponsor the function? Is that now the protocol for the office of the Governor-General? It would be interesting to know what religious functions the Governor-General has attended since taking office. I am also aware that an organisation, ISRA Australia, was launched nationally in Canberra on 24 November 2009 in the presence of the Governor-General of the Commonwealth of Australia.

Senator Feeney—Madam Acting Deputy President, I rise on a point of order. The senator is discussing this matter in such a way as he appears ignorant of the fact that the Governor-General is a practising and very devout member of the Anglican Church.

The ACTING DEPUTY PRESIDENT (Senator Troeth)—I rule that out as a point of order.

Senator Barnett—Thank you very much, Madam Acting Deputy President. In conclusion, I note that more than 60 per cent of the Australian nation consider themselves as Christian, and I think that is something that is worthy of note. The document which has been tabled and referred to, which I am speaking to and taking note of, refers to the nil return of the Official Secretary to the Governor-General. Although not directly relevant, I think some of these questions are worthy of consideration, and I hope that some of these matters and questions that I have put to the Senate can be clarified in the not too distant future. I seek leave to continue my remarks later.

Leave not granted.

The ACTING DEPUTY PRESIDENT—Senator Macdonald, am I to understand that you are refusing Senator Barnett leave?

Senator Ian Macdonald—Yes, because I wish to speak on the same document.

The ACTING DEPUTY PRESIDENT—Please proceed.

Senator Ian Macdonald (Queensland) (6.23 pm)—I was interested to hear
what Senator Barnett said and the intervention of Senator Feeney. I am pleased to hear that the Governor-General is, like I, a practising Anglican. What Senator Barnett raised was of some interest. The Governor-General is the Queen’s representative in Australia and, as I understand it, the Queen is actually the titular head of the Anglican Church worldwide. It seems quite improbable that the Governor-General was not in a position to attend that service. I just raise that and wonder aloud whether the Governor-General’s role representing the Queen also has some involvement with her role in the Anglican Church. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following government documents tabled earlier today were considered:


MINISTERIAL STATEMENTS

Afghanistan

Debate resumed.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (6.24 pm)—As I was saying before question time, the speeches of the Prime Minister and the Leader of the Opposition in the House of Representatives last week were an impressive display of bipartisan commitment to sustaining our mission in Afghanistan until that mission is complete. It would be very unfortunate indeed if our mission were to become the subject of partisan bickering. That is why I was disappointed by some of the comments made over the past few weeks about the level of support which we are supplying to our forces in Afghanistan. Some of these comments were both inaccurate and ill-informed, and I am pleased that there now appears to be a much greater understanding of these issues.

We, the government, are guided in these matters mainly by the advice of the Chief of the Defence Force, in whom we have the highest confidence, and who draws in turn on the advice of our commanders in the field and, of course, our allies. In addition, the government keeps these issues under constant review. The Senate should understand that our forces in Oruzgan Province have a range of capabilities suitable to their tasks.
But not all of these capabilities are provided by the ADF. Some are provided through our coalition partners in ISAF. Capabilities such as artillery, mortars and attack helicopters are available through our partners when necessary. We should not try to duplicate tasks that our partners might be better placed to carry out. That is why items such as tanks, for example, are not required for our current mission in Oruzgan Province. Far from being complacent, we are being highly proactive in meeting the needs of our forces in Afghanistan. As the Minister for Defence pointed out in his speech in the other place, Australian troops now have access to more artillery and mortar support than they did a year ago, and they have access to ISAF attack helicopters and close air support from fighter aircraft when necessary.

We are constantly monitoring the needs of our forces in Afghanistan, which of course vary from time to time according to the tasks they undertake. The force protection review, which was commissioned by the government in July 2009, has led to a further package of measures and has seen over $1 billion in new measures to further support our troops in their operations. These measures are kept under constant review. The minister said in his speech, for example, that the government will continue to examine measures that can be taken against the improvised explosive devices which have caused a number of our casualties.

This is why our forces are not well served by calls for more troops or different troops, more equipment or different equipment from people who are not qualified to make such calls; nor are they helped by tactical advice from politicians or newspaper commentators. Politicians debating in the pages of our newspaper or on our television screens small unit tactics does not in any way assist the mission. Any student of military history will tell you that such micro management by politicians has on many occasions in military history led to catastrophe. I hope a few lessons have been learned about the danger of entering into these debates.

The Prime Minister, in her speech last week, gave a very clear picture of what we are doing in Afghanistan and why we are doing it. The opposition has supported our continuing mission, and I welcome that support. I respect the views of those senators who dissent from that consensus, but I do not share their pessimism. I strongly believe that our mission in Afghanistan is necessary for our national security, for the stability of our region and for the future of the people of Afghanistan. I believe that it is completely consistent with the white paper on defence and defence planning. I also believe that our objectives are realistic and can be achieved within a reasonable time frame. I have thought very hard about the morality of what we are doing in Afghanistan, as I am sure all senators have. I remain convinced that what we doing there is necessary and is right.

I finish by saying that I strongly admire the professionalism and the patriotism of our ADF men and women, both full time and part time. Alas, the world we live in remains a place with threats and dangers and it is a matter of fact that democracies still have need of citizens who are imbued with the warrior spirit.

Debate (on motion by Senator Furner) adjourned.

Sitting suspended from 6.29 pm to 7.30 pm

BUSINESS

Consideration of Legislation

Senator FURNER (Queensland) (7.30 pm)—by leave—At the request of Senator Ludwig, I move:
That the order of consideration of government business orders of the day for the remainder of today be as follows:

Superannuation Legislation Amendment Bill 2010;
International Tax Agreements Amendment Bill (No. 2) 2010;
National Measurement Amendment Bill 2010;
Service and Execution of Process Amendment (Interstate Fine Enforcement) Bill 2010;
Water Efficiency Labelling and Standards Amendment Bill 2010; and

Question agreed to.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Moore) (7.32 pm)—I have received letters from party leaders and an Independent senator requesting changes in the membership of committees.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (7.32 pm)—by leave—I move:

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

Australian Crime Commission—Parliamentary Joint Committee—
Discharged—Senator Boyce
Appointed—Senator Mason

Corporations and Financial Services—Parliamentary Joint Committee—
Appointed—Senators Boyce and Cormann

Cyber Safety—Joint Select Committee on
Appointed—Senator Ludlam

Gambling Reform—Joint Select Committee—
Appointed—
Senators Back and Xenophon

Finance and Public Administration Legislation Committee—
Appointed—
Substitute member:
Senator Ludlam to replace Senator Siewert for the committee’s inquiry into the exposure drafts of Australian privacy amendment legislation
Participating member: Senator Siewert

Legal and Constitutional Affairs Legislation Committee—
Appointed—
Substitute members:
Senator Hanson-Young to replace Senator Ludlam for the committee’s inquiry into the provisions of the Sex and Age Discrimination Legislation Amendment Bill 2010
Senator Hanson-Young to replace Senator Ludlam for the committee’s inquiry into the provisions of the Human Rights (Parliamentary Scrutiny) Bill 2010 and a related bill
Participating member: Senator Ludlam

National Capital and External Territories—Joint Standing Committee—
Appointed—Senator Fielding

Public Works—Parliamentary Standing Committee—
Appointed—Senator Marshall

Reform of the Australian Federation—Select Committee—
Appointed—Senator Ludlam

Scrutiny of New Taxes—Select Committee—
Appointed—Participating member: Senator Xenophon
Senators’ Interests—Standing Committee—
Discharged—Senator Bob Brown
Appointed—Senator Siewert.
Question agreed to.

SUPERANNUATION LEGISLATION AMENDMENT BILL 2010
Second Reading

Debate resumed from 25 October, on motion by Senator Sherry:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (7.33 pm)—The Superannuation Legislation Amendment Bill 2010 amends superannuation and taxation laws to clarify and streamline Australia’s superannuation system, with key changes, including: transfer all of unclaimed state and territory public sector superannuation moneys to the Commissioner for Taxation, as is already the case in the private sector; relief for superannuation funds until 1 July 2011 under the clarified rules regarding tax deductibility of total and permanent disability insurance; allowing superannuation funds to acquire an asset as a whole following a relationship breakdown; and a series of additional minor clarifications to the tax treatment.

The coalition will not be opposing this piece of legislation. However, I thought I would make a few broad observations in relation to super. There is of course a new minister now, Minister Shorten, who is now responsible for the superannuation portfolio. He cannot be blamed for all of the things that have gone before him. But this government has very bad track record when it comes to superannuation. There is of course a new minister now, Minister Shorten, who is now responsible for the superannuation portfolio. He cannot be blamed for all of the things that have gone before him. But this government has very bad track record when it comes to superannuation. I remind you, Acting Deputy President Moore, that before the 2007 election the then Prime Minister made a very clear commitment—one of the many commitments which were broken after the election—that there would be no change to superannuation. In fact, the words he used were, ‘Not one jot, not one tittle’. Indeed, he said those words several times. I am sure, Acting Deputy President, you would remember those words having been mentioned at the time.

What has happened over the last three years under this Labor administration in relation to super? The Rudd-Gillard government has halved the concessional contribution caps, penalising thousands of Australians who inadvertently exceeded them and undermining Australians’ incentive to save for retirement; the Rudd-Gillard government has cut back government co-contribution payments, discouraging low-income earners from saving; and the government have mandated that industry funds be the default superannuation fund for the bulk of modern awards, curtailing competition among funds. That, of course, is one of the significant challenges that Minister Shorten has got in front of him in his new portfolio—dare I say it—moving forward. The government promised to tender the role of superannuation clearing house to the private sector, but, of course, instead, gave the contract to Medicare. There is absolutely no doubt that Labor’s tampering with the superannuation system over the last three years has significantly undermined the confidence that Australians have in our superannuation system. The result is there for all to see. Voluntary contributions to our superannuation system have completely collapsed under the Rudd-Gillard Labor government watch.

So in comes the Labor government. There is a challenge: ‘We have stuffed the system up a bit, people are losing confidence, so what do we do? Oh well, we have got to come up with an easy solution. Let’s just propose that there will be a three per cent mandatory increase in the superannuation guarantee. If people are not prepared to put their own money into super funds voluntarily’—because they have lost confidence
based on the changes that were made to the system by this government—then let’s mandate it. Let’s tell them that we are going to enforce a three per cent effective cut in take-home pay. You are not prepared to put your own money into the system by yourself, so we are going to force you to do it.’

The minister came out yesterday—this is one of his first forays into the debate—seizing on a national survey into community attitudes and values towards superannuation which the government had commissioned. He says in his press release, quite extraordinarily:

The research, by independent market research company Colmar Brunton, found there is universal concern that 9 per cent of salary is unlikely to be sufficient to allow people adequate funds for retirement.

And what is the basis for that assertion, you might ask? In his view Australians support compulsory retirement savings and ‘universally’ are concerned that nine per cent is not enough because 29 per cent are not confident they will have enough retirement savings and a further 35 per cent are neither confident nor unconfident—they have not got a view. So 29 per cent of people say, ‘We are not confident that we will have enough retirement savings.’ The obvious point to make is that anyone who is not confident that they will have enough retirement savings of course, as Ken Henry observed in his very considered piece on the subject, is always free to make additional contributions or make additional savings to ensure that the savings that are available as post-retirement income are more adequate than they otherwise might be.

I just make the more general point that Minister Shorten and the Gillard Labor government are going down a path, of pushing this increase in the superannuation guarantee from nine per cent to 12 per cent, which was explicitly rejected by the Henry tax review committee. They looked at all this for 18 months or so, and do you know what their conclusion was? Their conclusion was, and I quote from the report, the burden of any superannuation guarantee increase ‘is likely to fall most heavily on low- to middle-income earners.’

Why would Minister Shorten want to do something which is going to hurt low- and middle-income earners the most? He might well have very good reasons for it, but so far he has not actually come out and explained it to people. All the work that was done by the Henry tax review committee, the secret modelling and all the secret modelling that was done by Treasury afterwards—all the work that might have been done to take the government from the recommendation ‘don’t do it; do it this way’ on one side to the other side, ‘Well, no, let’s increase the superannuation guarantee from nine per cent to 12 per cent’—that led them to change their view from what was recommended to what they ultimately recommended is secret.

The Gillard government are the most secretive government in the history of the Commonwealth. They are even worse than the Rudd government was. This is a Prime Minister who told us that there would be a new era of openness and transparency. And every step of the way, at every corner of the road, whenever they are being tested on their stated commitment to openness and transparency they fail. They fail every time. Of course, on this occasion the Senate as a whole has called on the government to release the modelling and all of the advice that led them to a conclusion that was vastly different from the conclusions reached by Ken Henry and his committee. Why, rather than to go down the incentive path that Mr Henry recommended, did the government think it was more appropriate to go down the mandatory compulsory three per cent cut in take-home
pay path? Nobody has explained this. Minister Shorten has not explained it.

So I give Minister Shorten two challenges tonight. The first challenge is that he come out and properly explain what led the government to change its mind from the recommendation that was put on the table by Ken Henry, which was not to go down the increased superannuation guarantee path. What convinced the government that Dr Henry was wrong? What convinced the government to go this other way? And what information has the government got that reassures them that it is not going to be low- and middle-income earners who are going to pay the price?

I understand very well that across the superannuation industry there is broad support for an increase in the super guarantee levy. Of course they would support that because for the superannuation industry this is a very easy way of achieving an increase in funds under management. Of course they would be in favour of an increase in the compulsory acquired proportion of people’s take-home pay to go into superannuation funds rather than into people’s pre-retirement income. But the minister has not provided adequate explanations yet—and I am hopeful that he will—as to why he thinks that the considered opinions and views of Dr Ken Henry and his committee are not worthy and are not appropriate.

The second challenge for Minister Shorten in his new job as the Minister for Financial Services and Superannuation is that he has to ensure that there is proper competition among superannuation funds that are identified as default funds under modern awards. Employees across Australia are missing out because this government has not found a way to ensure there is proper competition in the determination of default funds under modern awards. I will just go through a little of the history here. For the purposes of award modernisation, which occurred throughout 2008 and 2009—as I am sure you would remember well, Madam Acting Deputy President—superannuation was included as an ‘allowable matter’ in the industrial process under division 3 of the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008. This meant that default superannuation fund arrangements must now be included in modern awards. The Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 was the legislation that required the Australian Industrial Relations Commission, now Fair Work Australia, to make default superannuation fund arrangements for people on awards.

Throughout 2008-09 and beyond, the Australian Industrial Relations Commission, and now Fair Work Australia, have selected default superannuation funds in modern awards. If you look at the facts then you will see very clearly that there is a significant bias towards industry union superannuation funds. No retail funds are prescribed in the most widely applied modern awards. When this process began in 2008 the then Minister for Superannuation and Corporate Law, Senator Nick Sherry, wrote to the Australian Industrial Relations Commission asking for the commission to implement objective criteria for the selection of default superannuation funds. The commission declined the minister’s request. Effectively the Australian Industrial Relations Commission ignored the government’s direction.

The other challenge for Minister Shorten, one of the two key challenges for Minister Shorten in the next couple of weeks, is to ensure that this anticompetitive policy, which is not in employees’ long-term best interests, is going to be addressed. He has to find a way to ensure that employees who are catered for under superannuation default arrangements under modern awards can benefit
from the best possible value that is available in the market. At present, that is not the case. That is a development that has occurred on the Labor Party’s watch. It is a development that is not in the best interests of working families. I am very hopeful that Minister Shorten is going to make sure that there is appropriate competition, that there is appropriate transparency and that there is going to be a commitment to proper efficiencies in this area.

In conclusion, I again make the point that this Labor government have a very, very bad track record on superannuation. Under their watch, voluntary contributions to the superannuation system have collapsed because of ill-considered changes they made after promising before the 2007 election not to make any changes at all. We are now in a circumstance where, faced with that challenge, the government are saying that they have to find a way to increase national savings—something we support as an objective. So they say: ‘We’ve failed so far. Let’s mandate additional savings’—by enforcing what effectively amounts to a three per cent cut in take-home pay. If people do not have confidence in putting their own money into superannuation voluntarily, there has to be a question mark as to whether or not it is appropriate for the government to take their money away and force them to put it into something they are not prepared to invest in spontaneously themselves. One of the reasons that people do not have confidence is because, under the so-called modern award system, people are not getting the best value for their money. They are quite legitimately concerned that, in the absence of competition between superannuation funds that were put in place under default arrangements, they are not getting the best possible value in the marketplace. With those few remarks I indicate that the coalition will not be opposing this legislation.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (7.46 pm)—I thank Senator Cormann for his contribution. The amendment contained in schedule 1 will allow both state and territory authorities and public sector superannuation schemes to transfer unclaimed superannuation to the ATO. This will make it easier for individuals to track down unclaimed superannuation that they may have. Individuals will, of course, be able to claim back their money from the tax office at any time.

Schedule 2 provides transitional relief to superannuation funds by amending the tax law to allow funds to claim a broad reduction for total and permanent disability premiums. The transitional relief applies from the 2004-05 income year to the 2010-11 income year.

Schedule 3 amends the Superannuation Industry (Supervision) Act 1993 to allow superannuation fund trustees to acquire an asset from a related party of the fund following the relationship breakdown of a fund member. This change will ensure that separating partners will have the option of obtaining a clean break from one another in terms of their superannuation affairs if they so wish.

Schedule 4 makes a number of minor amendments relating to: deductions notices for successive funds; deductions for employer contributions made on behalf of former employees; the due date for shortfall interest charged in relation to excess contributions tax; allowing the Commissioner of Taxation to exercise discretion without issuing an excess contribution tax assessment; providing a regulation-making power to specify the circumstances when a benefit from a public sector superannuation scheme will have an untaxed element; and streamlining the reference to ‘Immigration Secretary’ and ‘Immigration Department’. These
amendments will ensure the continued smooth operation of the superannuation provisions of the income tax law. This bill deserves the support of the House. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (No. 2) 2010

Second Reading

Debate resumed from 25 October, on motion by Senator Sherry:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (7.49 pm)—The International Tax Agreement Amendment Bill (No. 2) 2010 amends the International Tax Agreements Act 1953 to enact a second protocol amending the agreement between Australia and Singapore for the avoidance of double taxation and the prevention of fiscal evasion with respect to income tax. The opposition supports this bill, but I thought I should make the obvious point that we have a government that is not only addicted to spending but also addicted to new taxes and more taxes. I wish there was a bit more focus on avoiding all these tax increases, these tax hikes, within Australia as well as trying to avoid double taxation internationally, which of course is entirely commendable as something for the government to do.

