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the Senate and committee hearings are available at

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SITTING DAYS—2010

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FORTY-THIRD PARLIAMENT
FIRST SESSION—FIRST PERIOD

Governor-General
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia

Senate Officeholders

President—Senator Hon. John Joseph Hogg

Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson


Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans

Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy

Leader of the Opposition in the Senate—Senator Hon. Eric Abetz

Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC

Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig

Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

Senate Party Leaders and Whips

Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans

Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy

Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz

Deputy Leader of the Liberal Party of Australia—Senator Hon. George Henry Brandis SC

Leader of the Nationals—Senator Barnaby Thomas Gerard Joyce

Deputy Leader of the Nationals—Senator Fiona Nash

Leader of the Australian Greens—Senator Robert James Brown

Deputy Leader of the Australian Greens—Senator Christine Anne Milne

Leader of the Family First Party—Senator Steve Fielding

Chief Government Whip—Senator Anne McEwen

Deputy Government Whips—Senators Carol Louise Brown and Helen Beatrice Polley

Chief Opposition Whip—Senator Stephen Shane Parry

Deputy Opposition Whips—Senators Judith Anne Adams and David Christopher Bushby

The Nationals Whip—Senator John Reginald Williams

Australian Greens Whip—Senator Rachel Mary Siewert

Family First Party Whip—Senator Steve Fielding

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

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

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

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

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<tr>
<td>Prime Minister</td>
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<tr>
<td>Deputy Prime Minister and Treasurer</td>
<td>Hon. Wayne Swan MP</td>
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<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>Hon. Simon Crean MP</td>
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<tr>
<td>Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate</td>
<td>Senator Hon. Chris Evans</td>
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<td>Minister for School Education, Early Childhood and Youth</td>
<td>Hon. Peter Garrett AM MP</td>
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<td>Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate</td>
<td>Senator Hon. Stephen Conroy</td>
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<td>Minister for Foreign Affairs</td>
<td>Hon. Kevin Rudd MP</td>
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<td>Minister for Trade</td>
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<td>Hon. Stephen Smith MP</td>
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<td>Minister for Infrastructure and Transport and Leader of the House</td>
<td>Hon. Anthony Albanese MP</td>
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<td>Minister for Innovation, Industry, Science and Research</td>
<td>Senator Hon. Kim Carr</td>
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<tr>
<td>Attorney-General and Vice President of the Executive Council</td>
<td>Hon. Robert McClelland MP</td>
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<td>Senator Hon. Joe Ludwig</td>
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<tr>
<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Martin Ferguson AM, MP</td>
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<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>Hon. Greg Combet AM, MP</td>
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[The above ministers constitute the cabinet]
Minister for the Arts
Minister for Social Inclusion
Minister for Privacy and Freedom of Information
Minister for Sport
Special Minister of State for the Public Service and Integrity
Assistant Treasurer and Minister for Financial Services and Superannuation
Minister for Employment Participation and Childcare
Minister for Indigenous Employment and Economic Development
Minister for Veterans’ Affairs and Minister for Defence Science and Personnel
Minister for Defence Materiel
Minister for Indigenous Health
Minister for Mental Health and Ageing
Minister for the Status of Women
Minister for Social Housing and Homelessness
Special Minister of State
Minister for Small Business
Minister for Home Affairs and Minister for Justice
Minister for Human Services
Cabinet Secretary
Parliamentary Secretary to the Prime Minister
Parliamentary Secretary to the Treasurer
Parliamentary Secretary for School Education and Workplace Relations
Minister Assisting the Prime Minister on Digital Productivity
Parliamentary Secretary for Trade
Parliamentary Secretary for Pacific Island Affairs
Parliamentary Secretary for Defence
Parliamentary Secretary for Immigration and Citizenship
Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing
Parliamentary Secretary for Disabilities and Carers
Parliamentary Secretary for Community Services
Parliamentary Secretary for Sustainability and Urban Water
Minister Assisting on Deregulation
Parliamentary Secretary for Agriculture, Fisheries and Forestry
Minister Assisting the Minister for Tourism
Parliamentary Secretary for Climate Change and Energy Efficiency

Hon. Simon Crean MP
Hon. Tanya Plibersek MP
Hon. Brendan O’Connor MP
Senator Hon. Mark Arbib
Hon. Gary Gray AO, MP
Hon. Bill Shorten MP
Hon. Kate Ellis MP
Senator Hon. Mark Arbib
Hon. Warren Snowdon MP
Hon. Jason Clare MP
Hon. Warren Snowdon MP
Hon. Mark Butler MP
Hon. Kate Ellis MP
Senator Hon. Mark Arbib
Hon. Gary Gray AO, MP
Senator Hon. Nick Sherry
Senator Hon. Kate Lundy
Hon. David Bradbury MP
Senator Hon. Jacinta Collins
Senator Hon. Stephen Conroy
Hon. Justine Elliot MP
Hon. Richard Marles MP
Senator Hon. David Feeney
Senator Hon. Kate Lundy
Hon. Catherine King MP
Senator Hon. Jan McLucas
Hon. Julie Collins MP
Senator Hon. Don Farrell
Senator Hon. Nick Sherry
Hon. Dr Mike Kelly AM, MP
Senator Hon. Nick Sherry
Hon. Mark Dreyfus QC, MP
## SHADOW MINISTRY

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<tr>
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<td>Hon. Tony Abbott MP</td>
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<td>Hon. Julie Bishop MP</td>
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<td>Leader of the Nationals and Shadow Minister for Infrastructure and Transport</td>
<td>Hon. Warren Truss MP</td>
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<td>Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations</td>
<td>Senator Hon. Eric Abetz</td>
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<td>Deputy Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations</td>
<td>Senator Hon. George Brandis SC</td>
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<td>Shadow Treasurer</td>
<td>Hon. Joe Hockey MP</td>
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<td>Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House</td>
<td>Hon. Christopher Pyne MP</td>
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<td>Senator Hon. Nigel Scullion</td>
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<td>Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate</td>
<td>Senator Barnaby Joyce</td>
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<td>Hon. Andrew Robb AO, MP</td>
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<td>Shadow Minister for Energy and Resources</td>
<td>Hon. Ian Macfarlane MP</td>
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<td>Shadow Minister for Climate Action, Environment and Heritage</td>
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<td>Shadow Minister for Small Business, Competition Policy and Consumer Affairs</td>
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[The above constitute the shadow cabinet]
SHADOW MINISTRY—continued

Shadow Minister for Employment Participation  
Hon. Sussan Ley MP

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

Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation  
Senator Mathias Cormann

Shadow Minister for Childcare and Early Childhood Learning  
Hon. Sussan Ley MP

Shadow Minister for Universities and Research  
Senator Hon. Brett Mason

Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House  
Mr Luke Hartsuyker MP

Shadow Minister for Indigenous Development and Employment  
Senator Marise Payne

Shadow Minister for Regional Development  
Hon. Bob Baldwin MP

Shadow Special Minister of State  
Hon. Bronwyn Bishop MP

Shadow Minister for COAG  
Senator Marise Payne

Shadow Minister for Tourism  
Hon. Bob Baldwin MP

Shadow Minister for Defence Science, Technology and Personnel  
Mr Stuart Robert MP

Shadow Minister for Veterans’ Affairs  
Senator Hon. Michael Ronaldson

Shadow Minister for Regional Communications  
Mr Luke Hartsuyker MP

Shadow Minister for Ageing and Shadow Minister for Mental Health  
Senator Concetta Fierravanti-Wells

Shadow Minister for Seniors  
Hon. Bronwyn Bishop MP

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

Shadow Minister for Housing  
Senator Marise Payne

Chairman, Scrutiny of Government Waste Committee  
Mr Jamie Briggs MP

Shadow Cabinet Secretary  
Hon. Philip Ruddock MP

Shadow Parliamentary Secretary Assisting the Leader of the Opposition  
Senator Cory Bernardi

Shadow Parliamentary Secretary for International Development Assistance  
Hon. Teresa Gambaro MP

Shadow Parliamentary Secretary for Roads and Regional Transport  
Mr Darren Chester MP

Shadow Parliamentary Secretary to the Shadow Attorney-General  
Senator Gary Humphries

Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee  
Hon. Tony Smith MP

Shadow Parliamentary Secretary for Regional Education  
Senator Fiona Nash

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

Shadow Parliamentary Secretary for Local Government  
Mr Don Randall MP

Shadow Parliamentary Secretary for the Murray-Darling Basin  
Senator Simon Birmingham

Shadow Parliamentary Secretary for Defence Materiel  
Senator Gary Humphries

Shadow Parliamentary Secretary for the Defence Force and Defence Support  
Senator Hon. Ian Macdonald

Shadow Parliamentary Secretary for Primary Healthcare  
Dr Andrew Southcott MP
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Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health
Mr Andrew Laming MP

Shadow Parliamentary Secretary for Supporting Families
Senator Cory Bernardi

Shadow Parliamentary Secretary for the Status of Women
Senator Michaelia Cash

Shadow Parliamentary Secretary for Environment
Senator Simon Birmingham

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

Shadow Parliamentary Secretary for Immigration
Senator Michaelia Cash

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

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

Shadow Parliamentary Secretary for Small Business and Fair Competition
Senator Scott Ryan
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The President (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers and made an acknowledgement of country.

PETITIONS

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

Internet Content

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

The petition of the undersigned shows:

That material banned through the ‘Refused Classification’ category in Australia includes child pornography, material that promotes rape, sex with animals or incest and material that instructs in how to carry out bombings and torture. We note this ban extends to books, magazines, films, television and Australian hosted websites and generally works well to prohibit access to material the vast majority of Australians would find abhorrent.

We also note that there are many overseas hosted websites that promote such material for sale, including material that has involved the trafficking and sexual abuse of women and children. We further note that the UN Human Rights Council passed resolution A/HRC/8/L.17 of 12 June 2008 calling for governments to take steps:

comprehend the use of the Internet to facilitate trafficking in persons and crimes related to sexual or other forms of exploitation and to strengthen international cooperation to investigate and prosecute trafficking facilitated by the use of the Internet.

Your petitioners ask that the Senate:

Pass legislation that requires Internet Service Providers (ISPs) to block all websites that contain material classified as ‘Refused Classification’, regardless of where such sites are hosted.

by Senator McGauran (from 76 citizens)

Petition received.

NOTICES

Presentation

Senator Crossin to move on the next day of sitting:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Civil Dispute Resolution Bill 2010 be extended to 2 December 2010.

Senator Cormann to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the response by the Information Commissioner to three orders of the Senate seeking information about the Government’s proposed mining tax, dated 26 October 2010, which was tabled in the Senate on 15 November 2010, and

(ii) that the Information Commissioner is of the view that it is not open to him to provide a report to the Senate as ordered because the statute which established his office does not encompass the function envisaged by the Senate in its orders, or by the Government in the agreements on parliamentary reform;

(b) advises the Information Commissioner as follows:

(i) that under section 49 of the Constitution the Senate has the undisputed power to order the production of documents necessary for its information, a power which encompasses documents already in existence and documents required to be created for the purpose of complying with the order,

(ii) this power may be modified only by express statutory declaration, as required by section 49 of the Constitution,

(iii) nothing in the Australian Information Commissioner Act 2010 is expressed as a declaration for the purpose of section 49 that would have the effect of limiting the exercise of the power by the Houses
of the Commonwealth Parliament in respect of the Information Commissioner.

(iv) multiple resolutions of the Senate affirm the principle that information may be withheld from it only following consideration by the Senate of a properly founded claim of public interest immunity, and

(v) the Senate has on numerous occasions exercised its power to require statutory agencies and officers to produce information in response to orders; and

(c) orders the Information Commissioner to reconsider his position as soon as possible and provide the information required by the Senate.

Senator Siewert and Senator Adams to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) bowel cancer claims the lives of approximately 3,800 people every year and causes more cancer deaths in Australia than any other form of the disease except lung cancer,

(ii) as a result of the launch of the National Bowel Cancer Screening Program in 2006, more than 1.6 million people have been invited to participate in the program and screen for bowel cancer but approximately 5 million at risk Australians are currently missing out on this vital program,

(iii) early screening for bowel cancer has the potential to prevent as many as 2,000 deaths every year, and

(iv) the current program ends in December 2010; and

(b) calls on the Government to:

(i) commit to maintaining the current funding for the National Bowel Cancer Screening Program for at least 2 years while an implementation plan is put in place for a comprehensive bowel screening program, and

(ii) develop an implementation plan for a comprehensive bowel screening process that includes people aged 60 and 70 and follow-up tests.

Senator Abetz to move on the next day of sitting:

That the Senate—

(a) notes the Government’s refusal to produce the following documents relating to the National Broadband Network (NBN):

(i) the National Broadband Network Business plan, and

(ii) the Government’s response to the McKinsey and Company and KPMG Implementation plan;

(b) resolves that consideration of any bill relating to the National Broadband Network, including the Telecommunications Legislation Amendment (Competition and Consumer Safeguards Bill) 2010, be postponed and made an order of the day for the next day of sitting after the documents described in paragraphs (a)(i) and (ii) are laid on the table;

(c) resolves that, until the documents described in paragraphs (a)(i) and (ii) are laid on the table:

(i) a senator may, at the conclusion of question time on each and any day, ask the Minister for Broadband, Communications and the Digital Economy for an explanation of why the order of 17 November 2010 requiring the production of the documents has not been complied with, and

(ii) the senator may, at the conclusion of the explanation, move without notice—

That the Senate take note of the explanation, or

(iii) in the event that the minister does not provide an explanation, the senator may, without notice, move a motion in relation to the minister’s failure to provide either an answer or an explanation;
(d) resolves that, until the documents described in paragraphs (a)(i) and (ii) are laid on the table, the Senate shall not:

(i) receive any statement related to the NBN by the Minister for Broadband, Communications and the Digital Economy, or by any other minister, except in answer to questions asked of the minister at question time, or

(ii) consider any other business related to the NBN proposed by any minister; and

(e) further resolves that, until the documents described in paragraphs (a)(i) and (ii) are laid on the table, so much of the standing orders which provide for ministers to present documents be suspended, so that a minister may not present any other document related to the NBN, except by leave of the Senate.

Senator Milne to move on the next day of sitting:

That the Senate acknowledges that climate change is:

(a) real;

(b) human induced; and

(c) that urgent action to reduce greenhouse emissions is required to achieve the goal, to which Australia committed under the Copenhagen Accord, namely, constraining global warming to 2°C above pre-industrial levels.

BUSINESS

Consideration of Legislation

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.32 am)—I move:

That government business be interrupted at 12.45 pm to allow consideration of the following government business orders of the day till not later than 2 pm today:

Fisheries Legislation Amendment Bill (No. 2) 2010 – Resumption of second reading debate
Radiocommunications Amendment Bill 2010 – Resumption of second reading debate
Corporations Amendment (No. 1) Bill 2010 – Resumption of second reading debate
Aviation Crimes and Policing Legislation Amendment Bill 2010 – Resumption of second reading debate
Crimes Legislation Amendment Bill 2010 – Resumption of second reading debate
Higher Education Support Amendment (FEE-HELP Loan Fee) Bill 2010
International Financial Institutions Legislation Amendment Bill 2010 (subject to exemption from the bills cut-off order)

Question agreed to.

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.32 am)—I move:

That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 108 standing in the name of Senator Fifield relating to a cost benefit analysis of the National Broadband Network; and

(b) orders of the day relating to government documents.

Question agreed to.

COMMITTEES

Community Affairs Legislation Committee

Extension of Time

Senator MOORE (Queensland) (9.32 am)—by leave—I move:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the National Health and Hospitals Network Bill 2010 be extended to 22 November 2010.

Question agreed to.

BUSINESS

Consideration of Legislation

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.33 am)—At the request of the
Minister for Broadband, Communications and the Digital Economy, Senator Conroy, I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the International Financial Institutions Legislation Amendment Bill 2010, allowing it to be considered during this period of sittings.

Question agreed to.

Consideration of Legislation

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.33 am)—I move:

That:

(a) consideration of general business order of the day no. 15 (Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010) have precedence over all government business on Thursday, 18 November 2010; and

(b) at 12.45 pm, the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010 be interrupted to allow consideration of bills listed on the daily Order of Business, under the heading ‘At 12.45 pm’.

Senator FIFIELD (Victoria)—Manager of Opposition Business in the Senate (9.34 am)—Mr President, I seek leave to make a short statement.

The PRESIDENT—Leave has been granted for two minutes.

Senator FIFIELD—The opposition will be opposing this motion for the simple reason that we are here to help. We have the government’s best interests in mind, as is often the case. Despite the belief that we on this side of the chamber have that the government do not have a policy agenda, the government are maintaining that they do indeed, and we are going to give the government the benefit of the doubt. We would not want to see any unreasonable impediments to the government’s legislative agenda. Whether in government or opposition, we have always believed that governments have a right to have their bills scrutinised and debated but, of course, with the important caveat that the governments have provided the Senate with all relevant information to make proper and informed debate possible.

If this motion fails there will certainly be no justification for the government to say, at the tail end of next week, that the opposition has in any way, shape or form been thwarting their agenda. There is also no need to take away from the time of the government’s business. As Senator Evans averred in this place yesterday—and perhaps he should not have, but as he did I will refer to it—the Procedure Committee may well be proposing to the Senate that there be provision each week for a specific time for private senators’ business. That is something that the Greens sought and that is something that the opposition supported. I must say I am surprised that the government are seeking to limit their own time. When there is pressure on household budgets I am surprised that euthanasia is the most pressing issue on the government’s agenda.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.36 am)—Mr President, I seek leave to make a short statement.

The PRESIDENT—Leave has been granted for two minutes.

Senator BOB BROWN—We had the day before yesterday the opposition move to take over government time with a private member’s bill and now we are getting the opposition arguing that government business time should not be taken over by further debate of a private member’s bill that is already underway. I have been very clear about this. I have asked the government to have this legislation debated this morning because we have not been able to implement the change that Senator Fifield was talking about, to wit, the implementation of private members’
time. But we should have done that. The matter has been on the agenda not just since the election; it has been there for the last three years—and, in one way or another, it has been blocked by both the government and the opposition from being processed through the Procedure Committee. It ought to have been in place by now but it is not. On the easiest count, 10 hours of private members’ time has been denied in the Senate because there has been no progress on that matter. It is a very simple thing: like other parliaments around the world we should have private members’ time that deals with legislation. This is a poor second in that, having started the debate on this important piece of legislation to restore territory rights, we should see that legislation through to fruition. It is not a second-rate piece of legislation; it is an important piece of legislation. I have had talks just this week with the chief ministers of both the Australian Capital Territory and the Northern Territory about restoring the rights of the territories as near as we can to those of the states. This legislation should proceed to debate now. (Time expired)

Senator XENOPHON (South Australia) (9.38 am) — I seek leave to make a short statement.

The PRESIDENT — Leave has been granted for two minutes.

Senator XENOPHON — I support the Greens’ motion. I believe this motion should be brought on for debate. There have not been reforms in relation to dealing with private members’ business. In the absence of that, it is important that we have a mechanism in place to deal with private members’ bills such as this. Whilst I support the bill, I am implacably opposed to voluntary euthanasia. But this bill is about territory rights and ensuring that the ACT and Northern Territory legislatures have an opportunity to vote on legislation such as this if they wish to.

Senator McGauran — But it affects us all; it affects the whole nation.

Senator XENOPHON — You could say that about any piece of legislation—state or territory—but I think it is important that we have that debate. Senator McGauran is free to vote against this piece of legislation and, given his comments, I expect that he will. But this is about process and ensuring that, if it is a matter of importance, it is brought on for a vote. Agreeing to have the bill dealt with does not mean that members are obliged to vote for it, but I would have thought that enough notice has been given in relation to this particular bill. It has been dealt with by the committee process and I think that dealing with this legislation is the right thing to do, notwithstanding my personal opposition to the whole issue of voluntary euthanasia. This is about territory rights and we should be able to deal with it in an expeditious way.

Senator BOSWELL (Queensland) (9.40 am) — I seek leave to make a short statement.

The PRESIDENT — Leave has been granted for two minutes.

Senator BOSWELL — It is quite obvious who is running the Senate at the moment: we do not even have to wait until June for the Greens to take complete possession of the Labor Party. I want to point out that, in a referendum on Territory rights, the Territory voted not to go to full statehood and that was carried. A majority of Territorians voted to maintain their status as a territory. So now we are overriding their wishes. The point I wanted to raise is that the Labor Party has absolutely genuflected to the Greens; we do not even have to wait until 30 June for the Labor Party to be fully under the control of the Greens. I just wanted to point that out. This euthanasia bill has been brought on because the Labor Party does not have the
courage to stand up against the Greens. What is it going to be like in six months time? That is a question we have to put to the people. When the Greens can run the Labor Party now, what is it going to be like in six months time?

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.42 am)—I seek leave to make a short statement.

The PRESIDENT—Leave has been granted for two minutes.

Senator LUDWIG—This motion was moved to allow some time for debate today, in government business time, of a bill that would be subject to a conscience vote in the Senate. This of course does not happen frequently but it is far from unprecedented. As far as I am aware, all parties have agreed that Senator Bob Brown’s Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010 will be subject to a conscience vote. The government has agreed to provide some government business time to debate this bill and we remain committed to the Procedure Committee proposal that the Senate may adopt in relation to private senators’ bills. This additional debate time will allow senators the chance to state their positions on the issue of conscience debates, and issues such as euthanasia are important to the community. This is the first time this government has sought to use government business time for a private senator’s bill since we gained office in 2007.

The Howard government, with the support of the Labor opposition, allowed three private members’ bills to be given wide-ranging and exhaustive debates. The bills that Senator Brown seeks to reverse—the euthanasia bill, the therapeutic goods amendment bill and the prohibition of human cloning bill—were ones that were allowed. Of course, all three bills were debated in government business, all with additional sitting time, with the full support of the Labor opposition. In the case of the euthanasia bill, the Senate sat for an additional five hours to consider the bill. I will not go into the times for the debates on the other bills but they were extensive.

After today there are only four programmed sitting days for the Senate for the remainder of the year. The government, with Senator Bob Brown’s agreement, is seeking a relatively limited amount of time for this bill this year. The government does recognise that this may only be the second episode of the debate on this bill and that the Senate is unlikely to vote on the bill this year. This will leave the Senate free to debate other significant government legislation in the next four sitting days. The Senate should be able to strike a balance—(Time expired)

Senator FIELDING (Victoria—Leader of the Family First Party) (9.44 am)—Mr President, I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator FIELDING—Quite clearly, this is about voluntary euthanasia—that is what the bill says. I cannot understand why the Labor government has actually given priority to this, and done the Greens’ dirty work, when this is about euthanasia. Quite clearly, the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010 is about that—it has in the title ‘Voluntary Euthanasia Legislation’. If this is not meant to be provocative, it certainly is. As to you folks, Labor—what does it say about your position on euthanasia that you are giving this precedence over everything else when, just a few days ago, when it came to helping our kids get to university through Youth Allowance, you would not allow that to go forward? You are quite happy for euthanasia to go through but you are not happy about Youth Allow-
ance going through for our kids. That is just totally wrong, so I will not be supporting this. We should be doing more to protect life than to take it away. This is wrong, and we will not be supporting it.

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

The Senate divided. [9.50 am]
(The President—Senator the Hon. JJ Hogg)

Ayes……………… 32
Noes……………… 32
Majority…………… 0

AYES
Bilyk, C.L. Bishop, T.M.
Brown, B.J. Brown, C.L.
Cameron, D.N. Collins, J.
Conroy, S.M. Crossin, P.M.
Farrell, D.E. Feeney, D.
Forshaw, M.G. Furner, M.L.
Hanson-Young, S.C. Hogg, J.J.
Hurley, A. Hutchins, S.P.
Ladlam, S. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. * McLucas, J.E.
Milne, C. Moore, C.
Polley, H. Pratt, L.C.
Sherry, N.J. Siewert, R.
Stephens, U. Sterle, G.
Wortley, D. Xenophon, N.

NOES
Abetz, E. Adams, J.
Barnett, G. Bernardi, C.
Birmingham, S. Boswell, R.L.D.
Boyce, S. Brands, G.H.
Bushby, D.C. Cash, M.C.
Colbeck, R. Coonan, H.L.
Cormann, M.H.P. Fielding, S.
Fifield, M.P. Fisher, M.J.
Humphries, G. Johnston, D.
Kroger, H. Macdonald, I.
Mason, B.J. McGauran, J.J.
Minchin, N.H. Nash, F.
Parry, S. * Payne, M.A.
Ronaldson, M. Ryan, S.M.
Scullion, N.G. Trooth, J.M.
Trood, R.B. Williams, J.R.

PAIRS
Arbib, M.V. Back, C.J.
Carr, K.J. Eggleston, A.
Evans, C.V. Ferguson, A.B.
Faulkner, J.P. Fierravanti-Wells, C.
O’Brien, K.W.K. Heffernan, W.
Wong, P. Joyce, B.

* denotes teller

Question negatived.

MIGRATION AMENDMENT (DETENTION REFORM AND PROCEDURAL FAIRNESS) BILL 2010
First Reading

Senator HANSON-YOUNG (South Australia) (9.53 am)—I move:
That the following bill be introduced: A Bill for an Act to amend the Migration Act 1958 in relation to asylum seekers and immigration detention, to restore rights and procedural fairness to persons affected by decisions taken under the Act, and for related purposes.

Question agreed to.

Senator HANSON-YOUNG (South Australia) (9.53 am)—I present the bill and move:
That this bill may proceed without formalities and be now read a first time.

Question agreed to.
Bill read a first time.

Second Reading

Senator HANSON-YOUNG (South Australia) (9.54 am)—I move:
That this bill be now read a second time.
I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—
The Migration Amendment (Detention Reform and Procedural Fairness) Bill 2010 seeks to improve the way in which the Migration Act currently operates, by ending offshore processing
and the excision policy; ensuring that detention is only used as a last resort; ending indefinite and long-term detention that is the legacy of mandatory detention; and introducing a system of judicial review of detention beyond 30 days.

While immigration detention is not prohibited by international law, several international treaties to which Australia is a party impose limitations on the scope of acceptable immigration detention arrangements. This Bill ensures that our obligations as signatories to the Universal Declaration on Human Rights, International Covenant on Civil and Political Rights (ICCPR), Convention Relating the Status of Refugees, and the Convention against Torture (CAT) are upheld and reflected within our domestic law.

As a signatory to the 1951 United Nations Geneva Convention on Refugees, and a country that considers itself compassionate and a champion of the 'fair go', we must uphold our international obligations and responsibilities and stop the demonisation of the small number of people that arrive in this country seeking protection.

After almost a decade of defending its support of the removal of legal rights for asylum-seekers, the Federal Government now has a unique opportunity to leave the Howard Government's legacy of indefinite, arbitrary detention behind, once and for all.

Last week, the High Court of Australia unanimously ruled that two Sri Lankan asylum seekers were denied procedural fairness in the review of their claims merely because they arrived on an excised offshore territory. The High Court found that any review of a refugee status assessment must be bound by the provisions of the Migration Act and the decisions of Australian courts.

The most important point of this decision is that if Australia is going to deny people the right to seek protection or to get a protection visa in this country, then the process by which that is decided has to be a fair process.

The decision has confirmed that the Greens were always correct in our opposition to creating two sets of rights, one for asylum-seekers who arrive by plane and another for those who arrive by boat.

While the decision did not call into question the validity of offshore processing, it confirmed that all asylum seekers must be entitled to the same legal treatment, and that life-and-death decisions about their fate cannot be made without proper legal scrutiny.

This decision has ultimately provided the Government with the opportunity to truly reform the way in which we assess people's claims for asylum. The Greens maintain that excision, offshore processing, and mandatory and indefinite detention are inconsistent with Australia's international human rights obligations and should be abolished. This Bill seeks to rectify these long-standing damaging policies, by replacing it with a system that treats all asylum seekers equally.

The offshore detention of asylum seekers in a zone excised from mainland Australia has been one of the most damaging aspects to our international standing. The political bickering between the Government and Coalition over the management of asylum seekers on Christmas Island obscures the fact that this policy is a breach of Australia’s international obligations to under the Refugee Convention.

The old parties are too frightened to tell the truth to the Australian public about asylum-seekers, because they fear being labelled "not tough enough". As long as there are people fleeing persecution and torture they will continue to seek protection. We must accept that fleeing persecution is not an orderly process by its very nature, and therefore we need a system that acknowledges this and still protects people, shows compassion, and gives the world's most vulnerable people a fair go.

What we need is a policy that upholds Australia's commitments to international law and human rights.

According to a recent Red Cross Survey, eighty-three per cent of Australians agree that those fleeing persecution should be able to take refuge in another country. So why are the major parties pandering to the small minority in Australia?

The Government has been repeatedly warned about the dangers that prolonged or indefinite detention can have on the mental health of asylum
seekers, yet it persists in a detention policy that is anything but humane.

The continued commitment to mandatory detention and offshore processing shows that they have learned nothing from Australia’s recent history.

In fact, the Government never actually legislated for their 2007 election promise of a more humane approach to immigration detention.

We know that detention is no longer used as a last resort, and the result of the suspension of asylum claims for Afghans and Sri Lankans has seen a backlog of cases clog the system, inevitably witnessing a return to the cruel and inhumane policy of indefinite detention.

Furthermore, the Government’s blatant rejection of a charter of rights in Australia only reinforces the need for an independent check on detention decisions.

It is impossible to restore public faith in Australia’s immigration detention system while the right to seek prompt, independent and effective review of detention decisions is denied.

Judicial review will not only challenge the presumption of detention as the first and only resort, but also introduce a legal framework that the High Court of Australia has itself said needs to happen.

The measures contained within this Bill, will:

- Repeal the excision policy;
- Ensure that detention is only used as a measure of last resort, thus ending the policy of mandatory detention;
- End indefinite and long-term detention;
- Restore asylum seekers rights to procedural fairness; and
- Introduce a system of judicial review of detention beyond 30 days.

We want a fair and just immigration system that upholds Australia’s commitment to international law and human rights.

We believe refugees should be treated compassionately and oppose an overly-politicised approach that demonises asylum seekers with the cruel, expensive and unnecessary policies of mandatory detention and offshore processing.

It is time to stop the scaremongering, and work together towards a fairer, more compassionate Australia, with a system that deals with the needs of asylum seekers in a practical, humane and long-term manner.

A tri-partisan compact between the parties and the people, which takes the heat out of the debate, and instead puts our responsibilities and values of fairness and human rights at the centre of a long-term and practical solution, is essential. And this solution must be an Australian solution.

I commend this Bill to the Senate.

Senator HANSON-YOUNG—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

INTERNATIONAL AID ASSISTANCE

Senator SIEWERT (Western Australia) (9.54 am)—I seek leave to amend general business notice of motion No. 102 standing in my name for today relating to international aid assistance for clean water and sanitation.

Leave granted.

Senator SIEWERT—I move the motion as amended:

That the Senate:

(a) recognises that 19 November 2010, is World Toilet Day – a day to acknowledge the importance of sanitation and raise awareness of the 2.6 billion people, two-fifths of humanity, who lack access to basic sanitation,

(b) notes that on 24 August 2010 the United Nations General Assembly formally recognised the right to water and sanitation as a basic human right (resolution 64/292);

(c) expresses concern that more than 1.4 million children die each year as a result of unclean water and poor sanitation and that diarrhoea is the leading cause of death in Africa and the second leading cause of child death globally;

(d) notes that access to clean water and sanitation are the foundation for progress on
other development outcomes, especially child health and education;
(e) acknowledges the positive step taken by the Australian Government in 2007 with the implementation of a 3 year water and sanitation initiative; and
(f) calls on the Australian Government and AusAID to deliver on its previous commitment to report publicly on their water and sanitation activities, including reporting on the proportion of development aid spent on sanitation.

Senator CASH (Western Australia) (9.55 am)—I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator CASH—On behalf of Senator Fierravanti-Wells: whilst the coalition recognises and applauds the work of the World Toilet Organisation, we will not be supporting the motion moved by the Australian Greens. This motion is just another example of the Greens using the floor of the Senate to grandstand in a crass attempt to raise their political profile by framing motherhood statements in the form of a motion and then challenging other political parties not to agree to them so that they can run off to the media, tell them what jolly good fellows the Greens are and what horrible people the other parties are. With approximately 2.6 billion people around the globe having little or no access to basic sanitation, and with a lack of sanitation being the world’s biggest cause of infection, it is incumbent upon us in this chamber to take the health implications of this lack of sanitation seriously.

The Greens as a party are well aware that successive Australian governments have provided funding in the form of overseas aid to assist sanitation programs around the world and yet the Greens waste the time of the Senate on motions which are designed to achieve nothing more than self-gratification. The coalition believes that the Senate, which is meant to act as a house of review, is having its time wasted day after day with motions from the Greens that are designed to provide Senator Brown and his colleagues with a media opportunity to issue yet another motherhood media statement whilst criticising the coalition and at times the government for not supporting their motions. The Greens need to mature as a political party and understand that proposing motions that are nothing more and nothing less than motherhood statements gives them no credit as a political party.

Senator SIEWERT (Western Australia) (9.57 am)—I seek leave to make a very short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator SIEWERT—I would like to point out that it is not broadcasting day, so that eloquent statement was wasted.

Question agreed to.

COMMITTEES
Economics References Committee
Meeting

Senator BUSHBY (Tasmania) (9.58 am)—I move:
That the Economics References Committee be authorised to meet during the sitting of the Senate on Monday, 22 November 2010 and Thursday, 25 November 2010 for private briefings.

Question agreed to.

DEFENCE FORCE RETIREMENT AND DEATH BENEFITS AMENDMENT (FAIR INDEXATION) BILL 2010
First Reading

Senator RONALDSON (Victoria) (9.58 am)—I move:
That the following bill be introduced: A Bill for an Act to amend the Defence Force Retirement and Death Benefits Act 1973 to provide for fairer indexation, and for related purposes.
Question agreed to.

Senator RONALDSON (Victoria) (9.58 am)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator RONALDSON (Victoria) (9.59 am)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

It gives me great pleasure to introduce the Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Bill 2010 to the Senate.

I am introducing this Bill on behalf of my colleague in the other place, the Coalition’s spokesperson on military superannuation and the Shadow Minister for Defence Science, Technology and Personnel, Mr Stuart Robert MP.

This Bill meets the Coalition’s commitment made on 27 June 2010 to provide fair indexation for Defence Force Retirement and Death Benefits (DFRDB) Scheme and Defence Force Retirement Benefits (DFRB) scheme superannuants.

Under this Bill, from 1 July 2011, DFRDB and DFRB superannuants aged 55 and over will have their superannuation pensions indexed in the same way as Australian Government income support pensions are indexed. Twice yearly, in line with present practice and using the predetermined ‘pension MBR factor’, pensions will be indexed to the higher of the Consumer Price Index (CPI), Male Total Average Weekly Earnings (MTAWE) or the Pensioner Beneficiary Living Cost Index (PBLCI).

The ‘pension MBR factor’ is the measure used to determine increases in Australian Government income support pensions, including the Service Pension. It is determined in consultation with statistics provided by the Australian Statistician.

The measures in this Bill will ensure that over 56,000 retired Australian Defence Force personnel who are members of the now closed DFRDB and DFRB schemes have their superannuation pensions indexed more fairly and in a manner which better reflects changes in the costs of living.

The Coalition is committed to beginning the process of military superannuation reform. These changes are being made as part of the Coalition’s recognition of the unique nature of military service and our commitment to introducing a fair, equitable and fiscally responsible military superannuation system.

Widows of DFRDB superannuants will also benefit from the announced changes.

The cost is estimated to be $98 million over the forward estimates.

This Bill brings into line the indexation of a DFRDB and DFRB member’s superannuation with those of aged and service pension recipients. Currently, DFRDB and DFRB superannuation pensions are indexed according to the CPI only. If the indexation rate had increased in line with the aged pension, in March 2010 military superannuants would have received up to an extra $28.40 per fortnight in their pension.

Labor failures

Labor has failed veterans when it comes to military superannuation reform.

Labor broke its 2007 election promise to ‘fix’ the issue of military superannuation indexation. Labor has lost its way on reform of military superannuation.

In 2007, Labor promised to release the findings of the previous Coalition government’s Review into Military Superannuation Arrangements, otherwise known as the Podger Review. Labor’s release of the Podger Review – on Christmas Eve, 24 December 2007, almost three years ago – was seen by Labor as the end of their commitment to reform. Their consultation produced no outcomes; in fact, for most of 2010, the former minister for veterans’ affairs promised that he would soon be
responding to the consultation but, not surprisingly, he failed to deliver anything.

Under pressure from the veteran and ex-service community to deliver on their commitment to reform, Labor commissioned Mr Trevor Matthews to conduct a review of government superannuation schemes. Mr Matthews’ review investigated all commonwealth government superannuation schemes, not just the military schemes which have always been legislated for separately to civilian schemes by the Australian Parliament. Mr Matthews’ review found against the need to reform the indexation of military superannuation pensions, despite the wealth of evidence and representations made from ex-service organisations, evidence heard at several Senate committees of inquiry, and indeed the Podger Review. The Matthews’ Review continues to be held in low regard by the veteran and ex-service community.

Labor’s wasteful and reckless spending in so many other areas has left them unable to meet their commitment of 2007 to ‘prevent further erosion [of veterans’ pensions] due to unfair indexation’. After spending so much money on pink batts, Green Loans and the failed BER school halls programme, Labor was and is unable and unwilling to find the funds necessary to meet their commitment to veterans about military superannuation reform.

The Coalition’s alternative

The Coalition listened closely to, and consulted with, the veteran and ex-service community. Through this consultation we were able to carefully develop a proposal which met the requests for action by the ex-service community and their leadership. The leadership shown by various ex-service organisations, including but not limited to the Defence Force Welfare Association (DFWA), the Returned and Services League of Australia (RSL), the Naval Association of Australia, the Royal Australian Air Force Association, the Royal Australian Regiment Association and the Australian Special Air Service Association lead to this positive announcement by the Coalition on 27 June 2010.

The Coalition commissioned Dr Andrew Podger to review military superannuation arrangements in 2006. The Review team was tasked with analysing the present military superannuation schemes and, where necessary, making recommendations to ensure the efficient operation of those schemes.

In Recommendation 14 of Podger’s review, he writes:

If the Government is willing to go beyond the envelope of current costs, it should consider indexing DFRDB/DFRB pensions for those over 55 on a similar basis to that applying to age pensions. (…) The Coalition agrees with this recommendation and, through the measures contained within this Bill, we will implement this recommendation.

The Coalition recognises that the issue of military superannuation indexation remains the greatest issue of concern in the veteran and ex-service community. It was the number one issue for action ahead of the last election and remains at the top of the ‘wish lists’ of the various ex-service organisations.

However, this is by no means the end of the reform process; the Coalition believes changing indexation arrangements is the first and most important step in a wider process to reform military superannuation arrangements. We look forward to an ongoing dialogue with the ex-service community about further areas for reform, particularly those which seek to improve the lives of those most in need of support.

I would like to recognise the contribution to this policy commitment of all members of the Coalition, but particularly the former shadow ministers in this area, Bob Baldwin MP and Louise Markus MP. They were indefatigable advocates for this reform behind closed doors and did much work to identify a policy solution in this area.

What Labor would have you believe – spin over substance

Labor had no military superannuation policy at the last election. It continues to have no policy on military superannuation reform. Labor is suffering from massive policy paralysis.

After the Coalition released its Real Action Plan for Veterans and their families, the Labor Party began a smear campaign, attacking the Coalition’s commitment on military superannuation reform. Labor’s smear campaign was designed to
hide the fact that they did not have a military superannuation policy of their own. They used typical-Labor tactics to blame others for their own mistakes and shortcomings. Labor claimed, using two-year old, “for information only” figures from the Australian Government Actuary, which hadn’t previously been released publicly, that the Coalition had an $8 billion hole in our commitment. This was proven to be totally false; in fact, the Australian Government Actuary’s own figures confirmed that the Coalition had been conservative in its costings. Labor spent more energy criticising the Coalition’s plan than coming up with one of their own. Labor used more paper criticising the Coalition’s plan to tackle an important and pressing issue in the veteran community than actually setting out a plan to tackle it themselves. The Actuary’s report which Labor used to criticise the Coalition’s commitment contained a number of false assumptions about the Coalition’s plan, including:

- Calculations that the commitment would begin from 1 July 2009. The Coalition committed to a 1 July 2011 start date;
- The data used in the calculations was current at 30 June 2007 – making it more than three years old when Labor tried to use it;
- The Actuary advised that: “The costings have been subject to a lesser degree of checking than would normally be the case. I have no problem with you providing a copy of this advice (…) for information only”;
- The Actuary also advised that the information was provided to the Government “on a confidential basis for information only”.

Whilst the Actuary found that “Additional Commonwealth cash expenditure in the first few years after any change would be relatively small”, Labor claimed the Coalition had an immediate $8 billion black hole as a result of our commitment. Labor selectively-picked information from the Actuary’s report but its negative-strategy backfired badly. If veterans and ex-service people were not already disappointed by Labor’s refusal to act on military superannuation reform, this misleading performance from Labor during the last few days of the election campaign in August infuriated them. Labor really did break the heart of Australia’s veterans with this appalling display of ‘freak-o-nomics’.

In 2007, the Podger Review found that to index DFRDB/DFRB superannuation pensions at the higher rate only after the superannuant had turned 55, would cost $4.2 billion over the almost 45-year estimated remaining life of the scheme. Updating Dr Podger’s calculations to reflect 2010 dollars, this increased to just $4.8 billion over 45 years. An entirely affordable commitment, which is even more affordable when we consider that the first four years of the scheme will cost less than $100 million over that period. On 12 August this year, when discussing Labor’s scare campaign on military superannuation reform, the Leader of the Opposition told Brisbane radio’s Michael Smith:

“You can turn this into a huge figure. In any one year, it is bearable and we should bear it.”

Using Labor’s logic, Labor would have to provide now for the 45-year out-year costs for schools, hospitals and Defence. Yet in three separate documents between the Budget and Election Day, Labor could not accurately predict the size of the Budget deficit next year, let alone what it might be in 45 years time. Labor’s costing difference between the announcement of Kevin Rudd’s Resource Super Profits Tax and Julia Gillard’s compromise Mining Resource Rent Tax were so significant that despite major policy changes, Labor was able to make up the difference with heavily increased resource prices. What made this so remarkable was that the figures Mr Rudd relied upon were only six weeks older than the same figures Prime Minister Gillard used. On this basis, how can we trust Prime Minister Gillard and the Labor Party on their figures? After all, these figures were manipulated to benefit the Gillard Labor Government when it suited the Labor Party.

Labor’s opposition to military superannuation reform as being too expensive is odd when compared with their farcical waste on the National Broadband Network scheme. Labor will spend some $43 billion on broadband, some 10 times
the amount required for fiscally-responsible military superannuation reform.

The Future Fund

The Future Fund, established by the previous Coalition government, will be pivotal in meeting the long-term cost of delivering this commitment. It was the previous Coalition government which established the Future Fund for the purpose of meeting the long-term cost of the Commonwealth’s superannuation liability. The Future Fund was established by the previous Coalition government to ensure that the long-term cost of Australia’s civilian and military superannuation liability was made affordable. This was to be done by locking away today’s savings for tomorrow.

Over the first three years of the Fund’s existence, the Coalition locked away billions of dollars into the Fund, dollars which had been saved by paying off Labor’s debt and reducing interest payments on that debt. The Coalition was investing for the long-term needs of all Australians, especially those whose service was unique, like military service.

Under the plan for military superannuation reform announced by the Coalition, future savings from the Budget will continue to be invested in the Future Fund to meet the long-term liability of this commitment for military superannuation reform. It is worth recognising that the unfunded liability of commonwealth superannuation is already quite large; this commitment, whilst increasing the liability slightly, relatively speaking, is entirely affordable in the long-term.

Who will benefit from the Coalition’s reforms to military superannuation?

The Coalition’s plan will benefit over 56,000 DFRDB and DFRB superannuants. For almost 30,000 superannuants already aged 55 or over, the benefit of the Coalition’s plan will be felt immediately from the 1 July 2011 start date when the new indexation arrangements are scheduled to come into effect.

For those superannuants not yet aged 55, the benefits of the Coalition’s commitment will be felt in the future when they do turn 55.

Conclusion

There are many Members and Senators who have expressed their support for improved indexation arrangements for our veterans and ex-service personnel. This Bill begins that process in an affordable and economically responsible fashion. With the support of honourable Senators, this Bill can progress to the House of Representatives for further debate. I am confident, given statements by others in this place, that there is support for the measures contained in this Bill in this place.

Finally, I call on the Gillard Labor Government to drop their petty opposition to military superannuation reform. With their bipartisan support, veterans and ex-service people across Australia can look forward to more fairly indexed superannuation payments from 1 July 2011 – a fair outcome which reflects the unique nature of military service.

I commend the Bill to the Senate.

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

Leave granted; debate adjourned.

BANKING AMENDMENT (CONTROLS ON VARIABLE INTEREST RATE CHANGES) BILL 2010

First Reading

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.59 pm)—I move:

That the following bill be introduced: A Bill for an Act to amend the Banking Act 1959 to place controls on changes in the variable interest rates of ADIs, and for related purposes.

Question agreed to.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.59 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.
Second Reading

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.00 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Banking Amendment (Controls on Variable Interest Rate Charges) Bill 2010 provides legislative protection for banking customers from excessive interest rate increases on variable loans and mortgages above the increases announced by the Reserve Bank.

The Bill provides for a 24 month freeze on banks being able to increase interest rates beyond the Reserve Bank rate and aims to ensure banks pass on decreases to official Reserve Bank rates to customers.

Banks enjoy a position of overwhelming market dominance in Australia, with around ninety per cent of the national market in loans and advances. This kind of market power leaves them free to increase interest rates in excess of official interest rate increases by the Reserve Bank. These sorts of practices have resulted in ever increasing profits for banks at the expense of their customers.

In the 2008-09 financial year, Australia’s major banks announced massive net profits despite the global financial crisis. For example, the “big four” banks each posted profits between $4.7 billion and $2.6 billion, despite the global financial crisis.

Despite these profits we have recently witness all of the “big four” banks increasing their variable interest rates by significantly more than Reserve Bank increases. These increases put pressure on Australians and Australian businesses.

As the Treasurer has recently commented, there is no justification for banks to move above the Reserve Bank. A third of borrowing is done in overseas markets that are unaffected by Reserve Bank interest rate hikes.

The Banking Amendment (Controls on Variable Interest Rate Changes) Bill 2010 amends the Banking Act 1959 to require Authorised Deposit-taking Institutions (ADIs) to

- not increase variable interest rates on loans and mortgages by more than Reserve Bank interest rate increases
- not decrease variable interest rates on loans and mortgages by less than the Reserve Bank interest rate decreases

The amendments made by the Bill have effect for a period of 2 years from their commencement.

The Bill builds on the Banking Amendment (Delivering Essential Financial Services for the Community) Bill 2010 currently before the Parliament which provides legislative protection for customers including a ban on unfair $2 bank ATM fees, ensuring basic fee-free bank accounts, capping the level of mortgage exit fees, and introducing a variable rate mortgage product (“Fair Price Mortgages”) that will only permit genuine changes to the lender’s cost of funds to be passed on to customers.

I commend this Bill to the Senate.

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

Leave granted; debate adjourned.

INSIGHT EDUCATION CENTRE

Senator FIFIELD (Victoria)—Manager of Opposition Business in the Senate (10.01 am)—I move:

That the Senate:

(a) notes that there are six schools for deaf and hearing impaired students in Melbourne but no dedicated school for blind and vision impaired students;

(b) acknowledges that whilst mainstream schooling is appropriate for many children with disabilities, some children require more intensive support in specialist environments for a period of time;
(c) supports the right of parents to choose the educational setting that best meets the needs of their child;

(d) commends the parents involved in the Insight Education Centre for the Blind and Vision Impaired for their tireless advocacy and hard work on behalf of blind and vision impaired children; and

(e) calls on the Government to:

(i) establish a Commonwealth Disability and Carer Ombudsman to undertake a nationwide audit of special schools that cater for particular disabilities to establish the needs that exist across Australia, and

(ii) provide $2.2 million in capital funding to the Insight Education Centre for the Blind and Vision Impaired.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (10.01 am)—I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—I thank the opposition. The government is disappointed that the opposition is using the Senate to fuel confusion in the disability sector about the roles of the Commonwealth, states and territories in funding both education and disability services. As the Senate well knows, education, including education for children with disabilities is funded by states and territories. The planning and delivery of education facilities for children with disability is undertaken by the state and territory governments, not on the floor of the Senate. Further, notices of motion is not an appropriate place to appropriate $2.2 million. The time of the shadow minister for disabilities, carers and the voluntary sector would be better spent working constructively with persons with disability and their families rather than building expectations which, quite frankly, the opposition is aware cannot be delivered.

Question agreed to.

BUILDING THE EDUCATION REVOLUTION PROGRAM

Order

Senator MASON (Queensland) (10.03 am)—I move:

That:

(a) the Senate notes recommendation 1 of the interim report of the Building the Education Revolution (BER) Implementation Taskforce (the Orgill report), which reads as follows, ‘In the interest of transparency and public accountability, the Taskforce recommends that each education authority publish school specific project cost data related to BER P21 in a nationally common structure with consistent definitions’; and

(b) in the interest of transparency and public accountability in relation to the BER program, there be laid on the table no later than Tuesday, 23 November 2010, school specific project cost data related to each BER P21 school project, in a nationally common structure with consistent definitions.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (10.03 am)—I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—I thank the opposition. The government does not support Senator Mason’s motion. The information that Senator Mason is requesting was, as I understand it, discussed at great length on Thursday, 21 October 2010, during supplementary budget estimates. During that time the government agreed to provide the structure of school-specific cost data in December 2010 if the release was agreed to by education authorities. The government intends to honour this commitment.

The additional information that Senator Mason is now requesting is not held, as I
understand it, by government. Senator Mason is aware of that, although I am not aware of whether he is aware of that. I am informed he is. This is the reason the government does not support the motion.

Question agreed to.

**BROADBAND**

*Order*

**Senator FISHER** (South Australia)  
*(10.04 am)—I move:*

That there be laid on the table by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy), by 22 November 2010, the following documents relating to the National Broadband Network:

(a) the complete text of the departmental ‘Red Book’ advice provided to the incoming Government about the National Broadband Network (NBN), including text ‘blacked out’ in the version of the ‘Red Book’ publicly released on 16 November 2010 and, including in particular, text reflecting NBN Co’s view of any recommendations made in the McKinsey and Company and KPMG Implementation Study;

(b) in respect of sites chosen for early roll-out of the NBN:

(i) the criteria (including engineering advice) used as the basis for choosing each of the stage 1 and seven stage 2 sites in Tasmania (to which the Minister referred in Senate Estimates on 25 May 2010), and

(ii) the ‘commercial, construction and local authority acceptance criteria’ (to which reference is made on p. 12 of the NBN Co annual report for 2009-10, tabled in the Senate on 15 November 2010) used as the basis for choosing each of the first and second release sites around the rest of Australia; and

(c) the agreed set of enterprise bargaining agreement principles ‘signed and agreed by the ACTU, coordinating right through with the CEPU and a range of other unions’ (to which the Minister referred in Senate Question Time on 15 November 2010) and on which the Minister based his reassurance (also made during Senate Question Time on 15 November 2010) that ‘there is no suggestion at all that there would be a wages blow-out’ in rolling out the NBN.

**Senator HUDLAM** (Western Australia)  
*(10.04 am)—I ask that the question be put in two parts because the Australian Greens intend to vote differently on the parts of the motion.*

The PRESIDENT—Can you be specific, for the record, as to what two parts you wish put together in the splitting of the question.

**Senator HUDLAM**—I ask that paragraphs (a) and (b) be put together, and then paragraph (c) be put separately.

The PRESIDENT—That is a reasonable request. I will put (a) and (b) together and then I will put (c). The question is that (a) and (b) of the motion moved by Senator Fisher be agreed to.

**Senator FISHER** (South Australia)  
*(10.05 am)—I seek leave to make a short statement.*

The PRESIDENT—Leave is granted for two minutes.

**Senator FISHER**—The request for these documents clearly relates to the National Broadband Network. The government has in its possession each and every one of the documents requested. It has in its possession the red book with bits blacked out. All that the motion seeks is the production of the red book with the blacked out bits not blacked out so that people can read them and the criteria that the government used for assessing the early roll-out sites for the National Broadband Network, firstly in Tasmania and secondly on the mainland, and the documents showing the application of that criteria to each and all of the first roll-out sites, both in Tasmania and nationally.
Finally, the motion seeks a copy of the heads of agreement, apparently signed and agreed by the ACTU, covering wages for the construction of the National Broadband Network. The ACTU agreed to and signed heads of agreement which the minister cited in his answer to this Senate during question time on Monday. The ACTU heads of agreement, which the minister must have sighted—i.e., seen—given that he relied upon it to reassure the Senate.

**Government senator**—What does ‘i.e.’ mean?

**Senator FISHER**—‘That is’, thank you, Senator. He must have seen it and read it, given that he relied upon it to reassure the Senate and the Australian people that there would be no wages blow-out in the building of the National Broadband Network. You have it, Minister. Show it to us and show it to the Australian people. There is nothing new here. Just do a bit of photocopying over the weekend. Press the green button on the photocopier and provide these three sets of documents to the Senate. *(Time expired)*

**Senator LUDLAM** (Western Australia) *(10.07 am)*—by leave—I will indicate very briefly why we have sought to have these two parts put separately. I think Senator Fisher is entirely reasonable in seeking the matters listed in (a) and (b), for the reasons she set out, but I think it is curious—that may be too mild a term—for the Senate, based on a line that the minister read in a committee statement, to start going on fishing expeditions, pardon the pun, for agreements being made by the trade unions representing the workers who will be installing the Broadband Network. We will not be supporting part (c).

Question agreed to.

**The PRESIDENT**—The question now is that part (c) of notice of Senator Fisher’s motion be agreed to.

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**Question put.**

The Senate divided. *(10.13 am)*

(The President—Senator the Hon. JJ Hogg)

| Ayes | 32 |
| Noes | 30 |
| Majority | 2 |

**AYES**


**NOES**


**PAIRS**

Thursday, 18 November 2010

SENATE

1577

FERRAVANTI-WELLS, C. Faulkner, J.P.
TROOD, R.B. O’BRIEN, K.W.K.

* denotes teller

Question agreed to.

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

Senator MILNE (Tasmania) (10.16 am)—I move:

That the Senate—

(a) notes:

(i) that the planned Wandoan coal mine in Queensland would, at its peak coal production, contribute the equivalent of 0.17 per cent of total global emissions according to Xstrata’s own numbers,

(ii) that approximately 108 of the 186 world nations have annual domestic emissions less than what will result from this single mine each year,

(iii) that the emissions from burning this coal would neither be affected by a domestic carbon price nor be relevant to the mine’s assessment under the Environment Protection and Biodiversity Conservation Act 1999 (the Act),

(iv) the statement by the Prime Minister on 17 November 2010 that ‘it is up to this generation of people and the generations coming up fast behind it to take the action necessary to tackle climate change’, and

(v) the hypocrisy of approving new coal mines while arguing that climate change is real and urgent; and

(b) calls on the Government to give itself the power to stop such hugely polluting developments by introducing a long-promised greenhouse trigger into the Act.

Question put.

The Senate divided. [10.17 am]

(The President—Senator the Hon. JJ Hogg)

AYES

Brown, B.J. Ludlam, S.
Siewert, R.*

NOES

Hanson-Young, S.C.
Milne, C.

* denotes teller

Question negatived.

CLIMATE CHANGE

Senator MILNE (Tasmania) (10.20 am)—I move:

That the Senate:

(a) notes that a statement from a group of the world’s largest investors, representing US$15 trillion:

(i) calls for domestic and international policies to ‘unlock the vast benefits of low-carbon markets and avoid economic devastation caused by climate change’, 

________________________

CHAMBER
(ii) cites potentially 20 per cent losses to
gross domestic product by 2050 if cli-
mate change goes unabated,

(iii) notes the benefits of both a carbon
price and regulation in driving invest-
ment into renewable energy and other
clean technologies, and

(iv) calls for emissions targets, strong and
sustained price signals, energy and
transportation policies, the phase out of
fossil fuel subsidies, adaptation meas-
ures and corporate disclosure of cli-
mate risk to be implemented;

(b) applauds the moves by elements of Aus-
tralian business to embrace the opportuni-
ties provided by ambitious climate action;
and

(c) calls on the Government to consider the
increasing benefits of swiftly transforming
the economy for low to zero emissions.

Question put.
The Senate divided. [10.21 am]
(The President—Senator the Hon. JJ
Hogg)

Ayes………………  6
Noes……………… 39
Majority………  33

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

NOES
Abetz, E.  Adams, J.
Bilyk, C.L.  Bishop, T.M.
Boswell, R.L.D.  Brown, C.L.
Cameron, D.N.  Colbeck, R.
Collins, J.  Cormann, M.H.P.
Crossin, P.M.  Farrell, D.E.
Feeney, D.  Fielding, S.
Fifield, M.P.  Forshaw, M.G.
Furner, M.L.  Heffernan, W.
Hogg, J.J.  Hurley, A.
Hutchins, S.P.  Johnston, D.
Ludwig, J.W.  Lundy, K.A.
Marshall, G.  Mason, B.J.
McEwen, A. *  McGauran, J.J.J.
McLucas, J.E.  Minchin, N.H.
Moore, C.  Nash, F.
Parry, S.  Polley, H.
Pratt, L.C.  Sherry, N.J.
Stephens, U.  Sterle, G.
Wortley, D.

* denotes teller

Question negatived.

BROADBAND

Suspension of Standing Orders

Senator ABETZ (Tasmania) (10.24 am)—I seek leave to move a motion relating
to the government’s refusal to provide cer-
tain documents related to the NBN, as circu-
lated in the chamber.

Leave not granted.

Senator ABETZ—Given the govern-
ment’s refusal to give leave to deal with the
issue of the government’s refusal to provide
certain documents related to the NBN, and
pursuant to contingent notice, I move:

That so much of the standing orders be sus-
pended as would prevent him moving a motion to
provide for the consideration of a matter, namely
a motion to give precedence to a motion relating
to the Government’s refusal to provide certain
documents concerning the National Broadband
Network.

The government’s ongoing refusal to pro-
duce the documents that we have been seek-
ing, namely the National Broadband Net-
work business plan and the government’s
response to the McKinsey & Company and
KPMG implementation plan, is a matter of
grave national concern. It is a matter of grave
national importance. What we are talking
about is a $43,000 million infrastructure pro-
ject which still to date does not have a pub-
licly released business plan or an implemen-
tation plan. Indeed, Senators Ludlam and
Birmingham have moved a motion, which
was carried in this place, requiring the pro-
duction of those documents. The minister is
currently in contempt of the Senate by not
producing those documents. What it shows is
a minister that is highly, highly arrogant or a minister that has got a lot to hide. What this government is saying to us is: ‘We will release the documents but after the parliament has risen.’ That is not good enough. That is not the sort of transparency and openness that we were promised by the Labor Party—and, might I add, by the Labor Party and the Greens, when they came together in their alliance.

Senator Ludlam and Senator Xenophon have both put the government on notice in relation to its ongoing refusal to produce these documents. I welcome their comments in that regard, that the rubber has now hit the road. These senators, the crossbench senators, now have the opportunity to show that they were not just making idle threats for a media headline but that they actually mean business with this government and they will not allow further consideration of NBN matters until these documents are produced.

We are being asked to support legislation, which I have in this folder, relating to the NBN, and we are being asked to vote on matters in relation to the NBN without the business plan and without the implementation plan. Without that documentation before us, how on earth can we make a due, proper and considered decision in relation to that particular piece of legislation? What is worse, the minister is going to insult us this afternoon, if this motion is not passed, with a ministerial statement about the NBN—which will undoubtedly tell us that we are all dear things and that we do not need the information to vote in relation to this legislation and that we can all go home for a Christmas break without being informed of this vital information.

The government parades the NBN as its big nation-building program. What has it got to hide? I say to the government: if it is such a good program, release the business plan. It is only 400 pages. We know what this government will do. When it had to deal with Fuelwatch it could get public servants to work 37 hours straight. What has the government done with the public servants in relation to this business plan? It is a clear go-slow approach. There is no extra work done on this. It is deliberately designed to hide from the parliament and from parliamentary scrutiny this very, very important information.

We on this side of the chamber say that we as a Senate should no longer consider any further matters related to the NBN until these fundamental documents are provided to us. These are the underpinning documents. These are the foundational documents. These are the documents that we actually need. We need to rely on these documents to be able to consider the legislation and whatever other matters might be put before us in the future in relation to this $43,000 million project. Surely the Australian people should not be treated with this sort of contempt—but they are. We in this Senate are empowered by the Australian people through the Constitution and our standing orders to make the government provide these documents or no longer consider the minister’s ministerial statement that he wants to give this afternoon. This is an opportunity for the Senate, and especially the crossbenchers, to show that they are serious on this, and I invite them to join us in support of this motion.

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (10.30 am)—The motion that Senator Abetz sought to move is quite extraordinary in that it seeks to place a gag on the minister in relation to the NBN, specifically to prevent the minister from making a statement on this matter to the Senate later in the day. We may part company with the government on not presenting the documents that are referred to in this motion, but to invite us to join the oppo-
sition in a gag on the minister while giving the opposition free rein to debate this topic—to present it to the Senate and move any motion it wishes to on the matter—is to take it too far.

This is a democratic house. There are measures in this motion which can at least take on a minister who serially refuses to produce information. But it is not unlike Senator Abetz to produce a motion that goes a long way further than that. This motion seeks to silence a minister and stop him providing information to the parliament. This is what Senator Abetz rightly describes as an extraordinarily big project in any terms—$43 billion of expenditure. Can I can tell Senator Abetz that this is a very popular project and Australians want to see it implemented, and that includes the Australian Greens.

Senator Ludlam will no doubt be making a contribution to the chamber on the substantive matter of the NBN if this debate continues, but we will not be supporting a gag on a minister on a topic as big as this. It becomes self-defeating, doesn’t it? The opposition want information relating to a report but says, ‘Because we can’t have that, we are going to blockade the minister from giving us information on any other matters.’

**Senator Abetz**—You’re into blockades, Bob. It’s the first time I’ve heard you speak against a blockade.

**Senator BOB BROWN**—The Franklin blockade was successful; I am not sure that the Abetz blockade will be—but we will see. That is a matter for a forthcoming debate. Under section 3 of the motion that Senator Abetz was refused leave to move, there are some matters that can be looked at. But section 4 of that motion is effectively a prohibition on any other information except the sought reports being given to the Senate, and I do not want to extend support to that. I am in favour of all information that we can get being put before the Senate, but I think it is a careless motion. It is poorly framed and it seeks to go way beyond what a progression of measures in this parliament might more cleverly, sensibly and with greater prudence and probity achieve.

**Senator LUDWIG** (Queensland—Manager of Government Business in the Senate) (10.34 am)—This is effectively a suspension order. This is the opportunity where they should argue the urgency in the program. What we have heard from Senator Abetz is perhaps the reasons he wants the particular information, but this is an opportunity for the opposition to lay out the reason that information is needed now and why the motion needs to be pursued now. Senator Abetz has not made that case. Senator Abetz has gone to the substantive matter. He is entitled to do that, but in doing that he has failed to present substantive reasons for this motion to be given urgent consideration.

This motion would upend the Senate procedures for today and take precedence over all other matters. We have a legislative program that the government wants to pursue today and in the next sitting week. It is completely outrageous for the opposition to use this device to upend the Senate and allow this motion to be proceeded with. There are a range of devices and opportunities, including general business this afternoon, that the opposition can use to have these debates and then to argue their case. It is completely inappropriate to use this mechanism in the way it is being used this morning. On that ground, it fails. On that ground, it should not be supported by the Senate. We are being captured by the opposition for their own political purpose—and without notice, may I say—on the basis that they are disappointed with a particular minister about some information.

What the opposition are then doing, as I think Senator Brown highlighted quite
neatly, is taking the next outrageous step by utilising a device which is quite preposterous and which in my view will not serve their purposes in any event—that is, pursuing the production of a document by Senator Conroy. Although it is their right to pursue that document through an order for its production, what the opposition are doing next, and this is completely outrageous, is linking their motion to suspend standing orders to a bill designed to promote competition within an industry—the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010—and thereby making that bill unavailable for debate. So the opposition are effectively denying the promotion of competition within the telecommunications industry by the use of a device for the suspension of standing orders.

In addition, the opposition has taken a step, which may have a precedent but looks unprecedented to me and certainly has not been used for a very long time, to co-opt additional time after question time for its own purpose—that is, to complain. It has also indicated that it will not consider any further documents on the NBN produced by the Minister for Broadband, Telecommunications and the Digital Economy other than the particular document in which it is interested. In total, the opposition has gone way too far in trying to dictate its views to the Senate. The motion does not simply relate to the production of certain documents; it will also mean that legislation will not be dealt with, that the minister will have to provide an explanation at the end of question time each day and that the minister shall not be heard in relation to any other documents. The opposition is trying to link all those things together in order to encourage the production of one particular document. I will go briefly to the substantive matter, which is the document itself. The government has said that it will make the business plan public and that will happen shortly, in December. It will be made available when the legislation comes up for debate.

Senator XENOPHON (South Australia) (10.39 am)—I support the motion to suspend standing orders in order that the substance of the motion may be debated. If there is new information and it is of importance there ought to be a suspension of standing orders. The motion that Senator Bob Brown put to suspend standing orders so that the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010 could be dealt with was an important motion that ought to have been debated by this parliament, and it was unfortunate that the opposition did not see fit to support it. Notwithstanding that, I indicated to Senator Brown my opposition to the whole concept of voluntary euthanasia. So my criteria for supporting motions to suspend standing orders is that there must be new information of sufficient importance to require debate on the substance of the motion.

I think that when you consider the importance of Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, you consider the importance of the National Broadband Network and you consider that a business plan has been provided but not yet released then these are legitimate issues for public debate. I will say more about this in the context of the substantive motion if standing orders are suspended. I am yet to be convinced that this motion ought to be passed on the merits of the substance of the motion, but I think the coalition are well within their rights to call for debate on a motion such as this. I point out, since Senator Joyce is in the chamber, that in relation to Senator Nash’s bill, the Social Security Amendment (Income Support for Regional Students) Bill 2010, I could not support a suspension of standing orders for a number of reasons, one of which is that
nothing new had been done on the bill between March and November. It had not gone through a committee process as bills normally do so that bills are appropriately scrutinised for the information of the Senate. But I see this is quite different. There is a lack of information and that is a concern for the opposition. Also, matters relating to Telstra are being debated this week and next week. So it is quite legitimate, I believe, to suspend standing orders so that the substance of this motion can be debated.

Senator BIRMINGHAM (South Australia) (10.42 am)—I rise to support the motion to suspend standing orders. I have listened very carefully to the contributions before mine, particularly that of Senator Ludwig. He claimed that a case for the suspension of standing orders has not been made. I will try to make the case as clearly and simply as possible for Senator Ludwig, because there is a very clear case for the suspension of standing orders. If Senator Ludwig will turn his attention to today’s order of business, at item 8 under government business orders of the day No. 1 he will see the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010.

The government is expecting this chamber to debate that legislation, which is relevant to the National Broadband Network, today. Yesterday, this chamber passed a motion asking for provision of the National Broadband Network business plan and the government’s response to the KPMG-McKinsey implementation study. Senators set out their needs so that we can have the debate that the government wants us to have today, but the government has thumbed its nose at this chamber and at the Australian people by saying that it is not going to provide the documents that senators should be able to consider in order to make an informed contribution to this debate.

The only way that the opposition can ensure that somehow we do put pressure on the government to get access to these documents before we have a debate on this legislation is by going down the path of a suspension of standing orders so that we can debate the motion that the government refused us leave to vote on beforehand. So it is very clear for Senator Ludwig: it is the government’s legislative program that has forced the opposition to act in this way—to bring about the suspension of standing orders in order that we can have this debate—so that we can try as a Senate to force the government to give us the documentation necessary to have an informed debate on the $43 billion National Broadband Network.

I also listened to Senator Xenophon’s contribution. He linked the opposition’s stance earlier this morning on the voluntary euthanasia legislation to our stance now. I respond to Senator Xenophon by saying that there is a difference in the sense that we are being asked by the government to consider legislation today related to the NBN; whereas the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010 was brought on without notice to other senators of this important topic. Frankly, as somebody who is quite likely to vote for that bill when it ultimately comes to a vote, I think that all senators deserve some decent notice to make a decent and considered contribution to that debate. It was quite reckless to attempt to bring it on in the manner that the government, the Greens and Senator Xenophon sought to do so this morning. It is responsible to delay consideration of that, to give senators notice, to make sure that we all make an informed and considered contribution to that issue.

It is also important for us to make an informed and considered contribution to the issue of the National Broadband Network and to government business of legislation
No. 1 for today. That is why we need this business plan; that is why we need to see the government’s response to the KPMG implementation study. It is a very simple argument. Indeed, the government has already almost laid it out itself. It says it has the business plan and will release the business plan. But it will not release it until after the Senate has risen—until after we have been forced to debate and vote on critical legislation.

It is time for this Senate to make a stand. This motion for the suspension of standing orders gives us the chance to do that. The subsequent debate, if allowed, on the substantive motion gives us the chance to make a stand and to say that there are consequences when the government defies the order of the Senate. Those consequences must be enforced by this Senate, must be enforced on a minister like Senator Conroy, who is showing contempt for the Senate and is showing contempt for the 22 million Australian people whom he has enlisted as compulsory shareholders in his $43 billion experiment. It is time the government was open, transparent, did the types of things the OECD was calling for in its report released earlier this year, took a prudent, transparent and robust approach rather than asking this Senate to make decisions while being kept in the dark.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (10.47 am)—We have seen this from the Labor Party before. We saw with the Henry tax review the way that Labor put things off into the never-never, to try to pull the wool over people’s eyes. We saw it with the guide to the Murray-Darling Basin, and now we are seeing it with the NBN. They will not release the details; they will not be honest with the Australian people. It was absolutely remarkable in the extreme that this morning on national television the minister responsible stood and said that in the legislation that is before the Senate the NBN is not mentioned. From what we can ascertain, it was mentioned 64 times.

It is remarkable that we have not got, even in the most basic form, an understanding of the detail of their legislation and that they are basically trying to do a snow job on the Australian people. I can see by the whites of their eyes as it becomes evident to the crossbenchers, and even to the Greens, that there is something amiss—that there is something not quite right in the state of Denmark on this. There are major questions that need to be answered because we are not in a position as a nation to go out on a $43 billion frolic and leave the Australian taxpayers with the bill. We cannot afford to go back to them and say, ‘Sorry, on top of your $170 billion of gross debt we’re going to bang on another $30 billion of debt and we’re just going to ask you to pay it.’

There are too many people who work at checkouts who will have to work long into the night to pay the tax to pay for this mistake. There are too many people who will work in the sun to pay for the tax to pay for this mistake. There are too many people who will stay back in offices late into the night to pay for the tax to pay for this mistake. They have a right to expect us—and we have a duty—to do everything in our power to ventilate what will be the largest infrastructure expenditure program in our nation’s history. If we do not do that then we are being irresponsible.

It is up to the Labor Party to put forward a cogent argument as to why it does not send the NBN to the Productivity Commission. It is up to the Labor Party to put forward a cogent argument as to why it will not table the business plan. It is up to the Labor Party to show that it actually understands what it is talking about when it talks of its own legislation. It seems absolutely apparent that even
on the most basic of detail it is lacking. It is up to the Labor Party to explain to us what it means with section 577BA of the current bill that is before the House. It is not so much an application to increase competition; it is an application to remove it from competition. It is an application for an exemption from, I think, section 51 of the Trade Practices Act. These are the sorts of issues that need to be ventilated.

Government senators interjecting—

Senator JOYCE—You know full well that the Australian people are awake to you and that you do not know the details. You are taking us on a frolic. It is not you who are going to have to pay back the money; you are going to force this on the Australian people—that they must repay it. You cannot even coordinate the discussions between your minister in the other place and your minister here. They both have completely different views about how the legislation before the House relates to the NBN. It is good to see Senator Conroy joining us today. He told us this morning that they have no relationship, but that is not what Minister Albanese said. This mass confusion, which is the Labor Party, is unfortunately the reason that they are actually in government. This is the reason that they are here—because they sold the pup that the NBN was a great idea. Now when the time comes to stand behind their decision, for honesty and transparency, to have it examined by an independent party, they are doing everything in their power to try to remove that opportunity. They will not stand the test of transparency. They want to live in the shadows of this mischievous half-light where they say to us, as they always do, ‘In many moons time, we will tell you the truth.’ Well, the time to tell the truth is now.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations (10.52 am)—I need to take the Senate back to the point here, which is the suspension of standing orders. As Senator Ludwig pointed out earlier, there has still been no case made out. Senator Birmingham takes us to the Notice Paper and to the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, the CCS bill, and he seeks to make a very spurious link, as did Senator Joyce. But the point is that the bill on the Notice Paper, the CCS bill, is a stand-alone piece of legislation, mostly relating to Telstra, which does not go to the role of NBN Co. and its commercial structure.