We have had a government over the last three or four years which has been addicted to spending and has fed its addiction through new and increased taxes. This, of course, has also resulted in record debt and deficit. We had the biggest deficit ever in the last financial year, and we are looking at a deficit in excess of $40 billion this financial year alone. This is of significant concern to Australians because it leads to things like increased interest rates and increased cost-of-living pressures for people right across Australia, which all of us in this chamber should be very concerned about.

In recent weeks the Minister for Finance and Deregulation, Senator Wong, has been talking about the $83.6 billion worth of savings that were made by this government. But when this government talks about savings they are actually talking about tax increases as well as spending cuts. When you ask them how much of that $83.6 billion worth of spending cuts is true savings, they cannot tell you. They can confirm that ‘savings’, in government-speak, means both tax increases and spending cuts but they cannot tell you how much of the $83.6 billion in so-called savings is one or the other.

When it comes to taxation, we had the Henry tax review—a process that went over nearly two years—which was supposed to provide a road map for root-and-branch reform of our tax system and was supposed to deliver a fairer and simpler tax system. What have we ended up with? Madam Acting Deputy President, you guessed it—just another new tax, after the alcopops tax and after the luxury car tax increase and after the tax on the North West Shelf gas project and after a whole plethora of other new taxes and tax increases. When the government was facing yet another debt and deficit challenge, it came up with yet another tax. There were 138 recommendations in the Henry tax review. What did we get? Just another tax—a tax which was not thought through, which was not properly discussed with either industry or state and territory governments, whose royalties were supposed to be abolished, but which the government thought at the time was going to deliver $12 billion worth of additional revenue.
It was handled so badly that all hell broke loose. The government’s political fortunes went into a nosedive. It was in serious trouble. It went into damage control. The Prime Minister was discarded. The Treasurer that was responsible for the new tax got promoted. And here we are, still talking about this tax and still nobody knowing where all of the revenue estimates are coming from. As I mentioned in an earlier contribution, this is a very secretive government. This is a government that is not prepared to be open and transparent. It is not prepared to be accountable to the Australian people. We have a government which told us at budget time that the then so-called resource super profits tax would raise $12 billion and a couple of weeks later the Treasurer, Wayne Swan, came out and said, ‘Oops, it would have been $24 billion.’

Then we had a deal that was done in secret with the three biggest taxpayers subject to the tax, excluding everybody else. All of a sudden we were led to believe that this was going to raise $10½ billion. The government said: ‘We have changed about 100 assumptions, but we are not going to tell you how we have changed them. We just want to get this tax through. We want to get these big miners off our backs, but we want to preserve this questionable assertion that we can deliver an early surplus. So we cannot really tell you what those underlying assumptions are; otherwise, you would be able to scrutinise the work we have done.’

Whatever way you look at it, at the end of the day it is the government’s addiction to spending that drives its desperate pursuit of ever new taxes. I wish this government was as committed to avoiding tax increases and the need for further tax hikes in Australia as it is—appropriately—to avoiding double taxation through the International Tax Agreements Amendment Bill (No. 2) 2010. Australians would be better off and we would not be having some of these discussions that have been taking place for some time now. With those few words, the coalition supports this bill, but we do want to impress upon the government that what Australia needs is genuine tax reform—not just more Labor Party taxes, moving forward.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (7.55 pm)—I thank Senator Cormann for his contribution and for the opposition’s support for the International Tax Agreements Amendment Bill (No. 2) 2002. The government is committed to combating cross-border tax evasion. This bill will give the force of law to the second protocol to the Australia-Singapore tax treaty, which will upgrade the exchange of information provisions in that treaty to the internationally agreed tax standard. The enhanced exchange of information provisions in the second protocol to the Singapore tax treaty will allow the tax authorities of both countries to exchange information on a wider range of taxes in a wider range of circumstances. This will discourage taxpayers from participating in abusive tax arrangements by increasing the probability of detection, making it harder for taxpayers to evade Australian tax. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

NATIONAL MEASUREMENT AMENDMENT BILL 2010

Second Reading

Debate resumed from 29 September, on motion by Senator Ludwig:

That this bill be now read a second time.
Senator COLBECK (Tasmania) (7.57 pm)—I rise to make a contribution on behalf of the coalition on the National Measurement Amendment Bill 2010. On the face of it, it looks like an innocuous piece of legislation, but what it really does is demonstrate the government’s approach to legislation and its lack of capacity to actually get things done. Noting that this bill has been sitting around since before the election and before the provisions of the 2008 amendments to this act were to come into place on 1 July, what this bill does is to amend the legislation again. I reflect on a comment by former Prime Minister Rudd, who said something along the lines of, ‘We want the government to be central in every person’s life.’ This bill actually puts that into place. The minister was effectively responsible for administering and deciding upon every little piece of activity under the legislation. In the real world, where industries to be affected by this legislation were seeing what was going to happen, it was found that it was not practical. So here we are amending the legislation just months after it came into effect on 1 July this year. Had we got to the legislation before the election, it would in fact have been amended before the legislation came into effect.

It is effectively innocuous legislation, but it does demonstrate the government’s desire to be intrinsically involved in everything that people in Australia do. Fortunately, in this circumstance, the concerns of industry have been taken into account, and that will no longer occur. So, quite sensibly, the provisions that will remove the government’s involvement in deciding a number of processes for sampling procedures and test procedures will be now done within the National Measurement Institute rather than by the minister.

We need to consider the practicalities when we are dealing with these pieces of legislation. The opposition is quite happy to pass this piece of legislation but it urges the government to consider the practicalities of getting things done when it is drafting its legislation. It is not necessary to be involved at the heart of everybody’s lives when making decisions. We can devolve some responsibility to people who sensibly can make those decisions and remove that level of red tape and time that would be taken if all of these things were sent to the minister in the decision-making process. We should facilitate the doing of business in our economy. The opposition indicates its support for the legislation.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (8.00 pm)—I thank Senator Colbeck for his contribution during the second reading debate. The new national system is one substantial outcome of the government’s business regulation reform agenda. The advent of the new national system has removed the previous inconsistency in trade measurements. It will reduce costs to companies operating nationally and will allow Australia to adopt new technologies and processes that will assist it in making our industry compete better internationally. This is clearly an outcome that all sides agree with and will applaud.

From the industry, I am pleased to report, the response has been extremely positive. ACCORD, which is the Australasian peak industry group for the consumer, cosmetic and hygiene products sector, for example, stated in a recent press release that the new national system will address the longstanding problem business has faced in having to deal with separate and often inconsistent requirements of state and territory legislation. It will introduce greater clarity for industry and assist Australia’s trade position by introducing an average quantity system.

In summary and in conclusion, the National Measurement Amendment Bill 2010
will bring legislative certainty on the application of strict liability offences and will assist in making greater efficiencies possible in the operation of the new national system of trade measurement. With those words I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

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

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

Second Reading
Debate resumed from 29 September, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator BRANDIS (Queensland) (8.02 pm)—It is a great pleasure this evening to speak briefly on the Service and Execution of Process Amendment (Interstate Fine Enforcement) Bill 2010. It should never be forgotten that the Service and Execution of Process Act, although never, so far as I am aware, a subject of acute political controversy, is one of the fundamental machinery-of-government acts of the Australian parliament. In fact, I think I am right in saying that it was, if not the first act, then certainly one of the first acts of the Australian parliament in 1901, to establish a machinery for the mutual recognition and enforcement of the orders and decrees of the courts of the various states.

This bill replaces the existing regime for arrest and imprisonment of interstate fine defaulters with the alternative sanctions available in the jurisdictions of the states and territories of fines imposed by courts of summary jurisdiction, which allows interstate fines to be enforced through the arrest and imprisonment of defaulters. The bill seeks to implement a decision of the Standing Committee of Attorneys-General by replacing that scheme with a simplified mechanism which no longer relies on arrest and imprisonment and instead applies the less punitive sanctions that have been introduced in the various jurisdictions.

Under the proposed scheme, a state or territory that is owed a fine may request enforcement in another jurisdiction. The fine is then registered in the jurisdiction in which the defaulter resides. Once registered, the fine can be enforced according to that jurisdiction’s own laws. Any money recovered is remitted to the state or territory that is owed the fine. The new scheme will apply to fines imposed after the bill’s commencement, and also to certain other precommencement fines—a measure that is principally targeted at persistent and recalcitrant defaulters.

The bill provides for a quicker, simpler and more efficient method of collecting interstate fines, and is therefore entirely consistent with the historic role of the Service and Execution of Process Act to make the service and execution of process between the several states and territories easier and uniform. On behalf of the coalition I am happy to support the bill.

Senator LUDLAM (Western Australia) (8.05 pm)—I will rise and speak as briefly as Senator Brandis. The Australian Greens strongly support the purpose of the Service and Execution of Process Amendment (Interstate Fine Enforcement) Bill 2010 and the repeal of part 7 of the Service and Execution of Process Act 1992. The bill is indeed non-controversial; the reason I thought it was worth making a few comments upon it was perhaps the precedent it sets or the intention
that we can read, but not read too deeply, into it. The intention is to deal with fine defaulters as what they are—minor offenders—and implement less punitive sanctions, to enforce fines rather than imprisonment. It is a sensible option and it is something that I hope we can carry forward into other areas of the law and justice debate. It is the most appropriate manner in which to deal with individuals who often fail to pay fines on the basis of financial hardship or for other reasons.

This is very much in tune with the Australian Greens’ view that imprisonment should be saved for only the most serious and violent offenders. Imprisonment comes at a very great cost to both the Australian taxpayer and to minor offenders. Neither society and the offenders themselves nor the community at large benefit in any way from these people spending any period of time in prison. So although it might look like a largely administrative change—and I am not even certain how frequently we are imprisoning people who cross borders in the way this legislation is intended to address—these are certainly welcome amendments and we look forward to seeing more of this kind of thinking applied.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (8.07 pm)—I thank Senator Brandis and Senator Ludlam for their contributions during the second reading debate on the Service and Execution of Process Amendment (Interstate Fine Enforcement) Bill 2010. The new scheme will be beneficial to the Commonwealth and the states and territories. It will overcome the problems that currently plague the system in recognising and enforcing interstate court imposed fines by making the new schemes simpler and more efficient. With those few words, I commend the bill to the Senate.

Question agreed to.
Bill read a second time.

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

WATER EFFICIENCY LABELLING AND STANDARDS AMENDMENT BILL 2010

Second Reading
Debate resumed from 29 September, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (8.08 pm)—Let’s put this in layman’s terms. Everybody is always very happy to buy a washing machine with a number of stars on it. The number of stars basically represents how efficient that washing machine is. You would presume that if it has been given the accreditation of star markings—that is what I believe they are called—it is all right for a plumber to install it. However, that is not the case. A water efficiency labelling scheme also has to be applied. Because the star marking scheme did not comply with the water efficiency labelling scheme, we had a bit of an anomaly, and the process of the Water Efficiency Labelling and Standards Amendment Bill 2010 was to remove that.

The whole rating scheme, as Australians well know, is to make sure that when you buy something you have a capacity to determine which things are more efficient than others. It is a very good scheme. My wife uses it and manages to buy the most expensive washing machines—because, apparently, they have more stars than the others. I, on the other hand, do not really care that much. I would prefer to pay less money, but that is another story. The issue is that, with the passage of this legislation, we have the capacity to make sure that the stars match up
with the efficiency labelling scheme. Now, when your plumber comes to install the washing machine, with the water efficiency labelling scheme it already has a star marking. Apparently, that is very good. It is a quite non-controversial issue.

I will have to give a little bit of a plug to Mal Washer, who brought this up in one of his inquiries—I think it was recommendation No. 2—and, as such, it is a great day for Mal Washer. It is funny that a person with the name ‘Washer’ would be involved with something to do with water efficiency labelling of washing machines, but that is the way this place works! Isn’t it a peculiar and wonderful place! I commend the bill to the Senate.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (8.10 pm)—I thank Senator Joyce for his contribution in the second reading debate. The Water Efficiency Labelling and Standards Amendment Bill 2010 was prompted by the House of Representatives Standing Committee on Environment and Heritage, which issued its report Managing the flow: regulating plumbing product quality in Australia. It is about providing water saving cost-effectiveness and deals with the ability of the scheme to aim at conserving water supplies by reducing water consumption, providing information for purchasers about water use and water-saving products, and promoting the adoption of efficient and effective water use and water-saving products. It does this by requiring registration and efficiency labelling of specified products when they are offered for sale. It is also able to set minimum water-efficiency standards. With that contribution, I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

PROTECTION OF THE SEA LEGISLATION AMENDMENT BILL 2010

Second Reading

Debate resumed.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (8.12 pm)—This issue, if I may be so bold, is slightly more important than the previous one. The Protection of the Sea Legislation Amendment Bill 2010 gives effect to resolutions of the International Maritime Organisation, which I will refer to as the IMO. Firstly, it amends the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 to reflect recent amendments to annex 6 of the International Convention for the Prevention of Pollution from Ships, known as MARPOL, that was adopted by the IMO on 10 October 2008. Secondly, the bill also amends the Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008 to provide protection for persons taking reasonable measures to prevent or minimise the effects of bunker oil pollution in Australia or the Exclusive Economic Zone of Australia, in line with a resolution of the diplomatic conference of the IMO. I will return to that issue later on because it is important.

As an island trading nation, Australia has an enormous shipping task. Ninety-nine per cent of our imports and exports by volume come by ship. The industry is a vital connection for our beef, wheat, coal and iron ore—industries which are going to be absolutely vital in repaying our massive debt. Without a competitive shipping industry, we do not have a competitive agricultural or mining industry. It is therefore proper that Australia plays a prominent role in the establishment and implementation of global standards relat-
ing to the shipping industry. Australia has been a member of the IMO since its establishment in 1948 and has played an active role in the development of conventions and treaties over many years. The six annexes of MARPOL deal with different aspects of marine pollution and all six have been implemented by both Labor and Liberal governments over time. Indeed, the previous coalition government adopted the initial version of annex 6, which entered into force in Australia in November 2007 via the Maritime Legislation Amendment (Prevention of Air Pollution from Ships) Act 2007.

At that time, the then Parliamentary Secretary to the Minister for Transport and Regional Services, and good friend, De-Anne Kelly pointed out:

This bill continues the government’s efforts to prevent pollution by ships and maintains the close alignment Australia has with the International Maritime Organisation’s international conventions.

I welcome this bill, but, to give you an example of its implementation, I want to recall the Pacific Adventurer—or ‘Misadventurer’. On 11 March 2009, the Hong Kong-China registered general cargo ship Pacific Adventurer lost 31 containers off the coast of Queensland—off the Sunshine Coast. This resulted in a major oil spill. It was around about the time of the election, so it was extremely topical. It cost in the vicinity of $30 million to clean up. The reality is that probably the vast majority of it was cleaned up by nature itself and bacterial breakdowns, but it was a very good photo opportunity for those who wanted to wander along beaches and try and scrape up oil.

The owners of Pacific Adventurer are the Swire group, which provides an interesting segue into the water debate, because the Swire group are also the owners of Toorale Station, which the Labor government bought off the Swire group for $23.75 million, without actually inspecting the place.

Under its obligations under the IMO Convention on Limitation of Liability for Maritime Claims, to which Australia is a party, the owners of the Pacific Adventurer were liable to pay $17.5 million. However, Swire Shipping agreed to pay a total of $25 million. But because the Queensland government was short of cash, the federal Labor government decided that the decision by the owners of the Pacific Adventurer to go beyond its obligations in meeting its liabilities and responsibilities was not enough. Instead, the federal Labor government decided that, from 1 April 2010, it would increase the tax on Australia’s international shipping industry by increasing the protection of the sea levy by 3c per registered tonne in order to recover the clean-up costs of the oil spill. This increase brings the levy to 14.25c per registered tonne. In other words, the entire sector has to pay an increase in costs, even though the party responsible in this situation more than met its liability obligations through a convention to which Australia is a signatory. If the government was not happy with the limits provided under the convention then it should have approached the IMO to increase them.

Nonetheless, this is a fairly non-controversial bill. It is just interesting that the Swire group seems to be involved in water in many ways. Maybe they thought that the money that they were asked to pay out would be money somehow recouped by the Labor government in another misadventure, the sale of Toorale Station.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (8.18 pm)—I thank Senator Joyce for his contribution to the debate on the Protection of the Sea Legislation Amendment Bill 2010. This bill was originally introduced into the House of Representatives on 3 February
2010 but it lapsed when parliament was pro-
rogued for the general election. It is being
reintroduced in essentially the same terms as
the lapsed bill, except for minor amend-
ments.

Nearly 4,000 ships carry commodities to
and from Australian shores each year, involv-
ing 99 per cent of our imports and exports by
volume. It is inevitable that, with such a
large amount of shipping, there will be issues
surrounding pollution of the ocean and the
atmosphere. We as a government are com-
mitted to preventing and reducing marine
pollution where possible and this will pro-
vide a strengthened legislative framework
and ensure that the most important of these
conventions—the International Convention
for the Prevention of Pollution From Ships,
generally referred to as MARPOL—will be
adopted. This is pollution by oil and other
noxious liquid substances. About 150 coun-
tries have adopted at least some of the an-
nexes that I referred to earlier. I commend
this very important bill to the Senate.

Senator BUSHBY (Tasmania) (8.21
pm)—I seek leave to incorporate a speech by
Senator Minchin, who has had to leave this
place for personal reasons.

Leave granted.