Senator Birmingham—So it has no impact on the NBN?

Senator JACINTA COLLINS—For Senator Birmingham, let me repeat that again: it does not go to the role of NBN Co. and its commercial structure. The NBN legislation dealing with these matters will be introduced next week for consideration next year, well after the business case has been released. This is simply mischievous behaviour by the opposition, which has no plan or agenda of its own. The link between the CCS bill and the NBN business case is spurious. The Telstra deal is envisaged in the CCS bill, but only as part of the structural separation of Telstra rather than an approval of the NBN Co. arrangements. This link is spurious.

Let me make one further point about the CCS bill because it seems as if, given this behaviour, we will not get there today. The opposition, through their mischievous behaviour, is avoiding dealing with this bill, and perhaps that is quite the agenda here. This is not a case to suspend standing orders; this is the opposition seeking to avoid coming to the party on the competition measures that they should be supporting. Those opposite must support the CCS bill, this legislation, if they are serious about improving competition in the telecommunications market and deliv-
ering better services for their constituents. But instead it appears that they will continue
to deny, through measures such as this—a device through which they have made no
case for urgency—a fairer deal for millions of Australians.

That is what this spurious motion to sus-
pend standing orders is about. I have not
heard one member of the opposition make a
case for urgency. In this motion they have
sought to make a spurious link to a different
bill about introducing competition into this
sector to ensure the achievement of a fairer
deal for Australians utilising the telecommu-
nications market. The link is spurious. This
is simply mischievous behaviour by the op-
position, which has no agenda of their own
other than mischief and blocking the gov-
ernment from introducing a fairer deal.

Question put:

That the motion (Senator Abetz’s) be agreed
to.

The Senate divided. [11.00 am]

(The President—Senator the Hon. JJ
Hogg)

Ayes........... 33
Noes........... 31
Majority........ 2

AYES

Abetz, E. Bilyk, C.L.
Back, C.J. Brown, B.J.
Bernardi, C. Cameron, D.N.
Boswell, R.L.D. Collins, J.
Bushby, D.C. Crossin, P.M.
Colbeck, R. Feeney, D.
Cormann, M.H.P. Furner, M.L.
Joyce, B. Goss, M.P.
Macdonald, I. Heffernan, W.
McGauran, J.J. Heffernan, W.
Nash, F. Joyce, B.
Payne, M.A. Macdonald, I.
Ryan, S.M. McGauran, J.J.
Trood, R.B. Xenophon, N.

NOES

Bishop, T.M. Bilyk, C.L.
Brown, C.L. Brown, B.J.
Carr, K.J. Cameron, D.N.
Conroy, S.M. Collins, J.
Farrell, D.E. Crossin, P.M.
Forshaw, M.G. Feeney, D.
Hanson-Young, S.C. Furner, M.L.
Hurley, A. Goss, M.P.
Ludlam, S. Heffernan, W.
Lundy, K.A. McGauran, J.J.
McEwen, A. * Heffernan, W.
Milne, C. Joyce, B.
Polley, H. Macdonald, I.
Siewert, R. McGauran, J.J.
Sterle, G. Nash, F.

PAIRS

Brandis, G.H. Wong, P.
Eggleston, A. O’Brien, K.W.K.
Ferguson, A.B. Evans, C.V.
Fierravanti-Wells, C. Sherry, N.J.
Johnston, D. Faulkner, J.P.
Troeth, J.M. Arbib, M.V.

* denotes teller

Question agreed to.

Senator ABETZ (Tasmania—Leader of
the Opposition in the Senate) (11.04 am)—I
move:

That a motion relating to the Government’s re-
usal to produce certain documents concerning the
National Broadband Network may be moved im-
mediately and have precedence over all other
business today till determined.

Question agreed to.

Senator ABETZ (Tasmania—Leader of
the Opposition in the Senate) (11.04 am)—I
move:

That the Senate:

(a) notes the government’s refusal to produce the
following documents relating to the National
Broadband Network (NBN):
(i) the National Broadband Network Busi-
ness plan; and
(ii) the Government’s response to the McKinsey and Company and KPMG Implementation plan.

(b) resolves that consideration of any bill relating to the National Broadband Network, including the Telecommunications Legislation Amendment (Competition and Consumer Safeguards Bill) 2010, be postponed and made an order of the day for the next day of sitting after the documents described in paragraphs (a)(i) and (ii) are laid on the table.

(c) resolves that, until the documents described in paragraphs (a)(i) and (ii) are laid on the table:

(i) a senator may, at the conclusion of question time on each and any day, ask the Minister for Broadband, Communications and the Digital Economy for an explanation of why the order of 17 November 2010 requiring the production of the documents has not been complied with; and

(ii) the senator may, at the conclusion of the explanation, move without notice—That the Senate take note of the explanation; or

(iii) in the event that the minister does not provide an explanation, the senator may, without notice, move a motion in relation to the minister’s failure to provide either an answer or an explanation.

(d) resolves that, until the documents described in paragraphs (a)(i) and (ii) are laid on the table, the Senate shall not:

(i) receive any statement related to the NBN by the Minister for Broadband, Communications and the Digital Economy, or by any other minister, except in answer to questions asked of the minister at question time; or

(ii) consider any other business related to the NBN proposed by any minister.

(e) Further resolves that, until the documents described in paragraphs (a)(i) and (ii) are laid on the table, so much of the standing orders which provide for ministers to present documents be suspended, so that a minister may not present any other document related to the NBN, except by leave of the Senate.

The Senate has been treated with unparalleled contempt by Senator Conroy and the Labor-Green alliance in not allowing this documentation which we are seeking from being brought to our attention. What we are seeking with this motion is the National Broadband Network business plan and the government’s response to the McKinsey and Co. and KPMG implementation plan. If that is not provided to the Senate, as required by a motion from Senator Ludlam and Senator Birmingham, we as a Senate should be saying that we do not want to hear any further about the NBN until those foundation documents are provided to us.

On 7 September 2010 the Prime Minister said this:

“So, let’s draw back the curtains and let the sun shine in; let our parliament be more open than it ever was before.”

She said:

“We will be held to higher standards of transparency and reform, and it’s in that spirit that I approach the task of forming a government.

Those words can come true today if Labor’s alliance partners, the Greens, support this particular motion.

The Labor Party, of course, have form on this; they are serial offenders. The Gillard government failed to release the key documentation and economic and financial modelling underpinning the recommendations of the Henry tax review. This government refuses to release the proceedings of its climate change committee. This government fails to be upfront about its plans to expand or open several onshore detention centres. This is a government that did a mining tax backdown followed by secret negotiations. This is a government that has failed to be upfront about its plans to introduce a carbon tax, despite an election promise not to introduce a
carbon tax. This is a government that has refused to reveal the results of its home insulation safety checks. And now on top of all of that we have a government not prepared to release these foundational documents in relation to the NBN.

In relation to their motion to suspend standing orders, we had the hapless Senator Collins tell us that this legislation, which might not be allowed to be debated if this motion gets through, has nothing to do with the NBN. Well, as Senator Joyce pointed out, the bill in fact refers to the NBN 62 times. But what would have been even more instructive for Senator Collins and the even more hapless minister in charge would have been to read the second reading speech of Mr Albanese in the House of Representatives on 20 October. The very second paragraph of that second reading speech says:

The National Broadband Network will fundamentally transform the competitive dynamics of the communications sector in this country. NBN Co. is a wholesale only telecommunications provider with open access arrangements. The new network represents a nationally significant and long overdue micro-economic reform.

On that basis, why should Australian citizens all and, in particular, this representative chamber of the Australian people not be entitled to see the business plan which, if we are to adopt Mr Albanese’s language, is to ‘fundamentally transform the competitive dynamics’, something which is so ‘nationally significant’ and ‘long overdue’? Why are they not releasing these documents? We know they have got the documents, we know they have read the documents, we know they are going to release the documents, but they will only release them after the parliament has risen and after they have demanded that we vote on this legislation. What have they got to hide—or is this just hubris gone mad under this minister and this Prime Minister knowing, I suspect, that they have got the support of the Australian Greens? And that would be a matter of grave concern.

Senator Ludlum said the government’s refusal was a matter of grave concern and they might take this further in the Senate and my good friend Senator Xenophon said something similar. I simply say to those on the crossbench that the time for action is now. You can be the circuit breakers to require this documentation to be provided. Otherwise, you will allow the minister to come in here after question time and humiliate this place with his ministerial speech knowing that he is in contempt of the Senate. A motion was moved by an Australian Green, ably supported by a coalition senator, requiring the government to produce the documents. The minister is in contempt of that motion. We say that if that motion were to mean anything, if this Senate were to uphold that which it has voted on, it has to say to this arrogant minister and the arrogant government: ‘Enough is enough. We will not hear further from you until this documentation, which can so readily be made available, is provided to this chamber.’

Instead, if the numbers are not here in this place on this motion, we will have the arrogant minister coming in here making a ministerial speech without having the foundation and fundamental documents before us. That would be insulting to every individual senator in this place, especially those that have not been lobotomised. I can understand that Labor senators would not mind not having the document placed before them, but I would have thought that every other self-respecting senator in this place would need to have this fundamental documentation placed before them. Indeed, the legislation which we are saying should be held up until such time as this document is provided refers to the National Broadband Network 62 times. The minister in the other place, Minister Albanese, opened his second reading
speech talking about the fundamental importance and national significance of the National Broadband Network and how everything would change under this legislation. But we still do not have the business plan, we still do not have the implementation plan, so how can we know that it is going to be so nationally significant? Unless, of course, the national significance is that the Australian people will be burdened with a $43,000 million debt for a white elephant—something which the Australian people are not to be told about until after the parliament rises.

I heard Senator Xenophon say to us that new information should be provided. Well, can I suggest to my good friend that new information is available and it is this: the reports are available and they will be released but not for us to consider before the legislation. If that is acceptable to the Independents and the crossbenchers then so be it but can I say with great respect that I fundamentally disagree. It would be a dereliction of our fundamental duty to the Australian people to vote on the legislation that is currently on the Notice Paper without having those foundation documents. To say to the Australian people that we are willing to go down the National Broadband Network road and start passing legislation for it to occur, without knowing that vital information, would be a fundamental dereliction of our duty. We as a coalition will not stand idly by.

Senator Brown told us that the NBN is highly popular. I say to Senator Brown and the Greens: be very careful. President Obama had a wonderful health program on which he won an election in 2008. But once people saw the actual plan unravel, when they saw the details of that health concept, the Democrats in the United States got a hiding like history has not seen for a long, long time. The same is starting to happen with the National Broadband Network. At the 2010 election it was highly popular as a concept, but now that people are starting to see what it actually means, they are starting to have doubts.

*Senator Conroy interjecting—*

*Senator ABETZ—*Senator Conroy foolishly interjects and says that people are signing up fast. A huge 11 per cent uptake in Tasmania, where it is being given away for nothing—11 per cent only! So you cannot even give it away to 89 per cent. That is how good it is! I say to this chamber: let us have a look at the business plan. Why is it that 89 per cent of Tasmanians who are being offered this for free are not joining up?

*Senator Polley—*Come to Scottsdale and talk to people, Eric.

*Senator ABETZ—I* have indeed. Senator Polley also foolishly interjects and says to go to Scottsdale. I have spoken to many Tasmanians who are, in fact, only signing up for the 25, not the 100, because there is no need for it in their consideration.

*Senator Conroy—*Oh my goodness—you are a rocket scientist!

*Senator Lundy—*You are so out of your depth it is embarrassing!

*Senator ABETZ—*Of course, that is why the sign-up rate is so low. But I will not continue to answer the foolish interjections of the Labor Party, because they are designed to distract from the fundamental proposition that is before this chamber.

The fundamental proposition is this: that this information is readily available. There is no excuse for not tabling it right now in this chamber. There is no excuse for why it cannot be provided to this chamber other than the gross cynicism of this government and the gross cynicism of this minister in only delivering it after the parliament has risen so that we cannot analyse it and we cannot look through it to see how it matches up with this considerable piece of legislation.
Of course, this morning Senator Joyce did an absolute demolition derby on the minister. In the media the minister tried to say that this legislation did not refer to the NBN. Of course it does—62 times. Minister Albanese refers to the NBN already in the second paragraph of his second reading speech. But the minister who is actually responsible does not even know what is in his own legislation, what his colleague in the other place has said and the consequences of that. The government has claimed, along with the Green alliance and Messrs Windsor and Oakeshott, that this would be a transparent government and that we are now in a new paradigm. I will tell you what is new about this paradigm: that no other government in the history of Australia has treated the Senate with such gross and blatant contempt in withholding information about a $43,000 million infrastructure project.

To think that it has got this far without a business plan and without an implementation plan is spooky enough in itself. But—

Senator Lundy—It’s got an implementation plan.

Senator ABETZ—A Labor senator tells us there is an implementation plan, but only Labor senators are allowed to see it. The coalition are not entitled to see it. If it is available, Senator Lundy, table it now. Go to Senator Conroy and tell him to table it. Make it available so we can digest it over the weekend and we may well then be in a position to genuinely consider the legislation that Labor wants us to debate as the first item of government business today.

This is a matter of fundamental principle of this chamber, and might I add that it is a fundamental matter of principle for our friends in the Australian Greens and Family First and for Senator Xenophon. If they allow this government to get away with this gross act of arrogance, they will do it to them again and again and again. I might say that it is good to see that Senator Lundy has moved across to Senator Conroy. I hope she is asking the minister to table the documentation as I requested of her.

This is now the acid test for the Australian Greens in the Labor-Green alliance: whether their media statements and all their joining in with Senator Birmingham in asking for these reports were just media posturing so that they can say, ‘Look how we are pushing this government.’ They have come some of the way, but today is their time for reckoning. Are they actually going to live up to all their hyperbole and rhetoric or, when they come to the first hurdle of actually saying, ‘This Senate should not be treated with contempt,’ will they say, ‘Oh, well, we are in alliance with Labor; yeah, we had better let them get away with it’? Because once you let them get away with it once, they will know that the Greens have become Labor’s doormat. They will know that whatever they want to hide they can hide with the concurrence of the Australian Greens, despite the hyperbole and despite all the rhetoric to which we have been subjected.

Make no mistake: if this is such a vitally important piece of infrastructure, as we have been told, and we are being asked to consider legislation that will deal with the implementation of the NBN and its relationship with Telstra, surely we are entitled to the business plan and to the implementation plan. It is only a 400-page document.

Senator Conroy—You have no idea what you are talking about.

Senator Fifield—Give it to us and we will know!

Senator ABETZ—Thank you very much—I say it is a 400-page document, and he says I do not know what I am talking about. Tell that to your very own Prime Minister, who told us that!
The ACTING DEPUTY PRESIDENT
(Senator Boyce)—Order! Senator Abetz, address your remarks through the chair.

Senator ABETZ—You are quite right, Madam Acting Deputy President. But it is nearly sad to see such an accident-prone and hapless minister foolishly interject when I rely on that which the Prime Minister deigned to put into the public domain—that it was a 400-page document—and tell me that I do not know what I am talking about. In that case, having adopted the Prime Minister’s language, it follows that she herself does not know what she is talking about. Do you know what? On this occasion, I fear the minister may well be correct.

So I withdraw the statement that it is a 400-page document, and we will wait and see how long the document is. If it is not 400 pages then possibly the minister can actually tell us how many pages it is and—

Senator Conroy—It is 400.

Senator ABETZ—It is now 400! I think the Prime Minister has been on the phone to him saying, ‘You had better correct that.’ So the record is now corrected, yet again, and it is a 400-page document. A 400-page document which has been in the possession of the government now for days on end could surely have been read, considered, digested and provided to this place.

What the government need to tell Senator Xenophon, the Greens and Senator Fielding is this: what is the importance of delaying the release of these documents by what I fear will be only seven days? Why can’t it be released whilst the parliament is still sitting? They said they are going to release it, but why can’t they release those documents now or early next week? What is the work that needs to be done that cannot be done over the next few days? That is the threshold question to which we have not been given an answer and, until we have been given a coherent answer as to the reason why it cannot be tabled late in November but can be tabled early in December, we should demand that no further consideration of this legislation be had until we have that documentation.

We would be derelict in our duty if we were to allow this legislation that is before us to pass and to be subjected to an insulting ministerial statement this afternoon without knowing what the documentation reveals. It is documentation that clearly has been revealed to Labor senators such as Senator Lundy but not to the coalition or to the crossbenchers. It is contemptuous of this place. The minister stands in breach and in contempt of orders of this Senate. The time has come for the Senate to stand up. The time has come to see whether or not the Greens, Senator Xenophon and Senator Fielding are willing to match their rhetoric with real action and, to borrow a term, direct action or whether it will simply be the rhetoric and the Labor-Greens alliance protecting the minister. (Time expired)

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (11.24 am)—Unfortunately Senator Abetz’s content expired at least 10 minutes ago. It was quite sad to see that there is this incredibly important motion that Senator Abetz wants to promote here today, and he had to give his speech twice because he actually ran out of any serious content whatsoever. He ran out of content and just filibustered for the last 10 minutes, and I invite anybody listening to go back and check the Hansard to see how repetitive Senator Abetz was forced to be to fill out his 20 minutes. It was such a sad and pathetic performance. It is like groundhog day today, because this is exactly the same obstructionism, exactly the same performance, by those opposite to delay and ensure that Australians do not get access to
cheap and affordable broadband. I look forward, Senator Humphries, to seeing how you vote on this, what you have to say on it and, more importantly, what you are going to say to the people of Gungahlin if this motion is successful, because you will be stopping them getting cheap and, for the first time, affordable and decent broadband. The residents of Gungahlin are listed to be, as you well know, the long-suffering residents of Gungahlin, because this motion will ensure that Telstra shareholders cannot vote without the certainty of this bill passing.

This is not the first time we have had to debate this exact content. We were told, ‘You can’t debate any bills to do with the National Broadband Network unless you give us the expert panel report.’ Then it was, ‘You can’t debate any bills unless you give us the ACCC report.’ Then it was, ‘You cannot debate the content of the bill unless you give us the McKinsey report’—and on and on and on. In recent days, and in the other chamber, we were told, ‘We will not get behind this unless there is a cost-benefit analysis done.’ How many times can you run the same line, pretending you actually support better broadband, saying, ‘We support better broadband; we are just not going to support actually allowing the bills needed to pass.’

Senator Humphries interjecting—

Senator CONROY—Go and explain that to the people in Gungahlin, Senator Humphries—the people in Gungahlin who you are denying broadband to. They have been crying out for it, as you well know. And now we are here today being asked: ‘Show us the business case. What have you got to hide?’

Let us be clear: you ran all of these lines about McKinsey. You said to me, ‘What have you got to hide about McKinsey?’ Then there were stories about, ‘Oh, he sent it back. He’s told them to rewrite it. He spent an extra $2 million to get them to write the report that he wants’—all of it completely false, just like—

Senator Birmingham—If you were only transparent to start with!

Senator CONROY—Oh, Senator Abetz let the cat out of the bag! What has he got to hide? What is wrong with the business case? Just as with McKinsey’s report, you are going to be left with egg on your faces, because the business case verifies, confirms and reinforces the McKinsey case study, which said that the NBN is financially viable and delivers cheap and affordable broadband to all Australians. That is what the business case says. It is a 400-page document, and Senator Abetz wants to carry on, saying, ‘Oh, Senator Conroy is claiming it is not.’ What I was laughing about was his use of the word ‘only’, because only a fool could try and suggest that a business case for a $43 billion cost envelope is an ‘only’ document. This is a substantive document. I have already had a three-hour briefing on it, and I am getting a four-hour briefing on it again tomorrow, because it is a substantive document that deserves substantive consideration. Then, funnily enough, the cabinet would like to be briefed on it as well. So it is not only 400 pages; this is a substantive document. It is 400 pages of complex, important information that needs to be properly considered. It is not unreasonable of the government to say that the cabinet of Australia would like to consider it before we release it.

Senator Humphries—What are they doing this afternoon?

Senator CONROY—As you know, there have been a few divisions so far this morning and this week.

Senator Birmingham—How long have you had it?

Senator CONROY—I got it last week.
The ACTING DEPUTY PRESIDENT (Senator Boyce)—Ignore the interjections, please.

Senator CONROY—I accept your admonishment; I am being provoked and responding as I should not. You are correct; I should be ignoring the fools opposite. But, in my own defence, they are being very provocative.

Let us be very clear about this. The government’s National Broadband Network is not just being delivered on the ground in Tasmania; it is being delivered on the ground around Australia right now today. We have live customers in Tasmania.

Senator Lundy interjecting—

Senator CONROY—I note, Senator Lundy, that Mr Abbott was recently in Tasmania. You know what he told the Tasmanian Liberal Party conference? ‘We will be leaving the NBN in place in Tasmania.’ We know Mr Abbott is not a tech-head. We discovered that during the election campaign. Unfortunately, what he is again not quite telling the Tasmanian people is that when you close down the rest of the network on mainland Australia the Tasmanian NBN has to plug into it. The whole principle of the pricing—the reason Tasmanians are now getting the cheapest broadband they have ever got—is based on a national cross-subsidy. We are unashamed about this. Let us be very clear about this. If Australia Post can have a 45c stamp across Australia and if an ATM from all of the banks can have a uniform price to deliver ATM services across Australia, the NBN Co. can deliver a national uniform wholesale price. And that is exactly what we are going to do.

So when you promise the people of Tasmania that you are going to leave the Tasmanian NBN in place you need to then say, ‘And we’re going to keep the national cross-subsidy in place to provide you with the fair-
est and most affordable broadband that this country has seen.’ If you are going to demolish the rest of the National Broadband Network, have the honesty to tell the people in Tasmania who are signed up and using the National Broadband Network that their prices are about to skyrocket. There is no such thing as a Tasmanian national broadband network. It has to be plugged into the mainland network. If it is not plugged into the mainland network, prices will skyrocket. So have the courage, Mr Abbott and Senator Humphries, to tell the people of Gungahlin that, even if we are able to roll it out to them—which we will do—and you get elected, you are going to turn it off and send their prices through the roof. That is your position. Tell the people of Gungahlin that. Go out there and hold a public meeting. Tell them, ‘We’ll let you keep the fibre to your home, but the price of it is going to go through the roof because there is no national cross-subsidy.’

Let us be clear about this. The first release sites on mainland Australia are under construction today—Brunswick, Townsville, Minnamurra, Kiama Downs, Armidale and the rural town of Willunga in South Australia. What has been the interest? I am embarrassed for you, Senator Birmingham. As a South Australian, with some of the worst broadband in the country, what are you going to say to the 84 per cent of Willunga residents who have decided they want access to the National Broadband Network? Are you going to talk out of the side of your mouth? ‘No, no. It’s okay. We’ll leave it in place—but we’re going to close the rest of the national network down.’ Eighty-four per cent have signed the form to say, ‘Attach it to the side of our house.’

Senator Birmingham—And they have not signed up yet.
Senator CONROY—We have not switched it on yet, you clown. But 84 per cent of them want access. They have said, ‘Please attach it to the side of my house.’

Senator Birmingham interjecting—

Senator CONROY—The deal about Telstra and NBN Co. is in the bill.

Senator Humphries—Mr Acting Deputy President Trood, I rise on a point of order. Being called fools on this side of the chamber is one thing; for Senator Birmingham to be called a clown, I think, goes beyond proper parliamentary procedure and should be withdrawn.

The ACTING DEPUTY PRESIDENT (Senator Trood)—I think that probably is a bit excessive. Perhaps you would be good enough to withdraw it.

Senator CONROY—If that is your ruling, I withdraw the assertion. The fact will remain, but I withdraw the assertion.

As I was saying, what are you going to say to the residents of Willunga? Are you going to talk out of both sides of your mouth as Mr Abbott did in Tasmania? Are you going to say, ‘We’ll leave your fibre connected to your home—but we’re going to turn the network off, so the price that you will pay will skyrocket’?

Senator Birmingham—Have you told them the price?

Senator CONROY—It is still months away from being turned on.

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT—Order! Perhaps remarks could be directed through the chair.

Senator CONROY—They should not be making remarks, if the truth be known.

Senator Joyce—Mr Acting Deputy President, I rise on a point of order. You cannot withdraw the assertion and then say the fact remains. You have to withdraw the assertion and withdraw the statement completely.

The ACTING DEPUTY PRESIDENT—Perhaps you would withdraw the assertion without equivocation, Senator Conroy.

Senator CONROY—I withdraw without equivocation.

As I was saying, you have to be honest with the people of Willunga. Those opposite need to be honest with the people in Armidale. Eighty-seven per cent have signed up to get the National Broadband Network. It is 74 per cent in Kiama Downs and Minnamurra and 62 per cent in Townsville, and we are just in the beginnings of the process in Brunswick. Be honest with them. Tell them that you intend to turn the network off and that their prices are going to go through the roof. Do not pretend to them that they get to keep their network at the same price; tell them the truth. More and more of the second-release sites will start to be built—places like Bacchus Marsh in regional Victoria, South Morang in Melbourne, Brisbane’s inner north, Springfield Lakes, Toowoomba, Riverstone in New South Wales, Coffs Harbour, Modbury, Prospect, Victoria Park, Geraldton, Casuarina and, here in the ACT, Gungahlin. Just tell these people the truth. You are planning on turning off the rest of the network and their prices are going to go through the roof because we only deliver the pricing by using a cross-subsidy unashamedly.

So let us not pretend that the opposition are remotely fair dinkum about their opposition. They are determined to demolish the NBN, they are determined to block the rollout and they are determined to frustrate ordinary Australians’ capacity to access one of the greatest inventions by humankind. Those opposite have every spurious argument under the sun. On the one hand—

Senator Bushby—You are stifling innovation—
Senator CONROY—Thank you, Senator Bushby—stifling innovation. On the one hand they stand here and say, ‘You can’t create a monopoly; it’s evil to create a wholesale-only monopoly,’ but on the other hand they say, ‘You should not be building this white elephant because wireless is taking over the world.’ If wireless is taking over the world, then the fixed lines cannot be a monopoly. You cannot actually make the argument: wireless is there so we do not need the NBN but this is such a dangerous thing that we are creating an evil monopoly. These are contradictory arguments.

Do not try the Senator Joyce tactic of this morning of trying to pretend that the ACCC are not involved in this deal. They are at the centre of it. They are giving advice on it all along the way. The deal between Telstra and the NBN—the reference that Senator Joyce keeps making—has nothing to do with the substance of the bill. The bill is enacting consumer protections. The deal referred to by Senator Joyce, when he mentions the NBN, is the deal between Telstra and the NBN. Do not try to pretend otherwise, as Senator Joyce was caught trying to do on national television this morning. Senator Joyce was thrown badly this morning.

Opposition senators interjecting—

Senator CONROY—I have to confess I was playing in the staff versus politicians soccer match this morning. So we can put it on the official record, we defeated the staff 3-1. I think the politicians in the chamber should be very pleased with themselves for dealing with those young whippetsnappers. I came straight from that soccer match, but that is separate from the debate and the point Senator Joyce tried to make this morning, which was that we have exempted the NBN from the Trade Practices Act. This is simply untrue. The deal between the NBN and Telstra, which Senator Joyce keeps referring to, has been ensured so that there is certainty.

The ACCC are absolutely at the centre of this deal all along the way. We have taken away all the appeals mechanisms that could frustrate this deal later. To mislead the public, as Senator Joyce did earlier on national television, by saying that the NBN is exempt from the Trade Practices Act is just a falsehood. Senator Joyce should know better. It has not exempted the NBN from the Trade Practices Act. It has exempted a deal between the NBN and Telstra from the appeals mechanisms after the fact. The ACCC are at the centre of this.

The opposition’s claim is just another furphy to try and sink the deal, to try and ensure that the NBN does not get built. The politicians on that side of the chamber are frauds on this issue. They now support the structural separation of Telstra—I understand that is now their official policy. There is no reason at all for them to be delaying this bill. They have spurious arguments about this bill.

The opposition support the separation of Telstra and we welcome that. I know Senator Birmingham has always really believed that, but finally common sense has prevailed. People like Senator Birmingham and Mr Turnbull deserve acknowledgement and credit for having dragged the dinosaurs in the coalition party room into the 21st century. Senator Joyce is almost in a position where he is supporting Labor’s 2007 policy for 12 megabytes. I reckon, if we give Mr Turnbull, the member for Wentworth, another few weeks, the opposition will finally catch up and support Labor’s 2010 policy. Give them a few more weeks. They now have a 12-megabyte policy, which was Labor’s plan in 2007. I reckon in another few weeks they will be up to 2010. Some day they might catch up with the government’s actual rollout and get behind it rather than speaking from
both sides of their mouths, as Senator Humphries does in Gungahlin and as Senator Bushby does in Tasmania.

Senator Bushby interjecting—

Senator CONROY—As has been said publicly, the OPEL deal covered less than eight per cent of residents of Australia. The opposition are trying to pretend that it was some panacea.

Senator CONROY—Your current policy is just three dot points. You dumped your policy—which was at least some pages—during the election and you have adopted a new policy, which is three dot points. We are building the National Broadband Network. We are actually delivering it on the ground in Senator Bushby’s home state and in five other places across Australia.

Senator Bushby—And there has been a big take-up for the 100 megabytes.

Senator CONROY—Has Senator Bushby met anyone who is using it? I have been to Tasmania and met someone who is using the 100 megabytes. Senator Bushby needs to get out more in his home state. I think Senator Bushby needs to understand that the Tasmanian Liberal Party support this. They are 100 per cent behind this.

Senator Bushby—Why wouldn’t they? They don’t have to pay for it.

Senator CONROY—Dear, oh dear! How embarrassing! Senator Bushby’s own state based Liberal Party in Tasmania support this.

Senator Carol Brown—Even Mr Abbott supports it.

Senator CONROY—Thank you, Senator Brown. Even Mr Abbott supports it now in Tasmania. He said, ‘We won’t turn it off.’ He just will not tell them it will cost them three times more.

Senator Bushby—We’ll roll it back.

Senator CONROY—Someone is rolling someone and it is not me. I think Mr Turnbull is rolling Mr Abbott along quite nicely, thank you.

But let us be clear: the National Broadband Network is being rolled out on the ground in Australia today and, by the end of this year, we will have started rolling out final preparations for the rollout of the next 19 sites. I have just talked about where they are. You are going to have to explain to every single resident in every single one of those places why you are going to give them a wireless network that will not deliver anything like the capacity of the national fibre network. You can go back to playing your games; you can pretend that everybody in metropolitan Australia has got broadband. Even according to your own policy document—and I know this particular part is right because you copied it from ours; it is true; it came straight from McKinsey—1.2 million Australians who live in metropolitan Australia are blocked from broadband completely on copper by pair gains. And then there are RIMs—such as those in Gungahlin—that block hundreds of thousands more Australians. That is just in metropolitan Australia—before you move into the regions, before you move into Tasmania and before you go to regional and rural Australia. The people from towns all around Australia who queue at my door ask me one question and one question only: how quickly can you do my town; can we be first? You should be ashamed of yourselves for this groundhog day performance. I think this is the third or fourth time you have tried to block debate on these— (Time expired)
quickly can he do the country? How quickly can he absolutely make a complete and utter stuff-up of this? This is like groundhog day. It is like the groundhog day we got with the Henry tax review, where they refused to launch the report. It is like the groundhog day with the guide to the basin plan of the Murray-Darling Basin Authority, another report they refused to release. Now we have a further groundhog day. This plan is un-costed and has no acumen behind it. What we are going to get is the same result we got in the ceiling insulation debacle, the same result we got in the Building the Education Revolution program, the same result we got when we sent out $900 cheques aimlessly around the countryside, and the same result we got when they went on their war against obesity. I never knew quite what happened to the fat people after that—whether it was a win, a draw or a loss—but this time it is serious money and it is borrowed money, and it goes on our nation’s credit card. How on earth are we going to pay it back when these people refuse to shine a light, as Ms Gillard said? The government will not table the business plan and they will not send it to the Productivity Commission. They go through the nefarious process where after everybody has gone, in many moons’ time, they will release the business plan.

That is very similar to how they dealt with the Murray-Darling Basin Authority when they locked one group, the fourth estate, in one room and the other group, the politicians, in another. That is how this crowd shines the light. But let us just make sure right at the start that we debunk one thing. Senator Conroy says it is not going to bring about a price increase, and about the only bit of information we can get is from the McKinsey report. The McKinsey report says that there will be a price increase of 450 per cent in real terms. If you take into account inflation, that is still in excess of 60 per cent over the next 50 years. That is in real terms, so let us get it out of our minds that this is somehow going to save us money. This is not going to save us money; this is going to cost us money.

Senator Conroy accused Senator Abetz of running out of content. The problem we have here is that we just do not have any content; we just do not have any information. To be sprung by Conroy, as he is called, is like being hit in the back by a rainbow. It is beyond belief.

Senator Carol Brown—Mr Acting Deputy President, on a point of order: I ask that Senator Joyce refer to the senator by his correct title.

The ACTING DEPUTY PRESIDENT (Senator Trood)—I think, Senator Joyce, the minister is entitled to be referred to by his appropriate form.

Senator JOYCE—Senator Conroy?

The ACTING DEPUTY PRESIDENT—Senator Conroy or minister.

Senator JOYCE—To be sprung by Senator Conroy is to be hit in the back by a rainbow. In his performance this morning, he was sweating profusely and glowing like a pig because, all of a sudden, it is all coming crashing down around his ears. He does not have an understanding of the most basic terms of his own legislation. He does not have an understanding of whether it involves the term ‘NBN’. ‘No,’ he repeated. ‘No,’ he repeated thrice. ‘No’—it is in here 62 times. Now he is querying the trade practices implications of proposed section 577BA of the Telecommunications Act 1997, so the only way to do this is to actually refer to subsection (7) of that section, where it says that you can do what you may and it will be accepted for the purposes of section 51(1) of the Competition and Consumer Act. It does the same in subsections (8) and (10). What this arrangement does is allow them to walk
around—and in some instances, absolutely leave behind—the proper oversights as conducted by what was known as section 51, part (1) of the Trade Practices Act. These are the sorts of technical details that are very important for people in the business community, and we cannot get them because the government will not be up-front and transparent. It is absolutely essential for all the people involved in the business arrangements to know what is going on. It is our job to ventilate those issues, and it cannot be done when we go through the nebulous process where they will not actually deliver and cough up the details. It is a case where they will deliver the study material after the exam. They want us to vote on it and then they will give us the material to study.

As an accountant you have to come up with business plans; people are coming up with ideas all the time. The first things you ask are: ‘How much is it going to cost, what are your cost tolerances and how much do you think it might blow out by?’ You would want to know what it will return and whether it would be safer just to leave your money in the bank. Even in the McKinsey report, it says that this is going to return six per cent. If I were going to go out and find $43 billion, borrowing the majority of it, just on a hunch I would suggest to the person that they had better get a better return than six per cent—

Senator Ludlam interjecting—

Senator JOYCE—About six per cent, which is the bond rate. Why on earth would you go and invest in something when there is not the return there? You will have to get the return. How are you going to get it? You are going to get the return by jacking up the price of phone calls.

Senator Ludlam interjecting—

Senator JOYCE—I take the interjection. Senator Ludlam. Remember they are punching this one back out. Even they say they are going to sell it again. For them to sell it, it has to get a commercial return. If it is going to get a commercial return, you are going to be paying far more for your phone calls than what they put down. This is the reality: even they are not saying that they are going to hold on to this. They believe they can punt this product back out. It is all starting to collapse in on itself. It just does not make any sense. Why would you risk so much of our nation’s money; why would you not just borrow it and invest it in the bank? It is just beyond belief that, on the most basic principles, we will be charging down this path. This is the most substantial capital infrastructure project in our nation’s history not by reason of its merit but by reason of what it is going to cost us.

When people say, ‘Compare it to a hospital,’ you cannot. One is there to save people’s lives; the other is there as an alternative product to products that are already available and, what is more, it could be done at a vastly cheaper rate. These are the discrepancies. As an accountant you would ask: what technical capacities do you have to roll this thing out? I think we need in excess of about 25,000 technicians to work on this. We have, I think, about 8,000. Where are these people going to come from? How is this going to work? Is this something that just goes on forever because we do not have the capacity to actually deliver it in a technical form? These are the sorts of things that we need transparency about and that we need to have laid on the table. Why do we not have this information?

As an accountant you would start looking at the track record of the person who is about to go down this path. You would ask the question: what was your role in previous enterprises and how you have gone so that we get a sense of competency and comfort about where you are and that you are not taking yourselves down a blind alley to be
quietly strangled? The government’s competencies are clearly betrayed in the ceiling insulation debacle, where we spent $1½ billion putting fluffy stuff in the ceilings for the rats and mice to urinate on and then spent another billion dollars trying to get it back out again whilst 190 houses caught on fire and, unfortunately and tragically, four people lost their lives. Their competencies were reflected in the costs blow-out in the Building the Education Revolution program—for what purpose we do not know. There was no cost control whatsoever. Their competencies are reflected in the $900 cheques. Their competencies are reflected in the fact that we have just had the biggest deficit in our nation’s history. Their competencies are reflected in the fact that we now have the biggest gross debt in our nation’s history. These are the competencies of this client who wants to build this telephone network—broadband network. Bells are ringing in the Australian nation now. We have people turning up from Mexico saying, ‘This is perverse, where are you people off to?’ We have senior telecom illuminati from Japan turning up and saying, ‘We just don’t know where you people are off to.’

All of a sudden it is starting to dawn on the Australian people that this is not for free; this is borrowed money and borrowed money demands a return and you are not going to get it from this. So you are going to have to try to work out a way to manipulate the process to create a monopoly so that with a monopoly you can demand a return. Who pays for that? It is the same person who currently cannot afford the power in their house. It is the person who cannot afford the food in their trolley. It is the person who cannot afford to keep themselves warm in winter and cool in summer. It is the person who is struggling with the fuel bills. They are the people who end up paying for all of this. It is our job here to protect those people, because those are the basic necessities of life. They are important. People are voting with their feet when this thing is tested. People are not going for the wider suites and broadband nirvana; they are going for the basic service, because cash is king in people’s lives and they want to make sure they protect that.

What is the process in this groundhog day that the Labor Party have presented to us? As I walked out the door, I heard the minister say, ‘It is time for the coalition to tell the truth.’ What a perverse statement. This is all about trying to get the truth out. This is about us in the coalition trying to grab what details we can on behalf of the Australian people to clearly spell out the case of whether this is a prudent investment or an extremely dangerous frolic. There is the frivolous nature that is demonstrated by the minister when you debate him on national television. He talks over you all the time and he tries these oblique sorts of giggling references as if it does not matter. This is other people’s money. There will be some lady at a checkout who will work late into the night to pay tax to pay this debt back. There will be a manual worker laying bricks to pay the tax to pay this debt back. There will be someone in an office who will work late into the night to pay tax to pay this debt back. They have a right to know what this is all about. They have the right to know how much longer into the night they have to work to pay for this and we have a responsibility to try to tell them. The government have an obligation to be transparent, open and honest and to lay the details before the chamber—before the Senate—and before the parliament for the proper ventilation of this.

This is something that is remiss. This is the crux of the issue, this is why the government are so sensitive about it and here it is: the NBN is the reason the Labor government is in government. That is what they put forward. It is the reason the Independents
backed them. The NBN is the key in this house of cards and they know full well that if we pull this card out, if this card falls, the whole show comes down. That is why Minister Conroy was sweating so profusely on television this morning. It is not by reason of the fact that he managed to play soccer, have a shower, put a suit on and come up. It is by reason of the fact that all of a sudden it is starting to become apparent that he is not across the detail and the whole substance of this. The whole reason that led to the government being formed is going to come crashing down around them.

You can always take them to the place where they are weakest, because you take them to the detail. In the details they struggle. In the details they drown. In the details they are found lacking. They are the people with the big brush strokes who cannot get the fine art of the detail right. They never have and never could. When they cannot get the fine art right, what do they do?

Senator Lundy—You just belled the cat, Barnaby.

Senator JOYCE—They just run back to the people overseas and borrow more money off them to try to prop up the show.

Senator Lundy—that’s beautiful.

Senator JOYCE—On and on it goes.

Senator Lundy—it’s all we needed.

Senator JOYCE—they have borrowed up to $1.6 billion a week since Julia Gillard came to power. We will pull this card out and your house of cards will fall over.

Senator Lundy—it’s not about the policy.

The ACTING DEPUTY PRESIDENT (Senator Trood)—Senator Lundy, if you wish to participate in the debate, there is an appropriate way to do that.

Senator JOYCE—I can understand why Senator Lundy is emotive about this, because this is the reason the Labor Party are in power. If this NBN falls flat on its face—and that seems awfully likely—then decisions will have to be made about whether they deserve the mantle of running the government. That is the decision that will go back to the people. This is why this debate is front and centre.

If I were on the Labor Party frontbench I would like to be present when Senator Conroy makes his way to the cabinet meeting so I could ask him where on earth this is going. This thing is coming off the rails. People are losing faith in you. We have even got statements now of concern by the Independents and the Greens about the lack of transparency. You lack transparency when you do not want people to understand what you are up to and you are trying to hide the facts. The Labor Party are hiding facts. They are treating the Australian people once more—it is like groundhog day—like fools.

Currently the minister is, for all intents and purposes, in contempt of the Senate. That is how far this thing has descended. He refuses to acknowledge the will of the Senate as conducted by a vote. Why would we have this contemptible approach? Because they are terrified of the transparency and the consequences that will bring to their government. This precarious and unstable process has brought us the NBN, which is starting to look awfully like the school halls program, the ceiling insulation program, the war on obesity, the war against inflation and the other wars and revolutions we have got. It is a reflection of the manifestation of the same approach we saw when they could not even hold their commitment to the Australian people to keep the person who was elected as the Prime Minister. They had to remove him.

This is the substance and the structure of the management critique of the people who are going to build a new telephone company. Whether you like it or not, if you are a tax-
payers in Australia you are going to be a shareholder in this. Whether you like it or not, if you are a citizen of this nation you will now have this process forced on you. It is not something that you are desirous of because it will save you. They painted a false and misleading picture for the Australian people at the election and in this point in time they are not able to back it up with the detail.

When are the Labor Party going to deliver the detail that we and the Australian people have a right to know? When are you going to have a minister who understands what is in his own legislation and who is not so flippant and casual with the facts, like he is flippant and casual with the money? When will Minister Albanese in the other place concur with the comments made by Minister Conroy on television this morning? Minister Conroy said this has no relationship to the NBN, but Minister Albanese says it does.

When are you going to be upfront and truthful about the exact implications of section 577BA? If you did not put in that section, those issues most likely would not be compliant with section 51(1) of the Trade Practices Act. If you had been transparent and had not put in that clause, they would not be compliant with section 51(1). Why did you have to say, regardless of what might appear, these things are going to be compliant with section 51(1)? You said, ‘We are going to deem these things to be compliant with the Trade Practices Act,’ when quite obviously they will not be. But you do not know that, because you do not know the details. All you know is the text message that came via your phone. You never know the detail. You never sit back and actually read what you are about to deliver.

We have to make demands of the Senate—and I hope we get the support. Either you support a transparent and accountable government, especially with the largest infrastructure project in our nation, or you do not. Either you respect the value of money or you do not. As an accountant I spent a lot of time with people who did not respect money and I saw those people at the end of the day living in their son’s or daughter’s caravan because they lost their house.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (12.05 pm)—It is my pleasure to contribute to this debate on the production of documents relating to the NBN. We have heard some extremely interesting contributions from the opposition benches this morning. I think one of the most important things that have been said was Senator Joyce’s statement that the real reason the opposition are opposing this important consumer and competition safeguard legislation is that the coalition believe that Labor won the election on the back of the NBN. In essence, they will pick it apart on the basis that it secured electoral support for us. Let us examine the logic of this.

The opposition are opposing Labor’s plans for the NBN because they believe the nation subscribed to the vision and it helped us win the election. Where is the logic in that? I do not know where it is, but it starts to explain why the arguments we have heard in this debate and on other occasions about their position on the NBN are so inconsistent, so fractious and so devoid of any logic whatsoever.

I think it is plausible that indeed it is not about the issue of substance, about the policy per se, about the fact that the National Broadband Network will deliver a universal, wholesale only, open access network with fibre-to-the-premises for the whole of Australia. The substance of the matter is that the opposition are opposing it for opposition’s
sake. It was only with a little provocation that Senator Joyce was able to reveal this to the chamber, and I think it sits underneath the inconsistencies in the opposition’s arguments. I would like to go through some of them.

I will turn first to what I think Senator Conroy described as opposition members ‘talking through both sides of their mouth’ in relation to the NBN. We know Mr Abbott supports the NBN in Tasmania, but opposition members come into this place and the other place and argue against it. I would like to refer directly a little later to Senator Humphries’s statements of support for the National Broadband Network in the Australian Capital Territory, but before I do that I think it is also important to recognise the opposition’s obstructionism on these bills.

We have never heard the opposition challenge the viability or necessity of a fibre-to-the-home network with any credibility. We have heard fractious arguments about wireless somehow being suitable. Those arguments have been completely demolished. We know wireless is not scalable. We know it is not able to deliver the future-proof network and the increasing bandwidth required to serve our future needs. So those arguments are insubstantive and have been proven to be incorrect. There is no counterpoint to a fibre-to-the-home network being the best future-proof technology to deliver the National Broadband Network. There is no argument about that.

There is no argument about the need for a high-bandwidth network for Australia. We know it forms the heart of the economic and social infrastructure of the future. We ought to be very proud as a nation that the National Broadband Network policy closes the digital divide once and for all. I have never heard the opposition argue that we should not close the digital divide. In fact, I recall through every year of their period in government their arguing that they were trying to do that with their flimsy 10 or so different plans to support broadband in this country. They claimed to have the aspiration of closing the digital divide; they just could not achieve it because they never got their policy settings right. They were hopelessly compromised by their higher order agenda to sell Telstra and optimise the share price, to the disbenefit of every telecommunications consumer, whether in the residential or the business market, in this country.

There is a reason Australia has been paying the highest prices for ADSL you could possibly conceive in any comparable nation, and that is that the coalition in government kept those prices high because of their poor policy and their willingness to sustain a residual monopoly in Telstra’s interest for the purpose of the share price. So we inherited a telecommunications network in this country that had no hope of serving our future needs. Telstra themselves and later the government conceded that the existing network was five minutes to midnight—it had reached capacity. We know that because we are talking to the people who are on the waiting lists for humble ADSL in the outer suburbs and the inner-city high-rises and the regional areas of this country. We are talking to them and we know the fervour and the passion and the interest there is for a national broadband network that is future proof, that is fibre to the home—and that is what Labor delivered in the election. So I return to Senator Joyce’s argument. This is what is motivating the opposition: they do not like that Australia subscribes to this grand vision. They do not like the fact that they may have lost the election because they refused to support this vision. Whether that is true or not, the fact remains that they are doing everything they possibly can now to unpick and undermine Labor’s
efforts to deliver a universal broadband network to all Australians.

In this chamber their obstructionism is as shallow as it is extreme. Every piece of legislation that has come forth in this place has been confronted by this kind of debate. They do not want to debate the substantive issue because they cannot. They do not have the depth of knowledge or understanding about the National Broadband Network and they do not want to be put on the spot to debate the technical aspects of the bills. Why? Because it is easier to argue that we do not debate it. It is easier to put up furphies about the release of information every step of the way rather than debate the substantive issue, because they know the substantive issue is something that the whole of Australia desires, regardless of what they try and say about the National Broadband Network.

The obstructionism came with the expert panel report, later the ACCC report to government, the McKinsey implementation study, the clamouring for a cost-benefit analysis and now the business case, which the minister has said will be released when it is able to be considered fully—by government, but yet they persist in here. I cannot fathom why we are debating this motion rather than the bill itself. If we were debating the bill itself, the opposition would have to be called up on whether or not they supported it. They do not want to have that debate. They do not quite want to be called on having to oppose a competition and consumer safeguards bill, so they construct this open-ended debate instead. It is a tactic, and we have it seen before. It has been successful in this place because of its obstructionism. They are hiding behind an unwillingness to debate the actual policy of competition and consumer safeguards that facilitate the model that will underpin telecommunications in the future.

I would like to go to the issue of the NBN reference in the bill. This is another complete furphy and clearly just a filler argument so the coalition have some kind of cover and something to say in this debate. The competition and consumer safeguards bill relates primarily to the overall telecommunications network. It mentions the NBN in relation to the agreement with Telstra and has a bearing on it. But for Senator Joyce to come in here and try and say that this is somehow not reflective of the bill or that the minister misrepresented the bill is a complete furphy and shows that the coalition cannot even be bothered to understand the issues of substance in the bill or is unable to present a cohesive argument one way or the other about the competition and consumer safeguards requirements in the bill. It shows that there is lack of capacity or an unwillingness to talk about the policy issues and the provisions of the bill per se. I think it is shallow and it exposes them as not being serious about the issues of substance in the bill.

I would like to turn to the issue of how residents and small businesses around the country feel about the National Broadband Network, because I think this places a great responsibility on the coalition to reassess their position. We already know that they talk out of both sides of their mouth on this. They say one thing out in the constituency, where communities are clamouring for the Broadband Network to come to their region. In here, as we heard from Senator Joyce, they say that no-one wants it, that it is unnecessary and that it is not worth the spend.

Let me quote something from Senator Humphries. Gungahlin was mentioned by Minister Conroy, and quite rightly, because Gungahlin is a quintessential suburban area that suffered through the Howard years, with extremely poor telecommunications as a result of their policy neglect. Gungahlin is a suburban area of Canberra that is served by
RIM technology. This has an inhibiting effect on the availability of ADSL services and, unfortunately, it is indicative of many of the newer growth areas right around Australia. Senator Humphries, I presume, will continue to vote with the coalition here against the legislation for the Broadband Network, against the legislation for the consumer and competition safeguards that are associated with the whole of the telecommunications industry. But just listen to this. This is a press release from Senator Humphries from this year, 8 July 2010. This was put out at the same time as the coalition were saying that they were going to oppose the National Broadband Network. Wait for the headline: CONROY BOWS TO PRESSURE FROM HUMPHRIES

ACT Liberal Senator Gary Humphries, who has been fighting for better access to broadband in Gungahlin, has welcomed today’s announcement by Labor but says there’s still a long way to go. Communications Minister Stephen Conroy announced this afternoon that 14 locations across Australia, including Gungahlin, that would be among the first to host the National Broadband Network.

Here’s a quote from Senator Humphries:

After almost 3 years of neglect and cut after cut to our community, my longstanding campaign for broadband in Gungahlin has finally cut through …

‘My’ longstanding campaign! Senator Humphries puts his heart and soul in writing and claims credit for the National Broadband Network coming to Gungahlin.

This is quite astounding on two fronts. The first is Senator Humphries claiming any credit at all to do with the National Broadband Network or campaigning for Gungahlin, given his deathly silence through the years of the coalition’s neglect on broadband issues in Gungahlin. But it is most astounding in the context of this debate, where the Leader of the Opposition in the Senate, Senator Abetz, followed by Senator Barnaby Joyce, claimed that there is no reason why we should be making this investment. Senator Humphries is speaking out of both sides of his mouth, because he is party to the views espoused by his leaders in this place and the other place. As far as we know, it is still Mr Abbott’s intention to tear down the National Broadband Network. Senator Humphries, like every Liberal Party member and like every National Party member who speak out of both sides of their mouth—out of one side to their electorate and out of the other side in here—are now completely and utterly exposed.

It is no wonder that the electorate get frustrated by debates like this. It is no wonder that they hear the issues as they are debated here and say that the coalition has got it wrong on the NBN. It is no wonder that Senator Joyce’s theory that the NBN may have been the decisive factor in the last election is upsetting the coalition so much. We, the Labor government, know, more than anything else, that what is important for this nation is building future-proof economic and social infrastructure that will serve our future needs. I find it absolutely amazing, as I think the vast majority of Australians do, to have an opposition so passionate about not achieving a necessary vision for this country.

The opposition are so passionate in their desire to unpick the very policy that solves a problem of their creation. So keen are they to try and pull apart our policy that they are not even prepared to come in here and debate the bill, the issue of substance. They want to continually move motions to defer debate, to place absurd conditions on the debate in this chamber, such as the order for the production of documents. They are documents which the minister has stated will be provided in due course, when we have had the opportunity—and I believe we have the obligation and the
responsibility—to do what we need to do as a government in reviewing that material.

The other issue that I think it is important to turn to in the little time that I have left is the misleading information that the coalition continue to bring in here about the sign-up rate. I get consistent requests from my constituency saying, ‘When are we going to get it?’ I know how warmly welcomed the inclusion of Gungahlin in the next series of rollout sites was and I know that the sign-up rates are incredibly impressive. It showed that there is a complete lack of knowledge when Senator Abetz—I think it was—said, ‘But they’re only signing up for the 25 megabit per second rate, not the 100 megabits per second.’ The whole point of fibre is that you can increase the bandwidth on the same infrastructure. Twenty-five megabits per second may well be what suits consumers now, but I know plenty of consumers, including home based businesses and small businesses, who want a lot more than that, and I know that in 10, 15, 20, 30 or 50 years time the same fibre that is currently delivering what the market wants, whether that is 25 megabits per second or 100 megabits per second, will be able to deliver a gigabit per second—the same piece of fibre.

We are not talking about one of the short-term, stop-gap measures that we saw under the coalition government over their 13-year period in government; we are talking about a network that is future-proof for the vast majority of Australians. We are talking about a network that will ensure that those who the fibre will not reach will be adequately serviced by an affordable high bandwidth through terrestrial wireless or satellite. And those technologies continue to develop at a rate of knots. The jury is in on fibre to the home as being the most scalable future-proof type of network we could possibly invest in.

For Senator Joyce to stand up here and make simplistic arguments associating the expenditure on this infrastructure with other government initiatives is ridiculous in the extreme and shows a shallow—I would not want to insult children—and childlike approach to this debate that exposes their lack of willingness to engage on the detailed policy substance of both the vision for universal connectivity and the mechanisms contained in this and other bills to facilitate it happening.

I am so proud to be part of a Labor government that has been able to articulate this vision and implement this policy for a National Broadband Network. It is being built in this country right now. The fact that we need to go through a painful, unnecessary, politically motivated—thank you, Senator Joyce, for making that clear to all of us—debate in this chamber again and again and again shows that this opposition cares not about the future of this country, this opposition cares not about our economic prospects, it cares not about the social policy outcome of closing the digital divide, and it cares not about the long-term future of our country in this regard and this aspect of microeconomic reform. What it does care about is the shallow attempts to stifle a bill for the purpose of being seen to have something to say on the National Broadband Network. They cannot tackle it on the issues of substance so they need to have something to say, and that has arrived in the form of this absurd obstructionism. I would much rather be presenting my speech in the debate on the second reading of the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010; that is what I ought to have spent the last 20 minutes talking about. I may well say similar things but it would be a much more constructive approach and suit the needs of all Australians for us to be debating that bill right now and not this ridicu-
leous motion that seeks to prevent the debating of the bills of substance.

Senator BIRMINGHAM (South Australia) (12.25 pm)—I am pleased to rise to support this important motion moved by Senator Abetz because it is important that when this Senate orders something, when this Senate requests something, when this Senate instructs that something should be done and the government of the day simply thumbs its nose at the Senate, there are consequences. That is the reality of the motion before us. It is about trying to ensure that the powers of the Senate actually come with consequences if the government chooses to simply ignore those powers of the Senate, ignore those wishes of the Senate, ignore those orders of the Senate. That is why this motion is important. It is critical because it is about the Senate having made a statement yesterday, a very clear statement, that the Senate believes the government should table for our consideration and for the consideration of all Australians two particular documents: the NBN business plan, which the government admits it received last week, and the government’s response to the McKinsey and KPMG implementation study into the NBN. These are two documents that we believe are critical to informing the debate on the legislation that Senator Lundy was just talking about, on the legislation that is listed as the first item of government business for today. And the government wants us to stroll into that debate without the type of information that should be available to all senators to ensure we have the most considered and informed debate possible. That is what we want. We want to have a genuine, serious, considered and informed debate. Senator Lundy shakes her head. I say to Senator Lundy and to Senator Conroy: table the documents.

Senator BIRMINGHAM—Table the documents today; I will give you the debate on Monday. Table the documents today and I will happily debate you on the detail of the legislation all of next week. Give us the information to make sure the debate is as informed as it possibly can be. Do not hide the documents from us. Do not treat us with contempt. Do not treat us like the mushrooms that are fed the proverbial. Empower every member of this Senate to make a fully informed contribution to a debate that comes back to, at its heart, the massive expenditure in Australia surrounding a $43 billion program. This is not something inconsequential, it is not insignificant. This legislation that is proposed is a major reform and it has major implications for one of Australia’s largest publicly listed companies, namely, Telstra. It has major implications as to the way the communications market in this country will work for the foreseeable future and it has major implications for the Australian taxpayers who have been roped in as compulsory shareholders, all 22 million of them, in this great big government experiment. They have all got thousands of dollars on the line, each and every Australian taxpayer. They have thousands of their own dollars on the line in this government experiment and they are going to be asked to pay and pay and pay again, either through a business model that is quite likely to need propping up or through a business model that is going to charge them all higher fees to access the types of services that they want.

We have had many conflicting arguments from the government on this. We heard Senator Collins, when she spoke on the suspension of standing orders, argue that this debate around the telecommunications legislation is not at all about the NBN. We had Senator Conroy, in a speech that was 95 per cent about the NBN, saying that the NBN has nothing to do with the substance of the bill.
Senator Lundy also pretends it is inconsequential and incidental, yet she goes on and argues at great length about the NBN. It is either one or the other. Either it is incidental and inconsequential or it is at the heart of the bill.

We can see—and Senator Joyce highlighted it well and truly and Senator Abetz highlighted it too—that the NBN is at the heart of this bill. This bill might do other things, but the NBN is very much at the heart of it. This bill is designed to help drive the NBN. There is no denying that from the government. It is a core part of the bill. We know that because within the explanatory memorandum the NBN is referenced on some 204 occasions. Within the bill itself the NBN is referenced on some 65 occasions. Between the two documents, on 269 occasions the NBN is referenced. It is crystal clear to anybody that the NBN is at the heart of this bill.

We also have Senator Lundy and Senator Conroy trying to pretend that the legislation is all about better competition. I look forward, when we get to the legislation, to hearing from them just how it is that restricting the capacity and the remit of the ACCC to give the usual thorough consideration to the types of deals that the government is trying to stitch up between NBN and Telstra is about competition. Restricting the capacity of the ACCC can only stifle competition. Senator Lundy, who has now left the chamber, need not worry because when we get to the substance of the legislation we will have amendments. We have plenty of amendments, many of them that go to the heart of making sure that we get fair dinkum competition out of anything that is ultimately passed by the Senate.

We had Senator Conroy coming in here and talking about the build on the trial sites that NBN Co. is currently undertaking. He likes to talk about those trial sites and throws about figures of an 80 per cent take-up rate. He throws enormous figures around. What he fails to explain, because this is a part of the deceit of the government, is what that means. What it means is that a householder has said, when the government has come along merrily laying fibre down the street, ‘Yes, I am happy for you to connect that fibre to my home for free.’ That is it. That is all those figures that Senator Conroy gives mean. Nobody has signed up to receive a service and nobody has signed up to pay anything, to download anything, through this fibre. Nobody has signed up to use the fibre in these trial sites. They have just said, ‘You can connect it to my house.’ They do not even know how much it is going to cost because the government has given no price, no plan and no details. Do you know what? That is at the heart of the motion we are debating. Plans, details and costs are the things that would be contained, I imagine, in the NBN business plan. These are the things that retailers in the telco space and users of telecommunications should reasonably and realistically expect to know about. These are certainly the things that the opposition believes we as senators should be entitled to know about before we are asked to vote on critical legislation.

Senator Lundy also throws up allegations and questions, as does Senator Conroy, about our commitment to seeing better broadband delivered in some of the suburbs that they love to name. Senator Lundy was certainly debating Senator Humphries’s arguments for better broadband in key parts of the ACT. I will tell you what: our commitment is to build better broadband services but to build better broadband services in the regions, in the towns, in the communities where there are black spots and to build them in places that are underserviced. This is our commitment. It is not to go and overbuild across the entire country, not to close down existing
cable networks and not to close down everything that is already there but to actually make sure that the taxpayer dollars that are used are actually used to deliver services to the people who have got no services at present. You want to overbuild the entire network and you want to overbuild even the member for Wentworth’s electorate, which is extremely well serviced already. I have noticed some Labor members highlighting and waving around maps saying how well serviced the member for Wentworth’s electorate is with broadband at present. I have seen them out there at door stops waving the maps around. It is your government that wants to go up and down every street of Wentworth and roll out fibre. How is that good use of taxpayers’ money? How is it good use to go and overlay and rebuild over the top of something that is already there? That is the plan of your government. You want to do that right throughout Wentworth.

Senator Lundy—Because it is not there for everybody.

Senator BIRMINGHAM—It is not there for everyone, Senator Lundy, you are dead right, and that is why we say you should focus on giving it to the people who do not have it, not go and spend $43 billion rolling it out up and down every street that already has it. Senator Lundy, you have exposed the flaw in your own argument. It is not there for everyone and the focus should be on the people who it is there for.

I want to be quite clear here about what it is that we are talking about. We are talking about the government releasing the 400-page business plan for the NBN, which I note the Prime Minister has said today she wants to go through with a fine tooth comb. Forgive my cynicism, but I have seen what the Prime Minister’s fine tooth comb does before. It produces things like the Building the Education Revolution—the school halls debacle. The government’s fine tooth comb produced the home insulation debacle. Frankly, I would rather have a bit of sunlight on the NBN business plan. I would rather have an ‘Operation Sunlight’ on the NBN business plan. I would rather it was put out so it was not the government putting a fine tooth comb through it but the many experts around Australia who will have something to say about it when it is released. They are the people who might actually identify the flaws in it, the problems in it, and ensure that, if this thing has to go ahead, at least the business plan stacks up, rather than allowing Senator Conroy to say, ‘I’m going to go through it, and then I want the government and the cabinet to go through it, and then we will sign it off and you can see it all at the end of the process.’

I have seen what happens when the government gets their way and puts it all at the end of the process. We end up with taxpayers’ moneys wasted, with billions of dollars down the tube and with the types of the debacles that have plagued everything the government has done to date. With the NBN we are seeing the same trajectory—they are keeping it all in house and secret; they are just going to make up their own minds about it. The worst thing about it all is that they want those of us in this place to make important decisions without seeing these documents.

There is a second document that we have asked for. We have asked for not just the business plan but also the government’s response to the KPMG-McKinsey implementation study. The government spent $25 million on that study. Yes, most of it has been released; the government, however, have already started rejecting a good number of the recommendations made in the KPMG-McKinsey implementation study. They paid $25 million for good advice, but they have started to reject it. They have rejected rec-
ommendations that would ensure there was decent competition at least in terms of who was providing the fixed wireless services to the seven per cent of Australians who are not going to get fibre. They have rejected that and are going to keep it all inhouse for NBN Co.

There are all sorts of questions being asked around the industry about the points of interconnection and what impact that is going to have on prices and how it is going to work. These questions go to the heart of how the government responds to the McKinsey study and what is in the business plan, yet the government is refusing to reveal its thinking on these key critical issues.

What is there to hide? That is the key question here. There should be nothing to hide. The government proclaims it is all about transparency, openness and honesty, so why not put these documents out there? Why not ensure that the business plan is public? Why not ensure that the response to the implementation study is public? Why not allow us to make informed decisions that every individual senator should be able to make on the key legislation that the government wants to bring forward?

From day one, ever since Senator Conroy got off that fateful plane flight with Mr Rudd, the coalition has called for a cost-benefit analysis—a proper Productivity Commission assessment of the NBN. We have called for it because we think it is the only responsible thing to do when a government is running this type of back-of-the-envelope program. I remember, and I know that Senator Lundy would well remember, that the 2007 election involved a different Labor policy. It involved a $4.7 billion policy called ‘fibre to the node’. Just in case anybody missed that figure, it was $4.7 billion, not $47 billion, for fibre to the node. When they discovered that the policy did not stack up, when they discovered they could not deliver on that policy, when they realised they went to the 2007 election with something that they could not deliver, what happened? As we now know, because Mr Rudd was a rather difficult Prime Minister to get to talk to, Senator Conroy hopped on a plane with him and, in a short plane ride, Senator Conroy and the then Prime Minister, Mr Rudd, took the $4.7 billion fibre-to-the-node network and changed it into a $43 billion fibre-to-the-premise network—that was their turnaround in policy. From that moment on we have consistently called for a Productivity Commission cost-benefit analysis of that because it is the only responsible thing to do.

I again say: you have roped every mum and dad Australian, every man and woman in Australia, every old person and every child in Australia into being compulsory shareholders in your NBN—and, at the other end, they are going to be compulsory consumers because it is the only way they are going to be able to get their phone lines connected and access broadband in the future. They are being compulsorily required at either end to be consumers and shareholders. The government want to drag Australians into this $43 billion experiment and see every Australian locked into it.

I note that today in the other place the House defeated a private member’s bill by just one vote—the slimmest of margins—to provide for the Productivity Commission to conduct that cost-benefit analysis. Next week we will reintroduce that legislation in the Senate and give the Senate a chance to have a say. I know there are senators who believe that a decent cost-benefit analysis is worth undertaking. They believe that, if you are going to spend this much money, you should actually make sure you are doing the right thing, setting it up the right way and investing in the right technologies. These are sensible things that we should be doing.
Senator Lundy—We know, because we’ve looking at it for 13 years.

Senator BIRMINGHAM—You know? That is right: Labor knows best. That is the response from Senator Lundy. We actually think it is worth getting a bit of expert analysis, not just going on a gut feeling, which is what you are doing.

We note that, at the beginning of this week, the OECD released a report that was pretty scathing of what the government has done. The report suggested that the government needed to be more prudent, transparent and robust in the way it was developing this NBN. That is what we want to bring to the process and to the consideration of the legislation before this chamber. To the process of the NBN we want to bring a more prudent, transparent and robust approach and we want that to be done through a Productivity Commission analysis of the costs and benefits of building the network. It is not an unreasonable thing to ask for. We are even saying that we will not hold the government up in progressing with it; we just want this cost-benefit analysis actually delivered to bring about the prudence, transparency and robustness that is so critical to ensure that taxpayers’ money is well spent.

We also want to bring some prudence, transparency and robustness to the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, because that is what we are talking about here. We want to bring about that transparency by having the business plan. We want to bring that robustness by having the business plan. We want to bring that robustness by having the response to the implementation study. We want to make sure that this chamber makes prudent, sensible, robust and transparent decisions. That is what we want and that is all we are asking for.

Let me return to the first point I made. We are asking for it because the Senate demanded it yesterday. We are saying that there should be consequences to the government for thumbing its nose at the Australian Senate. There must be consequences or else the decisions of this Senate become quite meaningless. I urge those on the crossbench to think about that—to think about the fact that if every time we bring a motion into this parliament and demand documents, asking for them to be produced, we simply let the government thumb its nose at us then it will keep doing it. There have to be consequences; we have to hold it to account and that is why this motion should be supported.

Senator FISHER (South Australia) (12.45 pm)—I have two quick comments to add to my colleague’s contribution to this debate. Firstly, the government is in absolutely no hurry to release the business case. So why should this Senate be in any hurry to consider the legislation that the government wants the Senate to consider? Why should this Senate be in any hurry, particularly when Minister Conroy told us at estimates that the legislation was irrelevant to the build of the NBN?

The minister told us on 25 May at Senate estimates:

The National Broadband Network is commencing and being deployed irrespective of whether or not legislation is passed or not passed by parliament. It does not require parliament to pass it.

Senator FISHER—

that would be me—

Is the legislation irrelevant to the building of the NBN?

Senator Conroy—Yes, completely.

Why the hurry? The government is in no hurry to release the business case. This Senate, on the minister’s own testimony, need be in no hurry to consider, or indeed pass or not
pass, the legislation that the government wants considered.

Secondly, I do urge the Independents not to be bought off by the cheap offer from the government of a briefing. The Independents have constituents, and those constituents are de facto shareholders whether they like being forced into bed or not—they have been forced into bed with this government by this government—in the build of the National Broadband Network. For as long as the government refuses to divulge information, those constituents and the Australian electorate would have to be thinking about hopping out of bed.

Finally, for as long as the government continues to surround the National Broadband Network with this shroud of secrecy, the only thing that is clear about the National Broadband Network is that NBN does not stand for National Broadband Network. ‘NBN’ continues to stand for ‘no body (k)nows’.

Senator XENOPHON (South Australia) (12.48 pm)—I will try to be as succinct, time-wise, as Senator Fisher was.

My position is unchanged from when this matter was debated a year ago. I believe we need to have a structural separation of Telstra. It was a fundamental mistake for Telstra to be privatised and to be structured in the way that it was. It was anticompetitive, it was bad for consumers and it was bad for the development of telecommunications in this nation. We know that there has been market failure when it comes to the whole issue of broadband, particularly in the regions. That is why I supported the suspension of standing orders, so that this debate could be further ventilated.

My position has always been that if we have amendments passed to the structural separation legislation that ensure a meaningful role for the ACCC and for the Trade Practices Act to apply in key areas when it comes to the issue of competition and the public interest—that the NBN is checked vis-a-vis the Trade Practices Act—then I think that we should look at passing that legislation. I also think it is important in the context of this particular bill that there is adequate scrutiny of this project. I cannot understand why the government is prepared to send the whole issue of carbon pricing to the Productivity Commission, but will not let them look at the efficiency and implementation of having an NBN. This scrutiny should not be in the terms that the member for Wentworth, Mr Turnbull, has set out, because I believe they are too narrow. In fairness to Mr Turnbull, I have put those concerns to him and I think he is being quite flexible about having broader terms of reference which look at the issues of the social benefit of having a National Broadband Network, the market failure in regional Australia and the nation-building benefits of having an NBN. I think that if you have broader terms of reference that are not constrained to a mere narrow cost-benefit analysis then the Productivity Commission could add to this debate, could add to the information and could ensure that there is better implementation of a national network.

I have to express my absolute disappointment with the government in relation to the lack of information provided. So far the information we have received from the government on the NBN has been about as reliable as dial-up. It has been slow, it has been patchy and it has been infuriatingly unreliable. It is ironic that this entire debate is about the creation of a world-class communications network and yet the government has been providing Third World standards of communication when it comes to this particular debate.

I think that the government is making a fundamental mistake not to ensure that the business plan is provided to us as soon as
possible. However, what it means—and I know that Senator Abetz is listening intently to this, as I listened intently to his contribution—

Senator Abetz—Oh yes, I am taking notes.

Senator XENOPHON—It always worries me when Senator Abetz is taking notes. But we need to get on with the structural separation of Telstra, because Telstra should never have been structured in the way that it was following the privatisation. It has been bad for Australian telecommunications and it has been bad for consumers. But provided that there is an adequate level of scrutiny in the context of ensuring a competition framework and transparency for the structural separation—and I believe that an adequate degree of scrutiny by the Productivity Commission is also important—then I think that this bill can proceed.

However, I will say to the government—and the minister knows my views on this, and I think I have a pretty good working relationship with Senator Conroy—that the minister is making it difficult for those who are supporters of the NBN to support this legislation, given that there has been a lack of information in relation to it. But I still see them as parallel but distinct issues. We should not hold up the structural separation if we can have a framework in place that is adequate in terms of protecting consumers and protecting the public interest. I will not support this motion moved by Senator Abetz, but I think it does highlight the inadequacy of information—the dial-up level of information—we have received from the government.

Senator LUDLAM (Western Australia) (12.52 pm)—I rise to add some brief remarks as well. Seeing as how Senator Abetz’s motion has been contingent on the one that I moved earlier this week, with the support of Senator Fielding and the coalition, that the government put these documents in the public domain, my concerns are very similar to those that have just been expressed by Senator Xenophon. I want to take us back 12 months ago, and the term ‘groundhog day’ has been used a couple of times so far this morning, and not without reason, I think. This motion seeks to delay—and I do not think I am verballying Senator Abetz in suggesting that this is what this motion is for—any further debate on the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill or on anything else related to the NBN until these documents are put into the public domain.