Senator MINCHIN (South Australia)
(8.21 pm)—The incorporated speech read as
follows—

Much of what I want to say has been said in the
House and by other Senators who support Austra-
lia’s continued engagement in Afghanistan.
However, I felt an obligation to speak in my ca-
pacity as the only current Senator who was a
member of the federal Cabinet in late 2001 when
the Federal Government originally made its
commitment to join the Coalition Force in Af-
ghanistan.
I was a co-opted member of the National Security
Committee of Cabinet for the 6 years from 2001
to 2007 that I was Finance Minister.
And I was the Opposition’s Shadow Minister for
Defence from late 2007 to late 2008.
I also speak as a Senator with a young relative
currently serving in Afghanistan.
I also note at the outset that one of my wife’s old
friends is the father of one the 21 brave young
Australians who have lost their lives in Afghani-
stan.
I am also in the position of having very nearly
lost my own son, an ADFA officer Cadet, in a
military training exercise this year, so I have
some inkling of the trauma involved for those
families whose sons have been killed or injured
on active duty in Afghanistan.
Can I say as a member of the 2001 Coalition
Cabinet, our Government had no hesitation in
offering to join the Coalition Force in Afghani-
stan, and no hesitation in making the commitment
when that offer was accepted by the United
States.
That is not to say that the commitment was en-
tered into lightly – the most difficult decision any
Government can make is to commit Australian
troops to active engagement, knowing that death
and injury are likely consequences.
I’m pleased to note the original commitment by the Coalition Government was unhesitatingly supported by the then Labor Opposition. And I commend Labor on its unqualified support throughout the ensuing 9 years.

Our commitment was made under the auspices of the ANZUS Treaty, with both Houses of Parliament having carried a resolution authorising the invocation of ANZUS.

And of course, as Prime Minister Gillard noted in her speech in this debate, the Australian commitment had the support of the United Nations. Thus from the outset our commitment to the Afghanistan engagement has been very much a function of our Alliance with the United States.

The Parliament should not be coy about this. Our original commitment was made in the context of our closest ally having just suffered an appalling and horrific terrorist attack upon its soil, by a terrorist group receiving safe haven from a nation-state, Afghanistan, then under the absolute control of the Taliban.

Frankly there was no question about the importance of the US and its allies removing that safe haven for these evil and ruthless terrorists who have no qualms about massacring innocent civilians.

There really was no question about Australia’s willingness to join with the US in this action. I do also note that Prime Minister Howard, in announcing our commitment, did not seek to hide the significant dangers that our personnel would face. He made it clear there was a high risk of casualties.

Mr Howard also said, about exactly 9 years ago, that he didn’t know how long the operation would last, and that the reality was it could be protracted.

However I must say none of us would have contemplated then that in 2010 we would still be part of a Coalition engaged in Afghanistan.

While removing the Taliban from Government in Afghanistan took very little time, bringing peace, order and good government to that country has proved to be much more difficult.

May I say that both the Prime Minister and the Opposition Leader gave responsible and appropriate speeches in the House, frankly setting out the reasons for our continuing involvement and the challenges the Coalition Force faces in Afghanistan.

I endorse and support their remarks and support our continuing engagement.

I particularly note Mr Abbott’s reference in his speech to a number of events in the absence of which “the prospects in Afghanistan might be less daunting and the choices less difficult”.

Two of those events noted by Mr Abbott were Pakistan’s aid to the Taliban, and the preoccupation of the West with Iraq.

The first – the role of Pakistan – is a major and serious problem.

I had the privilege of leading a Parliamentary delegation to Pakistan in 1996, and visited the border country between Pakistan and Afghanistan.

It is a region that is remote, wild and rugged, with an obviously porous border between the two countries.

Clearly the flow of Taliban forces and resources across that border is making the Coalition campaign in Afghanistan extremely difficult.

Indeed the Australian newspaper’s Foreign Editor Greg Sheridan wrote last week that this is “the key strategic fact: Pakistani support for the Taliban, which makes victory more or less impossible”.

Sheridan is right to point out the grim reality of the Pakistan issue, even if we don’t all share his pessimism.

But I think he is right to say that the reality of Pakistani support for the Taliban means victory is only possible with a massive Coalition effort, which is unlikely to be forthcoming.

It does seem to me therefore that, while we must continue our engagement, and the Coalition must respond to Taliban aggression, there must be an attempt to engage elements of the Taliban in negotiations aimed at a laying down of arms.
I am pleased by reports that NATO is helping to facilitate such discussions with the Afghan Government.

However a precondition of any negotiated outcome must be a complete, unequivocal and verifiable veto on any safe haven in Afghanistan for terrorists — and the civilised world must retain the capacity and the will to eliminate any terrorist camps or bases re-established in Afghanistan.

Never again can Afghanistan be a base for terrorists to plan and launch their attacks on innocent civilians.

The other factor mentioned by Mr Abbott that has made the Afghanistan engagement more difficult is the West’s preoccupation with Iraq.

That is an undoubted and unarguable reality.

While I honour the service of all Australians who’ve been involved in the Iraq engagement, the honest truth is that the US’s decision to invade Iraq in 2003, when the Afghanistan issue had not been resolved, has clearly affected the Coalition campaign in Afghanistan in a negative fashion.

Rather that the US and its allies focusing all their energies and resources on Afghanistan, Iraq became a massive diversion.

While the US was well-motivated in relation to Iraq, its occupation was a debacle. ABC TV’s 4 Corners Program has in the last 2 weeks documented the scale of the post-invasion disaster in Iraq.

Indeed I vividly recall, as a Member of the Howard Cabinet, being very disturbed in the period prior to this US invasion, by the obvious and significant battle going on in the Bush Administration between Colin Powell at State and Donald Rumsfeld at Defence over the Iraq issue.

My admiration for Powell was immense; my doubts about Rumsfeld were deep.

I earnestly hoped that Powell would win that internal battle, and that the US would refrain from pre-emptive action in Iraq.

That was not to be, and once the US had decided to launch a campaign to remove the Saddam regime, I accept that Australia had little choice but to support our ally.

I recall that my heart sank when Mr Howard informed us in the middle of a Cabinet meeting that the US had decided to invade Iraq, but I knew that the decision having been made, Australia had to support it.

I regret that we were not able to be more successful in persuading the Bush Administration to remain focused on Afghanistan, rather than open up another front in Iraq.

The debacle that ensued in Iraq has made the vital campaign in Afghanistan more protracted and more difficult.

That difficulty has adversely affected public support for our engagement.

A very recent published survey on this issue, taken on 11 October by Essential, showed 49% in favour of withdrawing our troops, down from 61% in June and back to the level recorded in March ’09.

The most recent Nielsen Poll also shows 49% in favour of withdrawal.

In the Essential survey, 24% supported the current commitment, 13% wanted to increase our troop numbers, and 14% didn’t know.

I note that in the October Essential Poll, while a majority of Labor and Greens voters wanted a withdrawal, 49% of Liberal voters wanted us to stay and 41% supported a withdrawal.

So while 49% of Australians overall say they want us to withdraw, a plurality of the voters I represent prefer us to stay.

Nevertheless the great majority of us in this Parliament who support our continuing engagement, have a profound responsibility to argue our case in public at every opportunity.

The Government and the Opposition can’t afford to allow public opinion to become entrenched in opposition to our Afghanistan engagement.

We owe it to the Australian personnel putting their lives on the line in Afghanistan to continuously articulate the case for our presence there.

I conclude by applauding the professionalism and commitment of the Australian men and women serving our country in Afghanistan, and honour the ultimate sacrifice of the 21, whose deaths have touched every one of their fellow Australians.
Senator MILNE (Tasmania) (8.21 pm)—
I rise tonight to argue the case very strongly that Australia should withdraw its troops from Afghanistan as quickly and as safely as possible. Like everyone in this country, I watched the television coverage of the funeral of Lance Corporal MacKinney, who died in Afghanistan on active duty and was buried on 12 September 2010. He was the father of Annabell, and his son Noah was born on the day of his funeral. Noah will never see his father and he will grow up knowing that his father was the 21st Australian soldier killed in Afghanistan. Whilst I, like the rest of the nation, grieved for his death, Noah, his sister Annabell and the family will pay the price of the war in Afghanistan for the rest of their lives.

So you really have to ask: why are we in Afghanistan and what is the reason that we are paying the price of the deaths of young Australians in Afghanistan? There is no greater responsibility than committing the country’s forces to war. This should have been debated in this parliament long ago, and I am glad that we are now at the point of being able to have this debate in the Australian parliament, but each and every one of us has to answer that question: why are we in Afghanistan and why are we risking the lives of Australian forces in that war in Afghanistan? The answer has to consist of more than statements based on actions taken by then President Bush, then Prime Minister Blair and former Prime Minister Howard. They botched Afghanistan, and if we were being honest we would all admit that. President Bush, with Australia and the UK in tow, pulled out of and abandoned Afghanistan to go on flawed intelligence into Iraq and then went back into Afghanistan. The reason for going into Afghanistan was to deal with terrorism—to deal with al-Qaeda. But we all know that al-Qaeda is no longer in Afghanistan and that when we talk about al-Qaeda we are talking about Somalia, Yemen, Pakistan and other places around the planet.

At what point did anyone go to the Australian people and say, ‘The original reason we went into Afghanistan is no longer the reason we went into Afghanistan’? Nobody went and consulted with the Australian people about the fact that terrorism is now in several other countries and that these terrorist cells are in different places and even better organised than they were in Afghanistan. No; instead we kept on with the war. I would argue that the reason we did that was that we did not know how to withdraw. There was no exit strategy for Afghanistan, and there still is not. Prior to this election, the government said that there would be a two-to-four-year time frame in which we would withdraw. Subsequent to that, the Prime Minister has said that it could be 10 years before we leave Afghanistan. But there is still no coherent argument to the Australian people as to why we are there. I ask: how is Afghanistan going to be any different in two to four years to the way it is now? What is it going to look like as a result of our efforts in Oruzgan province? How is it going to be different in two to four years time? I would argue that it is not going to be any different.

I also ask the question: why are we proping up a corrupt government in Afghanistan, one that will not endear us to the Afghan people? We say that we are there to help the Afghan people, but we are actually protecting and proping up one of the most corrupt regimes on earth. The Karzai government has been accused of state organised drug running, bank fraud and endemic bribery. Transparency International has said that the only country with a more venal government than Afghanistan’s is Somalia. Ordinary Afghans have to be persuaded to shun the Taliban and support the pro-Western Karzai government in Kabul. But why would they? Why would ordinary Afghans want to
support a corrupt government propped up by an invasion force? They clearly do not and will not. As for the details of that level of corruption, in a recent article in the Australian press John Kerin wrote:

Take the Kabul Bank debacle: according to reports in The New York Times, Karzai’s brother, Mahmoud, is a major shareholder in the bank, which teetered on the brink of collapse until the Afghan Central Bank stepped in.

Bank executives such as Mahmoud Karzai had allegedly been lending themselves millions of dollars to buy villas in Dubai. There were allegations that as much as $300 million was missing.

Thousands of depositors tried to withdraw their funds until armed government goons put a halt to the bank run.

In Afghanistan, corruption and the military campaign are intimately linked. The fate of the Kabul Bank has a direct impact on the war because the Afghan police and the army, along with the civil servants, are paid by the bank.

Hamid Karzai appears to be positioning himself for the eventual withdrawal of coalition forces by stacking his government with extended family to maintain control.

At least six Karzai relatives have influential positions in the administration.

The article went on:

Kazirai has undermined a series of tribunals set up under coalition tutelage to stamp out corruption.

An election in late September was riddled with fraud in up to one-third of Afghan provinces. Both Hamid Karzai and his brother Ahmed Wali were accused of trying to fix the result.

The Taliban and other insurgent groups made good on their promise to disrupt the elections by mounting rocket attacks and intimidating election workers.

The attacks led to the closure of 1000 of the 6000 polling stations.

The issue is: what are we doing supporting a totally corrupt Karzai government against the wishes of the Afghani people; why are we propping up this government; and why are we actually forcing the Afghani people to continue to support the Taliban against this corrupt Western supported government in Kabul?

The final point I want to make this evening is: the Australian government should be committing our forces in the best long-term interests of this nation, and there is still not a clear explanation from the Australian government as to what we hope to achieve in terms of this nation’s strategic interests by remaining and supporting a corrupt government in Afghanistan against the wishes of the Afghani people. We should be supporting the Afghani people through our aid dollars and the support of those programs run by the United Nations, but it is inappropriate for us to continue supporting the war in Afghanistan which everybody agrees is unwinnable.

Now we have the Obama administration in discussions with the more moderate groups in the Taliban trying to work out a withdrawal strategy in that country. It is time that Australia brought our troops home. It is time that the Australian government said to the Australian people that this is an unwinnable war and that there is no clear objective any longer in being in Afghanistan because terrorism has moved elsewhere.

We need to support the Afghani people but we need to support our own troops as well. They need a clear rationale as to why they are there or when they are coming home. I do not believe it is appropriate to keep on saying how much we support our troops in Afghanistan without giving them a clear reason as to why they are serving in that country in an unwinnable war, knowing that there has to be an exit strategy but the government cannot make up its mind what that exit strategy is and what time frame it will be carried out over.

We want our troops brought home now and we want them brought home safely. We
want to support the Afghani people and we
want to say to our troops who have served in
Afghanistan how much we appreciate the
sacrifice. We want to say to our troops in
Afghanistan how grateful we are as a nation
for the service that they have offered us. But
we also want to say to them that we respect
them and their families enough to recognise
that staying longer in Afghanistan is not go-
ing to result in a significant change for the
Afghani people because of the level of the
corruption in Kabul with the Karzai govern-
ment, and it is time they came home. The
Australian Greens will keep arguing in this
place and in the community that our Austra-
lian troops be brought home to their loved
ones before we lose any more young Austra-
larians as casualties in that war.

I will end as I began in talking about An-
nabell and Noah Mackinney: they will grow
up being proud of their father’s service and
rightly so, but we owe it to them to say here
and now that Australia has lost its way in
Afghanistan. By staying we will not signifi-
cantly alter that country now or in two or
four years time. In Oruzgan province, yes,
we are working with the security forces but
when we leave they will come under the
command of a corrupt government. It is time
for our troops to come home and it is time,
when they do come home, that we give them
the support they will need after the experi-
ence they have been through in this war in
Afghanistan.

Senator CROSSIN (Northern Territory)
(8.34 pm)—I rise this evening to provide my
contribution to this national debate in this
parliament on the war in Afghanistan. Spea-
kers before me in this debate in both the
House and here in the Senate have compre-
hensively convinced and outlined the ration-
ale for Australia’s ongoing presence in that
country. Our military contribution comprises
around 1,500 Australian Defence Force per-
sonnel who are deployed in Afghanistan with
the majority, over 1,200 of those, being
based in Oruzgan province.

Our substantial military, civilian and de-
velopment assistance focuses on training and
mentoring the Afghan National Army 4th
Brigade in Oruzgan province to assume re-
sponsibility for the province’s security. We
are building the capacity of the Afghan Na-
tional Police to assist with civil policing
functions in Oruzgan and helping to improve
the Afghan government’s capacity to deliver
core services and generate income-earning
opportunities for its people, and of course
operations to disrupt insurgents’ operations
and supply routes utilising the Special Op-
erations Task Force. In Afghanistan we work
in partnership with the United States, New
Zealand, Singapore and Slovakia as the In-
ternational Security Assistance Force com-
bined team in Oruzgan, which commenced
on 1 August this year.

Tonight I want to put a very personal face
on the statistics and the facts of our involve-
ment in Afghanistan. The majority of our
personnel currently in Afghanistan derived
from 1st Brigade at Robertson Barracks, in
my home town of Darwin. I am very proud
this evening to provide this contribution in
front of Lieutenant William Cuming, from
the Royal Australian Navy, who is here with
me this week in Parliament House on his
parliamentary defence program.

One of the major elements of the Com-
bined Team Oruzgan is the second mentoring
task force. The mission of the MRTF-2 is to
provide operational mentor and liaison
teams. These teams live with and train, men-
tor and support their Afghan National Army
4th Brigade colleagues. There are more than
750 Australian Army personnel from 5RAR
1st Brigade at Robertson Barracks involved
in MRTF-2, which is based around an infan-
try battle group from the 5th Battalion—as I
said, RAR, the Royal Australian Regiment.
I just want to take a moment to pay tribute to those men and women, and I hope that if they get to read my contribution online, whether they are in Afghanistan or still back at Robertson Barracks, I can say hello, and a fond hello, to some of the many personnel I would have met in March 2009 while I was in East Timor as part of Operation Astute, as part of the parliamentary defence program. I understand, from my meeting with Brigadier Gus McLachlan last Friday, that most of the people I would have met in East Timor in March 2009 as part of 5RAR have now been deployed to Afghanistan. So I have a very personal knowledge of the kind of personnel who are working in Afghanistan on behalf of this country—certainly under the command of Lieutenant Colonel Darren Huxley.

The people I met in East Timor were people who were professional soldiers, who were trained to be exquisite in their knowledge of the field in what they do, who were capable experts and who would do this country extremely proud no matter what country they were deployed to or in what circumstances. These people have come back from East Timor and have spent months training in all sorts of situations, in all kinds of routines, in all kinds of drills, learning the language and learning the culture so that they can contribute in a professional way to what is happening in Afghanistan. That is what they want to do, that is what they live to do, that is the chosen career they have voluntarily opted for as being part of the Army, and from what I saw in East Timor, they do it exceptionally well.

5RAR is a regiment of 1 Brigade; it is the home of the Australian Army’s 1 Brigade in Darwin at Robertson Barracks—or ‘Robo’ Barracks as we locals call it. It is in the electorate of Solomon. The Darwin-based troops are involved in other critical elements of the Combined Team Oruzgan. There are provincial reconstruction teams which provide a trade training school, work section and security element, which contribute to the enhancement of security of other government agencies working in Oruzgan. Seventy Australian Army personnel from 1 Brigade are deployed in the provincial reconstruction team. The brigade also provides 15 personnel to the force engineer construction team, whose role is to provide force level engineer support to deployed ADF elements operating in the Oruzgan province. Eighty personnel from 1 Brigade are involved in the Force Communications Unit of the Combined Team Oruzgan and a further 21 from 1 Brigade personnel are involved in the artillery training scheme at Kabul, which provides training, mentoring and training activity development to the Afghan National Army artillery branch and school of artillery, and 1 Brigade also provides approximately 20 personnel at the Combined Team Oruzgan headquarters. The CTU headquarters is a brigade-sized tactical command post headquarters tasked with command and control of multinational elements operating in the Oruzgan province.

CTU has the ability to use a wide variety of military capabilities to prevent regression of the current security situation in Oruzgan, and to support the development of the Afghan National Army 4th Brigade. Capabilities include fire support engineers, intelligence, surveillance and reconnaissance, psychological operations, information operations, electronic warfare, signal support, administration and logistical support. CTU is currently commanded by Colonel Jim Creighton of the United States Army, and his deputy commander is Australian Army Colonel Dennis Malone.

What I want to do tonight is paint a picture of the contribution that our people at Robertson Barracks have provided: 985 defence personnel from Robo Barracks are currently in Afghanistan, and as I understand it
750 of those are from 5RAR. Clearly 1 Brigade, the Darwin-based brigade, has a central role in Australia’s involvement in Afghanistan. But what I also want to do is place on record tonight the very special relationship that the Darwin community has with the ADF. The Army, Navy and Air Force all have bases in Darwin, and the military there are well integrated into the local community and well respected and appreciated.

I want to take time in my contribution to also pay my gratitude and my thanks to the 450 families in Darwin who are the wives and the spouses, the sisters, dads and brothers even, relatives and friends of those people who are deployed in Afghanistan. A lot of effort goes into supporting those families as they cope for eight months while the person they cherish dearly is deployed to Afghanistan. But that is part of the role, that is part of the team, that is part of the commitment, and I think in this debate we have to remember that our people in Afghanistan want to be there because that is their career. That is what they have trained to do, that is what they choose to do in their life—that is, to represent this country and to fight for democracy and freedom. And not only should we support them; we should be there with them ensuring that they do the best job they can do because we equip them well, we support them well, but we also support the families they have left behind.

The deep personal commitment of Army personnel at all levels to being in Afghanistan is obvious. From my own discussions and meetings, everyone who goes to Afghanistan sees it as the culmination of the reasons they joined the Army in the first place: the useful application of their skills and training. As Brigadier McLachlan reminded me last week, joining the Army in this country is voluntary; people choose to enlist with the full knowledge of potential involvement in conflicts such as Afghanistan. And we have seen from the description of the teams and areas to which 1 Brigade troops are deployed, a large focus of the Army’s presence is about training, mentoring, protecting and developing the local capacity.

There is no doubt that the majority of us taking part in this debate have no empirical sense of the country and the people we are talking about. Afghanistan is largely a media construct for most of us, known only through news accounts of war and terrorism. I would warrant that most of us envisage dusty, barren deserts and harsh, inaccessible mountains. Most of us would have no sense at all of the history or the culture of Afghanistan, but our troops do. The vast majority of us will have no opportunity to visit Afghanistan, but a sense of the social history and daily life of Afghans can be gleaned from reading. Khaled Hosseini’s book *A Thousand Splendid Suns* is set in Afghanistan, largely in Kabul. Though a novel, it conveys in a very real way what life was like for Afghans and the way it changed under the Taliban. It gives one a sense of normal lives in Kabul, both before and during the harsh reign of the Taliban. Kabul was not the rocket ravaged ruin that we see on our screens. Hosseini describes Kabul as follows:

One could not count the moons that shimmer on her roofs, or the thousand splendid suns that hide behind her walls.

This was a good place. It is the pre-Taliban Afghanistan that we are seeking to restore—while, I might add, relying on our so very professional and well-trained troops to do so.

The Taliban took control of Afghanistan on 27 September 1996. Initially seen as heroes and freedom fighters who managed to overthrow the Soviet regime, their own regime quite rapidly became repressive and abusive, particularly of women. Women in Afghanistan had received the right to vote in
the 1920s and were making a strong push for
equality by the 1960s. Women made up 15
per cent of the Afghan legislature. In the
1990s, 70 per cent of school teachers, 50 per
cent of government workers and university
students and 40 per cent of doctors in Kabul
were women. This is not the Afghanistan
with which we were confronted nine years
ago. As we know, the Taliban banished
women from the workforce, forbade them an
education and, indeed, did not allow them to
be out alone on the streets and would beat
them for not wearing the full burqa. Free
speech was suppressed.

Our presence in Afghanistan is not only
about protecting Australians from terrorism.
We are doing something fundamentally im-
portant in Afghanistan: we are getting the
country back to being a place where women
and children are protected and where equal
rights are restored. We have an ongoing
commitment to that social rebuilding. There
are already positive signs. As many of my
colleagues in the lower house have said dur-
ing their contributions to the debate in that
place, we are creating a situation where the
ordinary Afghan citizen can be confident that
the International Security Assistance Force
and the Afghan National Security Forces are
making headway. More than two million
girls are now enrolled in schools. In the
words of Khaled Hosseini: ‘A society has no
chance of success if its women are unedu-
cated.’

For me, this is the big reason why we are
in Afghanistan and why we should stay. This
goes to the core of what we are fighting for.
We cannot and should not—and must not—
walk away from that. It would be remiss,
however, not to mention the huge sacrifices
made by Australians in the pursuit of these
operations. Twenty-one ADF members have
been killed in action—one, of course, from
the Northern Territory, whose home base was
Katherine. It is the ultimate sacrifice, with
each death devastating families and each
death sadly felt in the ADF, alongside the
community’s expression of sorrow and sup-
port. The father of Nathan Bewes, the 17th
Australian soldier to be killed in the conflict
in Afghanistan, said with humanity and dig-
nity that his son had contributed to getting
Afghanistan back to being a place where
women and children are protected. This is a
sentiment echoed by many who leave for
Afghanistan and by many left behind on their
departure. They are proud to be getting Af-
ghanistan back to being a safe place, while
making this world a safe place as well.

We have a responsibility to finish what we
started in Afghanistan and to continue not
only to be part of the alliance with the US, as
sanctioned by the United Nations, but also to
be part of a global alliance, grow that coun-
try and support its people. We have an equal
responsibility to support those on the ground
who are working for the security and devel-
opment of Afghanistan, in the name of this
country, Australia, and for our own national
and personal security.

Senator BOYCE (Queensland) (8.50
pm)—I rise to contribute to the debate on the
motion to take note of the ministerial state-
ment on Australia’s commitment to Afghani-
stan. In many ways I feel poorly qualified to
speak on the subject of our involvement in
the war in Afghanistan. I have not been to
Afghanistan. My only family connection
with the Defence Force was a paternal grand-
father who served in the Middle East in the
First World War. But I live close to the
Enoggera Army barracks and have been very
involved in supporting that group. I have
family friends who have sons and fathers in
Afghanistan or who have served there at
least once if not more since we became in-
volved in the conflict.

I have recently, in the past two years, be-
come involved with a very, very worthwhile
group called the Military Brotherhood, a motorcycle club based in South-East Queensland, that supports former soldiers, police and UN peacekeepers who have been psychologically damaged or hurt in some way by the wars in which they have been involved. It was my honour to speak yesterday, on United Nations Day, at a function which the Military Brotherhood hosted at Canungra, near the Army base there. The Military Brotherhood asked me to speak on the subject of dedication, and I was delighted to do so. What came out of their thinking and my thinking on the topic of dedication was the need for sacrifice when you are being dedicated. I can think of no better reason to claim a right to speak tonight than to represent those people and, in the words of David Burchell, from the *Australian*, to say:

It would be hard to imagine a simpler or more self-evidently good cause than Afghanistan.

Yesterday during the service in Canungra, former sergeant Joseph Kocka spoke about his service. He is a Vietnam and Cyprus veteran. He was 19 years old when he went to Vietnam. He was older, wiser and, he says, 'believed more in humanity' when he went to Cyprus in 1997. I would like to quote a little from his speech. He talked about how far we as a global family have progressed in the period that he was speaking about. He said:

The two operations I mentioned began around the same time, in the early 1960s. In South Vietnam we were there to assist in establishing a government which would then look after its people. In Cyprus we were there to help all the people, and in so doing bring them good government.

Our efforts in South Vietnam came to nought in 1975 and it was all over. At that same time in Cyprus an invasion occurred by one of the external forces and the UN stepped into the breach. It resulted in a lasting but fragile peace which continues to this day.

What is particularly significant between the two operations is that one finished and the other is ongoing.

He made the point and the contrast that, unlike the Vietnam war, the Cyprus conflict had been managed by the United Nations, by a group with international approval to undertake the work that they were undertaking.

Such is the case, of course, in Afghanistan. We have already heard quite a bit about the International Security Assistance Force, the NATO-led force, which was yet again endorsed for its work in Afghanistan by the United Nations Security Council on 13 October this year. So there we have a group of allies, an alliance. Earlier today, Senator Abetz mentioned that, out of that group, there are a number of countries that have supported and are signatories to the ISAF but are currently not contributing. I thought it was interesting to look at the 47 countries that currently have troops—these figures are from August this year—in Afghanistan. There are, in fact, 16 countries that have more than 500 troops deployed there. I would like to read out that list, because I think we too often simply talk about Australia, the UK and the USA—and all of Australia has talked about the Netherlands and their past involvement with us. The countries that have more than 500 troops in Afghanistan as at 6 August this year were Australia, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, France, Georgia, Germany, Italy, Norway, Poland, Romania, Spain, Turkey, the United Kingdom and the United States. Other contributions go from three up to 400 or more people. This is not an alliance of the US lackeys, as some people would have you believe; this is a genuine alliance of NATO countries which is supported properly and firmly by the United Nations.

In my view, we must continue until we perceive that we have developed some success in this area. Senator Abetz talked earlier
about the fact that we must continue with our nation-building efforts in Afghanistan as well as our troop efforts—it is not just about the fight; it is about rebuilding the country of Afghanistan—and the fact that we have developed 11 health centres and that well over 150 health posts have been refurbished with the involvement of Australia and Australian troops. Senator Abetz also mentioned the fact that we need to be thinking about mentoring staff to assist in building the social capital and the resources for Afghanistan to run its own democracy, to run its own, fair, free society. I certainly hope that our government will support that when the meeting in Portugal happens next year. I note that Michelle Grattan, in the Age this month, commented on Prime Minister Gillard sounding muddled and uncertain when pressed for details about the likely form of any sort of long-term commitment in Afghanistan, and I quote:

More tellingly, she floundered when dealing with questions about the negotiations under way between the Karzai government and Taliban figures. This appeared to be a sign of her inexperience and probably her political caution in the area.

We need experience and we need to proceed with caution but with honour in this area, and it would be good if, at the Portugal meeting, this government would encourage the countries that currently do not provide human resources into Afghanistan to offer mentoring staff to assist organisations and companies so that they can take on the roles that have been left vacant in this current situation and because of the Taliban regime.

Twenty-one Australian personnel have died in Afghanistan. The community, their families, their friends and their ADF colleagues have all mourned those 21 people. It has been said that we must stay there to honour their memories. There is no point in staying there if we do not think that what we currently have is an honourable fight to have. I think it is. I hope that this parliament agrees.

One of the things we need to keep in mind is how different this war is from some others. It is what is now referred to as ‘irregular warfare’ within the ADF. The majority of our troops were killed or injured by bombs and booby traps—by IEDs—and not by being shot at during battle. This is what is referred to as a ‘dirty war’. It is, however, an honourable cause, and we must continue to support our troops. I know we currently have troops who are on their third tour of duty of Afghanistan. We must be very careful that we do not exhaust our fighting people in that way. We must ensure that we give them the resources that they need; we must ensure that we have a large enough army to sustain the type of involvement that we currently have. We must keep in mind too, I think, some of the cultural issues. I am told that Afghani forces often go, I guess, AWOL. It is not a case of desertion; it is because of tribal necessities and loyalties that they leave to attend functions in their home places and then come back later. We need to think about how this is going to be the sort of army that can work in a country.

The Taliban move freely throughout Afghanistan and throughout Pakistan, and we need to reach the situation where we have the total and ongoing support of the Afghan population. Numerous anecdotes have been told about the Afghani population supporting our troops to oust the Taliban and other terrorist organisations in their areas. We need to consider this issue very closely as we move from the troop and battle situation to the support and social development side of the war in Afghanistan.
I would like to conclude by talking a little about some of the other problems that we need to keep in mind as we make this transition. Senator Abetz earlier today pointed out that more than two million women and girls are now back in school who would not have been there—who possibly would have been killed for being there—under the Taliban. But, at the same time we need to remember that this democracy is rudimentary and fragile. The United Nations released a report on women and peace on 21 October. The point was made during the launch of the report:

Women still face obstacles to engagement at all stages of the peace process.

Sexual violence remains an all-too-common tactic of war and often continues well after the guns fall silent.

Advancing the cause of women, peace and security must be integral to our peacemaking, peacekeeping, and peacebuilding efforts, not an afterthought.

I found fascinating a report by Muhammad Qayoumi in a newsletter produced by the Support Association for the Women of Afghanistan in Australia. Muhammad Qayoumi lived in Kabul in the fifties and sixties, before migrating to Australia. He challenges the view that Afghanistan has been ‘a broken 13th-century country’. He says:

... that is not the Afghanistan I remember. I grew up in trouble in the 1950s and ‘60s. When I was in middle school, I remember that on one visit to a city market, I bought a photo book about the country published by Afghanistan’s planning ministry.

He includes photos from this book, another copy of which he has recently obtained. In it you see men and women working side by side. You see a male librarian serving two women, both of whom are wearing knee-length skirts and high heels. The photo could have been taken in any Australian library of the 1950s. Muhammad Qayoumi goes on to say:

A half-century ago, Afghan women pursued careers in medicine; men and women mingled casually at movie theatres and university campuses in Kabul; factories in the suburbs churned out textiles and other goods. There was a tradition of law and order, and a government capable of undertaking large national infrastructure projects, like building hydro power stations and roads, albeit with outside help. Ordinary people had a sense of hope, a belief that education could open opportunities for all, a conviction about a bright future lay ahead. All that has been destroyed by three decades of war, but it was real.

The Support Association for the Women of Afghanistan in Australia expresses some genuine fears that the Taliban are not the only people that the women of Afghanistan have reason to fear. They point out that some of the former warlords who now represent the government have the same misogynist attitudes as the Taliban had—for example, young girls trying to flee marriages to much older men have been brought back and flogged and, in one case, killed. This is not a regime that we want to support. This is not a regime that is honourable or a regime that we can fight for. So part of the solution to Afghanistan must be to ensure that the new government—the new regime and the new view of Afghanistan—includes fairness, democracy and equal opportunity. As David Burchell said:

There is scarcely another country on earth where human dignity has been so deliberately and disgracefully trampled upon, or where the progress of one-half of humankind, probably the most signal advance of the past two centuries, has been more casually routed.

We must ensure, as we have done up to now, that we behave honourably, that the solution is honourable and that it is fair to all Afghans, men and women.

Senator SIEWERT (Western Australia) (9.08 pm)—I rise to take part in a debate that
should have happened 10 years ago—or nine years ago as we are in our 10th year of this conflict. It is good to see that the parliament is finally debating the merits of our military involvement in Afghanistan. While I welcome this opportunity and I am glad it has finally come, this highlights a problem in Australia in that, as I said, we are now in our 10th year of conflict and this is the first year time the parliament has discussed it in terms of debating it. I acknowledge there have been ministerial statements made but this is the first time we have had a debate. I personally do not believe that is the way our country should be committed to war. Decisions are made that affect everybody involved in that conflict. It affects people in fact for generations to come—not just decades but generations. You can feel the impact that conflict and war has had, and will have, on the soldiers, on their families and on the people in the country.

We are talking about a country where they have already been involved in conflict for decades. Our Prime Minister said in the debate in the other place on this last week that we will be there for another 10 years. That is a further decade of conflict for those people in Afghanistan. It is, I acknowledge, a very complex decision; but because of that it absolutely has to be examined very carefully so people fully understand the implications of going into that conflict, going into that place far from our shores, and the impact that it has on the soldiers who we send.

David Petraeus said we have to:

‘… recognise also that I don’t think you win this war … “I think you keep fighting. … You have to stay after it. This is the kind of fight we’re in for the rest of our lives and probably our kids’ lives.”’

Were Australians, when our previous government took us into this conflict, aware that that was the decision that their government was making for them and their children? No, they were not. Were they aware that their government was committing this country’s forces for two decades? Were they aware of the issues involved? No, they were not. And those issues have changed.

I join the Greens wholeheartedly in our opposition to this war and support for bringing the troops home. I believe that the conflict there continues to intensify, that it will inevitably result in the death of more troops and more civilians, that it will not protect us from terrorism and that it will not result in a stable, peaceful and just democracy in Afghanistan. Already we have seen the deaths of 21 Australian soldiers—10 of them since June this year. My heartfelt sympathy goes out to their partners, parents, children and families. They absolutely will be suffering from their loss and will do so, as I said, into the future. There have been over 2,100 international military fatalities, and this figure does not capture the full extent of the combatants’ deaths as it overlooks, for example, private security contractors—whose deaths, it is reported, surpassed the deaths of soldiers in the first half of this year. According to the United Nations Assistance Mission in Afghanistan, in the first six months of 2010 the total civilian casualties increased by 31 per cent compared to 2009. It is reported that the total number of civilian casualties between 2007 and 2010 is estimated to be around 7,000—although I must say I have heard some commentators put that figure much higher than that.

Each year the number of combatant and civilian casualties rises. According to recent work by the International Council on Security and Development, 80 per cent of Afghanistan now experiences heavy Taliban and insurgent activity, 17 per cent experiences substantial activity and only three per cent of the country is now classified as having light Taliban or insurgent activity. This has grown worse with every passing year of
the conflict. Each year popular support for international forces and the central government declines.

As has been reported widely, recent elections in Afghanistan have been marred by fraud, undermining the legitimacy of the government in Afghanistan we are currently supporting. Why do we persevere? We have heard many speeches making the case for supporting that Afghan government in this place today. The three reasons often given for our continued engagement are: firstly, counter-terrorism, the primary reason; secondly, to stabilise Afghanistan, which is linked to more humanitarian efforts such as constructing schools and the like, and I would argue that there is a strong need to in fact disassociate our development approach from the military conflict; and, finally, our alliance with the US.

No-one can dispute that we wish to protect ourselves from terrorist attack, and we condemn terrorism at every level and everywhere. We can also accept that al-Qaeda was operating in training camps in Afghanistan when the Taliban was in power and that some recent terrorist activities have involved criminals with links in Afghanistan. But these are not the important questions. The real question we need to ask is this: will our ongoing military engagement in Afghanistan make us safer from terrorist attack? I have got to say that, looking at the evidence—and I have looked at it carefully—my answer to that is no. For a start, al-Qaeda is not there anymore; it no longer has a significant presence in Afghanistan.