Just a little bit over a year ago, a motion was put up to delay that very same bill—although it was dated 2009 at that stage—because we had not yet seen the request for proposals documentation on the four-point $4½ billion NBN proposal that the government took to the last election. So we had a motion in the Senate that would have prevented the government from advancing the CCS bill or anything else related to the National Broadband Network until that request for proposals document had been put into the public domain. The one that we are discussing today did not even exist then. NBN Co. probably only had a handful of staff working for it at the time, and the NBN Co. business plan was not even a glimmer in Mr Quigley’s eye at that stage, so of course the Senate did not propose to hang up the debate on the bill. The Senate demanded it; it was an order for production of documents that went through, and the documents were not handed over. In fact, that proposals documentation requested has not been handed over to this day. The debate is still being pursued. As I think one of the coalition senators—Senator Birmingham, I think—quite rightly pointed out, the Minister for Broadband, Communications and the Digital Economy persuaded former
Prime Minister Rudd to simply shift a decimal place across, and we came out with something that was worth effectively 10 times more—and we have still never seen the original requested proposals documentation.

The Senate demanded it; it did not get it, and at the time, just over a year ago now, we argued two things. The first was that the two issues were separate. In other words, the proposed structural reform to the telecommunications sector would probably, subject to some other concerns that we had, be good public policy even if we were not proposing to build an NBN. We argued that, even if this proposal to bring fibre to everyone’s home—which obviously was not contemplated then—was not on the table, it was still a very good idea to begin to fix the mess that was caused when the coalition, against the will of the rest of the parties in this place, moved to the third tranche of privatisation of Telstra and sold it, leaving us with this structurally out-of-balance market which we are still dealing with now. We suggested that it would be a very good idea for the debate on the CCS bill to proceed a year ago, and here we are in November 2010 having the same debate, with the opposition seeking to delay passage of that bill based on another document that has come forward and using, in fact, an order for production that the Greens moved.

The second thing that we argued is that deadlocks of the kind which we have seen again yesterday and today need to be broken. The minister has committed, I think, something very serious in denying an order for production of documents of the Australian Senate and effectively thumbing his nose at this chamber. This deadlock must be broken.

Honourable senators interjecting—

Senator LUDLAM—He is making it very difficult for us, and I will list the matters in play in a moment. This week while the national parliament is sitting the motion is related to telecommunications but, with the support of Senator Fielding and Senator Xenophon at the time, we put up a proposal to once and for all break these deadlocks when the parliament and the executive have a difference of opinion over whether material should be put into the public domain. Let us establish an independent arbiter and let us respect the will of the umpire. Let us respect the independent judgment. In this case, at the time we were talking about an independent arbiter of the kind that exists in New South Wales and has for many years—you send it out for that independent point of view and then you respect the view that comes back. If it is all commercial-in-confidence and it is not appropriate for it to be put into the public domain then so be it; we will cease pressing that point.

We referred that motion to the Senate Standing Committee on Finance and Public Administration and it reported on 2 February 2010. I have participated in a fair number of committees since I got here a couple of years ago, and I think that was among the worst duddings that we have had. Both of the major parties effectively ignored every piece of evidence that was put to the committee. Everybody who gave evidence to that committee said, ‘You need a mechanism to break these deadlocks.’ We have another one today and we still do not have a mechanism for breaking these deadlocks. I know this is an issue that Senator Cormann has been following very closely and that he also has a very keen interest in public interest immunity. What does it actually mean when the government says, ‘You can’t put that into the public domain. It’s against the public interest. Take my word for it’? We are still taking Minister Conroy’s word for it on the original RSPT tender documents that are now several years old. We are having to take his word on the documents that we have requested today. The
report from the finance and public administration committee—apart from, as usual, the diligent work of the staff—was virtually useless, because the evidence that was taken was simply disregarded.

In March we brought the CCS bill back for debate again, and the opposition put so many people on the speakers’ list that we paralysed the national parliament, the Australian Senate, for a day and a half while more and more people were put on the speaking list. It has never been the opposition’s intention, in my view—perhaps until recently—to debate the merits of the bill. Vote against it if that is your will, but you have done everything that you can and tried on every procedural trick in the book in the last year and a half to prevent this thing from coming on today. What is in the motion that we are debating now? Oh, it suggests that we hold up debate on the CCS bill until such time as this material has been put into the public domain! In April, the Senate demanded the implementation study that was produced at taxpayers’ expense and was worth approximately $25 million. The minister said no and defied an order for production for documents that the Senate put forward. He ended up handing it over in May with glowing reviews that it totally supports the government’s case and so on. It had some numbers in it that the coalition did not particularly like, but at least it was in the public domain.

Since the implementation study was tabled we have had the draft heads of agreement with Telstra, which substantially changes the assumptions that McKinsey and KPMG were given to work with, and we have still as yet seen no government response to that implementation study. That was why we put that up as one of the two documents that we were requesting. Nobody outside the minister, NBN Co. obviously and a handful in the minister’s department have seen the business plan. I think it is entirely reasonable in the last sitting fortnight of this year, while a national parliament is proposing to debate the CCS bill; to debate Mr Turnbull’s, the member for Wentworth, private member’s bill; to debate the amendments that Mr Turnbull has put forward to the CCS bill; two motions for standing committees; and a new NBN bill that is going to come into this place I believe next week. Against a backdrop of all that activity—it is NBN week in the national parliament—the business plan is being withheld, apparently because it is so full of good news that we are not going to be able to see it. It is an overflowing pot of gold and that is the reason we are not going to be able to have that in our debate!

We want this document because it was meant to have gone to NBN’s board in May. That is how long this has been in play. It has been bouncing backwards and forwards within NBN Co. since approximately May. At the time, in Senate estimates committee hearings some time in the third or fourth week of May, Senator Conroy actually told the estimates committee that we would never get it. He said:

... it would be absurd to suggest or even think it is going to happen ...

That is what he told that estimates committee: ‘You’re never going to get it. You’re going to be shareholders in NBN Co., the business plan is extraordinarily good news all round, but you are not going to have it.’ Since then we have seen a gradual withdrawal from the proposal, because at the time I and a number of coalition senators contested that—that is, that there was no way that this material should not be put into the public domain—and now we see gradual backsliding to the point where at some stage it looked as though that material would go to cabinet last week, that it would then come up and we would be able to evaluate it in the
course of the debate on all of these matters that are in play at the moment.

We know for a fact that NBN Co. disagrees with some of the findings and some of the more important principles in the implementation plan. So there are major issues in play here that we are expected to be debating this week and next week and yet this material is not going to be put into the public domain.

There are a couple of things that need to happen. I think it is still possible for the Prime Minister and the communications minister to reconsider and, immediately after that cabinet meeting on Monday, for these documents be put into the public domain so that we can continue and at least play a part and try to do our job in evaluating this material while we are here on Capital Hill debating all these matters.

The second thing that needs to happen is that these deadlocks need to be broken. I believe Senator Cormann moved a couple of other matters earlier in the week, Senator Fisher moved another one through the chamber this very morning, and we still have material that is outstanding from years and years ago—that we have to just take the minister’s word for it that it is not in the public interest that it be handed over. So I will draw senators’ attention to the agreement that was signed between Senator Brown and the Prime Minister that was an important part of what allowed to the Labor Party to form government in the first place. It is in the agreement that is on the Australian Greens and the Senate office website. It is clause 3(e) in the agreement. I will just read it. I tried to do this in my two-minute statement by leave yesterday and ran out of time:

e) Refer issues of public interest disclosure, where the Senate or House votes on the floor against the decision of a Minister, to the Information Commissioner.—

this is a new post that has only just been established—who will arbitrate on the release of relevant documents and report to both Houses.

There is your independent umpire. The government has agreed to that. We will be moving very, very shortly to make sure that that agreement is put into effect so that never again we are faced with having to take the minister’s word for it that it cannot be released, it is not in the public interest, it hasn’t been to cabinet—take your pick of whatever your excuse might be.

But, of course, we will not be supporting the opposition’s motion, which effectively gags the minister. The minister has tried to blindfold the parliament; the coalition’s response is to try and gag the minister. Both sides are behaving very, very badly. That material needs to be put into the public domain so that all of these debates, not just the CCS bill, that are going on concurrently in the national parliament can take place with senators and members able to do their job.
On 20 June 2010 Telstra and NBN Co. announced that they had entered into a financial heads of agreement. That agreement provides for the progressive migration of customers from Telstra’s copper and pay TV cable networks to NBN Co’s new wholesale-only, fibre network as it is rolled out. This will deliver the ultimate structural reform of the telecommunications sector.

And here is the quote:

This legislation will create a framework to deliver this important reform.

So quite clearly you cannot deny that this bill is about the government’s $43 billion NBN, and anyone voting for this bill is for the government’s $43 billion network. Anyone who votes against this bill is against the $43 billion National Broadband Network, the way the government wants to roll it out. So it is an important issue, and I think it was important to have this debate on information about the $43 billion National Broadband Network and the business case. I have been assured by the minister that I will get a briefing from NBN Co. on the business case. On that basis, I have had that assurance—and others can seek that assurance if they want. On that basis, I will not be supporting this motion.

**Senator ABETZ** (Tasmania—Leader of the Opposition in the Senate) (1.07 pm)—I thank honourable senators for their contribution to this debate. At no stage in this debate have Labor told us any reason why they are hiding the business plan for the NBN from the Australian people until after the parliament rises. No reason has been advanced by the minister as to why these documents, which are clearly available, will be released as soon as the parliament rises—and that is what Labor are going to do.

We have had Senator Ludlam say to the media that the government would be making a serious tactical error if it continued to refuse to hand over this documentation. I say to the Greens that there is a very real opportunity for them to show that they not only mean those words but are actually going to follow them up with action. Senator Ludlam went on to say in the same interview that the Greens would not use this issue as a reason to block legislation. I suggest that that is a serious tactical error on the Greens’ part. They are saying to the government: ‘We are all huff and puff on this issue, but don’t worry, there won’t actually be any practical consequences as a result of you defying Senator Ludlam’s motion’—which is co-sponsored by Senator Birmingham. I am astounded that they say there are serious consequences but are not actually going to do anything about it. That is a matter of some regret, I must say, from the coalition’s perspective.

We are told in today’s *Financial Review*—and I assume this is correct—that Senator Ludlam and the Greens have been offered a secret briefing subject to signing a nondisclosure statement. I assume that the same has been offered to Senator Fielding. The same is being offered to Senator Xenophon. It is a pity, but I do not think any coalition senator has been offered a similar deal. But what is the benefit of a secret briefing if you cannot tell the Australian people what you are actually told in that briefing, let alone seek outside independent advice as to whether the material you are given in the briefing is true, correct, robust and reliable? With great respect to our crossbench senators, the government has thrown them a bone and, unfortunately, they accept it not realising that the bone does not have any genuine substance. I have got to give it to Senator Ludlam that he at least said in the media—as reported today—that it was a matter of concern. He said it was good for him to get a private briefing but what about everybody else? The coalition have not been offered that and I have not
been offered that. Some others in my party may have been offered that. If the government are willing to brief one senator secretly, they should be prepared to advance that offer to every single senator in this place. But they have not. Of course, this is a government that likes to deal in secrecy. They had the secret deal with the miners, they have secrecy surrounding their climate change committee and now it is secret briefings on a $43,000 million infrastructure project for which we still do not have a business plan or a government response to the implementation plan.

My dear friend Senator Xenophon has said to the media:
Every day the Government held up releasing the plan was a day its case was diminished. The government can expect a much rockier ride with its legislation unless the business plan is released in the next couple of days.

Well, there is an opportunity for my dear friend Senator Xenophon to give the government a rockier ride by actually agreeing to put a rock on the road and force the government to account—but, once again, Senator Xenophon is the beneficiary of the offer of one of these secret briefings.

Senator Xenophon—Mr Acting Deputy President, on a point of order: I have had an offer of a briefing. Senator Abetz is making certain assertions—

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—That is not a point of order. What is your point of order?

Senator Xenophon—My point of order is that I will not be signing any confidentiality agreement.

The ACTING DEPUTY PRESIDENT—You have made your point.

Senator ABETZ—That is a very, very useful contribution to the debate because methinks Senator Xenophon will now not be getting the briefing—or, if he does, we will have to ask: why is it that the Greens have to sign a nondisclosure document but Senator Xenophon does not? The government treats the crossbenchers with absolute contempt. Senators on the crossbench are being tied up in different ways. Senator Xenophon, I think you might be in a more privileged positioned than the Greens who have actually formed an alliance with this government. We do not know why you got that privileged position but it will be interesting to see whether or not you are provided with that detailed briefing.

Whilst I am talking about matters in the media, today the Prime Minister, Ms Gillard, promised to put a fine toothcomb through the business case for the broadband network before it is publicly released. So here we are, with the Prime Minister saying she still has not put the fine toothcomb through the business plan. But we are rolling out the National Broadband Network. We are committed to $43,000 million worth of expenditure; we have legislation before us that we should be voting on in the next few days—but neither she nor the cabinet have been through the business plan with a fine toothcomb. How on earth can any responsible government commit itself to legislation and to the rollout of a program without a business plan, let alone one that has had a fine toothcomb put through it? So it seems that we should be passing the legislation and going on with the rollout—and then, somewhere along the way, we might consider whether or not we should be putting a fine toothcomb through the business plan.

In a previous part of this debate, we were told that the opposition motion was too extreme. That was told to us by the Greens. I must say, I always find it interesting when the Greens assert that something is too extreme! All I would say is that I think that term ‘extreme’ was used as a fig leaf to try to cover up the transparency of their deal in the Labor-Green alliance. If it was too extreme then, given all the time that has passed, I
would have thought that the Australian Greens could have said to us: ‘We don’t agree with this particular paragraph or that particular paragraph; delete those. Remove the extreme elements of the motion’—whatever they are—‘and we will support you.’ But no such offer was made; no such suggestion was made. That suggests to me that this was just a ruse to try to get them out of supporting this motion.

So what the Greens—and, with respect, the crossbenchers—have been saying to the government is: ‘We’re angry with you. And, to prove it, we’re going to say so publicly in a press release—so there! Take that, you fiends! But then, of course, we’ll vote for your legislation.’ I am sure Senator Conroy is in his office laughing at the crossbenchers and all their public protestations. Senator Conroy is interested in only one thing: the passing of the legislation—that is all he is interested in. We could require the government, if we had the will—and the coalition has the will; it is up to the crossbenchers to decide if they have the backbone and the will—to force the government to hand over this vital information before we pass the legislation and consider matters NBN any further. So, for all the sabre rattling by the crossbenchers as to how angry they are, they are not even willing to unsheathe the sabre and go in for the fight. So it has all been rattle, rattle, rattle in the sheath, but no unsheathing of the sabre and saying, ‘Government, this is a fundamental principle on which we will take you on.’ I really cannot imagine a more important matter than this—a $43,000 million taxpayer liability—to have examined, and for which to have a business plan, and to have that in the public domain so that we can actually discuss and consider the robustness of it all.

Senator Conroy’s contribution was highly irrelevant and somewhat bizarre. I think that it shows he still has not graduated from the high school debating team because, for all the hyperbole and insults, he did not actually deal with the issue at stake. I say to him—leaving aside the mere sloganeering and the mere repetition of the names of little towns all around Australia that might be getting broadband: if it is all that good, then just give us the business plan. In his 20-minute or so contribution, he did not outline to the Australian people why the business plan has not been released and why the government’s response to the implementation study has not been released. At one stage, he sort of suggested that it might be because cabinet might want to consider something. He did not say, ‘Cabinet still has to consider’; he just put it up there like flying a kite. We do not know if that is actually the reason or not. I simply say to the minister and, again, to the crossbenchers: if we are to believe, at face value, Senator Conroy’s assertion about cabinet possibly wanting to consider the documentation, don’t you, crossbenchers, think that that actually should have been considered prior to the drafting and submitting of this legislation to this parliament—that those matters should have been considered by cabinet before changing from a $4.7 billion National Broadband Network policy to one 10 times the size: $43 billion worth.

So we have had all the words from the crossbenchers, with Senator Xenophon telling us about his absolute disappointment, how infuriating it was, how the communications standards were Third World—you see, Senator Xenophon, I was taking notes. So we have had all that. But the acid question is: will you do something about it? We know that, on this motion, the answer is no. Hopefully, next week there may be some strength to your arm on this and you might give the legislation a genuinely rocky ride—not like today where you attacked the government with a limp lettuce leaf and said, ‘This is how angry we are—but, really, we’re not
going to do anything about it.' To sum up: if we do not pass this, it will show that our friends on the crossbenches are great in the media and get all the publicity but, when it comes to the crunch, they are all sizzle but no sausage. There is no substance there, and that, from our point of view, is disappointing.

This was a first, very real, opportunity for the Australian Greens, in particular, to make a stand and say that, whilst they are in an alliance with the Labor Party, they will not subject their so-called principles to the executive of Labor. Clearly, they have. They have, on this occasion at least, shown themselves willing to be a doormat for the Australian Labor Party. I hope they will not do so in the future.

Unfortunately, judging by the speeches—unless a rush of common sense has since overtaken those on the cross benches—this motion will not be carried and the Minister for Broadband, Communications and the Digital Economy will be chuckling in his office at the weakness of the crossbenchers on this important principle. He will be chuckling and treating the crossbenchers with contempt as he gives his ministerial statement this afternoon, and the Senate’s motion for production of documents—

**Senator Xenophon**—We’ll see who gets the last laugh!

**Senator ABETZ**—Senator Xenophon right: he who laughs last always laughs the longest. Senator Conroy, I predict, is chuckling and laughing in his office. I hope that he will not have the last laugh and, as a result, some other matters will arise next week in relation to the legislation before us. This is a fundamental principle for the opposition. The Australian people demand it. To not require it and to put up a barrier to the government to show that the Senate is saying, ‘Enough is enough,’ on this matter shows that our friends on the crossbenches are great with the media and great with the spin but when it comes to the crunch—when it comes to the substance—they are found wanting.

**Question put:**

That the motion (Senator Abetz’s) be agreed to.

The Senate divided. [1.28 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes………… 34
Noes………… 36
Majority……… 2

AYES

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

NOES

Arbib, M.V.  
Bishop, T.M.  
Brown, C.L.  
Collins, J.  
Conroy, S.M.  
Conroy, S.M.  
Carr, K.J.  
Fielding, S.  
Furner, M.L.  
Hogg, J.J.  
Hutcheson, S.P.  
Ludwig, J.W.  
Marshall, G.  
McLucas, J.E.  
Moore, C.  
Bilyk, C.L.  
Brown, B.J.  
Cameron, D.N.  
Crossin, P.M.  
Feeney, D.  
Forshaw, M.G.  
Hanson-Young, S.C.  
Harley, A.  
Ludlam, S.  
Lundy, K.A.  
McEwen, A. *  
Milne, C.  
Polley, H.
Debate resumed from 27 October, on motion by Senator Farrell:

That this bill be now read a second time.

Senator COLBECK (Tasmania) (1.31 pm)—I rise to make my contribution on behalf of the opposition to the second reading debate on the Fisheries Legislation Amendment Bill (No. 2) 2010. The bill amends the Fisheries Management Act 1991 to strengthen Australia’s capacity to deter and eliminate illegal fishing in Australian waters. This is an issue that is quite important to us, particularly with respect to some of the valuable fisheries in the southern oceans. It is important that we do this work on illegal fishing and it is unfortunate that the government does not see it as so important. We have already seen a circumstance where, a couple of years ago, Australia’s vessel—which I think Senator Macdonald and Senator Abetz put in place to look after the Southern Ocean—was so busy chasing asylum seekers in Australia’s northern waters that we had to get the French to do the work for us. We had to subcontract our role to the French in respect of protecting our Southern Ocean fisheries, which is an absolute disgrace. It was quite embarrassing for AFMA to find out at estimates—after having budgeted for four trips down there during this financial year—that we were only sending a vessel that they could go on down there three times.

So the government is not taking this as seriously as it possibly could. This legislation assists us with the co-management of these fisheries in conjunction with countries like France, to maintain the circumstances where there is as little illegal fishing in the Southern Ocean as possible. The bill strengthens arrangements for Australia and France to cooperatively enforce fisheries laws in the Southern Ocean with respect to their exclusive economic zones and clarify the defence that currently enables masters of foreign fishing vessels to plead the right to pass through the Australian Fishing Zone to fish in Australian state and Northern Territory coastal waters.

The legislation will also simplify the regulatory regime administered by AFMA enabling regulations to prescribe common conditions that apply to the holders of fishing concessions across different fisheries. It simplifies the requirements for amending fisheries management plans to remove conditions that are prescribed for regulations or otherwise which are redundant. This legislation will allow AFMA to charge Commonwealth and state agencies for the provision of services under the existing section 94 of the act.

As well as importantly increasing our cooperative capacity to manage our zones the bill provides some tidy-up measures in relation to the management of fisheries in Australian waters. One important element that it provides is in enabling AFMA to make its expertise in fisheries management available to Commonwealth, state, territory or overseas agencies—for example by making trained fisheries observers available for the use of state or territory fisheries management agencies or by sharing its technical expertise. Our technical expertise is quite considerable and Australia is recognised as having some
of the best fisheries management in the world. I think that it is really important to take that into account when considering some of the other policies that the government is considering at the moment—particularly the introduction of marine protected areas because I know our fisheries industries are significantly concerned about their potential impact. They are also concerned about the government’s progress on the process with respect to marine protected areas, particularly the government’s unwillingness to date to release the displaced effort plan, which will give an indication of what capacity there is for compensation in the development of those marine protected areas. The industries are also concerned about the government’s unwillingness to put some of the science on the table.

The opposition is more than happy to support these important measures. We urge the government to take more seriously its role in advocacy for the commercial fishing sector and the recreational fishing sector in Australia. The government has let these industries, which are very important in respect of providing food and protein for the Australian community, feel as though they are without advocacy and without support. I urge the government to raise their sights in respect of that but the opposition is prepared to support this legislation.

Senator IAN MACDONALD (Queensland) (1.36 pm)—I will not detain the Senate for too long. I just want to support my colleague’s contribution and congratulate Senator Colbeck on the very fine job he is doing in holding the government to account in the fisheries area. Senator Colbeck has spent some time explaining the provisions of the bill. I want to briefly comment on arrangements with other nations to assist with looking after fisheries. I again commend our relationship with the French, particularly in the Southern Ocean, in protecting the very valuable and relatively rare Patagonian toothfish, which lives in the Southern Ocean and is harvested in a very controlled way by France and Australia, amongst other nations.

Ten or so years ago there was a push by pirates to take the Patagonian toothfish to such an extent that the species was in danger of disappearing from the planet. It was at that time that Australia and other nations embarked upon a lot of activity to protect the southern waters and the Patagonian toothfish. The toothfish is a magnificent table fish. It is highly sought after around the world and brings a very strong price. There are a couple of licence holders in Australia and they are able to harvest it in a very controlled and defined way. It is a way of protecting the species but allowing the magnificent fish to reach some people’s tables.

Over the years, the French have been very close allies of ours in looking after the Southern Ocean and the French territory around Kerguelen Islands. The French, out of the island of Reunion, have a very sophisticated military base to look after and help protect that territory. Like Senator Colbeck, I am very concerned that the Oceanic Viking, which the Australian government leased specifically to protect Southern Ocean waters, is being used for matters not related to protection of fisheries. I well remember commissioning two 50-millimetre machineguns for the Oceanic Viking to give the ship some real power to enforce Australian and international laws where appropriate on the high seas. It seems to me to be another indication of the mismanagement of the Rudd and Gillard governments that this ship, instead of doing what it was built for and acquired for—that is, protecting our waters and the waters of other nations against pirate fishing—ended up being a floating hotel for illegal immigrants in northern waters. The Labor government cannot protect our borders and cannot properly manage the refugee system as it
relates to Australia. It is a shame that vessels that were acquired for other purposes have to be used in this way to simply try and overcome the deficiencies of the current government.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.41 pm)—I table a supplementary explanatory memorandum relating to government amendments to be moved later in the process of this bill. That memorandum was circulated in the chamber on 17 November.

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop)—The question is that the bill be read a second time.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator Carr—I seek leave to move all the government amendments in a block. I understand that they are agreed to.

Leave granted.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.42 pm)—I move:

(1) Clause 2, page 2 (table item 2), omit the table item, substitute:

2. Schedule 1 and 2

The 28th day after this Act receives the Royal Assent.

(2) Clause 2, page 2 (at the end of the table), add:

3. Schedule 3, Parts 1 and 2

The 28th day after this Act receives the Royal Assent.

4. Schedule 3, Part 3

The later of:

(a) the 28th day after this Act receives the Royal Assent; and
(b) the day the Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands that was done at Paris on 8 January 2007 comes into force.

However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur before 30 June 2011.

The Minister must announce by notice in the Gazette the day the Agreement comes into force for Australia.

(3) Schedule 3, page 6 (after line 2), after the Schedule heading, insert:

Part 1—Co-management arrangements and other regulatory reforms

(4) Schedule 3, page 9 (after line 11), at the end of the Schedule, add:

Part 2—Illegal transiting of Australian fishing zone

12 Paragraph 101(1)(d)

Repeal the paragraph, substitute:

(d) the boat’s fishing equipment is stowed and the boat is travelling, by the shortest practicable route, through the AFZ from a point beyond the outer limits of the AFZ to another such point; or

13 Paragraph 101A(4)(d)

Repeal the paragraph, substitute:

(d) the boat’s fishing equipment is stowed and the boat is travelling, by
the shortest practicable route, through the AFZ from a point beyond the outer limits of the AFZ to another such point; or

14 Paragraph 101AA(2)(d)
Repeal the paragraph, substitute:
(d) the boat’s fishing equipment is stowed and the boat is travelling, by the shortest practicable route, through the AFZ from a point beyond the outer limits of the AFZ to another such point; or

(5) Schedule 3, page 9 (after line 11), at the end of the Schedule (after proposed Part 2), add:

Part 3—Cooperative Enforcement Agreement

15 Subsection 4(1)
Insert:
cooperative enforcement has the meaning given by section 84B.

16 Subsection 4(1)
Insert:
Cooperative Enforcement Agreement has the meaning given by section 84B.

17 Subsection 4(1)
Insert:
in international officer has the meaning given by section 84B.

18 After section 84AA
Insert:
84B Cooperative Enforcement Agreement

Purpose
(1) The purpose of this section is to implement the Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands that was done at Paris on 8 January 2007 (the Cooperative Enforcement Agreement).

Note 1: In 2010, the text of the Agreement was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

Note 2: The Agreement should be read together with the Treaty between the Government of Australia and the Government of the French Republic on cooperation in the Maritime Areas Adjacent to the French Southern and Antarctic Territories (TAAF), Heard Island and the McDonald Islands, that was done at Canberra on 24 November 2003. The text of the Treaty is set out in Australian Treaty Series 2005 No. 6 ([2005] ATS 6). In 2010, the text of a treaty in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

International officers

(2) An international officer may, for the purposes of conducting cooperative enforcement, exercise any of the powers of an officer in this Division. In doing so, the international officer is taken for the purposes of this Act to have exercised the power as an officer.

(3) The regulations may prescribe conditions for the exercise of a power by an international officer.

(4) Subsections 84(4) and (6) apply in relation to the exercise of a power by an international officer as if references in those subsections to the officer’s identity card were references to a document:
(a) issued by an officer; and
(b) identifying the international officer as an international officer authorised to conduct cooperative enforcement.

(5) An international officer is not liable to any civil or criminal proceedings in respect of anything done or omitted to be done in good faith in the exercise or purported exercise of a power conferred on an international officer by subsection (3).
Office of the Australian Parliament

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.43 pm)—I move:

THAT this bill be now read a third time.

Bill read a third time.

BUSINESS

Rearrangement

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.43 pm)—I move:

THAT government business order of the day no. 5 (Radiocommunications Amendment Bill 2010) be postponed till the next day of sitting.

Question agreed to.

CORPORATIONS AMENDMENT (No. 1) BILL 2010

Second Reading

Debate resumed from 27 October, on motion by Senator Farrell:

THAT this bill be now read a second time.

Senator CORMANN (Western Australia) (1.44 pm)—The coalition has a long and proud record when it comes to improving Australia’s corporate legal framework. The former, coalition government certainly initiated a lot of reforms, including the clarification of Australia’s corporate framework in the Corporations Act 2001. Also in government we oversaw the Corporate Law Economic Reform Program, which was an ongoing program of reform to further clarify and strengthen Australia’s corporate law. In fact, my distinguished predecessor, former Senator Ian Campbell, was a driving force behind many of those CLERP reforms.

The coalition is broadly supportive of the whole bill. We will be supporting the legislation today. However, we did have some concerns, which were expressed in the additional comments in the Senate Economics Legislation Committee report, around some of the additional powers to be granted to ASIC. However, David Bradbury, the Parliamentary Secretary to the Treasurer, very constructively came up with a solution to those concerns. I will seek to table at the conclusion of...
my remarks, the letter from Mr Bradbury outlining some of the safeguards he and ASIC will pursue to make sure that some of our concerns are addressed.

Principally this bill will make it more difficult to obtain access to private information kept on company registers. For instance, the measures will require persons seeking a copy of the company register to apply to the company and state the purpose for which they will use the register. At the moment anyone can demand a company’s register, which contains shareholder names and contact details. This information can and at times has been used to target vulnerable shareholders with unsolicited off-market offers on unfavourable terms, which of course is something that none of us would support. It is a predatory practice which has resulted in vulnerable people being taken advantage of.

Secondly, the bill will increase the criminal penalties associated with breaches of the insider-trading and market misconduct provisions in part 7.10 of the Corporations Act. We support those changes. However, the bill will also permit ASIC to apply for a search warrant without first having to issue a notice to produce material sought by the warrant. The current arrangements provide those under investigation with an opportunity—the government tells us—to destroy incriminating material before a search warrant can be issued. The coalition is always loath to increase the arbitrary power of government entities without a valid public interest justification. That is why we wanted the Senate economics committee to give the bill a more detailed examination. The committee handed down its report on 16 November, and I congratulate Senator Bushby for his contribution as the deputy chair of the Senate Economics Legislation Committee.

The report identified some areas in which the bill could and should be improved. For instance, ASIC should report the number of times it uses its new powers and what they have been used for. We are particularly keen to see the share registry provisions of this bill passed, so we have accepted ASIC’s assurances that it will publish such details. In due course we shall seek to mandate such publication.

Moreover the government has acknowledged the arguments of the coalition senators’ additional comments in the report. The government has agreed that it will consider these sorts of amendments in future corporation amendment bills. So, in the interests of facilitating timely passage of this legislation and accepting the good faith of the government, we have accepted to deal with this as non-controversial legislation today. I now seek leave to table the correspondence from Hon. David Bradbury to me including the attachment from ASIC.

Leave granted.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.48 pm)—I take this opportunity to table a replacement explanatory memorandum relating to the Corporations Amendment (No. 1) Bill 2010. The memorandum responds to concerns raised by the Scrutiny of Bills Committee. I thank all senators for their contribution.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

AVIATION CRIMES AND POLICING LEGISLATION 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 BRANDIS (Queensland) (1.49 pm)—The purpose of this bill is to strengthen the existing legislative framework surrounding Australia’s international and domestic aviation security regime by ensuring that aviation related crimes carry appropriately severe penalties and by making sure that an appropriate range of offences are applicable. Under the amendments in this bill, the penalties in the act will fall within four tiers. The severity of the penalty in each tier corresponds with the type of offence falling within each tier.

Tier 1 provides for life imprisonment to continue to apply to offences such as hijacking or destroying an aircraft while it is in flight. The attempted terrorist bombing of American flight NW 253 would have fallen within this tier if it had occurred on an Australian interstate or overseas flight.

Under tier 2 a maximum penalty of 20 years imprisonment will apply to very serious offences that pose danger or cause harm to whole groups of people, such as endangering an aircraft while it is in flight. Offences in this tier have had their maximum penalties raised from a range of seven, 10 or 15 years.

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

Finally, tier 4 provides for imprisonment for up to 10 years for offences such as hoaxes and taking control of an aircraft, which currently carry maximum penalties of two and 10 years respectively.

The amendments also support the move from the current unified policing model to an all-in policing and security model at airports, whereby the Australian Federal Police will be responsible for policing at Australia’s 11 major airports. Under these changes, the AFP will take full control of the community policing role at the 11 airports, replacing the hybrid model involving the AFP and state or territory police officers. The AFP will also move to a fully sworn presence, so that all AFP personnel deployed at the airport will have the same training and powers. This will involve a three- to five-year transition period.

The all-in mode was an outcome recommended by the Federal Audit of Police Capabilities which was conducted by Mr Roger Beale AO in 2009. The government’s response to the Beale report and its decision to make changes to airport policing arrangements were announced by the Minister for Home Affairs on 18 December 2009.

The coalition fully supports measures designed to ensure the safety and integrity of our airports and aviation facilities. We regard this legislation as carrying on the work of reform conducted during the course of the Howard government. Accordingly, we are pleased to support the bill.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.52 pm)—I wish to table an addendum to the explanatory memorandum relating to the Aviation Crimes and Policing Legislation Amendment Bill 2010. I take this opportunity to thank senators for their contributions.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

CRIMES LEGISLATION 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 BRANDIS (Queensland) (1.53 pm)—The Crimes Legislation Amendment Bill 2010 enhances the powers available to the Australian Federal Police. It also provides the Australian Crime Commission’s Chief Executive Officer with powers similar to those of the AFP Commissioner to deal appropriately with staff who engage in serious misconduct and corruption. The bill will align the dismissal powers of the CEO of the ACC to deal with serious misconduct and corruption with those of the AFP Commissioner, provide more flexible arrangements for appointing ACC examiners and extend the application of certain search related provisions in the Crimes Act that currently only apply to searches conducted under warrants in relation to premises so that they also apply to searches conducted under a warrant in relation to a person.

The bill will also insert rules to govern when documents produced under division 4B, part 1AA of the Crimes Act must be returned; streamline and extend provisions governing applications for and determination of orders in relation to things seized and documents produced under part 1AA of the Crimes Act; allow the AFP Commissioner to delegate responsibility for dealing with things seized and documents produced under part 1AA of the Crimes Act to Commonwealth officers legitimately in possession of such items; introduce a new standing power for the AFP to take fingerprints and photographs of arrested persons when taking them into custody in relation to a Commonwealth offence; and amend the Australian Federal Police Act to enable the commissioner to authorise a payment in special circumstances that arise out of or relate to the person’s engagement as an AFP appointee.

In the annual report of the Australian Crime Commission for 2007-08, the Parliamentary Joint Committee on the Australian Crime Commission is quoted as having recommended:

... that the Australian Government review existing arrangements for the suspension and dismissal of Commonwealth law enforcement agency employees believed on reasonable grounds to have engaged in serious misconduct or corruption, and that the Government take action as appropriate, bearing in mind the need to respect the rights of employees.

This followed a similar recommendation by the Parliamentary Joint Committee on the Commission for Law Enforcement Integrity in its report on law enforcement integrity models. The PJCACC noted the dismissal power available to the AFP and stated:

... it is of concern to the committee that ACC employees suspected of serious misconduct or corruption remain within the organisation and may seek to jeopardise investigations, thereby potentially compromising the security of the ACC’s operations.

The bill addresses these important concerns. It is uncontroversial and has the coalition’s support.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.52 pm)—I table an addendum to the explanatory memorandum relating to the Crimes Legislation Amendment Bill 2010 and thank senators for their contributions.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.
HIGH WER EDUCATION SUPPORT AMENDMENT (FEE-HELP LOAN FEE) BILL 2010

Second Reading

Debate resumed from 17 November, on motion by Senator Feeney:

That this bill be now read a second time.

Senator MASON (Queensland) (1.56 pm)—The Higher Education Support Amendment (FEE-HELP Loan Fee) Bill 2010 seeks to increase the amount of FEE-HELP debt for fee-paying undergraduate students from 120 per cent to 125 per cent of the FEE-HELP loan. While this bill partly implements recommendation 37 of the Bradley review of the higher education sector, the Australian Council for Private Education and Training opposes the bill as it believes it will add an additional burden on students and further entrench the inconsistent treatment of students in public and private higher education institutions.