In an interview earlier this year, CIA Director Leon Panetta said:

I think the estimate of the number of al-Qaeda is actually relatively small. At most, we are looking at 50 to 100—maybe less. It is in that vicinity. There is no question that the main location of al-Qaeda is in the tribal areas of Pakistan.

I do not think anybody would disagree with that assessment. In 2007 Professor Hugh White, from the Australian National University and the Lowy Institute for International Policy, asked:

How can Afghanistan be central to the war on terror when the locus of jihadism has simply moved, mostly to Pakistan.

Paul Pillar, from the CIA’s counter-terrorism centre, said:

The terror threat to the West would not significantly increase if we were to leave Afghanistan.

And he has called for a timetable for the withdrawal of US troops. I believe we have got to the point where counter-terrorism and the threat to Australia if we were not in Afghanistan is a straw man of an argument. There is no reason to assume that Afghanistan would become a safe haven for terrorists if the international forces withdrew and the Taliban were able to govern Afghanistan once more, and there is no justification for thinking it would automatically mean that al-Qaeda would be returned and operate with impunity from Afghanistan. Senator Brown went through the arguments around that this morning. And even if it were likely that Afghanistan under the Taliban would offer terrorists a safe haven, our continued military efforts do not seem likely to stop the Taliban returning to power. President Karzai has been attempting to get negotiations with the Taliban underway for a number of years—and we know those talks have started. These talks have the potential to see the Taliban become part of the leadership of Afghanistan once more—even while our soldiers are actually there fighting to prevent that very outcome. I think there is some very confused thinking going on there as well in terms of another reason why we should be in Afghanistan.

I also believe there is no evidence that military operations in Afghanistan will re-
duce the risk of terrorism. With Afghan attitudes towards coalition forces becoming steadily more negative the longer we remain in Afghanistan, it is difficult to see how this can make us safer from terrorist attack operating from the country. Intuitively, the opposite seems more likely. The international military presence certainly has not reduced the incidence of terrorism attacks within Afghanistan. We know that from the impact it is having on people in Afghanistan. We know that 80 per cent of the attacks in Afghanistan are directed against international forces, suggesting the international presence in Afghanistan is increasing terrorism activity within that country, not reducing it.

As Senator Brown highlighted this morning, we do not have a policy of intervening militarily in every country that has problems with terrorism. Senator Brown outlined a number of areas where we have seen and continue to see terrorism attacks. We see, from the evidence, stronger bases for al-Qaeda in these particular countries. But I do not for one minute want it reported that we are advocating that we should be increasing our military presence in these areas—I am not. I am merely pointing out that you cannot use the potential presence of al-Qaeda in Afghanistan—and it is acknowledged that they are no longer present in Afghanistan—or the presence of known terrorist activity to justify a presence in Afghanistan. As I said, we know there is an ongoing presence of terrorism activity in Yemen and Somalia and there is terrorism activity in the Philippines, and we know there have been some absolutely outrageous and horrific attacks in Congo—but that barely rates a mention. The conflicts and the outrageous, horrific attacks in Congo will mark those women and children absolutely for generations to come, yet we do not have a discussion about any action that we may need to take there.

Another argument that is put is about stabilising and rebuilding Afghanistan. We do fully understand the desperate need to rebuild the social infrastructure in Afghanistan; it absolutely needs stabilising and rebuilding. My proposition is that you do not do that with military force. There is a very, very strong argument to separate out our development aid and our military presence. In fact, non-government organisations argue very strongly that that should absolutely be the case—that having our aid linked to a military presence undermines the delivery of that aid.

I heard just last week of the impact. In fact, there was a talk here in parliament from an aid organisation about how it had taken a very long time to convince the various local militia, local insurgents, that their aid camp was a gun-free zone—that there were no guns. Slowly, the population in the camp felt protected and safe. Unfortunately, the American military presence did not respect the ban of guns in that military camp and went through on inspection with their guns terrifying the occupants and undermining the good faith that that organisation had built up with the people they were providing care and support for. They had been saying, 'We will protect you; we have a no-gun policy here,' but then the American military went through and completely ignored that. It set back that organisation very strongly.

There is also concern about attacks on NGOs because of a perceived association with the military. It is not the case that aid can be delivered to Afghanistan only when it is linked to and surrounded by international military forces. As I said, NGOs have been arguing the opposite. The Afghanistan NGO Safety Office recently reported that it does not believe the Taliban have a strategic intent to target NGOs. In areas under their control, Taliban insurgents sometimes even prohibit attacks on NGOs. Armed violence has esca-
lated phenomenally—50 to 60 per cent higher than last year—but incidents involving NGOs have decreased. The United States Institute of Peace recently reported:

NGOs report that military activities in Afghanistan and Pakistan, and military involvement in the medical sector, have contributed to the shrinkage of humanitarian space. The military’s provision of health services through Provincial Reconstruction Teams and other mechanisms, though well-intended, sometimes sows confusion about the allegiances of US and other Western aid workers and creates tensions with humanitarian principles the agencies rely on to operate in conflict environments.

It found that NGOs working through local staff and operating with impartiality and community engagement were able to continue delivering primary healthcare services, despite prevailing insecurities.

Is it not time that we started taking those messages on board and looking at how we can really help the people of Afghanistan, to rethink how we deliver our aid and take a more collaborative and effective approach to security, based on building strong educational, technological and cultural links? A smart country would be exporting its knowledge and skills by training the next generation of Afghanistan’s political, business and civil society leaders and, along the way, helping them to know and understand us. It would take a different approach, not a military approach. It would take a much more engaging position with the development of social infrastructure and social structures, including an understanding of where we are coming from with our democratic principles, rather than trying to enforce those with a gun. That is how they see our involvement in their country now: military engagement first, with development of infrastructure and aid, unfortunately, coming a poor second.

I think there is plenty of evidence that shows this conflict is not resolving the terrible situation facing Afghanistan. It is not delivering the outcomes that we supposedly went into this conflict to try to resolve—not that I think that was very clear when our government took us in without the consent of its people and without its being debated in this parliament. Any future engagement of this country—my country—should be fully debated in this place. I extend absolutely my heartfelt sympathy for the grief of the families of those 21 soldiers. But I do not think that any more Australians should die in Afghanistan for the purposes outlined during this debate. Australia should be focusing its effort on delivering better outcomes through development aid, focusing that development aid carefully, separating it out from the military aid and focusing on how we build collaboration and cooperation with the Afghani people. Australia should be bringing its troops home and never again engaging in a conflict without it being debated in this place.

**Senator MARK BISHOP** (Western Australia) (9.28 pm)—In this debate I will deal with three principal matters relating to Australia’s engagement in Afghanistan: firstly, the nature of modern warfare as context for our engagement; secondly, the issue of parliamentary approval for such engagements overseas; and, finally, the implications for the reform of the military justice system flowing from charges laid against three Australian soldiers.

As many speakers have observed, modern warfare as experienced in Afghanistan is dramatically different from the historical norm. In the past, warfare has been the result of territorial aggression by one societal group over another, including between states. Its motives have been territorial expansion, the subjugation of one people by another, wealth and, of course, new markets. Just as frequently, it has sought to impose one ideology and culture on another, including reli-
gious values and systems. In many cases, these motives were complementary, as em-
pries of the world through the ages have evi-
denced.

Warfare has been most successfully em-
ployed by the developed nations of the west,
including the ancient Greeks, Romans and
Turks. It was their wealth, highly organised
systems of governance, technology, and so-
cietal discipline which produced the neces-
sary standing armies which brought success.
In modern times, however, large-scale war-
fare has been primarily conducted by one
state over another, individually or in alli-
ances.

In this case there is no nation-state as the
enemy. Since the inception of the United
Nations and other multilateral groups such as
NATO, war has also been waged to secure
peace. Indeed, as the multilateral campaigns
in Iraq and Afghanistan have demonstrated,
the motives for involvement in war have
widened considerably. They now include the
removal of despotic leadership, the estab-
lishment of democratic systems of govern-
ment, the elimination of risk of warfare to
third parties and the world in general, and the
suppression of terrorist sources.

Some also see collateral benefits in the
removal of the opium trade, the promotion of
humanitarian ideals and, more cynically, the
preservation of access to resources and trade.
Others feebly argue that it is a matter of hon-
ouring our alliance with the United States,
but that trivialises their own professed ra-
tionale. As we have heard in this debate, this
is a moving feast, not assisted by inadequate
information and poorly articulated rationale.
The subjective views expressed reflect this
confusion of motives. Indeed, there has been
a confusion of motives, I suggest, for all na-
tions involved. There has been exactly the
same debate everywhere, ranging from hard
practicality through hopefulness to the ideal-
istic.

Inevitably, however, there are only four
possible outcomes: the so called ‘war’ will
be won—that is, the enemy, the terrorists,
will be defeated, never to return; the war will
be lost, with an allied withdrawal and retreat
a la Vietnam, and a new government in-
stalled; there will be a negotiated truce, per-
haps with a new government; or the war will
drag on interminably. At this stage, unfortu-
nately, none of these four options is a betting
proposition. These are circumstances of war
which have never been experienced, and Ko-
rea, Malaya, East Timor, Iraq and the Solo-
mons provide little value as guides.

Put simply, my position is that, having
committed, Australia should persist on its
current course. However, I do wish to sound
a note of caution. Inevitably, battle fatigue
will set in socially and politically, if it has
not already. At this critical time, however, we
should have one concern paramount, and that
is the commitment of our troops now en-
gaged. Those fighting under our colours de-
serve complete loyalty and the fullest possi-
ble support. They must know and understand
their mission and it is imperative that this
parliament and the people of Australia un-
derstand it clearly as well. They need to
know they have our full support and that at
the instant it ceases they will be brought
home.

That is why this debate is important: war
is a terrible thing; it must always be a last
resort. The suppression of one force by an-
other involves death and the fear of death.
That is why we all abhor war and why deci-
sions to go to war are the most serious a
government can make—hence the debate
about the power to make those decisions and
the evidence justifying the decision once
made.
Australia’s engagements in Iraq and Afghanistan have prompted this debate here in the parliament on a number of occasions already. I do not wish to cover the detail of the debate here this evening, but I will refer to the report of the Senate Foreign Affairs, Defence and Trade Legislation Committee of February this year. All the issues were canvassed in great detail. Unfortunately for those who persist, the report has gone relatively unreported.

In essence the bill, which would have shifted the power to commit forces from the executive to the parliament, was rejected. One reason for rejection was the practicality of how to limit and define the purposes of overseas deployments requiring approval. However, the principal reason for rejection concerned the principles of the Westminster system and cabinet government, which have served us so well for over 150 years.

The Ludlam bill and its several antecedents appear motivated by one purpose: unchanging desire to restrict the power of executive government or a permanent desire to deny that the rationale for war might be legitimate in some circumstances. I say this because the manifest purpose of that bill has not changed in a generation, despite several inquiries making numerous criticisms and identifying repeated shortcomings. However, overall the committee agreed that, for reasons of intelligence confidentiality, the need for flexibility and, in some cases, speed, the rationale for change was inadequate.

The parliament still has the power to vote for money for any such deployment. It also has the power to legislate for conscription if necessary, as we have seen during World War II and Vietnam. It also has the right to debate the matter regularly if it likes, as it is doing right now. Inevitably, public conclusions will be drawn and governments will be put on notice about their policy rationale and its acceptability—particularly its ongoing acceptability. I commend the committee report to those interested.

Finally, I want to address the policy controversy concerning the charges laid against three ADF personnel by the Director of Military Prosecutions, the DMP. The charges arise from action against the enemy in Afghanistan. As Chair of the Senate Foreign Affairs, Defence and Trade Legislation Committee, I am very dismayed at the level and content of the debate on this particular aspect of our commitment. In particular I refer to two articles that appeared in the Australian on 18 and 22 October, which are simply ignorant on fact and context.

In June 2005, under the chairmanship of Senator Evans—the current Leader of the Government in the Senate—the committee tabled a comprehensive report on military justice. That report was supported by now opposition senators Payne and Johnston. The committee recommended sweeping changes to the system of military justice. It addressed fully the application of military justice in Australia and overseas. It addressed the application of military justice in a domestic context and in theatre. Most critically, it did not address the alleged or actual commission of offences in combat or direct combat, or actual engagement with the enemy.

The Senate report did not just concern behavioural misdemeanours of bastardisation and, bullying; it also concerned the entire gamut of complaint handling and the inefficiency and ineffectiveness of military police investigations. Principally, it dealt in detail with the court martial system which had become a huge source of unfairness, bias and compromise. The committee’s far-reaching reforms were accepted in large part and are now in operation. The committee has continued its scrutiny of the matter by receiving from the Chief of the Defence Force four
subsequent implementation reports and maintains today a close watching brief.

The military justice system has now been reformed almost from top to bottom. It has been fully and critically reviewed by Justice Street and appears to be working as successive governments intended. New processes for handling grievances are in place and the military police operation has been renovated. Importantly, the court martial system was thrown out in favour of a new Military Court. The principle behind this was simple, particularly given the huge weight of evidence against the fairness of the then court martial system. It did not, in many cases, deliver quality justice and was inferior to the standard of justice enjoyed by the general Australian population. In particular, the court and the entire process were to be independent of the military hierarchy and the chain of command. The position of DMP was created, as well as the Military Court system itself. As you are all aware, the constitutionality of the court has been challenged and the process has been suspended pending legislation for reinstatement.

Of course, the traditionalists have never liked the new system. They want to see a complete return to the old court martial system. In fact, the entire debate against the new system has been based on what is termed the ‘civilianisation’ of military justice. The committee’s view is that it simply gives military personnel a standard of justice equivalent to the civil system. For the recidivists, though, it is about tradition and the status of command and the uniqueness of military service and discipline. However, the committee did respect the need for the new independent DMP, summary trials processes and for the court system at large to have some empathy with the nature of military service.

The debate has now taken another leap: the suggestion has been made that private silks ought to be able to advise and represent the accused at their trial. In other words, reliance on lawyers of military background is inadequate—a suggestion that, I suspect, will be resisted by the military as a step too far. I remain wedded to the committee's view—that is, that the appointment of judicial officers with military experience is important, if not critical. However, just as civilian lawyers are involved in many defence inquiries, I have no difficulty with private barristers being engaged.

This brings me to the case in point: the prosecution of three soldiers serving in Afghanistan for allegedly causing the death of a number of civilians in battle. It has nothing to do with the DMP whose independence must and should be respected and nothing to do with the evidence, about which we know very little. Putting aside all of the misinformation about the reforms to the military justice system and the constitutionality of the Military Court, there is a serious gap in the system.

We accept that military and civil criminal law run in parallel, and the military are not exempt from investigation and prosecution by civil authority, but there does seem to be a gap in the way in which offences in action are treated within the system. I do not mean behaviour in the theatre during the deployment; I mean in combat. This was not an issue that the committee addressed, and to my knowledge is an event relatively unknown in the jurisdiction. If it did occur within the court martial system and its known deficiencies, it just never saw the light of day. Certainly we know where public sentiment rests when people’s lives are put at risk and what is expected of them in the heat of life-threatening conflict. The independence of the DMP forbids any disclosure of evidence, the processes of obtaining that evidence and the detail provided from commanders. That’s only right; it is only proper.
With that in mind, I propose that the Foreign Affairs, Defence and Trade References Committee revisit military justice with a view to examining and reporting on the adequacy of military justice provisions as they apply to live combat circumstances. Why is this necessary? Firstly, because a new situation has emerged without precedent in the history of the armed forces in Australia since Federation. My research indicates there is no precedent for such prosecution. Accordingly, the issue needs critical examination. Secondly, a brief examination of relevant statute, particularly sections 9 and 36 of the Defence Force Discipline Act, suggests the drafting does not comprehend an enemy of the nature we face currently in Afghanistan. By this I mean an enemy apparently motivated by religious zeal, not controlled or directed by a nation state, consequently engaged in insurgent activity, not that of a traditional military force, and whose purpose appears dynamic, flexible and fluid. I suggest that a DFDA whose antecedents lie in 18th and 19th century British army regulations may not be the appropriate vehicle for disciplinary regulation of troops engaged in 21st century conflict. I believe this inquiry is vitally important for the ongoing integrity of the system.

Arising out of the High Court decision in Laine and Morrison last year, the government will bring a range of amendments to the parliament, I am advised, early next year. Around that time, I believe it would be appropriate for the Foreign Affairs, Defence and Trade References Committee to conduct an inquiry into the matters I have raised today. Ideally, it would be best done by that committee because it would be handled by senators from all sides of the parliament who have had lengthy experience in all matters relating to military justice. That proposed inquiry is not about the interests of the civilian legal community and their access to well-paid work; it is about the interests of our armed forces engaged in combat overseas. It is about developing a modern legal system that comprehends modern warfare. This necessarily means having experienced legislators in this field conducting such an inquiry. I commend the motion to the Senate.

Senator WILLIAMS (New South Wales) (9.45 pm)—I rise to speak on the war in Afghanistan and to say that I support what the Australian soldiers are doing there. It would be lovely to live in a perfect world, a world where we do not have wars, where we do not have attacks on countries and where we do not have deaths or the destruction of families and all that goes with war. Unfortunately, we do not live in a perfect world.

Last night when I turned on the television, the movie Tora! Tora! Tora! was on. It is set during the Second World War and it is about the attack on Pearl Harbor by the Japanese. At the end of the movie, when the Japanese have had the huge success—if you could call it that—with their attack on Pearl Harbor, having caught the Americans unaware, asleep, a Japanese character says, ‘I think we have woken a sleeping giant’.

I know that many in Australia these days are critical of our American colleagues and friends. But we should look back at what America did during the Second World War; the Battle of the Coral Sea was the turning point of the Second World War. Make no mistake about it: without the Americans, we could well be under Japanese dictatorship today and perhaps not have a parliament like this. Australia was really under threat, the Japanese had progressed down to New Guinea, Port Moresby was in their sights and the magnificent battalion, the 49th battalion I think it was, went up there as a home guard. Many of the roughly 450 soldiers could not even load a rifle let alone actually shoot properly. They were just not trained. But the typical Australian courage was there—450
Australians fighting more than 4,000 Japanese week after week.

It was a terrible war with millions killed, as we all know. It was also a war in which we came very close to defeat at one stage. We saw the turnaround in 1944, luckily. We thought that perhaps that was the end of wars. But Australia went on to participate in Korea, Vietnam, East Timor—many conflicts. We supported the United States in those wars, and we know that as our big brother they would support us.

I hope that in the years to come Australia’s relationship with neighbours like Indonesia grows bigger and better, stronger and stronger. But I also know that, if that were not the case, with Australia having just 22 million people it would be very difficult if we did not have strong allies like the United States of America. I hope that our friendship continues to grow with our neighbours and that we can live in peace for hundreds of years to come.

When I watched Tora! Tora! Tora! last night, I was reminded of another attack on America, 9-11. And I thought of the thousands of people killed and the destruction of those families. Could you blame America for going after those who caused such destruction? Of course not. We are fortunate that the United States is a country that prides itself on democracy and freedom. They are not dictators; they are on our side when it comes to beliefs. They believe in what we believe in. They went out to rid the world of terrorism.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Moore)—Order! It being 9.50 pm, I propose the question:

That the Senate do now adjourn.

Disability Services

Senator BILYK (Tasmania) (9.50 pm)—During my time in this place several of my speeches have focussed on issues confronting people with disability. This would indicate to other senators and my constituents that disability services is one of my major areas of interest. I am a passionate advocate for people with disability—for their right to be treated as equal members of our community and to be given, to the greatest degree possible, the same opportunities in life as other Australians.

Another passionate advocate for people with disability was the former Parliamentary Secretary for Disability Services, the member for Maribyrnong, Bill Shorten. Mr Shorten has of course been succeeded by Senator McLucas, the new Parliamentary Secretary for Disabilities and Carers. I would like to congratulate Senator McLucas on her appointment to what will no doubt be a very demanding but also very rewarding role. While Mr Shorten has made a big impact in the portfolio, I am sure Senator McLucas will also be a strong and passionate advocate for disability services.

I was pleased to have the opportunity to host Mr Shorten on a couple of occasions when he visited my home state of Tasmania. It was certainly a great opportunity to see firsthand his genuine regard for people with disability and the very real commitment he had to his portfolio. I was especially pleased that Mr Shorten found the time to visit during the International Day of People with a Disability and host a forum with stakeholders in the disability services sector.

On that day we also visited the Margate CP Tip Shop, operated by Cerebral Palsy Tasmania—‘CP Tas’—and tonight I take this opportunity to talk a little about CP Tas and their recent activities. CP Tas have recently established new premises, The Hunt, which
is an adjunct to the Margate CP Tip Shop. The Hunt is an opportunity shop in Huntingfield, just south of Kingston, selling a vast range of antiques and collectibles. I had the pleasure to officially open The Hunt on 4 August, and although that was some time ago I think it is an important enough issue to talk about it in my speech tonight. Of course, 4 August was during National Cerebral Palsy Awareness Week.

National Cerebral Palsy Awareness Week is celebrated annually to recognise the achievements of people with cerebral palsy and to create greater awareness, understanding and acceptance. The theme of this year’s National Cerebral Palsy Awareness Week—Count Me In—is a plea to all Australians that they consider taking personal responsibility for the communities that they live in. The opening of The Hunt was truly a community event, and it was attended by staff, CP Tas representatives, parents of the staff and members of the broader community. CP Tas have put together a photo montage of the event on YouTube, and there is a link to it from my website for anyone interested in looking at it.

It was especially a pleasure to meet some of the delightful staff, who all seemed to enjoy and take great pride in their work. When I arrived, a handful of the staff were engaged in putting together some beautiful mosaic images on round tiles, and those mosaics were available for sale, arranged in a row against the fence surrounding the shop’s premises. Of course, the day’s proceedings had to be opened by one of the staff blowing on a royal trumpet, which is similar to a vuvuzela, one of the items that had been collected for the shop’s stock. CP Tas runs an Australian disability enterprise, and The Hunt is the training venue for this enterprise.

Australian disability enterprises, for those not familiar with them, are commercial enterprises that provide employment for people with disability in a supported employment environment. There are 355 such outlets around Australia providing employment to roughly 20,000 people with moderate to severe disabilities. While The Hunt is a commercial enterprise, any surplus it makes from its operations goes directly towards providing financial assistance to families of people with disability so they can purchase aids and equipment. I add at this point that op shops are also a great way of promoting environmental sustainability. It seems that when we promote sustainable resource use we often hear the catchcry ‘reduce, reuse, recycle’, yet while two of the three Rs—reducing and recycling—seem to get a lot of the focus, there is very little public discussion about the concept of reusing.

It was especially satisfying to have the opportunity to open The Hunt, because when the Margate CP Tip Shop’s owners, Kingborough Council, were considering offering the tender to operate the shop to another company, I was involved in the campaign for CP Tas to keep the contract, and that was a long time before I entered this place. Without CP Tas continuing to hold the contract to operate the Margate CP Tip Shop, the existence of The Hunt would not have possible. To their credit, Kingborough Council reconsidered their original decision and awarded the contract again to CP Tas—a proven, confident and successful operator—rather than to a private company. There was a fair amount of public pressure applied to bring about this decision—the issue was raised in the House of Representatives and discussed on the ABC’s Stateline program. It was an important victory for people living with cerebral palsy and their families, because without that source of revenue CP Tas would have had to seek that funding through other means and several people with disability would not have been in supported employ-
The revenue from Kingborough Council and the resulting employment opportunities are vital to supporting people with disability, including cerebral palsy.

CP Tas are an organisation whose mission is to provide services and support to people with disability, particularly cerebral palsy, and to engage the broader community in doing so. They do this through a variety of services, including a Tasmanian CP register, which is a collection of data about people living with cerebral palsy. The CP register’s data helps to identify how many people have cerebral palsy in Tasmania, which areas they live in and whether there are changes in the incidence and severity of cerebral palsy. They provide assistive equipment and technology to schools to support children with cerebral palsy. They also provide financial assistance to families to help them meet equipment and technology needs or assist with their day-to-day lives. CP Tas also assists schoolchildren with transport to and from school with a fleet of specially equipped buses. Finally, there is their supported employment program, which operates through The Hunt and the tip shop. In addition to raising funds from The Hunt and the tip shop, CP Tas runs a number of fundraising activities. These include an annual wine show called the Grape A’Fare, a golf day, and an event called A Thousand Kilometres for Kids, which involves 1,000 kilometres of gruelling swimming, running and kayaking from Marrawah on the north-west coast of Tasmania to Kingston in the south.

For Senators to get a picture of how CP affects those living with it, they should imagine their limbs refusing to do exactly what their brains told them to do and the frustration that would cause in their daily lives. As if that frustration is not enough, people with cerebral palsy can also experience derision and ridicule because of their condition. One of the things that make National Cerebral Palsy Awareness Week so important is the need to educate society about cerebral palsy and how it affects those who have it. Unfortunately, there will always be some people who through cruelty and ignorance say careless or insensitive things to people with cerebral palsy, but the more understanding we can promote about this condition the more we can promote acceptance of people with cerebral palsy. With understanding and acceptance comes the will to provide appropriate support to help them achieve their life goals, and people with CP have a great deal to offer.

A good start, of course, is early intervention services for children with cerebral palsy. One of the Gillard Labor government’s election commitments is to provide more funding for early intervention services for children with disabilities such as cerebral palsy. Under our policy—called ‘a better start for children with disability’—the government will ensure that children with disabilities that affect their development have access to intensive early intervention therapies and treatments from expert health professionals. Children under six diagnosed with a listed disability will be eligible to receive up to $12,000 for early intervention services. A maximum of $6,000 can be spent in any financial year, and families have up to their child’s seventh birthday to use the funding. Around 20,000 children under the age of 13 with disabilities will also be able to access new Medicare services for diagnosis and treatment. A Medicare rebate for the development of a treatment and management plan will be available for each diagnosed child under the age of 13, and this will reduce financial pressures on their families.

In the short time I have left to talk about National Cerebral Palsy Awareness Week I return to its theme, Count Me In, and point out that it is important that we acknowledge the hard work and dedication of those who
are already standing up to be counted. Carers of people with a disability provide such a valuable service to the community. These are ordinary people doing an extraordinary job for almost nothing; it is the desire to make sure their loved ones have the best quality of life possible that spurs them on. Those people include husbands and wives, parents, sons, daughters, siblings and other friends and relatives. The commitment they make to helping people with a disability is selfless.

Pink Ribbon Day

Senator ADAMS (Western Australia) (10.00 pm)—Madam Acting Deputy President, I am sure that you are aware that today is Pink Ribbon Day, which signifies the recognition of breast cancer survivors and the 14,000 women who have and will be diagnosed with breast cancer this year—30 per cent of these 14,000 women live in rural Australia.

As a rural breast cancer survivor I am delighted that today’s focus is on rural women diagnosed with breast cancer. A diagnosis of breast cancer is hard enough to deal with but, when one has to face the additional challenges due to geographical location in gaining access to information, support and treatment services, it is much more difficult.

At the Pink Ribbon breakfast in Sydney today, more than 800 people heard about meeting the challenges for women with breast cancer in rural Australia. Due to the complexity of cancer treatment and the location of many specialist cancer services in metropolitan or major regional areas, many rural women need to travel away from home for most of their care.

At the breakfast Dr Helen Zorbas, Chief Executive Officer at the National Breast and Ovarian Cancer Centre, explained that many women with breast cancer living in rural and remote Australia made treatment decisions based on practical or logistical factors such as time spent away from home, rather than the evidence about best practice care. Dr Zorbas said:

Although breast conserving treatment and mastectomy are equally effective in the treatment of many women with early-stage breast cancer, women in rural areas are significantly more likely to undergo mastectomy compared to women living in cities.

She also said:

Women who choose breast conserving treatment usually require radiotherapy, which may mean at least six weeks away from home. Remembering that 25 per cent of these women are under 50 and may have young or adolescent children at home, means there are additional factors these women need to consider in deciding treatment.

I can certainly relate to these comments, having experienced eight months of chemotherapy as well as six weeks of radiotherapy 260 kilometres from home. An added complication of lymphoedema in my left arm from the removal of lymph nodes also had to be treated in the metropolitan area.

Other factors for a woman diagnosed with breast cancer living in a rural or remote area include transport to where treatment is available, affordable accommodation and support from family and friends. Filling in time between treatments and being able to remain positive is not as easy as it sounds, especially being far away from home.

The National Breast and Ovarian Cancer Centre has received funding through the Supporting Women in Rural Areas Diagnosed with Breast Cancer program to undertake three streams of work to support women from rural Australia diagnosed with breast cancer and the health professionals who care for them. These are: providing the latest information on advances in breast cancer care for rural health professionals through educational initiatives utilising web based technology and satellite broadcasts; linking families during treatment via Stay in Touch—this
includes providing women and their families with laptops with broadband access, enabling face-to-face contact via Skype; and improving the knowledge and skills of Aboriginal and Torres Strait Islander women health professionals, which includes three Supporting Sisters and Aunties to Survive! summits held across Australia as well as a training module for Aboriginal and Torres Strait Islander health workers about breast cancer treatment and care.

Additional National Breast and Ovarian Cancer Centre projects focusing on meeting the rural challenge include Well Women workshops where funding is provided to health organisations and individual health professionals working with Aboriginal and Torres Strait Islander women to promote breast cancer awareness through locally run Well Women workshops. The Ralph Lauren Pink Pony Campaign is a campaign which provides educational scholarships for nurses and seedings grants for community groups to support women with breast cancer in rural Australia.

I would like to acknowledge the work of Breast Cancer Network Australia, which is the peak national organisation for Australians personally affected by breast cancer. I was one of their consumer representatives before I entered this place. I found this was a most fulfilling area to work in because all of the people involved had had breast cancer and their advocacy was very supportive. The fact that those people have had the same problems that you have really helps.

BCNA have also taken up the challenge of providing rural and regional initiatives through Supporting Women in Rural Areas Diagnosed with Breast Cancer funding. It has been running a series of rural breast cancer forums. These have been designed specifically for women affected by breast cancer living in rural and regional areas. The Living Well Beyond Breast Cancer forum provides participants with the latest information and advice from healthcare experts as well as the opportunity to connect with women going through a similar experience. To date these forums have been held in Geelong, Burnie, Tamworth, Rockhampton Townsville, Bunbury, Geraldton, Mildura, Dubbo and Mount Gambier. Further forums are to be held at Broken Hill and Sale in November.

BCNA have also launched their new website. This was launched on 7 May for the Field of Women LIVE and the site has a new look and feel, and a new navigational structure. Information is now organised by topic or subject and is much easier to find. In addition to improved navigation, content has been expanded to include new material, in particular in the ‘Living with breast cancer’, ‘Secondary breast cancer’ and ‘Information for health professionals’ sections. A major component of the new site is the online network which allows members to link with each other in the privacy of their own home, without the constraints of time and distance.

BCNA also produces the My Journey Kit, which is described as a lifeline for women diagnosed with early breast cancer. This has just passed the 50,000 milestone. The kit, provided free of charge, was first published in 2004 and has revolutionised the way women newly diagnosed with breast cancer receive information about the disease as well as advice and support. The second edition of the kit was released earlier this year.

As I have mentioned, BCNA’s policy and advocacy work continues to focus on survivorship issues supporting women to live well beyond their cancer diagnosis and treatment. In addition to the My Journey Kit, the Beacon newsletter and other resources such as fact sheets, the organisation continues to assist women with secondary breast cancer through the Hope and Hurdles Pack to pro-
mote the message of ‘living with’ rather than ‘dying from’ the disease.

In closing, I wish to raise an issue which is causing great concern to Cancer Council WA and health professionals associated with breast screening in Western Australia. Seven commercial clinics have opened their doors in Western Australia offering unproved screening for breast cancer. The tests are not related to mammography, which is the gold standard for the detection of breast cancer. These operators market their product as safe, pain-free and suitable for all ages, including younger women. Mr Terry Slevin, Director of Education and Research at Cancer Council WA states:

It is an industry that is playing on women’s anxiety about breast cancer.

The tests cost $100 and $200 and are not refundable from Medicare.

Complaints regarding two of these operators have been lodged by Cancer Council WA with the Therapeutic Goods Administration—TGA—and the Australian Competition and Consumer Commission—ACCC. I raised the issue with the TGA last week during Senate estimates and was pleased to hear that the agency is currently investigating the unauthorised promotion of breast screening equipment. Two devices have been removed from the Australian Register of Therapeutic Goods and another two devices are under investigation. I cannot stress enough to those women who are considering going to these clinics for breast imaging or breast checks: please make sure you understand the effectiveness of these procedures and discuss the issue with your GP before you go. Do not be fooled by misleading advertising; it won’t save your life! A screening mammogram will.

**Equal Pay**

**Senator LUNDY** (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (10.10 pm)—Before I begin, I would like to acknowledge the contribution by Senator Adams. She is a role model, a survivor herself, and I think she has managed to capture and sum up very well how many of us are feeling in this chamber today in paying our respects to all of the women who are confronted with breast cancer. Her tribute to all of those women through her speech on Pink Ribbon Day is greatly appreciated.

On Thursday, 12 August, during the recent federal election campaign, I signed the Australian Services Union pay equity pledge, along with Gai Brodtmann, now the member for Canberra—she was then the candidate for the seat of Canberra—and David Mathews, the second Senate candidate for the Labor Party here in the ACT, at the ACT rape crisis centre. We were met there by the executive officer of that centre, as well as the 2009 ACT Telstra Business Woman of the Year, Veronica Wensing, and other employees from the centre. I am pleased to report that the now member for Fraser, Dr Andrew Leigh, also signed the pledge at a later date.

It was quite a momentous day because Gai and David and I visited the Canberra Rape Crisis Centre, where we were asked by the community sector workers there to sign the pledge, which asked candidates to support equal pay for community workers and asked for a commitment from me, as a federal Labor member of this parliament, to continue working to ensure organisations in the community sector have the funds they need to meet the costs of equal pay without the need to cut services in the social and community sector. This pledge builds on federal Labor’s long-standing commitment to a strong, viable and productive community sector, and I am proud to be associated with it and the campaign of the Australian Services Union.
I think it is important to use this opportunity to give some background to the particular centre we visited. The Canberra Rape Crisis Centre provides 24/7 phone support for people affected by sexual violence; legal and medical advocacy services; face-to-face counselling for women, children and men; community education; and input into government policy and reforms. Meeting with the women at the Canberra Rape Crisis Centre, they were able to inform me of an average day in the centre. Like nearly all community sector agencies, the majority of the paid workforce also contribute an outstanding amount of volunteer time, some up to seven hours a day of their own time, to the organisation just to keep the service going to the benefit of the community, including some of the most vulnerable affected by sexual violence.

The average weekly earnings figures from the Australian Bureau of Statistics indicate that Australian women in the community sector industry earn 17.6 per cent less than men in weekly terms. This represents the highest weekly gender pay gap that we know of. Looking after those in our society who are in the most need—the young, the frail, those who are fleeing domestic violence, abuse, harassment—is some of the most critical and challenging work that anybody could do in Australia.

The non-profit community sector is a key partner in delivering major social policy reforms and in creating opportunities for Australians to participate in work, engage in lifelong learning and live with dignity and respect. The money paid in this sector does not reflect the time, care, patience, professionalism and skill that people contribute. The number of hours that individuals go above and beyond their duty—and, as I said, their paid work—to help those less fortunate than them is truly astounding. If these individuals were no longer able to contribute the additional volunteer work necessary for these organisations to survive, the whole sector would fall over and there would be a crisis right across the country. Yet we rely on these workers to volunteer their time out of the goodness of their hearts to help those most vulnerable—usually people who are at the lowest point of their lives, many of whom cannot see a way forward. These workers in turn rely on their friends and families for support.

Not surprisingly, it is my view and, I think, that of my colleagues that it is time we changed attitudes regarding the work these people do. It is often seen as on the margin, but I believe it is not only central to a civil society but in fact one of the best ways to invest in what I would consider to be a decent society where we all have an opportunity to live with dignity and respect. The best way to start, of course, is by awarding equal pay and fair terms for the work done. It is a huge concern that the wages earned by workers in this sector do not reflect their care, patience, compassion, skill and professionalism, as I mentioned. It is also concerning that the wages earned by workers in this industry in many, many cases do not even reflect—and we saw this firsthand in our visit to this centre—these professionals’ qualifications. The only solution for many people in the sector is to find a different occupation as they often cannot afford to continue their work in the community sector. For this reason, it is understandable that the community sector finds it difficult to retain staff, especially those with a great deal of experience and qualifications. We know that 87 per cent of these employees, out of a total of 200,000, are women.