The coalition is not unsympathetic to the views put forward by stakeholders such as ACPET, particularly in the private higher education sector. The current student income support system is too complex and contains many anomalies and inconsistencies in the treatment of various categories of students. For that reason the coalition remains committed to instituting a wide-ranging review of student support systems when in government with a view making the system simpler and fairer; however, the opposition supports the bill.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.57 pm)—I thank the senator for his contribution.

Question agreed to.

Bill read a second time.

INTERNATIONAL FINANCIAL INSTITUTIONS LEGISLATION AMENDMENT BILL 2010

Second Reading

Debate resumed from 17 November, on motion by Senator Feeney:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (1.58 pm)—The International Financial Institutions Legislation Amendment Bill 2010 authorises subscription to additional capital stock in the International Bank for Reconstruction and Development, part of the World Bank. It also incorporates sensible changes to articles of agreement to the International Finance Corporation and to the Multilateral Investment Guarantee Agency Convention. Consistent with longstanding bipartisan support for Australia’s commitment to international financial institutions, including the World Bank, the opposition supports this legislation.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.58 pm)—I thank the senator for his contribution.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

QUESTIONS WITHOUT NOTICE

Broadband

Senator JOYCE (2.00 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Does the minister remember that he said in his statement on Sky News’s Agenda this morning, ‘The National Broad-
band Network is not mentioned in the bill that’s being debated before the parliament? Was this statement correct?

Senator CONROY—I am pleased to say that Senator Joyce has donned his clown suit for question time—

The PRESIDENT—Senator Conroy, just answer the question.

Senator CONROY—Thank you. We are in a situation here where Senator Joyce seeks to completely misrepresent. I invite Senator Joyce to actually read the substance of the bill. Take all the time you need and read the bill, because the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 is a fundamental and historic microeconomic reform and is in Australia’s long-term national interest. The reforms are designed to reshape regulation in the telecommunications sector in the interests of consumers, business—

Honourable senators interjecting—

The PRESIDENT—Senator Conroy, it might help if you resume your seat for a moment. When there is silence in the chamber we will proceed.

Senator CONROY—The matters that relate to the NBN in the CCS bill are designed to give industry the legislative certainty to make a smooth transition to the National Broadband Network environment. The bill is describing a deal between Telstra and the NBN. It is not about the NBN. Let us be very clear. It is about a deal between the two companies.

Senator Joyce—Mr President, I rise on a point of order on relevance. Was his statement that he made on Sky’s Agenda this morning—that the National Broadband Network is not mentioned in the bill—correct?

The PRESIDENT—There is no point of order. I believe the minister is answering.

Senator CONROY—As I was saying, the matters that relate to the NBN in the CCS bill are designed to give industry the legislative certainty to make a smooth transition to the National Broadband Network. I can understand those opposite wanting to try to create some colour and movement today. They tried to defeat the CCS bill in the other place and they lost. They tried to get a cost-benefit analysis up in the other place and they lost. Then, just a few minutes ago in this chamber, they tried to gag debate on this bill. (Time expired)

Senator JOYCE—Mr President, I ask a supplementary question. A second reading speech by Minister Albanese in the other chamber stated:

The Bill sets out a clear process for Telstra to seek approval from its shareholders on a proposal to migrate its customer services to the NBN …

Was this statement correct?

Senator CONROY—Yes, the bill sets out a deal that NBN are involved in between Telstra and the NBN. It is not about the National Broadband Network. The bill has nothing to do with the NBN. It is about a deal between the NBN Co. company and Telstra. But, as I was saying, just a short time ago in this chamber they tried to block debate on this bill yet again and they lost. Three times they have now tried to block this bill and block the rollout of the National Broadband Network and three times they have lost. I can understand that they want to come in here and create some colour and movement to hide the fact that the parliament continues to take the enlightened view about the future. (Time expired)

Senator JOYCE—Mr President, I ask a further supplementary question. If the minister does not know that the NBN was actually mentioned in his bill, if he is not aware of what Mr Albanese in the other place said about this bill, if he is not prepared to table
the business plan for this bill and if he is not prepared to send it to the Productivity Commission for more forensic analysis, can we trust him to set up a $43 billion organisation, or is he just $43 billion out of his depth?

Senator CONROY—As I said, Senator Joyce has come in here to help try to create a bit of cover for the fact that those opposite have lost three key votes in a row. You are on a roll, Rumpole! Three strikes you have had. Each and every attempt that those opposite have made in the last week to block the rollout of the National Broadband Network has failed, as it deservedly should.

Senator Ronaldson interjecting—

Senator CONROY—I will take that interjection from the shadow minister for veterans’ affairs.

The PRESIDENT—Senator Conroy, you are to ignore interjections and address the question that is before the chair—and address the chair.

Senator CONROY—You are right; I should not be provoked by the shadow minister for veterans’ affairs. I accept your guidance. But let us be clear; the people—(Time expired)

Hospitals

Senator CAROL BROWN (2.07 pm)—My question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig, and relates to the importance of ongoing reform across the healthcare system. Can the minister inform the Senate of the government’s commitment to the delivery of national health and hospital reform?

Senator LUDWIG—I thank Senator Carol Brown for her question and I note her continuing interest in health and hospital reform. When it comes to delivering health and hospital reform, this government has runs on the board. I will first address and update the Senate on what this government is doing in order to make health care more accessible to our local communities. The government is committed to training 6,000 extra doctors over 10 years and up to 12,000 more undergraduate students in clinical settings, and we are also establishing 4,600 extra nurses in GP superclinics. The purpose of these commitments to healthcare reform is to get the healthcare system working for local communities, ensuring that it is easy to see and contact a doctor when one is needed. The government will continue to deliver on ways to connect Australians to specialists and after-hours GPs. Accessibility to GPs at any hour of the day when they are needed will be increased with the introduction of 495,000 telehealth consultations.

In our hospitals, the government is also working to bring reform to a system that was neglected by inaction over the long Howard years, overseen by the then Minister for Health and Ageing, Mr Tony Abbott. The Gillard government is delivering new projects designed to boost performance of elective surgery and emergency departments. This includes building new operating theatres and increasing the number of emergency room beds. For hospitals to treat patients in clinically recommended times, the government will be providing rewards. Further, the government is funding 1,300 extra subacute beds, including palliative, rehabilitation and mental health beds in our health and hospital system. These reforms will ensure our hospitals can have the resources they need to keep delivering better health care throughout Australia. (Time expired)

Senator CAROL BROWN—Mr President, I ask a supplementary question. Can the minister inform the Senate of the action that the government is taking to bring health and hospital reform right across Australia? I ask particularly for a focus on the programs and strategies the government is utilising in rural and regional Australia.
Senator LUDWIG—This government is committed to seeing that health and hospital reform in our rural and regional communities is delivered. To ensure that people in all Australian cities and towns have access to local doctors and health care, the government is committed to providing incentives to health professionals who choose to work in our rural and regional communities. This government’s $134.4 million rural health workforce strategy is designed to encourage doctors to work in some of the most isolated rural communities and, of course, to keep them there. As a result of this strategy, there are around 500 newly eligible communities and 2,400 doctors being supported to provide invaluable health care in rural and regional communities. It does not end there. The government has demonstrated its determination to provide for rural and regional Australian health systems by funding—(Time expired)

Senator CAROL BROWN—Mr President, my further supplementary question is regarding the use of electronic health records. Can the minister provide to the Senate an update on the role of e-health within health and hospital reform and also note any impediments to these reforms?

Senator LUDWIG—The government is determined to include e-health solutions in national health and hospital reforms and we expect the opposition to come on board. The government is determined to introduce electronic health records to save time and money in healthcare systems and reduce medical errors. Right now, 190,000 admissions each year are caused by medical errors. By introducing electronic health records to our health and hospital system, those errors can be reduced.

The Liberals must think that medical errors are acceptable. They opposed our e-health reform at the recent election and now continue this base political opposition to good reform. Having nationally accessible personal healthcare records that work to assist the patients, physicians and wider system simply makes sense. I am not surprised, though, that the Liberals oppose e-health. Their party is led by a former health minister. (Time expired)

**Broadband**

Senator BRANDIS (2.12 pm)—My question is directed to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Why does the minister continue to treat the Senate with contempt by refusing to comply with the resolution requiring him to lay on the table by yesterday the National Broadband Network business plan and the government’s response to the McKinsey and Co. and KPMG implementation study?

Senator CONROY—The argument around the NBN business case is very simple. This is a very detailed and complex document. It is 400 pages long. There is nothing unreasonable about the cabinet wanting to be briefed on this before it is released publicly—absolutely nothing wrong. There are some who keep trying to say that the NBN business case must have something to hide, that there must be a problem.

Senator Brandis interjecting—

Senator CONROY—I want some of what you’re smoking, George.

The PRESIDENT—Order! Senator Conroy, address your comments to the chair.

Senator CONROY—I was unadvisedly responding to the interjections, Mr President. There are some who are trying to say that there must be a problem. These are the same people who tried to tell us that I had sent the McKinsey report back to be redone, that I was spending $2 million to have it reworked so it would be more appropriate, that there were huge problems. Every single one of
those assertions is wrong, just as they are dead wrong about the NBN business case. There is nothing unreasonable about wanting the cabinet to have a chance to review this important document.

Senator Ian Macdonald—Why?

Senator Brandis interjecting—

The PRESIDENT—Order! Senator Conroy, ignore the interjections. The interjections should cease. Senator Conroy is entitled to be heard. If this is to be debated, there is time at the end of question time and there is also time in general business this afternoon.

Senator CONROY—Those opposite are determined to ignore the NBN implementation study. They fail to understand the growing importance of high-speed broadband and the inevitable growth in bandwidth over the coming years. (Time expired)

Senator BRANDIS—Mr President, I ask a supplementary question. Why does the minister continue to treat the Australian people with contempt by concealing from public and parliamentary scrutiny the business plan and implementation study underlying the expenditure of $43 billion of taxpayers’ money?

Senator CONROY—Yet again we see those opposite build a question based on a false premise—$43 billion of government money. This is just wrong. The implementation study and Mike Quigley have both said that the actual taxpayers’ injection is $26 billion to $27 billion. Just for the record, the whole premise of the question is flawed and incorrect, but those opposite seek to destroy and demolish the NBN. Senator Macdonald or Senator Brandis should go out there and hold a town hall meeting in Townsville, where we are rolling out the NBN, and tell those people who are desperate for high-speed broadband why they cannot have it. Those opposite who are senators from South Australia should go to Willunga and tell those people why they cannot have it. (Time expired)

Senator BRANDIS—Mr President, I ask a further supplementary question. How can the Australian people have any confidence in a minister who will stop at nothing to hide from scrutiny the business case for the largest infrastructure project in Australian history? Is this another example of a government long on cunning and short on courage, or is the minister simply out of his depth?

Senator CONROY—The whole question, again, is based on a false premise. We have said that, subject to commercial-in-confidence issues, we will release the key information from the National Broadband Network business case. That National Broadband Network business case reinforces the findings of the McKinsey report. The findings of the McKinsey report were that the NBN is viable and will deliver—

Opposition senators interjecting—

The PRESIDENT—Order! Senator Conroy, resume your seat. When there is silence, we will proceed.

Senator CONROY—The NBN business case reinforces what the McKinsey report showed: that the NBN is financially viable, will deliver a return to the taxpayers and will deliver cheap and affordable broadband to all Australians. (Time expired)

Whaling

Senator BOB BROWN (2.18 pm)—My question is to the minister for the environment. I ask: what is the progress in Australia’s case against Japan on whaling in the International Court of Justice in The Hague? Is the Australian government seeking an injunction to prevent the whaling of Australia’s whales, the humpbacks and the southern right whales—we have seen a fantastic display at Cape Pillar in Tasmania just this
week—when they arrive back in Antarctic waters?

Senator Chris Evans—Mr President, I query who the question is directed to. The minister for the environment is not in this chamber, I presume Senator Brown is asking the minister representing the minister for the environment.

Senator BOB BROWN—Yes, that is the logic of it—the minister representing the minister for the environment.

Senator CONROY—I thank Senator Brown for his question. On 31 May 2010, the Australian government launched its application instituting proceedings in the International Court of Justice against Japan’s so-called scientific whaling. The decision to commence international legal action against Japan was taken after very careful consideration. Japan’s scientific whaling program is in breach of its obligations under international law, including under the International Convention for the Regulation of Whaling.

Australia’s case is being developed carefully. It would be inappropriate for me to comment further on the substance of our claim or our legal strategy. To do so could prejudice our case. I hope you would respect that we are in a legal circumstance which prevents me saying too much more.

Senator BOB BROWN—Mr President, I ask a supplementary question. My question—and I repeat it—is: will the government be seeking an injunction for what the minister representing the minister just described as a breach of international law? I ask the minister: if the government is not seeking an injunction, why not? And, on the date line he has given, I ask the minister: is it true that somewhere between 2,000 and 10,000 whales will be slaughtered by the Japanese while we wait for a long court process? What other action does the government have in mind to protect those whales?

Senator CONROY—As I said in my previous answer to Senator Brown, Australia’s case is being developed carefully. It would be inappropriate for me to comment further on the substance of our claim or our legal strategy. To do so could prejudice our legal case. I am not sure that there is a lot more I can add, Senator Brown. I do not accept all of what you have put to us, but I hope you would respect that we are in a legal circumstance which prevents me saying too much more.

Senator BOB BROWN—Mr President, I ask a further supplementary question. I ask the minister: considering the arrogant and disdainful attitude of the Japanese whaling fleet to Australia and its court proceedings, what other action does the Australian government have, including naval or other surveillance of the slaughter to the south of Australia over this summer? What assistance is the government considering rendering to Sea Shepherd, which is going to go into the defence of the whales in the southern waters in the coming summer?

Senator CONROY—The government calls upon all parties in the Southern Ocean to exercise restraint and to ensure that safety on the seas is their highest priority. The Southern Ocean is an inhospitable region...
where the risk of dangerous incidents is high and the capacity for rescue or assistance is low. Australia condemns dangerous, violent or illegal activities including any activity that may cause damage or loss of life or jeopardise safety at sea.

Senator Bob Brown—My question was what action the Australian—

The PRESIDENT—Is this a point of order?

Senator Bob Brown—Yes, it is.

The PRESIDENT—It would be helpful, when people are taking points of order, if they would indicate that at the outset.

Senator Bob Brown—On a point of order, the question to the minister is: what action is the Australian government taking? It was not about other people’s actions. I ask him to respond to that question.

The PRESIDENT—There is no point of order.

Senator CONROY—I thought I was in actual fact, on behalf of the government, urging restraint but, as to the more detailed parts of Senator Brown’s questions, I will take those on notice and, if there is any further information that I am able to provide, I will get back to him.

Broadband

Senator BIRMINGHAM (2.24 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer the minister to the plan by BT to build a £2.5 billion optical fibre network to reach 17 million UK premises, which has prompted comments in the Financial Times that:

It is not yet clear how the economics will stack up … some worry the build will be more expensive than expected while others fret about demand. Investors should be in no doubt that this is a gamble.

If a £2.5 billion network in a densely populated country is ‘a gamble’, how is a $43 billion investment in Australia not an even bigger gamble?

Senator CONROY—I am not sure what bows you can draw from an entirely different scheme based in the UK to the one here in Australia. I will reiterate that, notwithstanding that those opposite like to claim on the one hand that it is a dangerous, evil monopoly, on the other hand they keep claiming that we do not need it because wireless is taking over the world. The mutually inconsistent arguments being put by those opposite continue to be the basis of the question being put forward by the good senator.

What we are seeing here in Australia is an agreement that has been reached to close down the copper network and replace it and upgrade it with the technology that will allow us to move into the 21st century with confidence so that we are able to take advantage of all the new education applications, the new health applications, the new sustainability smart grid style applications, the new aged care applications and the new veterans care applications—all of those are the reason that the National Broadband Network needs to be built. While those opposite, particularly some down in the far corner, used to believe in equality of access, and they used to believe in uniform pricing for the city and the bush, this government is committed to delivering. It is committed to delivering to all Australians massively improved broadband performance. The wireless and satellite networks will be 20 times better than what most Australians use today. The fibre optic network component will be at least 100 times faster and, if someone wanted a whole gig, it will be a thousand times faster than what many Australians have today. (Time expired)

Senator BIRMINGHAM—Mr President, I ask a supplementary question. Given the
OECD has recommended that ‘a prudent approach’ be taken to the NBN with ‘additional efforts for rigour and transparency’, why is the government intent on stopping all senators from being prudent in their jobs and from applying appropriate rigour by blocking us from considering the NBN business plan before having to vote on crucial NBN related legislation?

Senator CONROY—I appreciate that Senator Birmingham there had to try to draw an even longer bow to connect the NBN related bills which are before the parliament. Let us be clear. The deal that is ratified is a deal between the companies. This is a bill that is about consumer protection. It is about the restructuring of the sector—something you apparently now support. This is a bill that is not about the National Broadband Network. It is a bill that includes a ratification of a deal struck between the NBN Co.—those 62 references are about a reference to the deal between Telstra and the NBN; they are not about the NBN—

Opposition senators interjecting—

The PRESIDENT—Senator Conroy, you should address your comments to the chair. Interjections on my left should cease.

Senator CONROY—Thank you, Mr President. This is a bill about consumer protection. (Time expired)

Senator BIRMINGHAM—Mr President, I ask a further supplementary question. Can the minister explain how 62 references to the NBN in a piece of legislation are not about the NBN? With the risk level of international broadband projects being questioned and international experts questioning the risk of Labor’s NBN, why should Australian taxpayers trust this minister, who is so obviously out of his depth, with $43 billion?

Senator CONROY—Mr President—

Senator Brandis interjecting—

Senator CONROY—You just keep smoking it, George. Notwithstanding those opposite and their catcalls, this is—

Senator Ian Macdonald—Mr President, you should not need me to alert you to the fact that Senator Conroy is being entirely—

The PRESIDENT—I presume this is a point of order; is it?

Senator Ian Macdonald—Yes, it is, but it should not need to be. You should instruct Senator Conroy, because this is the second time he has done this, not to cast those sorts of comments on other members of the Senate.

Senator Chris Evans—On the point of order, Mr President: it is obviously up to you to rule whether the minister said anything inappropriate, but I point out that the minister is being constantly heckled. Senator Macdonald is one of the worst offenders in that regard. I suspect that, if the Liberal senators were not so unruly, they and you may have been able to hear what the minister was saying.

The PRESIDENT—There is no point of order. Senator Conroy, continue. You have 46 seconds remaining.

Senator CONROY—This is again an argument about those on this side of the chamber, who seek to transform Australia’s economy, to lift our productivity and to ensure that Australians get access to a world-class—

Honourable senators interjecting—

The PRESIDENT—Senator Conroy, resume your seat. When there is silence on both sides, we will proceed. If people want to debate the issue, there will be plenty of time post question time. As I said, I understand general business this afternoon will be devoted to this issue as well.

Senator CONROY—I do accept Senator Carr’s argument that even the NBN would not help Senator Macdonald’s productivity.
Even the NBN will not lift that. This is a debate about those who want to transform this economy and the Luddites on the other side, who simply want to block and demolish the National Broadband Network. They had 11½ years to modernise the Australian economy, and they had 19 failed plans. (Time expired)

Workplace Relations

Senator MARK BISHOP (2.32 pm)—My question is to the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Chris Evans. Can the minister advise the Senate of the most recent wages data and what the government is doing to put in place a sustainable basis for economic growth?

Senator CHRIS EVANS—I thank Senator Mark Bishop for his question and for his interest in these issues. The wages price index released yesterday was very reassuring. It showed contained wages growth across the entire economy, including the private sector. The index increased by 1.1 per cent in the September quarter, with a 3.5 per cent increase over the year to the end of September. This is good news on a number of fronts, as it shows that the Australian economy is recovering at a sustainable pace and that workers are sharing in the benefits. In particular, far from showing a wages break-out, as some have claimed, these figures demonstrate the continuing recovery from the global economic downturn. Indeed, similar annual wages outcomes were recorded during the economic recovery of 2000-01.

Yesterday’s wage figures are in line with long-term historical trends, in line with official inflation forecasts and in line with market expectations. It is also important to note that yesterday’s figures reflect the impact of this year’s minimum wage decision, which awarded $26 per week from 1 July. That decision provided low-wage Australian workers with a much deserved pay rise after their pay had been frozen for two years.

In spite of these encouraging figures, the government has always been vigilant regarding the pressures that would emerge across the economy through this recovery. That is why we announced the Skills for Sustainable Growth package in the 2010 budget. This package of measures invested more than $660 million to address the skills challenges facing Australia. It sought to bring in a number of measures such as the Critical Skills Investment fund, Smarter Apprenticeships, increased support for language literacy and numeracy, and a number of measures to improve the quality of VET training. After the Howard government’s failure to invest in skills, the Gillard government is boosting skills so that Australians are equipped for the high-paying, high-skilled jobs of the future.

Senator MARK BISHOP—Mr President, I ask a supplementary question. Is the minister aware of wages trends in collective agreements?

Senator CHRIS EVANS—Yesterday my department released the Trends in Enterprise Bargaining report for the June 2010 quarter. This report backs up the wages price index data released yesterday, showing that collective agreements are in fact delivering moderate, sustainable wage increases. The current average annual wage increase in agreements is 4.1 per cent, remaining unchanged from the previous quarter. While industries like construction are experiencing slightly higher increases, this is not flowing into other sectors. I think it is very much a sign of a well-functioning, flexible labour market.

Some commentators have expressed concern about excessive wage claims, but I think it is inappropriate to comment on every single wage claim made as part of a bargaining process. It is the government’s job to ensure that we have a workplace relations frame-
work capable of delivering fair and flexible outcomes for employers and employees. *(Time expired)*

**Senator MARK BISHOP**—Mr President, I ask a further supplementary question. Can the minister advise the Senate of evidence that employers and employees are taking up Fair Work Act agreements?

**Senator CHRIS EVANS**—Yesterday’s *Trends in Enterprise Bargaining* report shows that agreement making has reached record levels. There are almost 24,000 current agreements covering a staggering 2.4 million employees. Employers and employees are getting on with bargaining under the Fair Work Act, with almost 6,500 new agreements covering 700,000 employees being made to the end of September. We have a system of collective bargaining agreements based on principles of good-faith bargaining, and the early signs show that people are doing the right thing. Only 18 good-faith bargaining orders were issued in the last financial year. This is only one order for every 400 agreements lodged during that period. Also, industrial disputation continues its downward trend, with only 2.5 working days lost per thousand for the June 2010 quarter. These are some of the major indicators that demonstrate that the Fair Work Act is working well.

**Broadband**

**Senator BERNARDI** *(2.37 pm)*—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. The opposition has been joined by a chorus of notable groups and individuals in calling for a cost-benefit analysis of the NBN, including Treasury and the OECD. Most recently, economist and Reserve Bank board member Warwick McKibbin has echoed these calls, only to be dismissed by the government. Will the minister explain why the government will not perform a cost-benefit analysis on the single biggest infrastructure investment in this country’s history?

**Senator CONROY**—I am more than happy to repeat my answer that I have given many times before on this. Let us be very clear on this. The cost-benefit analysis assertion is based on the fact that you are asserting that it is not financially viable.

**Senator Brandis**—No, it is not.

**Senator CONROY**—You’d know a lot about it, George! You’d know a lot about a cost-benefit analysis.

The **PRESIDENT**—Senator Conroy, just address the chair.

**Senator CONROY**—Mr President, I apologise. I should not allow myself to be distracted by the rabble over there. You are right, I apologise. The demand for a cost-benefit analysis is based on the assertion that it is going to not be financially viable. McKinsey’s, as I have repeated, are saying it is financially viable. The business case, which we will release shortly, says it is financially viable. There is not a cost-benefit analysis anywhere in the world that has come back and said that the benefits are not a positive. So, in actual fact, on the one hand we have a financially positive business case, and then we could spend a couple of million dollars of taxpayers’ money to prove that there are benefits across the entire economy. Those opposite who pretend that they are about fiscal responsibility would simply seek to waste taxpayers’ money. The Productivity Commission, like the OECD and a range of other people that Senator Bernardi has referred to in his question, all make an argument that we should keep the copper open; that we should keep the copper that has served this country well for 50 to 70 years in some cases—let’s keep it in the ground. Let’s ignore the fact that we are now moving to the end of the copper era and moving to the fibre
future. The copper in the ground at the moment in actual fact is degrading. It costs—(Time expired)

Senator BERNARDI—The minister has just demonstrated he has no idea about what a cost-benefit analysis is. Mr President, I ask the minister a supplementary question. Has the government conducted any analysis to determine what kind of permanent savings can be achieved through projected efficiency benefits if the NBN project is delivered as it is currently planned by the government?

Senator CONROY—My department recently released two sectoral studies.

Senator Brandis—What studies?

Senator CONROY—Sectoral. It is what you do in economics. I know there are not many of you who know anything about it over there. It is called a sectoral study.

The PRESIDENT—Senator Conroy, ignore the interjections. Those on my left interjecting should cease.

Senator CONROY—Those studies demonstrated the benefits. IBM and Access Economics released the study for fibre-to-the-node projects. Despite those opposite trying to claim this was really just a reheating of a previous Access Economics and Telstra study—a quite disgraceful assertion—IBM and Access Economics produced a study which again showed the benefits across the economy of a slower system than we are producing. So there are many studies out there, right across the world. But if we are going to take seriously a claim that we should keep the copper open because some new—(Time expired)

Senator BERNARDI—Mr President, I ask a further supplementary question. Minister, given your refusal to have a cost-benefit analysis conducted and your inability to detail the permanent savings that supposedly will be achieved by your $43 billion broadband experiment, isn’t this just another example that your ad hoc policy has been created by a listless government and demonstrates once again that you are completely out of your depth?

Senator CONROY—A listless government that has now passed the bill through the House of Representatives, ensured that taxpayers’ moneys are not wasted with a spurious cost-benefit analysis, and defeated those opposite just recently who tried to gag the debate on the bill, and not for the first time, for about the fourth time—if that is the bar you set for ‘listless’, I will happily live by it. Again, this is a debate about a government that is committed to modernising this economy and ensuring that Australians get access to a world-class broadband network. Those opposite seek to deliver, well, to be fair, the 2007 Labor policy, but we have moved on from that and we are now actually building the National Broadband Network. It is on the ground being delivered in Tasmania. It will be delivered later this year—(Time expired)

Food Labelling

Senator XENOPHON (2.43 pm)—My question is to Senator Ludwig, the Minister representing the Minister for Health and Ageing. My question relates to an article by Miles Kemp in the Adelaide Advertiser today that revealed South Australian health department officials recently conducted a random audit of 20 baby formulas which found that one in three had incorrect country of origin labelling and that the companies responsible were in New South Wales. In 2008, 300,000 infants in China fell ill and six died because they drank formula contaminated with the chemical melamine. Does the government concede that, because of our inadequate and incredibly lax labelling laws, Australian parents could potentially be feeding their infants baby formula from countries with appalling and potentially dangerous
food standards and not even know it? What involvement does the federal government have in overseeing state and territory enforcement of food-labelling regulations?

Senator LUDWIG—I thank Senator Xenophon for his question. Can I say at the outset that the government does not concede the first point. All food produced or imported for sale in Australia and New Zealand is required by law to comply with the Australia New Zealand Food Standards Code, state and territory food legislation and other legislative requirements. State and territory enforcement agencies are responsible for enforcing the code for all food available for sale within their jurisdictions, including imported food. These agencies can investigate specific complaints and, if they consider it necessary, prosecute offenders for breaching provisions in the code. The federal government is not directly involved in that, which goes to your second point.

Infant formula is of course required to be labelled with country of origin. I am aware of the South Australian health department having identified, through routine monitoring, a compliance issue with one infant formula product which originated in New South Wales. South Australia has correctly referred the issue to New South Wales authorities for further investigation and, if required, enforcement action. This is the appropriate course of action to take when these issues are raised. They are of grave concern and I do understand Senator Xenophon’s concerns in this area.

Country of origin labelling is one of a number of issues that are being considered by the Blewett review of food labelling, which will report to COAG in early 2011. This independent review will have the opportunity to canvass the need for any changes to labelling policy, including country of origin. Australia has extensive country of origin labelling requirements mandated for packaged food. (Time expired)

Senator XENOPHON—Mr President, I ask a supplementary question. Given that the states appear unable to effectively enforce these labelling requirements, does the government consider it appropriate that there ought to be a national approach to ensure that companies tell the truth when it comes to labelling?

Senator LUDWIG—I thank Senator Xenophon for his first supplementary question. The Australia New Zealand Food Regulation Ministerial Council, made up of ministers from the Commonwealth, state and territory governments of Australia and representatives from New Zealand and the Council of Australian Governments, COAG, has established an independent review panel to conduct a formal review of food labelling law and policy. The review panel is concerned to ensure that all relevant food labelling issues be considered, including the enforcement of food labelling.

The Australian government is committed to both simplifying and strengthening food labelling laws for the benefit of Australian consumers. The Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010, due to come into effect from 1 January 2011, includes a provision for a ‘grown in’ claim to be made when produce is not only made but also grown in the country claimed as the country of origin. (Time expired)

Senator XENOPHON—Mr President, I ask a further supplementary question. Given that the Blewett review, which has been going since October 2009, will report early next year, what does the government believe will be the time frame for acting on its recommendations? What will the time frame be from the time the government gets that review to dealing with it at a national level?
Senator LUDWIG—I thank Senator Xenophon for his second supplementary question. As I have mentioned, the issue of food labelling and policy is currently the subject of a formal review by an independent expert panel headed by Dr Neal Blewett. As part of this review, which includes a consideration of country-of-origin food labelling, the panel has released issues papers for public consultation. The review panel will make a presentation to the Food Regulation Ministerial Council at its meeting on 3 December 2010. COAG will decide on the public release of the report after it receives the final report in early 2011. I am unable to provide a date for that until that COAG meeting takes place. The review of food labelling law and policy is part of the Australian government’s deregulation agenda and the review, as I have indicated—(Time expired)

Defence Procurement

Senator JOHNSTON (2.49 pm)—My question is to the Minister representing the Minister for Defence, Senator Evans. Minister, after months of denial, the worst-kept secret in Defence was revealed when the Singapore base shipyard ST Marine was contracted to convert the Royal Australian Navy tanker HMAS Success to a double-hulled vessel. How can a Labor government, once the champion of Australian workers, tick off on this project when it is very clear that ST Marine is not required to adhere to Australian standards of occupational health and safety and entitlements for workers, as are Australian firms who employ Australian workers at award wages and conditions and who are more than capable and ready to do the job?

Senator CHRIS EVANS—I thank Senator Johnston for the question. I am not aware of the details of the contract that he refers to, but I think the suggestion was that we should not allow international competition for defence contracts. Was that the thrust of his question? My recollection is that it was Senator Minchin who was in charge when the preferred tenderers were selected. I may be wrong about that. That was my recollection. I may be wrong, but I stand to be corrected.

Government senators interjecting—

The PRESIDENT—Senator Evans, just resume your seat. On my right I need silence.

Senator CHRIS EVANS—I suppose that I am a bit surprised that the Liberal Party seems to have sunk to xenophobia on a range of fronts in recent times, be it on population, be it on foreign investment—and now it seems to be on the issue of defence contracting. Obviously the government are very much committed to supporting employment in this country and supporting defence contractors in this country. We have done a lot of work to try to support defence business in this country, to try to make sure that Australian companies get access to not only contracts here but also contracts in other nations. That has been highly successful in many respects. I know Senator Carr has taken an interest in this area through his industry portfolio, along with the previous Minister for Defence Materiel, Mr Combet. We are very committed to supporting jobs. That was a key part of our response to the global financial crisis. I am happy to take up any issue that Senator Johnston thinks he might want detailed information about. (Time expired)

Senator JOHNSTON—Mr President, I ask a supplementary question. Why then, Minister, has the Gillard government ignored the call of Australian Manufacturing Workers Union New South Wales Secretary, Tim Ayers, who says this short-sighted decision will threaten our national security, the viability of the Garden Island shipbuilding and repair facility as well as the jobs of hundreds of highly skilled Australian workers?
Senator CHRIS EVANS—I am always interested in what members of the AMWU and their officials have to say. I also have a lot of interest in what former officials have to say. Senator Cameron has talked to me on many occasions about procurement and supporting Australian industry. This government has had a long interest in those matters and has sought on all occasions to try to maximise Australia’s share of contracts and procurement issues to try to maximise jobs for Australians. That is very much part of the government’s approach and we do pursue those opportunities at all times. It is also the case that we support an open economy and that we think the opening of Australia to international forces, the floating of the dollar and other economic reforms, are important reforms. And I would hate to think that the Liberal Party are turning their backs on those very important reforms. (Time expired)

Senator JOHNSTON—Mr President, I ask a further supplementary question. Is it true, Minister, that Success has recently returned to Fremantle from Singapore, a voyage of 2,000 nautical miles, because it had to first be debunkered and, secondly, because of a contractual dispute with ST Marine, without the double-skinning work even beginning?

Senator CHRIS EVANS—I cannot assist the senator with the advice about—what was it?—a double skinny? Was it a latte? Double skinny what? I am sorry, I am not familiar with the term and I am therefore not able to help the senator with an answer. Given he has raised a specific issue about the Success, I am happy to take that onboard and see if I can get the minister to give the senator some further information about it. However, I do ask the senator to consider the tone of his questioning and whether this represents a bit of a drift into xenophobia inside the Liberal Party. There is a difference between supporting local jobs and perhaps sinking to a level that does not do him any justice. (Time expired)

Research Workforce

Senator STEPHENS (2.56 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Can the minister inform the Senate what action the government is taking to close the gender gap in the research workforce and what the minister is doing to make sure women researchers take up research opportunities in our universities and other public research agencies?

Senator CARR—I thank Senator Stephens for her question. I know she has had a long-standing interest in the question of women researchers. I indicate to the chamber that the Labor government is determined to ensure that all Australians have the opportunity to realise their full potential. And in the research sector we want to ensure that we can answer the needs of the country and the aspirations of individuals. As far as research is concerned, the government demands no less than excellence. In particular, we acknowledge that we cannot afford to squander the talents of our best researchers, and women have been underrepresented in the research workforce for far too long. The record shows that women compete very successfully at an elite level when they apply. That is why the Prime Minister announced last night two prestigious new awards for elite women researchers. They are named after two distinguished and inspiring Australian women researchers, Kathleen Fitzpatrick and Georgina Sweet. These fellowships will help remedy the significant discrepancy in the number of male and female applicants for our competitive fellowship schemes, especially at that elite level. They will include additional funding to allow fellows to act as ambassadors and as mentors for women in the research community. We are supporting
our most talented women and we are encouraging the next generation to follow in their footsteps. Our approach, as outlined in the 10-year Powering Ideas white paper, was to ensure that we have a strong research workforce that drives productivity growth across the economy; provides the knowledge to help our established industries work cleaner, smarter and cheaper; and allows Australia to absorb the best ideas—(Time expired)

**Senator STEPHENS**—Mr President, I ask a supplementary question. Can the minister advise the Senate what other measures the government is taking to tap the unrealised potential of our research sector? In particular, what approach is being taken to recognise family responsibility that can impede career progression?

**Senator CARR**—This is a very serious question. We understand that women who leave the workforce for family reasons are disadvantaged by the application processes that have traditionally focused on a researcher’s track record. That is why the ARC is replacing the concept of track record with fairer criteria of research opportunity and performance evidence. The ARC is also supporting the next generation of talented women researchers through the early career researchers awards. We know that we cannot afford to let the talents of half our population go to waste. The Howard years left a legacy of broken careers, underfunded projects and disillusioned workers. The Gillard Labor government recognise that a world-class research sector demands a world-class research workforce and we are building our measures to support all our researchers, unlike the miserable record—(Time expired)

**Senator STEPHENS**—Mr President, I ask a further supplementary question. Can the minister also advise how the government’s research workforce strategy will contribute to the national productivity agenda?

**Senator CARR**—This government does not support our best and brightest researchers out of charity. We support them because they are vital to the prosperity of the nation. They have the knowledge and the skills to make our industries more sustainable, more competitive and more productive. That is why we are breaking down the barriers between our research sectors and business. Our new industrial PhD scheme will put 200 talented researchers right on the factory and office floor. They will directly help businesses to boost their performance and their profits. Our new R&D tax credit will make sure that the benefits of our taxation incentive schemes are fairly distributed. We want to reduce the impediments for small and medium size business to actually employ people with research training. This is a country that desperately needs to change our approach to PhD training and the employment of more PhD graduates not just at university but throughout the economy. (Time expired)

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

**QUESTIONS WITHOUT NOTICE:**

**ADDITIONAL ANSWERS**

**Marine Sanctuaries**

**Senator CONROY** (Victoria—Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (3.02 pm)—I seek leave to incorporate an answer to a question from Senator Boswell yesterday. There was a bit of confusion yesterday. We have been able to work our way through that and I am hoping his office has already got a copy of this answer.