The National Centre for Social and Economic Modelling has found that pay inequity costs the Australian economy $93 billion per year or some 8.5 per cent of GDP. Its report found that being a woman accounts for 60
per cent of the difference between women and men’s wages, the single largest reason for the gender pay gap. This includes complicated factors such as women’s choice of career, jobs, work hours, consideration of caring responsibilities, women’s work motivations, bargaining power—or lack thereof—and appetite for risk as well as discrimination against women that occurs in the workplace. I think everyone understands that federal Labor strongly support gender pay equity based on our values of fairness and equity at large. The Australian government also recognises the important work being undertaken by the dedicated individuals employed in the social and community services sector. We believe that the community sector plays a vital role in delivering services to the most vulnerable in our community and must have the resources it needs to do this job.

Last year, Ms Julia Gillard, now Prime Minister, and the Australian Services Union signed a heads of agreement to support a major test case on pay equity for community sector employees under the new Fair Work system, based on the principles of gender pay equity. Under this agreement, the Labor government has agreed to work with the Australian Services Union to support Fair Work Australia in developing an appropriate equal remuneration principle for the federal jurisdiction and to provide research such as labour market information to assist Fair Work Australia in determining the pay equity claim. The Australian Services Union, with other unions, lodged an application with Fair Work Australia for an equal remuneration order for workers in the community sector. The Fair Work Act has broadened the scope of the previous equal remuneration provisions to include the right to equal pay for work of comparable value, as well as equal value, reflecting the approach already taken in many states. The ASU’s application is the first case relying on the more generous pay equity provisions that federal Labor introduced with the Fair Work Act in 2009.

We will continue to play our part as a government in the hearing of the case, assisting Fair Work Australia and the parties by presenting accurate and comprehensive data and evidence on gender pay equity in the community services sector. The government will be lodging a written submission to assist the parties to the case through the presentation of research and evidence on matters including the history of relevant awards and labour market features of the social and community services sector. The Gillard Labor government has already committed to work through the funding implications of any increase in wages awarded as a result of the ASU’s national—(Time expired)

Pink Ribbon Day

Senator CASH (Western Australia)

(10.20 pm)—Today is Pink Ribbon Day 2010 and, as the shadow parliamentary secretary for the status of women, I welcome the opportunity to raise awareness about breast cancer by acknowledging and supporting the Cancer Council’s Pink Ribbon Day. The month of October is internationally recognised as breast cancer month and I have personally had the pleasure of attending Pink Ribbon breakfasts throughout the month to raise funds for and awareness of breast cancer. Recently in Perth I attended the National Breast Cancer Foundation Global Illumination ‘Touch of Pink’ breakfast, hosted by Crosslands Resources. Over 550 men and women attended this event, which is a testament to how seriously we now take breast cancer as a society.

Pink Ribbon Day is now an annual event. It is a day when Australians can come together to show their support for the thousands of women who battle breast cancer. It raises awareness about breast cancer and funds raised on the day help to support those
suffering from the disease. The reality of breast cancer is that this year alone between 12,000 and 14,000 Australian women will be diagnosed with the disease. One in every nine Australian women will be diagnosed with breast cancer by the age of 85. Sadly, it is estimated that at least 2½ thousand will lose their lives to the disease. I lost my paternal grandmother to breast cancer. She passed away nearly 50 years ago, when she was just slightly older than I am today, and she left behind my grandfather and four young children, including my father.

Breast cancer is now the most common form of invasive cancer amongst Australian women. It accounts for more than one in four cancer diagnoses. Whether it be a mother, grandmother, aunt, sister, cousin, friend or workmate, breast cancer affects us all. By supporting the Cancer Council’s Pink Ribbon Day and breast cancer month generally, we can assist the Cancer Council to provide the necessary support services to improve the quality of life for those affected by breast cancer and, of course, support research into potential new treatments. Funding research into breast cancer is one of the best ways we can work together as a society to protect those we love from this life-threatening disease.

As breast cancer is so prevalent amongst women, Pink Ribbon Day is a pertinent reminder to women that they need to be aware of changes in their breasts. At the end of the day, it is always better to be safe than sorry. Women should undertake regular mammograms regardless of any perceived inconvenience, as they are crucial if we are to detect breast cancer early. As the Cancer Council states:

Women whose cancer is still contained in the breast when diagnosed have a 90% chance of surviving five years, compared with a 20% five-year survival chance when the cancer has spread at diagnosis.

Research showed that early detection of breast cancer through mammography helps to save women’s lives. Research also produced new knowledge of the best way to treat breast cancers using chemotherapy and hormones. The combination of early detection and better treatment has led to a steady reduction in the death rate from breast cancer since 1994.

Doctors are now able to better predict how a particular breast cancer will react to treatment and match the most effective treatment to their patient.

Women therefore must be vigilant to fight breast cancer and schedule routine mammograms. My grandmother did not have the option of a mammogram when she was told that she had breast cancer. Perhaps if she had, her cancer would have been diagnosed and she would be here with us today and my father and his two brothers and his sister would have had a mother to bring them up.

Tonight, on Pink Ribbon Day, I would also like to commend the really important work of the National Breast Cancer Foundation and, of course, the McGrath Foundation. These important organisations supplement the hard work of doctors, nurses and other dedicated health professionals who help the thousands of Australian women who battle breast cancer. The National Breast Cancer Foundation was established in 1994. It is a not-for-profit organisation that promotes and supports breast cancer research in its many forms. The foundation has over time allocated in excess of $55 million to over 230 breast cancer research projects nationwide. The foundation is critical to Australian breast cancer researchers. It offers a significant and substantial source of funding. Researchers can compete for the funding available, provided their projects are of the highest order and are assessed to be worthy under the peer review system that operates for medical and health research in Australia.
One of the interesting research projects that the National Breast Cancer Foundation is currently funding is researching the link between family history and the risk of developing breast cancer as part of the kConFab project. One of the objectives of the kConFab project is to identify families with an increased risk of breast cancer and to monitor them to determine if other contributing factors, such as diet or lifestyle, impact on developing breast cancer. Other important research projects that the National Breast Cancer Foundation has funded include training doctors in communication skills to communicate with women who have been diagnosed with the disease and surveys looking at the emotional concerns of women with breast cancer.

Since the formation of the National Breast Cancer Foundation, death rates from breast cancer have fallen. This is as a result of the improvements in treatment and the early detection of breast cancer—and again I go back to why women should regularly schedule mammograms, regardless of what we all might say is an inconvenience in actually having to go and have one. It is breast cancer researchers who made the remarkable discovery that early detection of breast cancer through mammography can help save women’s lives.

Another important breast cancer organisation in Australia is the McGrath Foundation. When Australian cricket champion Glenn McGrath’s wife, Jane, was diagnosed with breast cancer, Glenn became famous for something very different from his cricket skills. He became famous for his dedication and the support he gave to his wife Jane throughout her battle with breast cancer. Of course, they are now famous for the creation of the McGrath Foundation. The McGrath Foundation raises money to place McGrath breast care nurses in communities right across Australia. McGrath breast care nurses are health professionals who are specifically trained to manage the care of breast cancer patients during the course of their treatment.

The nurses are the principal liaison between patients and the specialists who coordinate treatment. The nurses also play an important advocacy role and they help patients by clarifying any information that a patient may not understand. Importantly, the McGrath breast care nurses give crucial emotional support to patients and their families during these extremely difficult times. A McGrath breast care nurse can greatly improve a breast cancer patient’s quality of life, because a patient has one main source of information and contact during their treatment plan. The support that a McGrath breast care nurse gives can help to minimise the stress and trauma that a breast cancer patient and their family experience.

The McGrath Foundation aims to provide a breast care nurse for every family affected by breast cancer in Australia, regardless of their location or background. To date, the McGrath Foundation has provided over 50 McGrath breast care nurses nationwide. I urge Australian breast cancer sufferers and their families to contact the McGrath Foundation and see if they can provide you with the assistance that you need during your battle with this disease.

On Pink Ribbon Day I commend the National Breast Cancer Foundation and the McGrath Foundation on their outstanding achievements to assist breast cancer sufferers in Australia. I truly hope, because of my grandmother, that the National Breast Cancer Foundation’s extensive research one day finds a cure to finally end breast cancer forever and that Australians no longer have to lose any of their loved ones to this often fatal disease.

Senate adjourned at 10.30 pm
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.]

Acts Interpretation Act—

Acts Interpretation (Substituted References – Section 19B) Amendment Order 2010 (No. 2) [F2010L02693].

Acts Interpretation (Substituted References – Section 19BA) Amendment Order 2010 (No. 2) [F2010L02694].

Administrative Appeals Tribunal Act—Select Legislative Instrument 2010 No. 241—Administrative Appeals Tribunal Amendment Regulations 2010 (No. 2) [F2010L02722].

Australian Federal Police Act—Approval of Screening Device, dated 21 September 2010 [F2010L02686].

Australian National University Act—

ANU College Governance Statute 2010—ANU College Governance Rules (No. 2) 2010 [F2010L02548].

Programs and Awards Statute 2009—

Academic Progress Rules 2010 [F2010L02550].

Research Awards Rules 2010 [F2010L02551].


Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 18 of 2010—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2010L02536].

Broadcasting Services Act—Broadcasting Services (Events) Notice (No. 1) 2004 (Amendment No. 2 of 2010) [F2010L02568].

Civil Aviation Act—

Civil Aviation Regulations—

Civil Aviation Order 95.7 Amendment Order (No. 2) 2010 [F2010L02432].

Instruments Nos CASA—

349/10—Instructions – for approved use of P-RNAV procedures [F2010L02565].

EX79/10—Exemption – recency requirements for night flying (Virgin Blue International Airlines Pty Ltd) [F2010L02487].

EX83/10—Exemption – S-211 aircraft endorsement for Willie Swee Lim Chew [F2010L02501].

EX84/10—Exemption – recency requirements for night flying (Virgin Blue Airlines Pty Limited) [F2010L02543].

EX86/10—Exemption – from standard take-off and landing minima – British Airways [F2010L02611].

EX87/10—Exemption – carriage of passengers on EADS CASA 212-400 aircraft within Antarctica [F2010L02614].

Civil Aviation Safety Regulations—

Airworthiness Directives—

AD/CF6/78—State of Design Airworthiness Directives [F2010L02683].

AD/CF6/79—Low Pressure Turbine [F2010L02684].

AD/CF6/80—High Pressure Compressor Air Ducts [F2010L02685].
AD/CF6/81—Low Pressure Turbine (LPT) Nozzle Lock Assembly Studs [F2010L02761].
AD/CF6/82—High Pressure Compressor Disk Lock Slots [F2010L02751].
AD/CF34/18—Master Variable Geometry (VG) Actuators [F2010L02678].
AD/CF34/19—Master Variable Geometry (VG) Actuators [F2010L02679].
AD/CF34/20—Critical Time Limited Parts [F2010L02680].
AD/JETSTREAM/11 Amdt 2—Nose Equipment Bay Spine Member [F2010L02754].
AD/JETSTREAM/107—Nosewheel Steering Selector Valve [F2010L02681].
AD/JETSTREAM/107 Amdt 1—Nosewheel Steering Selector Valve [F2010L02755].
AD/PW4000/21—2nd Stage High Pressure Turbine Air Seal Assembly [F2010L02549].
AD/RAD/92 Amdt 1—Rockwell Collins TDR-94/94D Transponder/Honeywell A2800/810 Air Data Computer Selected Altitude Data Inputs [F2010L02750].

Revocation of Airworthiness Directives—Instruments Nos CASA ADCX—
025/10 [F2010L02581].
026/10 [F2010L02677].
027/10 [F2010L02760].

Commissioner of Taxation—Public Rulings—
Class Rulings—

GSTR 2010/1.
Taxation Ruling (old series)—Notice of Withdrawal—IT 217.
Taxation Ruling—Notice of Withdrawal—2001/12.
Commonwealth Services Delivery Agency Act—Commonwealth Services Delivery Agency (Functions of Chief Executive Officer—Management Services) Direction 2010 [F2010L02637].
Currency Act—Currency (Perth Mint) Amendment Determination 2010 (No. 1) [F2010L02690].

Customs Act—
CEO Instruments of Approval Nos—
3 of 2010—Incoming passenger card (English) [F2010L02552].
4 of 2010—Incoming passenger card (Arabic) [F2010L02553].
5 of 2010—Incoming passenger card (simplified Chinese) [F2010L02547].
6 of 2010—Incoming passenger card (traditional Chinese) [F2010L02554].
7 of 2010—Incoming passenger card (French) [F2010L02555].
8 of 2010—Incoming passenger card (Greek) [F2010L02556].
9 of 2010—Incoming passenger card (Indonesian) [F2010L02557].
10 of 2010—Incoming passenger card (Italian) [F2010L02558].
11 of 2010—Incoming passenger card (Japanese) [F2010L02559].
12 of 2010—Incoming passenger card (Korean) [F2010L02560].
13 of 2010—Incoming passenger card (Malay) [F2010L02561].
14 of 2010—Incoming passenger card (Spanish) [F2010L02562].
15 of 2010—Incoming passenger card (Thai) [F2010L02563].
16 of 2010—Incoming passenger card (Vietnamese) [F2010L02564].

Specified Percentage of Total Factory Costs Determination No. 1 of 2010 [F2010L02764].

Tariff Concession Orders—
0943395 [F2010L02658].
0946754 [F2010L02696].
0948194 [F2010L02698].
0948580 [F2010L02699].
0949039 [F2010L02697].
0949040 [F2010L02698].
1001795 [F2010L02580].
1006015 [F2010L02703].
1008324 [F2010L02587].
1012857 [F2010L02577].
1012991 [F2010L02379].
1013771 [F2010L02579].
1014410 [F2010L02578].
1014562 [F2010L02513].
1014564 [F2010L02710].
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1015459 [F2010L02510].
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1015691 [F2010L02599].
Defence Act—Determinations under section 58B—Defence Determinations—
2010/45—Deployment allowance—amendment.
2010/46—Executive vehicle allowance—amendment.
2010/47—Dependant with special needs—amendment.
2010/49—Post indexes—amendment.
Environment Protection and Biodiversity Conservation Act—
Amendments of lists of—
CITES species, dated 8 October 2010 [F2010L02689].
Exempt native specimens—
EPBC303DC/SFS/2010/31 [F2010L02800].
EPBC303DC/SFS/2010/45 [F2010L02566].
EPBC303DC/SFS/2010/47 [F2010L02717].
EPBC303DC/SFS/2010/49 [F2010L02714].
EPBC303DC/SFS/2010/50 [F2010L02706].
Notice of proposed accreditation of the Southern Bluefin Tuna Fishery Management Plan 1995, dated 19 October 2010 and attachments [3].
Family Law Act—Select Legislative Instrument 2010 No. 242—Family Law Amendment Regulations 2010 (No. 3) [F2010L02720].
Federal Court of Australia Act—Select Legislative Instrument 2010 No. 243—Federal Court of Australia Amendment Regulations 2010 (No. 2) [F2010L02718].
Federal Financial Relations Act—
Federal Financial Relations (General purpose financial assistance) Determination No. 18 (September 2010) [F2010L02533].
Federal Financial Relations (National Partnership payments) Determinations—
No. 24 (September 2010) [F2010L02545].
No. 25 (October 2010) [F2010L02625].
Federal Magistrates Act—Select Legislative Instrument 2010 No. 244—Federal Magistrates Amendment Regulations 2010 (No. 2) [F2010L02721].
Financial Management and Accountability Act—Financial Management and Accountability Determinations—
2010/13—Abolition of Inactive Special Accounts 2010 [F2010L02726].
2010/14—Services for Other Entities and Trust Moneys – Department of Families, Housing, Community Services and Indigenous Affairs Special Account Establishment 2010 [F2010L02727].
2010/17—Section 32 (Transfer of Functions from the former DITRDLG to DORA) [F2010L02633].
2010/18—Section 32 (Transfer of Functions from AGD to DORA) [F2010L02705].
2010/19—Section 32 (Transfer of Functions from DCCEE to DRET) [F2010L02748].
Fisheries Management Act—
Bass Strait Central Zone Scallop Fishery Management Plan Temporary Order 2010 (No. 2) [F2010L02647].
Eastern Tuna and Billfish Fishery Management Plan Amendment 2010 (No. 2) [F2010L02613].
Southern Bluefin Tuna Fishery Management Plan Amendment 2010 [F2010L02801].
Food Standards Australia New Zealand Act—Australia New Zealand Foods Standards Code – Amendment No. 119 – 2010 [F2010L02542].
Health Insurance Act—
Health Insurance (Allied Health Services) Determination 2010 [F2010L02692].
Health Insurance (Bone Densitometry) Determination 2010 [F2010L02646].
Health Insurance (Extended Medicare Safety Net) Amendment Determination 2010 (No. 2) [F2010L02763].
Health Insurance (Extended Medicare Safety Net – Midwives) Amendment Determination 2010 [F2010L02762].
Health Insurance (Midwife and Nurse Practitioner) Determination 2010 [F2010L02640].
Health Insurance (Prescribed Pathology Services) Amendment Determination 2010 (No. 1) [F2010L02759].
Higher Education Support Act—VET Provider Approvals Nos—
10 of 2010—Australian National Memorial Theatre Ltd [F2010L02620].
11 of 2010—PA and WJ Dow Pty Ltd [F2010L02709].
12 of 2010—Grenadi School of Design Pty Ltd [F2010L02775].
13 of 2010—Education Centre Gippsland Limited [F2010L02804].
Insurance Act—Insurance determination allowing extra time for claims No. 1 of 2010 [F2010L02638].
Judiciary Act—Select Legislative Instrument 2010 No. 245—High Court of Australia (Fees) Amendment Regulations 2010 (No. 2) [F2010L02719].
Judiciary Act, Commonwealth Electoral Act, Nauru (High Court Appeals) Act and High Court of Australia Act—Select Legislative Instrument 2010 No. 240—High Court Amendment Rules 2010 (No. 1) [F2010L02635].
Lands Acquisition Act—Statement describing property acquired by agreement for
specified public purposes under section 125.

Legislative Instruments Act—List of instruments due for sunsetting [relating to the following instruments: F2006L02941, F2006L02942, F2006L02943 and F2006L03086].

Migration Act—

Migration Agents Regulations—Office of the MARA Notices—
MN40-10b of 2010—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2010L02608].

MN40-10c of 2010—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2010L02609].

MN40-10f of 2010—Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2010L02610].

Migration Regulations—Instrument IMMI 10/071—Travel agents for PRC citizens applying for tourist visas [F2010L02623].


National Consumer Credit Protection (Transitional and Consequential Provisions) Act and National Consumer Credit Protection Act—ASIC Class Order [CO 10/907] [F2010L02567].

National Health Act—Instruments Nos PB—
93 of 2010—National Health (Listed drugs on F1 or F2) Determination 2010 [F2010L02642].

94 of 2010—National Health (Listed drugs in Part A or Part T of F2) Determination 2010 [F2010L02643].

Private Health Insurance Act—Private Health Insurance (Benefit Requirements) Amendment Rules 2010 (No. 7) [F2010L02624].

Remuneration Tribunal Act—
Determinations—
2010/16: Parliamentary Officer Holders – Additional Salary [F2010L02644].

2010/17: Remuneration and Allowances for Holders of Public Office [F2010L02691].


Renewable Energy (Electricity) Act—Select Legislative Instruments 2010 Nos—
239—Renewable Energy (Electricity) Amendment Regulations 2010 (No. 5) [F2010L02544].

246—Renewable Energy (Electricity) Amendment Regulations 2010 (No. 6) [F2010L02641].

Social Security (International Agreements) Act—Select Legislative Instrument 2010 No. 247—Social Security (International Agreements) Act 1999 Amendment Regulations 2010 (No. 2) [F2010L02645].

Student Assistance Act—Student Assistance (Education Institutions and Courses) Amendment Determination 2010 (No. 1) [F2010L02575].


Telecommunications Act—
Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard Variation 2010 (No. 1) [F2010L02574].
Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2010 (No. 2) [F2010L02569].


Trade Marks Act—Select Legislative Instrument 2010 No. 248—Trade Marks Amendment Regulations 2010 (No. 1) [F2010L02682].

Veterans’ Entitlements Act—Instruments Nos—
R41/2010—Veterans’ Entitlements (Vaccinations for Overseas Travel) Eligibility Determination 2010 [F2010L02795]

**Departmental and Agency Appointments**

The following documents tabled earlier today were considered:

Departmental and agency grants—Budget (Supplementary) estimates—Letters of advice—
Office of the Official Secretary to the Governor-General. Motion to take note of document moved, by leave, by Senator Barnett. Debate adjourned till Thursday at general business, Senator Parry in continuation.


Department of Agriculture, Fisheries and Forestry. Motion to take note of document moved, by leave, by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Motion to take note of the remaining documents moved, by leave, by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

**Departmental and Agency Grants**

The following documents tabled earlier today were considered:

Departmental and agency grants—Budget (Supplementary) estimates—Letters of advice—
Office of the Official Secretary to the Governor-General. Motion to take note of document moved, by leave, by Senator Barnett. Debate adjourned till Thursday at general business, Senator Parry in continuation.


Department of Agriculture, Fisheries and Forestry. Motion to take note of document moved, by leave, by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Motion to take note of the remaining documents moved, by leave, by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Pest and Weed Management**  
(Question No. 15)

**Senator Siewert** asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 28 September 2010:

With reference to the Government’s announcement of $15 million over 4 years from unallocated departmental funds to: ‘establish a comprehensive national applied research program to investigate and solve the most serious invasive plant problems across the most populated parts of Australia’; ‘bring together national experts, land managers and relevant stakeholders to develop improved understanding about the information required to effectively manage the risks associated with the most important invasive plants in forests, pastures and native vegetation’; and ‘ensure better coordination and information exchange between researchers, land managers and regulatory agencies for management of invasive species’:

(1) What has happened to this $15 million.

(2) Is it true that this funding was to be in addition to a national research program planned to tackle fireweed.

(3) Given that in May 2008 the Government announced a plan to set aside funding for a new national weeds research centre in its first budget, has this funding been set aside; if so, when is centre set to start operating.

**Senator Ludwig**—The answer to the senator’s question is as follows:

(1) The $15 million National Weeds and Productivity Research Program announced by the Government in May 2008 is a four year commitment. The funding was appropriated as an administered item in the Department of Agriculture, Fisheries and Forestry’s Portfolio Budget Statements for 2008–09, 2009–10 and 2010–11, with a forward estimate of $4 million for 2011–12. In the first year of the program, 39 weed research projects worth $3.6 million were commissioned. The remainder of the funds are allocated to the centre established in the Rural Industries Research and Development Corporation from June 2010.

(2) Yes. The Government has committed an additional $300 000 through a contract with the University of New England to undertake a comprehensive fireweed control research program that commenced in June 2010 and is due to be completed by June 2012.

(3) The national weeds research centre funding has been set aside as administered funding. The Rural Industries Research and Development Corporation started operation of the centre in June 2010, held a stakeholder workshop in July 2010 and a public call for research proposals is expected shortly.

**Health and Ageing: Accommodation**  
(Question Nos 26, 48 and 51)

**Senator Humphries** asked the Minister representing the Minister for Health and Ageing, upon notice, on 29 September 2010:

Do any of the department’s or agencies within the Minister’s portfolio consider that new or additional office accommodation may be required in the next 2 years; if so, would that accommodation be provided in Canberra; and if so, approximately how many staff are estimated to need accommodation in the new or additional offices.

QUESTIONS ON NOTICE
**Senator Ludwig**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

The Department of Health and Ageing is currently reviewing its future accommodation requirements. Should additional accommodation be required as a consequence of health reform and other program changes, it is anticipated that this would be sourced from the Canberra market.

**British Nuclear Test Program**

(Question No. 148)

**Senator Ludlam** asked the Minister representing the Minister for Resources and Energy, upon notice, on 28 September 2010:

Given that a total of only 29 Aboriginal Australians have ever received compensation for suffering as a result of exposure to British nuclear tests, and given the more generous budgetary and medical support recently extended to nuclear veterans, will the Government provide similar access to medical services to affected Aboriginal Australians.

**Senator Sherry**—The Minister for Resources and Energy has provided the following answer to the honorable senator’s question:

The 2010 Budget measure provides ex-defence personnel, who participated in the British Nuclear Test Program in Australia, with access to entitlements under the Veterans’ Entitlements Act 1986. Disability pensions and health care treatment will be provided to those who suffer from medical conditions which are accepted as related to their service in the British Nuclear Test Program.

The Department of Education, Employment and Workplace Relations is responsible for the Administrative Scheme for third party contractors, pastoralists and Indigenous persons present in the relevant areas during the British Nuclear Test Program and who suffered an illness or injury as a result of the tests. The Scheme provides successful claimants with benefits similar to those currently available under the Safety, Rehabilitation and Compensation Act 1988. Coverage under this Scheme provides eligible persons with payment or reimbursement for medical costs, lost wages, access to a lump sum for permanent impairment, and payment for death and funeral benefits.

In 1991, the Australian Government settled, in full, all claims for trespass and injury bought against the Commonwealth of Australia by Aborigines living in northern South Australia at the time of the nuclear tests conducted at Maralinga and Emu Field. These claimants were identified during the Royal Commission into British Nuclear Tests in Australia by a team of lawyers, scientists and historians advising Aboriginal groups during the Royal Commission.

**Internet Content**

(Question No. 152)

**Senator Abetz** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 18 March 2010:

(a) How many Internet sites has the Australian Communications and Media Authority banned; and
(b) can a list of those sites be provided along with the reason why each was banned.

**Senator Conroy**—The answer to the honourable senator’s question is as follows:

Under the existing legislation introduced by the Howard Government, prohibited online content is defined as online content classified as RC or X18+, or online content classified as R18+ or MA15+ and not behind an age verification or restricted access scheme. Online content is classified in accordance with the criteria of the National Classification Scheme.

Under the existing laws, content identified through a public complaints mechanism and deemed to be prohibited is treated in two ways. If the content is hosted on an Australian website, the website owner is
issued with a take-down notice to require the content to be removed. If the content is deemed prohibited but is based on an overseas server, the URL of the content is added to the Australian Communications Media Authority (the ACMA) ‘blacklist’ which is provided to the makers of accredited filter software.

The URLs on the ACMA blacklist cannot be published because doing so would provide direct access to prohibited content including material such as child sexual abuse which would be an offence under the Criminal Code.

The breakdown of the current ACMA blacklist as at 30 June 2010 is below:

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<th>Category</th>
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<td>R18+ - Violence</td>
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<td>RC - Crime - promotion/instruction</td>
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<td>RC - Cruelty - depiction</td>
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<td>RC - Drug use - promotion/instruction</td>
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<td>RC - Offensive/Abhorrent phenomena</td>
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As at 30 June 2010, the list contained 1550 URLs, and 8172 items had been added to the ACMA blacklist of overseas-hosted content in total since 2000. Each item was an individual page or image, rather than an entire website. The ACMA blacklist is regularly washed to remove URLs that no longer provide access to prohibited content.

As at 30 June 2010, the ACMA had requested the take-down of 404 items of Australian-hosted online content since 2000. Each item was an individual page or image, rather than an entire website.

Medical Services Advisory Committee
(Question No. 161)

Senator Milne asked the Minister representing the Minister for Health and Ageing, upon notice, on 1 October 2010:

1. What is the average cost of a Medical Services Advisory Committee (MSAC) review of medical technology.

2. What was the annual expenditure on hyperbaric oxygen therapy (Medicare item number 13015) for the following financial years: (a) 2004-05; (b) 2005-06; (c) 2006-07; (d) 2007-08; (e) 2008-09; and (f) 2009-10.

3. Is it true that the cost of the MSAC review of hyperbaric oxygen therapy exceeds the annual budget of Medicare item number 13015.
Monday, 25 October 2010

QUESTIONS ON NOTICE

(4) Why did the department commission another MSAC review of hyperbaric oxygen therapy (covered by Medicare item number 13015) when MSAC had recommended previously that ‘for the treatment of refractory soft tissue injury resulting from radiotherapy, public funding should be recommended following the failure of conservative therapy’?

(5) What is the annual cost of treatment for chronic wounds, in particular, ulceration.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) An average Medical Services Advisory Committee (MSAC) assessment costs approximately $250,000.

(2) | (13015) Hyperbaric Oxygen Therapy | Services | Benefits |
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(3) No. The anticipated cost for the current review (Reference 1054.1) is $150,000.00, which includes the contracted assessment report and guidance from an advisory panel. This does not exceed the annual expenditure for the use of Medicare Benefits Schedule (MBS) item 13015 provided in question (2).

(4) In May 2003, MSAC advised the then Minister for Health and Ageing that “the clinical evidence was inadequate to substantiate claims that hyperbaric oxygen therapy (HBOT) was cost-effective in the treatment of refractory soft tissue radiation injuries or nondiabetic refractory wounds. However, MSAC recommended that, as there are no effective alternative therapies and in view of the progress of local data collections and an international trial, funding for HBOT continue for MBS listed indications at currently eligible sites, for a further three years”.

The then Minister for Health and Ageing noted this advice in August 2004. As interim funding of these items expires on 31 October 2010 it was appropriate for the Department of Health and Ageing (the Department) to commence a review. The Department is taking steps to allow for continuing listing on the MBS until the finalisation of the review.

(5) The MBS does not have a specific item for chronic wound care or care of an ulcerated wound. This is because different wounds have different etiology including depth and anatomical location.

The MBS wound items and descriptors are listed below, followed by the Medicare benefits and expenditure for these items for 2004-05 to 2009-10. The last table is the combination of same day/same patient services for patients claiming Hyperbaric Oxygen Therapy item numbers and Wound Treatment item numbers.

MBS Item Number (Long Name)

(10989) Treatment of a Person’s Wound (Other Than Normal Aftercare) Provided by a Registered Aboriginal Health Worker If: (A) the Treatment is Provided On Behalf of, and Under the Supervision of, a Medical Practitioner; and (B) the Person is Not An Admitted Patient of a Hospital. This Item Has Been in Use From 2006.05.01 to the Present.

(10996) Treatment of a Person’s Wound (Other Than Normal Aftercare) Provided by a Practice Nurse If: (A) the Treatment is Provided On Behalf of, and Under the Supervision of, a Medical Practitioner; and (B) the Person is Not An Admitted Patient of a Hospital. This Item Has Been in Use From 2004.02.01 to the Present.
**MBS Item Number (Long Name)**

(30023) Wound of Soft Tissue, Traumatic, Deep or Extensively Contaminated, Debridement of, Under General Anaesthesia or Regional or Field Nerve Block, Including Suturing of That Wound When Performed (Assist.). This Item Has Been in Use From 1991.12.01 to the Present.

(30026) Skin and Subcutaneous Tissue or Mucous Membrane, Repair of Wound of, Other Than Wound Closure at Time of Surgery, Not On Face or Neck, Small (Not More Than 7cm Long), Superficial, Not Being a Service to Which Another Item in Group T4 Applies. This Item Has Been in Use From 1991.12.01 to the Present.

(30029) Skin and Subcutaneous Tissue or Mucous Membrane, Repair of Wound of, Other Than Wound Closure at Time of Surgery, Not On Face or Neck, Small (Not More Than 7cm in Length), Involving Deeper Tissue, Not Being a Service to Which Another Item in Group T4 Applies. This Item Has Been in Use From 1991.12.01 to the Present.

(30032) Skin and Subcutaneous Tissue or Mucous Membrane, Repair of Wound of, Other Than Wound Closure at Time of Surgery, On Face or Neck, Small (Not More Than 7cm Long), Superficial. This Item Has Been in Use From 1991.12.01 to the Present.

(30035) Skin and Subcutaneous Tissue or Mucous Membrane, Repair of Wound of, Other Than Wound Closure at Time of Surgery, On Face or Neck, Small (Not More Than 7cm Long), Involving Deeper Tissue. This Item Has Been in Use From 1991.12.01 to the Present.

(30038) Skin and Subcutaneous Tissue or Mucous Membrane, Repair of Wound of, Other Than Wound Closure at Time of Surgery, Not On Face or Neck, Large (More Than 7cm Long), Superficial, Not Being a Service to Which Another Item in Group T4 Applies. This Item Has Been in Use From 1991.12.01 to the Present.

(30041) Skin and Subcutaneous Tissue or Mucous Membrane, Repair of Wound of, Other Than Wound Closure at Time of Surgery, Not On Face or Neck, Large (More Than 7cm Long), Involving Deeper Tissue, Not Being a Service to Which Another Item in Group T4 Applies. This Item Has Been in Use From 1991.12.01 to the Present.

(30042) Skin and Subcutaneous Tissue or Mucous Membrane, Repair of Wound of, Other Than Wound Closure at Time of Surgery, Other Than On Face or Neck, Large (More Than 7cm Long), Involving Deeper Tissue, Not Being a Service to Which Another Item in Group T4 Applies. This Item Has Been in Use From 1991.12.01 to the Present.

(30045) Skin and Subcutaneous Tissue or Mucous Membrane, Repair of Wound of, Other Than Wound Closure at Time of Surgery, On Face or Neck, Large (More Than 7cm Long), Superficial. This Item Has Been in Use From 1991.12.01 to the Present.

(30048) Skin and Subcutaneous Tissue or Mucous Membrane, Repair of Wound of, Other Than Wound Closure at Time of Surgery, On Face or Neck, Large (More Than 7cm Long), Involving Deeper Tissue. This Item Has Been in Use From 1991.12.01 to the Present.

(30049) Skin and Subcutaneous Tissue or Mucous Membrane, Repair of Wound of, Other Than Wound Closure at Time of Surgery, On Face or Neck, Large (More Than 7cm Long), Involving Deeper Tissue. This Item Has Been in Use From 1991.12.01 to the Present.

(51900) Wound of Soft Tissue in the Oral and Maxillofacial Region, Deep or Extensively Contaminated, Debridement of, Under General Anaesthesia or Regional or Field Nerve Block, Including Suturing of That Wound When Performed (Assist.). This Item Has Been in Use From 2000.11.01 to the Present.

**Number of Services**

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QUESTIONS ON NOTICE
### QUESTIONS ON NOTICE

#### MBS Item Number

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#### Expenditure

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Combination i.e. Same day/same patient services that claimed MBS item number 13015 (hyperbaric oxygen therapy) in conjunction with other items (wound treatment) July 2005 to June 2010:

<table>
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<th>Selected item</th>
<th>Other selected items claimed on the same day for the same patient</th>
<th>No. occurrences</th>
<th>Benefits paid for item 13015 in conjunction with wound treatment items</th>
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Northern Territory: Mandatory Leases  
(Question No. 2908)  

Senator Siewert asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 24 June 2010:

(1) What criteria are used in the current government valuations of mandatory leases in the Northern Territory. (2) What opportunity is there for communities to seek independent valuations. (3) Who are these rents being paid to in the communities; the traditional owners or the entire community.

Senator Arbib—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

(1) (2) and (3) In October 2008, Minister Macklin formally requested, under subsection 62(1) of the Northern Territory National Emergency Response Act 2007 (‘the Act’), that the Northern Territory Valuer-General determine reasonable amounts of rent to be paid for the five-year leases. The Act obliges the Commonwealth to pay the amounts determined by the Valuer-General to the relevant owners of land covered by a five-year lease.

For five-year leases over Aboriginal land under the Aboriginal Land Rights (Northern Territory) Act 1976 payments are made to Land Councils (in accordance with section 6 of the Aboriginal Land Rights (Northern Territory) Act 1976) who distribute the payments for the benefit of the traditional owners of the land. For five-year leases over Community Living Areas payments are made to the organisation that holds title to the Community Living Area.

The five-year lease rent valuations were calculated in accordance with an independent process conducted by the Valuer-General under section 62 of the Act. The Valuer-General and/or his staff conducted research, onsite visits and consultations with the Land Councils as part of the valuation process. I understand that the Northern and Central Land Councils engaged independent valuation advisors to review the draft valuations and the Valuer-General finalised his valuation methodology, having regard to their views.

Section 62 of the Act prescribes various matters relating to the conduct of the valuation, including that the valuations be based on the unimproved value of the land.