Leave granted.

*The answer read as follows—*
Taking Notice — Marine Sanctuaries

On 17 November 2010, Senator Boswell asked questions concerning marine sanctuaries of me (Senator Conroy) in my capacity as Minister representing the Minister for Sustainability, Environment, Water, Population and Communities.

Question 1

Minister, can you assure the Senate that the study conducted by the Ecology Centre of the University of Queensland for the Pew Charitable Trusts that was publicly released last week, which recommended that 50 per cent of the south-west marine bioregion be locked up in sanctuaries, will not be a consideration in the development of the draft marine plan for either the south-west region or any other bioregion?

Answer

The recent report by the University of Queensland on possible marine reserve design options in the South-west marine region is, like any other material provided as part of the ongoing community dialogue on marine conservation, one input into the overall process. The Government welcomes the views and information provided by all stakeholders.

Question 2

Can the minister assure the Senate that no Commonwealth funds were used by the Pew Charitable Trusts to fund the study undertaken for the trusts by the Ecology Centre of the University of Queensland?

Answer 2

No Commonwealth funds were used to fund the study.

Question 3

Can the minister inform the Senate if it is still the Government’s intention to release the displaced effort policy and the draft marine plan for the southwest this year?

Answer 3

The Minister is having ongoing consultations with stakeholders on both the displaced activities policy and the release of the draft South-west Marine Bioregional Plan. At this stage the Government’s commitment to consultation on Marine Bioregional Planning means a formal release of these documents is likely early next year.

Indigenous Employment

Senator ARBIB (New South Wales—Minister for Indigenous Employment and Economic Development, Minister for Sport and Minister for Social Housing and Homelessness) (3.02 pm)—I want to add to some information to an answer to a question that I received from Senator Siewert yesterday. SIHIP is delivering training and employment for local Indigenous people in remote locations. Every hour of SIHIP work attracts payment at or above the award wage, including for those who are on CDEP workplace, and 784 Indigenous employees have been employed since the commencement of SIHIP across the various packages of work around the Northern Territory to date. At 8 November 2010, 323 Indigenous people were employed by SIHIP in 53 communities and town camps across the Northern Territory.

The duration of SIHIP projects in communities varies depending on whether new houses are being built, upgraded or refurbished. The SIHIP southern refurbishment package in the central region involves relatively short time periods. For this reason the Department of Families, Housing, Community Services and Indigenous Affairs has approved the alliance partner using labour hire arrangements with CDEP service providers to employ people for short-term periods at award rates. This is the same arrangement CDEP offers other employers in order to secure work placements for participants. As at 8 November, a total of 58 Indigenous people were employed in this package, 10 of whom are on this CDEP arrangement. This has provided valuable work experience and on-the-job training.
Thursday, 18 November 2010

QUESTIONS WITHOUT NOTICE:

TAKE NOTE OF ANSWERS

Broadband

Senator BRANDIS (Queensland) (3.04 pm)—I move:

That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by Opposition senators today.

Earlier this morning viewers of the Sky Early Agenda program were treated to a rare moment of comedy when Senator Stephen Conroy was debating my friend Senator Barnaby Joyce.

Senator Cameron—They get it all the time when Barnaby is on.

Senator BRANDIS—Dougie, you are my favourite socialist but I never listen to you. They were debating the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill. Senator Stephen Conroy, with all that command and authority of his portfolio for which he is so famous, asserted again and again, ‘The National Broadband Network is not even mentioned in the bill that’s being debated before the parliament,’ at which point Senator Barnaby Joyce, who knew a lot more about the bill than did Senator Stephen Conroy, tugged him politely by the elbow and said, ‘Excuse me, there it is.’ At that point, Senator Stephen Conroy’s face blanched. As the saying goes, you had to be there. In fact, the National Broadband Network is referred to not once but 62 times in the bill. But this minister is so in command of his portfolio and speaks with so much authority about the issue that he was not even faintly aware of what was in his own legislation.

Today, in answer to questions, including the question from me, Senator Conroy repeatedly asserted, ‘It is not unreasonable for the cabinet to consider the NBN business plan before it is publicly released,’ ignoring the fact that yesterday the Senate resolved to direct the minister to lay that document and another document, the implementation study, on the table of the Senate by yesterday, and he has refused to do so. He is in open defiance and contempt of an order of the Senate.

This minister is in charge of the biggest infrastructure project in Australian history. On the government’s estimate it is worth $43 billion, which in present values is six times the size of the Snowy Mountains hydroelectric scheme and more than 100 times the cost of the Sydney Opera House. Yet this minister is so incompetent that he has become a laughing stock in the industry, a laughing stock among the commentators and a laughing stock among his colleagues—not just coalition senators but Labor colleagues as well, as anybody who listens to the gossip around these corridors well knows. This minister is a lightweight who is in charge of $43 billion worth of taxpayers’ money. Because of his incompetence, he is not fit to be a minister of the Crown; because of his contempt for the Senate he is not fit to be a senator; yet the Australian people have $43 billion, on a conservative estimate, tied up without the parliament even being able to scrutinise the business plan or the implementation study. Furthermore, there is a committee of this parliament, the Parliamentary Standing Committee on Public Works, whose specific statutory remit is to examine major public works and this legislation contains a provision expressly excluding the NBN from scrutiny by the parliamentary public works committee without establishing an alternative scrutiny mechanism.

There we have it: a minister who defies with contempt an order of the Senate so as to conceal from scrutiny the business plan and the implementation study, who refuses to do a cost-benefit analysis, who legislates to prevent the parliamentary public works commit-
tee from scrutinising the program and yet who does not even know what his own legislative contains. Australia is in dangerous waters when a minister with so much public money under his control is so far out of his depth.

**Senator CAMERON** (New South Wales) (3.09 pm) — There is one thing I want to agree with Senator Brandis on from his contribution; whenever Senator Joyce is on Sky News it is a comedy show. It is a comedy show every time he is on. That is why Senator Joyce, who is being lauded here by Senator Brandis, was sacked from an economics shadow portfolio. The guy that you tell us is so great was sacked by your leader from an economics portfolio. The comedy is there every time Senator Joyce makes any comment anywhere in the media.

Senator Conroy is the senator and the minister who has actually delivered progress on a national broadband network. We had over a decade of the incapacity of the coalition and its failure to deliver anything on this issue of fundamental importance to the future of Australia. The difference between Labor and the coalition is clear: when it comes to the National Broadband Network we know what is required for the future of this country. We know what is required to build the nation. We know what is required to drive productivity in this country. We know what is required for health, e-health, the future of universities, education, sustainability and aged care, underpinned by the National Broadband Network, which you could never deliver. You had no competence to deliver it and no idea how to go about it. Who delivered it? The Labor Party and Minister Conroy. We are delivering for the nation and for regional Australia. We are delivering the equality of opportunity and access that the coalition would deny regional Australia.

What do we see on the other side? We have all the geniuses and experts who for over 11 years in government could deliver nothing. You are nothing more than carping critics. You are looking for short-term political tactics at the expense of the national good. You are prepared to put your perceived political advantage before this nation. You are prepared to deny Australian business, schools, hospitals and universities access to the best technology. In my view, you are just modern-day Luddites. You are the Luddites of politics; you are Luddites in terms of where we are going in this country. Some of you even have a personal philosophy against modern technology. You want to retain the copper network and not go with modern technology. You are modern Luddites — what a joke you lot are. We are dealing with what Rupert Murdoch identified as the biggest problem.

**Senator Ian Macdonald** — Who?

**Senator CAMERON** — You don’t know who he is? Rupert Murdoch is the boss of News Corporation; you quote him all the time. This is what Rupert Murdoch said in 2006 — and remember he is talking about you lot:

When you have broadband — real broadband — where you get, say, 20Mbps of data into your home, it changes everything.

In Australia, we only have a couple of million people on broadband and they don’t even get 1Mb. I think it’s a disgrace.

That is what Murdoch said about the coalition — you were a disgrace. Your absolute hypocrisy on this issue is a disgrace. *(Time expired)*

**Senator CORMANN** (Western Australia) (3.14 pm) — About two weeks after the last election our Prime Minister, Julia Gillard, was a very relieved lady. She was very relieved because somehow she had been able to scrape back in. She had been able to hold
on to that seat of power. No doubt inspired by that relief she made the promise of a new era of openness and transparency in government. She was going to let the sunlight in. But what have we had? We have had a Prime Minister who has taken Australia to where the sun does not shine. We have a Prime Minister who is not committed to letting the sunlight get in. We have a Prime Minister who leads the most secretive government in the history of the Commonwealth. We have a government that is always desperate to cover up yet another example of incompetence, waste and mismanagement, and which is always bending over backwards to make sure that the Australian people do not get an understanding of what they are actually up to. This government does not want to let any sunlight in. This government wants to lock us all up in a small dark room and let no daylight in whatsoever.

We have had order after order of the Senate seeking information in relation to the NBN—and not just seeking information but directing the government to provide the information to the Senate so that the Senate can make appropriate decisions and appropriately scrutinise what the government is proposing. If it is such a good deal—if this NBN is such a good program—why would the government not come forward with that information? What have they got to hide?

Of course we are talking about 43 billion taxpayer dollars that are to be spent on a program with very questionable merits—to be very generous in my description of it. We are talking about 43 billion taxpayer dollars, potentially. Up to $43 billion—

Senator McEwen—No, that’s not right.

Senator CORMANN—That is what your advertising said during the campaign—the government was investing $43 billion in the NBN program. However much it is—whether it is $26 billion or $43 billion—it ought to be properly scrutinised. That is the job of this parliament: to properly scrutinise the proposals that are being put forward by the government.

Minister Conroy was bragging very arrogantly about the fact that the House of Representatives defeated the referral of this particular proposal for scrutiny and review to the Productivity Commission. He was bragging about the fact that the Senate did not enforce the requirement to get access to certain information by delaying consideration of certain legislation. I just remind the minister that he has lost vote after vote—seven of them in total—with this Senate insisting on information about the details around the NBN proposal. If the minister wants to start playing this game it is 7-2 against him.

Of course this is not an isolated incident. We have had the secrecy around the Building the Education Revolution fiasco—the $16.3 billion in waste and mismanagement—and we have had the secrecy around the mining tax, with revenue estimates bouncing around on the basis of changes in secret assumptions—detail the government is not prepared to release. At some point the Senate will have to make a decision. We will have to make a decision as a Senate about whether we will continue to allow this government to treat us like a doormat. This government is treating us with contempt. We are seeking information repeatedly through a well-established procedure: the order for the production of documents. The government repeatedly ignores these requests for information without properly providing explanations as to why it is not in the public interest to provide that information.

I appreciate the initiative that was taken by crossbench members in the House of Representatives and the Greens, including a procedure of referring these sorts of disputes to the Information Commissioner for his arbi-
tration. I regret that the Information Commissioner, erroneously I believe, expressed the view that he did not have the power to deal with this. I hope that he will reconsider that view in light of advice from the Clerk of the Senate and also in light of a motion that is proposed to be passed by the Senate sometime next week.

Ultimately, the Senate will have to decide whether we are serious about enforcing our will. Even if the Information Commissioner makes a particular decision one way or the other, if we want to insist on information then we have to make a decision on whether as a Senate we want to enforce our will, and that may well have to include forcing the government to delay dealing with legislation until such time as the Senate has obtained the information that it is after.

Senator WORTLEY (South Australia) (3.19 pm)—There is widespread acceptance throughout Australia that the federal government’s National Broadband Network is critical infrastructure that needs to be rolled out around Australia. Indeed, in many places there is great excitement about the fact that it is being rolled out. It is obvious now, of course, that the opposition does not believe Australians deserve to have access to technology of the 21st century, and it continues to dither from one failed plan to another.

The NBN will lift Australia to the top of the broadband rankings and allow us to compete with countries like Japan, Singapore and Hong Kong. Using fibre technology it will deliver 100 megabytes per second to 93 per cent of Australian premises, while those outside the footprint will receive next-generation satellite and wireless service.

It is very clear that the coalition is happy to stay in the past, where things move slowly, where broadband lags behind and where Australia will fall even further behind—in fact, where the coalition left us after 11½ years in government. They had 11½ years in government and that is where we were left. The coalition went to the election with a cobbled-together policy to deliver broadband with a patchwork of old technologies that would have left Australia falling further behind the rest of the world. They had 19 failed broadband plans, and now we understand they are developing the 20th broadband plan.

The government commissioned expert independent advisers McKinsey and KPMG to conduct a detailed implementation study of the NBN, which undertook detailed modelling of the revenue and costs that could be expected from the project given the government’s objectives. The government released this study on 6 May 2010. After eight months of detailed analysis, the implementation study confirmed that under a range of realistic scenarios the NBN Co. will have a strong and viable business case. It also confirmed that the project can be expected to generate a return of six to seven per cent and that the government can expect to generate a return on its investment to cover its funding costs.

NBN Co. has finalised its three-year corporate plan and its 30-year business plan, and the company submitted its plan on 6 November 2010. The government is currently considering the document and will make a range of information from it publicly available in due course.

As the Prime Minister has made clear, NBN Co.’s business plan will be released in December. To do a formal cost-benefit analysis of the NBN would take many years and require many heroic assumptions, and you do not have to be Nostradamus to tell us what we already know—that Australia does need a greater investment in high-speed broadband infrastructure. The NBN is critical infrastructure that will connect our rural and regional centres back through our main cities and the wider world with world-class broad-
band. It will offer high-speed, affordable broadband services to all Australian homes, businesses, schools and hospitals, no matter where they are located in Australia. And I know that constituents in South Australia, particularly in Willunga, are very excited about their access to broadband. There is an overwhelming level of support: 84 per cent of people in Willunga in South Australia have signed up for a fibre connection in the mainland first release site. Other states have equally impressive results. (Time expired)

Senator BERNARDI (South Australia) (3.24 pm)—It is hard to follow the contribution of Senator Wortley, but I will do my best. Some years ago I coined the term ‘roosternomics’, which was to reflect upon the understanding of economics by those who had been described by Mark Latham as roosters—in particular Senator Conroy, who had a birdlike appreciation and understanding of economic issues. I thought roosternomics had died, but clearly it was resurrected today in the parliament in question time. Senator Conroy started with a twisted and tortured explanation of what a cost-benefit analysis is. One would think that a cost-benefit analysis would be reasonably easy to explain because you would talk about the costs and the benefits. But no; Senator Conroy started talking about profitability of businesses and things of that nature.

What strikes me as incredible about this government—and it has been confirmed by what Senator Wortley and Senator Doug Cameron have said—is the fact that they have their whole business practice upside down. It is back to front. They committed to a $43 billion program, a $43 billion rollout of broadband in this country, without having a business plan, which is only now going to be tabled, and without having an adequate and appropriate examination of whether it will be worthwhile. They still have not had that done. A cost-benefit analysis means: is the burden of debt that this country is going to be saddled with as a result of this infrastructure rollout going to be worth it for the benefits? Unfortunately, the government do not know that. They cannot do it. They cannot table a list of simple things such as the cost savings that they have trumpeted. I asked them about the permanent savings today, but Senator Conroy cannot talk about them. I have asked why he will not just get a cost-benefit analysis done. He will not do it; he says it is not necessary.

This is roosternomics at its finest. It is almost ‘ostrichnomics’; it is ‘put your head in the sand’ stuff. It is not even wanting to put your mind to the potential benefit that might be gained from going down a prudent path. If we want to know why the national balance sheet is in such bad shape at the moment, we have to look at how twisted and tortured this government are when they go about their policies. They have an extraordinary track record that I hope no government will ever match. We have had billions of dollars wasted in various programs: green loans programs, pink batts programs and solar panel programs. We have had a list of failed and flawed ministers. Senator Conroy is just joining that list now. But the amazing thing is that they are proud of their record. Pretty soon, when you lose a billion dollars here and a billion dollars there, it adds up to a reasonable amount of money. I find it extraordinary that they continue to justify it, while telling the Australian people: ‘Trust us. This is good for you; this is what you want.’

Even though people are taking up the 100 megabits a second, I am yet to see or hear of one person taking up Senator Conroy’s one gigabit per second—the 1,000 megabits per second that he said was going to be a thousand times faster than what people are getting now. These things are simply figments of Senator Conroy’s imagination. As I said yesterday, Senator Conroy and, of course,
Senator Wortley, who was trumpeting about Willunga—and I notice that Senator Wortley did not acknowledge my interjection in which I asked if she had ever been to Willunga—I was speaking just yesterday to someone from Willunga who said that they cannot get the National Broadband Network in their street in Willunga. You think, ‘Gee, that’s a concern, isn’t it?’ when people cannot get it even though you are trumpeting it as the great example of how successful it is. It is appalling. I know they have had no response from their local member of parliament, either state or federal, because it seems that this government do not want to be accountable for their false and failed promises.

Senator Wortley interjecting—

Senator BERNARDI—It is interesting that Senator Wortley is now chiming in that she has some names of people in Willunga. That is terrific; I am pleased that you know someone from Willunga. Perhaps you should get out there and visit them and ask them about their broadband.

The Australian people do deserve a more rigorous analysis of what is the largest roll-out of taxpayers’ money that we have seen in this country. That is just a sensible thing to do. You do not have to play the politics of it. This is just a big deal that needs cross-examination and a critical examination of it. Why, then, is this government hiding from that and telling us it is in our interest to do it? If it is in our interest, prove it to us. Let the Australian people know how their $5,000 per connection is being used.

Question agreed to.

MINISTERIAL STATEMENTS
Australian Pesticides and Veterinary Medicines Authority

Broadband

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (3.30 pm)—I present two ministerial statements on:
(a) current chemical reviews by the Australian Pesticides and Veterinary Medicines Authority; and
(b) the National Broadband Network.

Senator BIRMINGHAM (South Australia) (3.30 pm)—by leave—In relation to the ministerial statement on the National Broadband Network, I move:

That the Senate take note of the document.

I thank the Senate for the opportunity and acknowledge the courtesy of Senator Conroy in providing a copy of his statement on the National Broadband Network a short while ago. This is, of course, yet more evidence of why two things should occur. Those two things that should occur are, firstly, that the government should ensure that the NBN is sent off to the Productivity Commission for a full cost-benefit analysis and, secondly, that the NBN business plan should be made public. This ministerial statement demonstrates that there is yet another batch of legislation that this chamber can expect to see next week and that there is extensive expenditure still to be undertaken, yet it provides no real further information to inform the deliberations of this chamber. We have heard all of the hollow claims that are in here before, and yet we see no further real information or evidence.

If we look at the detail of what Senator Lundy has tabled on behalf of Senator Conroy here today, Senator Conroy tells us that the government is embarking on the largest infrastructure project ever undertaken by the Australian government—and yet it is doing it without a cost-benefit study. That is why next week we will be introducing into the Senate for the first time legislation to require the Productivity Commission to undertake the cost-benefit study. That legislation will
be brought into this chamber, and I hope it will be dealt with expeditiously.

We look at the detail here and we see that Senator Conroy is continuing to make claims about the number of premises that have taken up a connection of the fibre that is being rolled out past their homes. He claims that rates up around the 90 per cent mark are being accomplished, yet still he provides in this ministerial statement absolutely no evidence or information on how many of the Tasmanian households who have the opportunity to take out actual services under the NBN have chosen to do so. Many of them have the opportunity to do it for free, but all he wants to talk about is how many households who have been offered the connection of fibre to their home at absolutely no cost to them have said, ‘Yes, okay; run the wire to the house.’ That is all. How many of them, however, have taken out a service? Of course, most have not been offered one yet. None of them outside of a small bundle in Tasmania that is still ignored in terms of any detail in this ministerial statement even know what the service might cost them. So they are agreeing to have a cable connected to their home with absolutely no knowledge about the cost, the plan or anything else associated with the NBN program.

What we have here is a case where the government is saying, ‘Show me the money,’ to Australia’s taxpayers. Show us the money so they can invest this $43 billion in their national broadband network. But when the parliament turns around and says to the government, ‘Show us your plans; show us your costings; show us your pricings,’ there is nothing that comes back. This is just a ministerial statement designed to make everyone feel a little bit better. This is a ministerial statement designed to make it look like there is a sense of activity on the government benches—that they are getting on with the job somehow.

Senator Parry—It doesn’t make me feel better.

Senator BIRMINGHAM—Indeed, Senator Parry is right. It does not make Senator Parry feel better and it certainly does not make me feel any better. It does not make me feel any better, because it is so lacking in detail. It claims that, similar to the implementation study, the NBN business case demonstrates the project’s financial viability. That is all it says about the financial viability. That is all it says about what may or may not be in that business case. That is all the information you get. What about the assumptions? Under what assumptions does this financial viability occur? What is financial viability under this business case? Is it that they will have something that they can sell off to the value of the $43 billion that it is going to cost? In how many years time? What type of return to taxpayers will there be? None of that information is answered by this ministerial statement—none whatsoever.

It strikes me, frankly, that this ministerial statement is little more than an attempt to cover up for the fact that the Prime Minister dropped Senator Conroy in it yesterday. She dropped him in it by saying that the government would release the business plan in December. He had never put a time line on it until then. He was either keeping it up his sleeve to release as part of the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 or he was hoping, as he told Senate estimates not that long ago, to never release the document. We do not know quite what the government’s intentions were. We know they keep changing. We know that Senator Conroy told Senate estimates the business case would not be released. We know, however, that he then said it would probably be released. Then we had the Prime Minister say yesterday that it would be released in December. We come back to the nub of the is-
sue surrounding the business case: the government has it, this document confirms they have it, they say they will release it and the Prime Minister says they will, in fact, release it in December, and yet they will not allow this parliament, this Senate or the Australian people to see this business case before we are asked to vote on the competition and consumer safeguards legislation that mentions and involves the National Broadband Network 62-plus times—before we have to make our decisions or deliberate.

That is just not acceptable and five pages of nice words, five pages of attempts at reassurance that Senator Conroy has provided the chamber with today, will do nothing to convince us of the merits of this case unless we can see the details—the planning, the pricing, the costing and what underlies the so-called viability that they claim. Just claiming there is viability is no good to the Australian Senate or the Australian people. The government need to prove it. Claiming they have done the work is of no benefit because we have heard that before. We heard that about school halls, and we heard that about pink batts and home insulation. We have heard before that they have done the work and that projects are viable. This time around we want to see the business case and we believe that, if there is $43 billion on the line, we should be seeing a decent, thorough cost-benefit analysis. There is nothing in this ministerial statement to change our minds.

Question agreed to.

LEAVE OF ABSENCE
Senator PARRY (Tasmania) (3.38 pm)—by leave—I move:

That leave of absence be granted to Senator Fierravanti-Wells for today, on account of parliamentary business.

Question agreed to.

MINISTERIAL STATEMENTS
Australian Pesticides and Veterinary Medicines Authority

Consideration resumed.

Senator COLBECK (Tasmania) (3.38 pm)—by leave—I move:

That the Senate take note of the document.

On behalf of the opposition, I welcome the fact that the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig, has made this ministerial statement, but I am a little perplexed about the process through which he is conducting this review. The two chemicals under review, dimethoate and fenthion, are significant chemicals in horticultural use in Australia, particularly in controlling fruit fly, which is a significant pest once thought to be a problem in Queensland but which has since moved into some other states. I understand that these chemicals are the only chemicals currently available for the control of Queensland fruit fly.

Some predictions by industry suggest that there could be losses of up to $300 million in the first year alone to Queensland horticulture as a result of banning these chemicals, with further impacts on the wine grape industries in Western Australia and South Australia. The impact of a potential ban of these chemicals is quite significant. I acknowledge that the opposition requested a private briefing from the Australian Pesticides and Veterinary Medicines Authority on this matter on Monday and I appreciate that it has become a briefing for all members and senators rather than just the briefing that was sought by members of the opposition in relation to the potential impacts.

We need to ensure that the pesticides that are utilised in agriculture and horticulture in this country are safe to use and managed properly. That is a significant consideration and the opposition is quite cognisant of that.
I note that, in the ministerial statement, the minister indicates that the legislation does not allow delaying decisions on the potential adverse economic effects, particularly where health concerns are identified. I urge the minister to ensure that everything occurs that needs to occur and could occur so that we can work closely with industry on this process.

I note that the ministerial statement refers to a national response plan that is being developed jointly by governments to focus on this issue, but I also note that the banning of the chemicals has significant capacity to inhibit trade between states. We are not just talking about import-export but also talking about trade between states. Largely, that is where some of the impacts of the removal of these chemicals would apply.

I do not want to sound alarmist in my response to the ministerial statement. I appreciate that the minister is prepared to put significant information on the table, and I appreciate that he has asked the APVMA to provide a briefing to senators and members next week, but it is important that all of the measures that can be put in place are put in place in response to the circumstances that might arise from the review of these two chemicals. It appears to me from the ministerial statement that the agricultural and horticultural sector may lose access to these two chemicals, based on quite sound grounds quite probably. But it is important that, as there is no alternative to these chemicals at this point in time, everything that can be done is done to ensure that the biosecurity issues are managed between states and also that the biosecurity arrangements applying to these chemicals for import and export requirements are managed in a satisfactory manner.

Question agreed to.

AUDITOR-GENERAL’S REPORTS
Report No. 15 of 2010-11
The DEPUTY PRESIDENT—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Audit report No. 15 of 2010-11: Performance audit: Food Standards Australia New Zealand.

DELEGATION REPORTS
Australian Parliamentary Delegation to the 56th Commonwealth Parliamentary Conference, Kenya
The DEPUTY PRESIDENT (3.44 pm)—I present the report of the Australian parliamentary delegation to the 56th Commonwealth Parliamentary Conference held in Kenya and which took place from 10 to 19 September 2010.

COMMITTEES
Selection of Bills Committee
Report
Senator McEWEN (South Australia) (3.45 pm)—I present the 14th report of 2010 of the Selection of Bills Committee.
Ordered that the report be adopted.
Senator McEWEN—I seek leave to have the report incorporated in Hansard.
Leave granted.
The report read as follows—
SELECTION OF BILLS COMMITTEE
REPORT NO. 14 OF 2010
1. The committee met in private session on Thursday, 18 November 2010 at 12.08 pm.
2. The committee resolved to recommend—that the Australian Research Council Amendment Bill (No. 2) 2010 not be referred to a committee.
The committee recommends accordingly.
3. The committee considered the following bills and noted that the Senate had agreed to refer the bills to the following committees for inquiry and report:
Evidence Amendment (Journalists’ Privilege) Bill 2010, to the Legal and Constitutional Affairs Legislation Committee

4. The committee deferred consideration of the following bills to its next meeting:
Family Law Amendment (Validation of Certain Parenting Orders and Other Measures) Bill 2010
Food Standards Amendment (Truth in Labelling—Genetically Modified Material) Bill 2010
Health Insurance Amendment (Compliance) Bill 2010
Migration Amendment (Detention of Minors) Bill 2010
Responsible Takeaway Alcohol Hours Bill 2010
Screen Australia (Transfer of Assets) Bill 2010
Tobacco Advertising Prohibition Amendment Bill 2010.

(Anne McEwen)
Chair
18 November 2010

Procedure Committee

Report

Senator PARRY (Tasmania) (3.46 pm)—On behalf of the Chair of the Procedure Committee, I present the fourth report of 2010 of the Procedure Committee.

Ordered that the report be printed.

Senator PARRY—by leave—I move:

That consideration of the report be made a business of the Senate order of the day for the next day of sitting.

Question agreed to.

Legal and Constitutional Affairs Legislation Committee

Report

Senator McEWEN (South Australia) (3.46 pm)—On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present the report of the committee on the provisions of the Corporations Amendment (Sons of Gwalia) Bill 2010, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Rural Affairs and Transport Legislation Committee

Report

Senator McEWEN (South Australia) (3.47 pm)—On behalf of the Chair of the Rural Affairs and Transport Legislation Committee, Senator Sterle, I present the report of the committee on the provisions of the Airports Amendment Bill 2010, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

WATER (CRISIS POWERS AND FLOODWATER DIVERSION) BILL 2010

Report of Environment and Communications Legislation Committee

Senator McEWEN (South Australia) (3.47 pm)—On behalf of the Chair of the Environment and Communications Legislation Committee, Senator Cameron, I present the report of the committee on the Water (Crisis Powers and Floodwater Diversion) Bill 2010, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator McEWEN—by leave—I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.
COMMITTEES
Regulations and Ordinances Committee
Membership

The DEPUTY PRESIDENT—The President has received a letter from a party leader nominating a senator to be a member of a committee.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (3.48 pm)—by leave—I move:

That Senator Ryan be appointed to the Standing Committee on Regulations and Ordinances.

Question agreed to.

SUPERANNUATION LEGISLATION AMENDMENT 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
Assent

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

AUSTRALIAN NATIONAL PREVENTIVE HEALTH AGENCY BILL 2010
Returned from the House of Representatives

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

TAX LAWS AMENDMENT (2010 MEASURES No. 4) BILL 2010

First Reading

Bill received from the House of Representatives.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (3.50 pm)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (3.50 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This bill amends various taxation laws to implement a range of improvements to Australia’s tax laws.

Schedule 1 amends the GST Act 1999 to ensure that the appropriate GST outcome is achieved in all situations involving third party payments.

The changes in Schedule 1 further refine the GST law to ensure the correct GST outcome is achieved when supplies for which third party payments are made, change their taxable status along the supply chain. This amendment prevents the use of third party rebates to achieve an unfair GST advantage. It also prevents too much GST being paid in other situations.

This amendment arose from recent changes to the GST Act which takes effect on 1 July 2010. The effect of those changes was to create GST adjustments to ensure the correct GST outcome
where payments are made to third parties in the supply chain.

The amendment will apply to third party payments made on or after 1 July 2010.

Schedule 2 amends the income tax laws to provide a CGT roll-over for taxpayers who replace an entitlement to water with one or more different water entitlements.

This roll-over ensures that CGT is not a barrier to transformation. Transformation is the process by which an irrigator permanently changes their right to water against an operator into a statutory licence held by an entity other than the operator. Transformation facilitates water market trading and the efficient use of water resources.

This Schedule also allows termination fees to be recognised when calculating a capital gain or capital loss on an asset, by including these costs in the asset’s cost base. This change applies to all assets and not just those relating to water.

Part 1 of Schedule 3 to the Bill makes minor policy refinements and technical amendments to the taxation of financial arrangements (TOFA), Stages 3 and 4 provisions.

The TOFA Stages 3 and 4 provisions cover both the tax treatment of hedges and tax timing treatment in respect of financial arrangements other than hedges.

The TOFA Stages 3 and 4 provisions include Division 230 of the Income Tax Assessment Act 1997 (ITAA 1997) and the consequential and transitional provisions inserted by the Tax Laws Amendment (Taxation of Financial Arrangements) Act 2009. These provisions modernise the financial taxation system by better reflecting the economic and commercial substance of financial arrangements.

The TOFA Stages 3 and 4 provisions represent a major legislative reform that affects a wide range of financial arrangements, including those of a complex nature. The amendments, which improve tax certainty and reduce compliance costs, are the result of the ongoing monitoring and consultation undertaken by the Government to ensure that the TOFA Stages 3 and 4 provisions operate as intended. Consultation has benefitted from the participation of industry representatives and professional bodies.

Part 2 of Schedule 3 extends the transitional period for the application of the debt/equity provisions to 1 July 2010 for Upper Tier 2 capital instruments issued before 1 July 2001. The amendment will allow the issuers of certain Upper Tier 2 instruments to transition into the proposed Upper Tier 2 regulations.

Part 3 of this Schedule makes minor technical amendments to the foreign currency gains and losses provisions. The amendments extend the scope of a number of compliance costs saving measures in the tax law as well as ensure that the provisions operate as intended.

Schedule 4 amends the income tax laws to make it easier for takeovers and mergers regulated by the Corporations Act, to qualify for the CGT scrip for scrip roll-over.

These amendments carve out takeover bids that do not contravene key provisions of the Corporations Act and approved schemes of arrangement, from having to meet the roll-over requirement that the target entity’s interest holders can participate in the arrangement on substantially the same terms.

These amendments have been made in part because the income tax legislation does not need to regulate participation where the Australian Securities and Investments Commission already takes into account equality issues—including in relation to consideration—in administering its role in relation to schemes of arrangement.

These amendments ensure that the scrip for scrip roll-over operates more effectively.

Schedule 5 implements the Government’s 2010-11 Budget measure to increase the threshold above which a taxpayer may claim the net medical expenses tax offset. The claim threshold will increase from $1,500 to $2,000 with effect from 1 July 2010.

The amendments will also introduce annual indexation of the claim threshold to the Consumer Price Index. The first indexation adjustment will take place on 1 July 2011. These changes will help reduce the long term cost to the budget of a rapidly growing expenditure and ensure the ongoing sustainability of the net medical expenses tax offset.
The amendments apply to the 2010-11 year of income and later income years.

Schedule 6 amends the list of deductible gift recipients in the Income Tax Assessment Act 1997. Taxpayers can claim income tax deductions for certain gifts to organisations with DGR status. DGR status will assist the listed organisations to attract public support for their activities.

This Schedule adds two new organisations to the Act, namely, One Laptop per Child Australia Ltd and the Mary MacKillop Canonisation Gift Fund. One Laptop per Child Australia Ltd was established in 2008 and aims to improve the lives of Indigenous children living in disadvantaged communities in rural and remote Australia. It is working to achieve this goal by giving remote Indigenous school children laptops. The laptops are designed to be durable, energy efficient and appropriate for children. The Mary MacKillop Canonisation Gift Fund was established to raise funds in relation to the canonisation of Mary MacKillop in Rome on 17 October 2010 and related events in Australia. This is a unique event as she is Australia's first recognised saint.

The Schedule also extends the period for which the Xanana Vocational Educational Trust can receive deductible gifts, until 30 December 2010. The Trust was established to provide vocational and technical training to the peoples of Timor-Leste.

Schedule 7 extends access to tax deductible donations to all volunteer fire brigades. Volunteer fire brigades perform an important community service. Brigades aim to prevent, respond to, and assist with recovery from a range of fire related emergencies, including preventing bushfires from reaching people in built-up communities.

Schedule 7 also adds three new general deductible gift recipient categories into the ITAA 1997. This widens the accessibility of tax deductible donations to all entities providing volunteer-based emergency services, including volunteer fire brigades, and extends deductible gift recipient status to all state and territory government bodies that coordinate volunteer fire brigades and State Emergency Service units.

Full details of the measures in this Bill are contained in the explanatory memorandum.

Debate (on motion by Senator Lundy) adjourned.

BROADBAND

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.51 pm)—At the request of Senator Fifield, I move:

That the Senate notes the Gillard Government’s failure to undertake a cost benefit analysis of their National Broadband Network plan to ensure the most cost effective delivery of competitive broadband services to all Australians in a manner responsive to our future needs.

It is once more very interesting to note exactly where this nation is going and the incompetence before us in the guise of a government. It is quite peculiar where we have ended up, especially now with what is going to be the largest capital investment program in this nation’s history.

Senator Conroy was further embarrassed in question time today while playing around with his justification and the embarrassing mistakes he made in the media this morning. Early this morning Senator Conroy was claiming with regard to the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 that the National Broadband Network is not mentioned in the bill. In fact, it was mentioned 62 times. I had the bill there and, as I opened it up, the word ‘NBN’ and things to do with it were popping up like rabbits; they were everywhere.

Senator Conroy today would not confirm or deny his statements in question time, but he came up with a very different excuse. He said: ‘This bill is actually describing a deal between Telstra and the NBN. It is not about the NBN.’ You almost need to have the wisdom of Solomon to try to decipher that, but from what I can see the bill is about an $11 billion deal between Telstra and the NBN, not about the NBN. That is as clear as mud. That is a piece of cake. It is all clear—
nothing to see here. That really sheds some light on exactly how convoluted, confusing and hopeless this minister has become. If this bill is about the deal but not about the NBN then the minister must explain why he invited the CEO of NBN Co., Mr Mike Quigley—who, by the way, got his job without a job interview or without a public process of application for his job—along to announce the deal and why at the press conference Mr Quigley said:

This is a very important step forward for NBN Co …

The minister must further explain why he said in a press release announcing the $11 billion deal between Telstra and the NBN Co.:

This agreement paves the way for a faster, cheaper and more efficient rollout of the— wait for it—

National Broadband Network …

The Prime Minister in the House of Representatives today got in on the act of incompetence and tried to defend the minister by saying that he is a man who is fully conversant with the National Broadband Network. It poses the obvious question. If what we have seen today in its most classic form is a person fully conversant with his act then I would hate to see someone who is not conversant with his act. Poor Senator Conroy today, as soon as the question came, broke into a sweat. He had sweat pouring out of him because he is under the pump. He is under the pump by reason of the fact of his own incompetence. We have gone so far down this path and he knows that he is hiding something. Why will he not table the business plan? Surely it would cause him less grief than he is getting at the moment. Why will he not send it to the Productivity Commission? We heard him today talking about all these reports and all these sorts of oblique references to sundry reports everywhere else, but when it comes to the most obvious body, the one designed in this nation to investigate these sorts of things—the Productivity Commission—he refuses to send it to them. The only conclusion that everybody can come to is that he has something to hide.

Now we are looking at a process where, even by the government’s own admission and even though they get the numbers wrong every time, they are going to borrow—and it is not them borrowing; it is the Australian taxpayer borrowing—between $26 billion and $27 billion. That sits on top of where we are at the moment, the $170 billion gross that we have already borrowed. This money has to be paid back. They will expect a return on those funds. The return that the McKinsey report says we are going to get from the NBN is six per cent. The bond rate at the moment is only about 5½ per cent. It would be a lot safer to put the money in the bank. Why are we going to the risk of trying to incorporate ourselves as a competitive entity? Actually, we do not want to be competitive because that is another thing.

We see in proposed section 577BA of the Telecommunications Act as amended by this bill that they have applied for exclusion from what was formerly section 51(1) of the Trade Practices Act. In essence the government have basically said that you will be deemed to have passed that act or you will not be held to that part of the act. This is another thing. What we are doing here is setting ourselves up a monopoly. We are changing the legislation to set up a monopoly, and they have always admitted that at some point in time they are going to sell or try to sell the NBN back into the market. You are only going to be able to sell something if it provides a return. A return at six per cent is not going to be very attractive. So how do you change the return? You change the return by jacking up prices. It is very easy to jack up prices when you have a monopoly. It is very easy to
make money when you demand that people
get fluffy stuff into the ceiling without
setting fire to 190 houses and tragically killing
four people. They spent $1½ billion dollars
putting it in and then about $1 billion pulling
it out. We had a Labor government where,
with the Building the Education Revolution
program, we heard the rhetoric and ended up
with the bill. We know it cost in excess of
$16 billion. The taxpayers are being absol-
utely touched. This is the same government
that talked about the war on obesity, the war
on inflation and the war on homelessness—
all these things were never achieved. This
government is now going into the business of
telecommunications. They are doing it in
such a way—you have to see from the com-
petency of the minister—that it raises serious
questions.

The only way to dispel these serious ques-
tions is for there to be a proper analysis by
the proper body, which is the Productivity
Commission, and at the very least the tabling
of the business plan. This is currently follow-
ing this sort of nefarious process that the La-
bor Party has of talking about transparency
but not talking about it now—just as they
talked about the release of the Henry tax re-
view but we never actually had the release of
the Henry tax review; they kept stalling it
and stalling it and stalling it. Finally, it was
released and, after it was released, they did
not incorporate any of it. There was the
guide to the Murray-Darling Basin which
was supposed to be released before the elec-
tion but was never released before the elec-
tion. Then they miraculously held it back
when they were doing negotiations with the
Independents and it was finally released on a
Friday night at four o’clock after the media
had passed their deadline with the media in
one room and the politicians in another. Why
did they do that? It was because they tried to
circumvent a process of transparency. This is
what is going on here.

The more we see Senator Conroy not be-
ing across the detail, not understanding what
Minister Albanese in the other place said that
completely contradicted what he said on Sky
Agenda this morning, not understanding
some of the vital parts of the act and their
interplay with the NBN, not understanding
that the NBN is actually mentioned in the
act—in fact, he categorically stated that it
was not in the act, when obviously it is—the
more we realise we have no confidence in
his capability. Then there is the manner in
which he deals with other people’s money.
Having good one-liners, happy smiles and a
rambunctious nature is a poor excuse for
diligence in understanding this incredibly
complicated application in this incredibly
complicated field. The Labor Party painted a
marvellous sunny upland picture of broad-
band without really understanding and hop-
ing that no-one else would ever bother to
inquire. But we are inquiring now because
that is our job in this place.

We have always had a strong commitment
to communications in regional areas. I re-
member a couple of years ago now crossing
the floor to try to maintain the $2.4 billion
that had been put aside for a regional fund. I
remember all of the protections in the Telstra
bill: the network reliability framework, the
customer service guarantee and the universal
service obligations. We put $2 billion aside,
and with interest we were to have $2.4 bil-
lion in that account. After the Labor Party
stole that money we got the promise that
they would do something in regional Aus-
tralia. What have we got up until this point in
time? Nothing.
Even now, when they are going forward with this and talking about regional Australia, they are dealing with only 93 per cent. I am one of those people who live in the other seven per cent. It is once more not so much a thing for regional Australia but a duplication of services that exist in urban Australia at a price that Australia just cannot afford. If we had the money, we could afford it. But we do not have the money, so we will have to borrow the money. What is Labor’s plan to pay this money back—or have they paid as much attention to that detail as Senator Conroy has to the detail of his own legislation?

A lot of questions have been asked about the competition implications of proposed section 577BA. All these sorts of things are sneaking out via the cracks. Telstra have Minister Conroy where they want him. There is no doubt about that. Telstra have done an incredibly good deal. They have basically leased—not sold—the pits and the pipes and can get them back later if they want them. And, if they do not, they will have done very well out of them in any case. They knew Senator Conroy would do virtually anything to come to a deal, and he did. He came up with a $43 billion outcome.

The fact that it grew from about $4.6 billion to $43 billion alone should have rung bells and people should have started saying that there is something not right here. As an accountant you always look at the possible return. You ask: ‘What do you intend to be the return on this? Do you have the technical capacity to operate this? Do you have experience in this? From where did you draw the knowledge and the business plan to do this?’ You draw on people with similar competencies to the competencies displayed in the program that you wish to go forward. We can see that those with similar competencies, such as the telco tycoons from Japan and Mexico, have serious concerns about exactly what Australia is up to. No, I was being very polite there—they think we are off the planet with the way we are going about this.

Forty-three billion dollars is not something you drop on the floor of a pub on a Friday night. This money will have to be paid back. Our job in politics is to explain to the Australian people that you can provide an outcome without spending that sort of money. It is not that the coalition do not believe in broadband—we do—we just believe in cutting the suit to fit the wearer and not leaving the outcome sitting on the nation’s credit card. In real terms, over 50 years there will be a 450 per cent increase in the price of phone calls. That is without adjusting for inflation. If we adjust for inflation, there will be about a 64 per cent increase in the price.

Let us dispense with the idea that this is about forcing down the price of telecommunications. It will force up the price of telecommunications. People will have to pay for this utility. In their current business case they talk about only a six per cent return. Because they will get themselves in more strife than the early settlers and they will be in debt up to their eyeballs, you can bet your life that, because it will be moved out with the monopolistic attributes that are being inserted in this, ultimately once someone else gets their hands on it they will not ask for a six per cent return. No way. If they want a six per cent return, they will put their money in the bank—or they could become a bank and lend the money out and get vastly better returns. They will drive up the return and you will have to pay it because there is nothing you can do about it. That will just be the way it is.

The reality is they will be driven to that outcome because, unlike when the coalition was in government, we will not have money in the bank, we will have massive debts. The massive debts will then drive the agenda of the decisions that are made. And because
those massive debts will drive the agenda, you will not have the option of holding out; you will be forced into the process of a sell-down of assets to try and keep at bay those people to whom you owe money—in the hundreds of billions of dollars. This is a recipe for a very bad outcome, for something we cannot afford and we cannot prove, and even the Labor government cannot prove because they refuse to be transparent and table the business plan. They refuse to send the assessment of this process to the Productivity Commission. The only reason they refuse to do that, to be honest and go to the nation’s auditor on whether it is a prudent case, is because they know it is not. I could see that by watching Senator Conroy today on Sky Agenda as the sweat just came pouring out of him when he realised his immense faux pas, that he did not understand that the NBN was actually in the act he was promoting and discussing at that time. The most basic understanding was lacking in the most vital way.

If Senator Conroy does not understand that the NBN is actually noted in the act, what other sections has he been unaware of? When we go through it and look at sections such as 577BA it is a concern that they seem to abscond from the process of 51(1) of the Trade Practices Act. What are the ramifications of that? Who is going to tell us about that? We are just not getting the chance to really see this. What is the take-up and what are the actual requirements for people with regard to broadband? We note that, where it has been sent out, they have not got the take-up in the form that they expected. People’s desire to download movies quickly has not been expressed as we initially anticipated. That also goes to the question: are you over-reaching? The classic response to that is: for $43 billion, you most definitely are. It is most definitely an overreach.

The Labor Party went to people who knew less than them, because the Labor Party was the holder of the knowledge, and put forward this idea of the NBN as the reason why the Labor Party, when it did not win more votes than the coalition at the last election, should actually be the government. They put forward that idea and they made a warrant that this was a good plan. It is quite apparent now that that warrant is failing the test. Therefore, the Labor Party’s legitimacy as the government is failing the test. Their legitimacy to hold the treasury bench was on the premise that the NBN would be a great delivery mechanism, and other people accepted that. But it is not the case. As this NBN house of cards falls down, the legitimacy of the Labor Party holding the treasury bench falls down with it. That is another reason why Senator Conroy was excessively glowing and sweating on Agenda this morning, because he knows what this means. I would love to be a fly on the wall when Senator Conroy goes to his cabinet meeting as they discuss what an absolute and outer stuff-up today was for the Labor Party.

Senator CAROL BROWN (Tasmania) (4.10 pm)—I would like to start my contribution to this debate by thanking Senator Conroy for providing a ministerial statement on the National Broadband Network which provides a progress report on the National Broadband Network project, outlines the government’s plans to settle the outstanding policy and commercial matters associated with the project, and comments on progress with Telstra negotiations. It also talks about how the NBN will fundamentally change the structure of Australia’s telecommunications industry by facilitating equitable access to voice and high-speed broadband services and genuine competition to benefit all consumers and businesses.

The Gillard Labor government is committed to bringing Australian broadband services
into the 21st century. We began the task of building the National Broadband Network during our last term in government and we are determined to continue our plans to deliver the National Broadband Network to the Australian people. Those opposite seem hell-bent on doing all they can to delay and destroy this rollout of technology that will connect our rural and regional centres back to our main cities and the wider world, and to destroy infrastructure and technology that is vital for small businesses, healthcare delivery, education and our ability to work cleaner, smarter, faster. But the question is: why?

This definitely is not about the expense of the NBN. This is about the opposition’s desire to demolish the NBN—oh, except for in my home state of Tasmania, where Mr Tony Abbott recently promised the Liberal Party state conference he would keep the NBN there. So that is okay, we can have it there but nowhere else. It is somewhat absurd now to see the Tasmanian Liberal Senate team up here trying to demolish the NBN whilst back home, facing the electors, they admit they want to keep this critical infrastructure.

What is the opposition’s plan to deliver this critical infrastructure to all Australians? Are they hoping to stall the rollout of this infrastructure just to try and buy a bit more time to come up with a plan? Just this morning on Sky News, Senator Joyce himself could not provide an answer when questioned about what the coalition’s actual plan was for Australia’s future broadband needs. All Senator Joyce could say was he wanted to stop government spending. That is a very clear indication that the opposition have no plan for delivering broadband services to Australians. All this cover about handing over figures, costings, reports and inquiries on the project that has been reported on and inquired into will reveal nothing more than what we already know.

We know that the opposition will never be satisfied because they want to tear down the NBN, regardless of the benefits to Australia. Why? Because they are working under direct orders from Mr Abbott to Mr Turnbull to demolish the NBN. It seems they will do whatever it takes to fulfil this objective. We have already seen those opposite call for a joint committee and a Productivity Commission review. We have already had NBN Co. come before estimates three times and we have already had NBN Co. go to several committees. Those opposite had the NBN go to their own Senate select committee—a committee that was extended five times and produced five reports. What more information could a further study over and above those five reports, the estimates answers and the McKinsey-KPMG implementation study furnish to the opposition or to the Australian people?

This is all about delay. It is what they have been doing all along. The most recent calls for the Productivity Commission to conduct a cost-benefit analysis are another tactic for delaying, and we know that because Mr Turnbull himself admitted that even if the cost-benefit analysis came back unequivocally positive and in favour of the NBN he still could not guarantee the opposition’s support for the continued rollout of this critical infrastructure. So, if the report was not even going to sway the opposition’s position, what would be the point in having the analysis conducted, other than to cause unnecessary delay and thwart the government from delivering broadband to Australia? Mr Turnbull knows that the Productivity Commission would take years to do a formal cost-benefit analysis of the NBN because the NBN affects almost every aspect of our economy and society. That is why he asked for it. The longer the rollout is delayed, the more Australia will lag behind the rest of the OECD.
Recently, the Japanese government tried to calculate the economic value of the flow-on effects that a fibre-to-the-home network would have in enhancing the lives of Japanese people. That task defeated them. What was projected, however, was the value that would have been added to the Japanese economy during the period 2010-11 had they completed the fibre-to-the-home rollout by 100 per cent by the end of March 2011. That figure was estimated to be ¥73 trillion. That is around A$900 billion. If you use those same calculations with adjustments for the GDPs of Australia and Japan that figure is around $182 billion. The fact is that the task to accurately calculate the value of the long-term social benefits arising from improved infrastructure is almost impossible. This very fact was conceded by ACCC boss, Mr Graeme Samuel. There are just too many variables and indicia to form a correct calculation. However, what Mr Samuel did say was that in all three economies—those of Japan, Korea and Singapore—the ACCC found ‘a firm and non-controversial belief that the usage of their fibre and mobile networks is generating significant work and is crucial to maintaining and improving national economic competitiveness’.

The modelling of revenues and costs shown in the McKinsey-KPMG report, based on what could be expected from the project, found that the NBN can be expected to repay the taxpayers’ investment with a small return. So let us take a moment to summarise the steps we have taken on the NBN based on the report alone. The government released the McKinsey-KPMG implementation study in full on 6 May 2010. After eight months of detailed analysis, the implementation study confirmed that under a range of realistic scenarios NBN Co. would have a strong and viable business case. It also confirmed that the project could be expected to generate a return of six to seven per cent and that the government could expect to generate a return on its investment to cover its cost of funds. NBN Co. has finalised its three-year corporate plan and 30-year business plan. The company submitted the plan to the government on 8 November 2010. The government is currently considering the document and proposes to make a range of information from it publicly available in due course.

So why do the opposition continue to scaremonger about this investment in crucial infrastructure? It just does not make sense. The hype around the nondisclosure of information is ridiculous. The government have offered some initial briefings on the business plan to the crossbench and the Greens. These briefings will take place next week. The purpose of these briefings is to outline for the Greens and Independents what is contained in the business plan and the document. We want to provide them with some assurances about the viability of the NBN. As the Prime Minister has said, we will make the business plan public, and that will happen shortly, in December, once commercial-in-confidence material has been removed. We are not trying to hide anything. We are just being diligent in the way we manage this critical investment. As our Prime Minister, Julia Gillard, said this morning in an interview with the ABC:

… whether it’s inside the parliament or beyond, Australians want to see government being careful, being prudent, looking at the details, crossing the t’s dotting the i’s. That’s the kind of government I want to lead.

That is exactly what we are doing with the NBN. We have heard of the benefits of the NBN repeatedly. The OECD and Access Economics have confirmed that investment in high-speed platforms will generate billions of dollars in economy-wide benefits. Not only will this critical infrastructure provide innovations in areas such as e-health but it
will promote efficiencies, also generating a fiscal return.

To again refer to Japan, let us consider their e-medicine trials. What we can see is that by using technology, teleconsultation and home recuperation, using metropolitan medics to service remote regional centres, there is a saving of ¥41 billion per annum. These healthcare innovations reduce travel for patients, shorten hospital stays and also increase income for patients, who are able to get back to work sooner. This is just one example of the benefits that we will be able to deliver to Australia’s health system and to our citizens if we continue with our plan to roll out the NBN.

In light of all this evidence, why are those opposite still not convinced? The National Broadband Network and the proposed reforms to the telecommunications sector will revolutionise the communications market for Australian consumers. The United Nations said:

Broadband is the next tipping point, the next truly transformational technology. It can generate jobs, drive growth and productivity, and underpin long-term economic competitiveness.

Yet we are consistently thwarted in our attempts to deliver this technology to the Australian people. A study commissioned by IBM in 2009 found that the inferior fibre-to-the-node network would conservatively boost the NPV of GDP by between $8 billion and $23 billion over a 10-year period. That same IBM study also found that over a 10-year period this rollout would create 33,000 jobs in an economy operating at less than full employment.

I will say it again: despite all the evidence we have for delivering this critical social and economic infrastructure for the future, the opposition still want to pull it down. Just this morning those opposite have also attempted to stall legislation designed to promote competition in our telecommunications sector and improve consumer safeguards. Taking action to correct the vertically integrated, privately owned monopoly that Telstra enjoys in the Australian telecommunications industry is long overdue. This legislation is not about the NBN, and those opposite should stop misleading the parliament and the Australian people on the true purpose of the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010.

The Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 is about a substantive regulatory reform package that will deliver a more efficient and effective telecommunications market with appropriate consumer safeguards. Whilst the separation of Telstra will certainly allow for a smooth transition to the NBN, it is not essential for the ongoing rollout of the NBN. Those opposite are either a bit confused or just trying to distort the issues in the debate. Either way, just to clear it up one more time: the NBN, Australia’s first national wholesale only communications network will support genuine competition in the telecommunications sector and promote better outcomes for Australian consumers.

The reforms to the telecommunications sector proposed in the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 are purely about, as I said, overcoming the vertically integrated, privately owned monopoly that Telstra enjoys in the Australian telecommunications industry. The telecommunications reforms have nothing to do with the role of NBN Co. and its commercial structure. Those reforms are about telecommunications reform.

Now that I have clarified that confusion we can get back to talking about the NBN.
The National Broadband Network, as you have all heard, is the largest nation-building project in Australia’s history and will lift Australia to the top of world rankings in broadband access. It will drive major productivity and growth opportunities and ensure our children get the best education in the world. The NBN will deliver high-speed broadband to all premises in Australia, no matter where they are located. Every home, business, school and hospital will be included and no-one will miss out.

Under the NBN, 93 per cent of premises will be connected with fibre-to-the-premises technology providing speeds of 1 gigabit per second. The remaining Australians who live outside the footprint will receive faster and cheaper broadband from the next generation of satellite and wireless technology. This access will be at a rate 1,000 times faster than what many people experience today. The NBN is not a quick fix; it is a solution for the long-term benefit of the country, especially for our rural and regional areas.

The rollout of the NBN is already putting communities and businesses such as those in my home state of Tasmania on the map and ensuring that Australia remains a player on the international stage. As well as improving services, the construction of the NBN is supporting 25,000 jobs every year on average for the eight-year lifespan of the project. I have already talked at length about the McKinsey and KPMG study which confirmed that a high-speed broadband network can be built on a financially viable basis with affordable prices for consumers.

That is right—it has been confirmed that a high-speed broadband network can be built on a financially viable basis with affordable prices for consumers. That is why we are delivering the NBN, because under the watch of those opposite Australia’s broadband speeds lagged behind the rest of the developed world. This government, however, is committed to building the National Broadband Network over eight years.

Can those opposite dispute that this is a large-scale infrastructure project which will deliver growth and stimulus to the Australian economy? Have those opposite ever denied that the NBN is critical for small business, crucial for our future healthcare delivery and vital to ensure the quality of education of our young people, to connect communities, to promote jobs growth and to ensure that we are able to work cleaner, smarter and faster?

In my home state of Tasmania we have already had three towns—Smithton, Scottsdale and Midway Point—receiving high-speed broadband services for the first time. The Prime Minister, Julia Gillard, herself came to midway point just outside Hobart to switch on the first customer to the NBN. We now have a take-up rate for a fibre connection that exceeds 50 per cent, and after only a few months. The take-up of these services already exceeds the annual rate that the McKinsey-KPMG implementation study concluded would be needed to make the NBN viable with affordable prices for consumers.

NBN services are delivering previously unseen levels of competition and choice in Tasmania. As I have stated previously, the first five retail service providers who are working with NBN to deliver broadband services are Primus, Internode, and iiNet. Telstra has now also signed on to test its services over the NBN and a fifth provider, Exetel, has signed up to provide services. These packages are extremely competitive. Let me give you a few examples. Internode has released its retail prices. Its entry level is for a 25 megabit per second service for $29.95 per month and an entry level 100 megabit service for $59.95 per month. iiNet is offering a 25 megabit per second service...
for $49.95 with an introductory offer of free set-up, some in-home wiring and a free ‘Bob’ box. For an extra $9.95 per month, an iiNet customer can get a phone service with 15c calls to fixed phones in Australia. iPrimus has released its retail prices which include a 25 megabit per second service with bundled phone, including all calls within Australia for $89.95, and that includes calls to mobiles. Never before have Tasmanians been able to enjoy such affordable, high-speed broadband services.

In Tasmania we are already undergoing planning for the stage 2 rollout. On the mainland, construction work has begun on the first five release sites in Armidale in NSW, Townsville in Queensland, Willunga in South Australia, Minnamurra-Kiama Downs in New South Wales and Brunswick in Victoria. The government’s plan is for 19 second-release sites to have fibre deployed in 2011 in areas such as Coffs Harbour, Toowoomba, Bacchus Marsh, Casuarina and Geraldton. These are but a few of the 14 new locations and the government is working with NBN Co. on the further rollout to prioritise regional areas.

After all this progress and all this planning, those opposite still want to delay and assess the benefits? There is simply no rationale for stopping the NBN just to backtrack over the same issues that we have already dealt with. The government welcomes transparency, but the continued analysis and scrutiny of one of the most scrutinised projects ever funded by government is without further benefit considering the opposition’s view that, regardless, they still want to tear down the NBN.

Earlier in the year we have seen Telstra and NBN Co. announce that they have entered into a financial heads of agreement. This is expected to reduce significantly the overall build cost of the NBN and improve the business case. Customers are already receiving cheaper and faster broadband across Australia. Yet those opposite want to cut off those services? Perhaps Mr Abbott and his Liberal Senate colleagues should come clean to their Tasmanian constituents and clarify what exactly they plan to do with the existing infrastructure in our state.

Senator IAN MACDONALD (Queensland) (4.31 pm)—Having heard that presentation by Senator Carol Brown, perhaps it gives me a convenient place to start and that is Tasmania. Senator Carol Brown has spent some time telling us what great deals you can get in Tasmania. I see a couple of other Tasmanians here too.

Senator Sherry—The state Liberal Party loves it too.

Senator IAN MACDONALD—Senator Sherry, you have got something to do with finance in the government. Tell me what income you are getting for your up to $100 million expenditure in Tasmania at the moment. What revenue is NBN gaining? This is just the point. NBN has spent I think it is up around $100 million in Tasmania already and they are not getting one cent of revenue. Rather than getting any revenue, it is actually paying people $300 to get the connection box fixed to their house. Rather than getting revenue, it is actually costing them to sign people up. For that investment, that is being given away absolutely free.

NBN Co. are not charging iiNet a cent. No wonder iiNet can give these great deals of $89 a month. Telstra were giving the same service at $89 a month long before this and they were not trying to pay off a $100 million capital investment. Whatever you say about Tasmania—Senator Sherry and the other Tasmanians in the chamber, please interject and tell me I am wrong here—NBN is giving away its services in Tasmania. That is what is wrong with this government and that
is what is wrong with the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, who is completely out of his depth on this issue. Please let the record note there are three Tasmanian senators sitting opposite me and not one of them by interjection challenges my assertion that NBN Co. is not getting a cent for the huge investment it has already made.

Of course the retail service providers are giving away attractive packages. Why wouldn’t you give away an attractive package when it costs you nothing to present it? I would ask those who have spoken to tell me what iiNet and the others—iPrimus—are going to charge come 1 July next year when NBN actually starts charging them for the use of the fibre-optic network.

Madam Acting Deputy President, you, I and others have asked time and time again until we are blue in the face at estimates committees when is the real pricing is going to come and what is the real pricing going to be, but always we get a wall of silence. We are told: ‘That is commercial-in-confidence. We cannot tell you now, that is a budgetary issue.’ Typical of this government, and Senator Conroy in particular, there is no information because they cannot stand the scrutiny.

Let me make this very clear. Everybody in Australia—and most certainly the Liberal and National parties—is determined to see a broadband network right throughout Australia. If there had not been a change of government three years ago, the National Broadband Network would be up and running today at a taxpayer cost of something like $5 billion. It would have been there using a mix of technologies and it would have been up and running now at a cost to the taxpayer of around $5 billion. Yet the Labor Party alternative came and made a deal before the 2007 election, promised the world, did a deal with Telstra—and didn’t Telstra quickly work out that you cannot trust the Labor Party in making these sorts of deals?—won the election and came in with their first proposal. We then had three or four other proposals after, you might recall, Madam Acting Deputy President, spending $20 million. It is only $20 million—it rolls off the tongue. It is not my money; it is the taxpayers’ money. They wasted $20 million on their first iteration, then they went to several other iterations and then they thought, ‘We have got ourselves into this mess; let’s try and find someone who can give it a semblance of authority and genuineness,’ so they got McKinsey and KPMG to do an implementation study. That was $25 million again spent. Here is $45 million spent by the Labor Party before the first sod is even ever turned. That is the Labor Party. Look, $45 million just rolls off the tongue. I am doing something now I never thought I would do. I am holding $25 million in my hand. That is the implementation study. That is what we taxpayers paid for. In spite of what Senator Conroy said at question time today, this implementation study says:

The ... detailed cost modelling estimates that the NBN can be built for $42.8 billion in capital costs.

Senator Conroy seemed to be unaware of that at question time when he was talking about a figure of $26 billion. The KPMG report said that, in the best scenario going, the government might be able to get away with a $26 billion capital injection and hopefully private enterprise would provide the rest.

Everyone in Australia wants a broadband network that is nationwide. As I say, had the government not changed three years ago, that would have been up and running now, providing fast broadband to all Australians at an affordable price.

What we object to about Senator Conroy’s NBN proposal is not necessarily the proposal
itself but the fact that it is costing $43 billion of taxpayers’ money. As I said in question time a couple of days ago, a mayor in the Gulf Country of Queensland, where I come from, Councillor Annie Clarke, said that the $43 billion splurge is a ‘waste’ to people in that part of remote Australia. She said, ‘What we want is a decent telephone service. We want reticulated electricity. We want a road that will get us in and out of our little town in times of wet.’ If you are going to spend $43 billion, spend it on some infrastructure that actually means something to Australians. Not every Australian needs 100 megabits per second to download all the latest movies from around the world. Very few people want that. I get away with what is on my laptop—three or four megabits per second. It is great. That is all I will ever need. If you going to waste that sort of money, and this government is pretty good at wasting money, at least put it into some relevant infrastructure.

It seems in this instance that everybody else is wrong and only Senator Conroy is right. Everybody else is out of step; Senator Conroy is the only one in step. Communications experts from all over the world have been coming to Australia. They cannot believe that Australians are stupid enough to spend $43 billion of their money to construct something that private industry could have done itself. I mentioned earlier this week in the Senate the Mexican telecommunications tycoon, Carlos Slim Helu, and the Japanese internet industry leader, who both said that a national broadband network could be built by private enterprise without the government having to dip into its ever-dwindling financial resources. Each week we hear stories of people who have done correct estimates of anywhere between $3,000 and $7,000 per connection to have Senator Conroy’s NBN network connected to homes. Which family in Australia can afford $3,000 to $7,000 to get Senator Conroy’s fibre-to-the-home network installed when, I might say, they are doing it pretty tough at the moment under this Labor government? They do not have that sort of spare cash and they are already getting a reasonable broadband service for no capital cost and a cost per month that I guarantee will be cheaper than anyone will ever be able to supply using the $43 billion National Broadband Network that Senator Conroy is imposing upon us.

If this is as good as Senator Conroy says it is, you would think he would be the first one to get a cost-benefit analysis done. Wouldn’t he be out there being upfront about it? He keeps telling us how good it is, how cost effective it is and how it is going to be brilliant for Australia. Why wouldn’t you go out and get someone responsible and authoritative like the Productivity Commission to do a cost-benefit analysis? Then you could prove to the world that you are right, it is good for us. But Senator Conroy will not do that, and why? He knows that any reasonable examination of this whole proposal will show that it is not value for money and that there are better ways of doing it than renationalising the telecommunications system in this country.

By way of recapitulation to put this in perspective, remember—Madam Acting Deputy President Fisher, you may be too young to remember this; regrettably I am old enough to remember it—when Telecom was a government instrumentality? I even remember when the postmaster-general’s department looked after our telephone lines and whatever communications we had. It changed into a government corporation called Telecom. Remember those days? Particularly out in regional Australia, you would turn the handle of your phone and 15 different people would
answer because you would be on party lines. This is the sort of service we used to get when the government last ran telecommunications.

Fortunately, Labor and Liberal governments over time have moved telecommunications into the private area. With the benefit of competition—with that innovation that comes when people are competing to get the best system—we have a telephone and internet system now that you could have only dreamed of even 20 years ago. Even when I first came to the parliament one would not have believed that 20 years on we would have the telecommunications we have now. That is the point: it is changing and improving by the week. Yet Senator Conroy is locking us into his proposal, which many experts tell me will in four or five years be outmoded. I cannot argue about that; I do not know the technicalities; but the experts tell me that what Senator Conroy has done to the Australian people is lock them into a system which will be rapidly overtaken. For that, we, our children and our grandchildren will for decades be paying off Senator Conroy’s financial mistakes and irresponsibility. It is irresponsibility, I might say, shared by every member of the Rudd and Gillard cabinets.

The Senate has conducted a long-running inquiry into the NBN. When the inquiry started in 2008 we looked at the government’s NBN proposal, did a lot of work on it and then found halfway through it that the government had scrapped that and the $20 million that it had already spent and brought in this white elephant. We have had a number of reports and very intense investigations into it. The reports are all there to read, and I recommend them to senators. I also recommend to senators that they have a look at this $25 million implementation study because, as Senator Conroy in his one-line glib throwaways would try to pretend it is not, it is a very qualified implementation study. It certainly was not a cost-benefit analysis, and that is made very clear by McKinseys themselves.

It became clear from reading the implementation study that for this to be viable you would need about a 90 per cent take-up. Even in Tasmania, where they are giving it away, they cannot get to 50 per cent take-up. How are we ever going to get to a 90 per cent take-up? I think Holland and the United States were the two comparable countries, and the take-up there after the initial flush has settled down is at about 40 per cent. At the price it is going to cost Australians—somewhere between $3,000 and $7,000 to connect up—you cannot imagine it is going to be much higher than it is in Holland or in the United States.

The implementation study raised all these issues, but a lot of the assumptions they used were not made available in their study. The study came out on 5 March 2010 and here we are eight months later and we still do not have a government response to this. In spite of us trying and in spite of the Senate demanding that we see the government’s response and the business case that allegedly has been done, and which is sitting on the Prime Minister’s desk, we are being kept in the dark.

I was absolutely amazed when Senator Carol Brown told us about the crossbench senators and the Greens getting a private briefing on the business case. What sort of parliament is this? What sort of show are we running here in Australia in this great land of democracy when the government will show things to some senators but not to others? That in itself is the sort of activity that should be blazoned across the front pages of every newspaper in the land. That is the sort of thing that Hitler used to do. It is the sort of thing that all the tin-pot dictators around the world do: you do not tell your opposition
anything but you tell your own lot and the people who are supporting your own lot, like the Greens. If it is good enough for the Greens to see it and for Senators Xenophon and Fielding to see it, what is wrong with me? Why can’t I see it?

Senator Xenophon tells us that he is under no confidentiality constraints, so hopefully Senator Xenophon will be able to tell me what the Labor government itself is not allowing me to see. I think that is the most disgusting, undemocratic thing that has happened in the history of the Labor Party. Good heavens, they are renowned for a lot of backroom deals and undemocratic—fraudulent almost—activity over the years in various states! I will not talk about the Labor minister in Queensland who has just been jailed for accepting bribes of $300,000 or $400,000. To me, this is up there in that category. You say to parliament, ‘We have got information. You have paid for it—you and the taxpayers have paid for it—and we are going to show it to our mates but not to you.’ How undemocratic and how appallingly bad can this government get?

I fear for our country, with $43 billion wasted on a scheme that could have been done for about $5 billion. Telstra are laughing all the way to the bank with the $11 billion they racked off this government in a deal that, as I say, has them laughing. Senator Conroy is clearly right out of his depth in this. I just wish he had the decency to get up and admit it, stand aside and let someone else who may have a better understanding into the chair so Australians are not lumbered with this fixed-in-time system at a cost which will have to be paid off over time immemorial. It is a dog of a system, it is a system that is completely beyond the capabilities of the current minister to handle and I do wish that Senator Conroy would do the right thing, confess to his incompetence and stand aside for someone else.

Senator POLLEY (Tasmania) (4.51 pm)—It is great to have the opportunity to follow on from Senator Macdonald because I always find his speeches if not inaccurate then certainly less informative, and they very seldom actually reflect any facts. He has a selective memory.

I am always at a loss to understand why the coalition endeavours to be recorded in history as an obstructive opposition, because in every imaginable way they continually want to be very destructive. They cannot see, nor will they acknowledge, the great benefits of this investment in infrastructure in this country. It is the greatest infrastructure investment in Australia’s history. It is what we need. It is what rural and regional Australians have been crying out for for a long time. In fact, those opposite had 12 years and did nothing. I think they came up with a few plans, and I am not sure now whether they are up to 19 or 20 plans. None of them come anywhere near what the Australian community expect or deserve.

I remind those opposite that it is their colleague Senator Guy Barnett who has lost his Senate seat—unfortunately in some respects, because I do share some views with Senator Barnett and I acknowledge that he has been a worker in the Tasmanian community. Apart from the fact that some within the Liberal Party were out to get rid of him, he also publicly acknowledged that it was the national broadband policy that helped him lose his Senate seat and led to the Liberals doing so very poorly in every electorate in Tasmania. It was actually quite embarrassing in Denison, where the Premier comes from. Our government is of the view that Australia must maintain and improve its standards of living, its healthcare system, its education system and its economy. These are comparable with other countries in the world and we as a government want that to continue to be the case. What are the opposition suggest-
ing? That we go back to living in caves, spear our food and roast everything on an open fire? There is not one reputable authority that does not support the national broadband plan. In Tasmania, we have the Premier of the Tasmanian government, the Hon. David Bartlett, and we have the Leader of the Opposition, Mr Will Hodgman. As I have said, Senator Barnett has already put on the public record how he sees the Tasmanian community being accepting and open to the National Broadband Network. But there are other, technical, experts that are also in accord.

Andrew Connor from Digital Tasmania has been quoted as saying:
They’re calling it risky and reckless … fibre technology has been used for 30 years in telecommunications and now it’s ready for the home. And as for reckless, the Telco sector and competition has just failed over the last 20 years in Australia and that is why the government needs to be put out this new infrastructure, that’s to get all customers up to the same level of service, not the patchwork of services we’ve got at the moment across the country.

It is not us saying that. Mr Darren Alexander, the TAS ICT president, is well known and well respected by both sides of politics in Tasmania. He said that the NBN was:
… a once-in-a-lifetime opportunity for Tasmania—

and I will repeat that for the benefit of those on the other side who are shaking their heads—

… a once-in-a-lifetime opportunity for Tasmania to be at the forefront of the new digital economy in Australia. This in itself has a myriad of opportunities for business and especially SMEs, which is over 96 per cent of Tasmania.

The vice-chairman of the UN Broadband Commission for Digital Development complimented Australia on its vision and ambition, saying:

… broadband infrastructure was crucial for economic growth and competitiveness and would ensure efficient delivery of education, health and trade and business services …

Google Maps was a concept developed not in New York or in Silicon Valley but in Australia. Lars Rasmussen, co-founder of Google Maps, said:
The web means that it doesn’t matter where you are … you can live here in Australia and build products for the world …

Tony Barnett, the director of rural health at the University of Tasmania, says that e-health services could revolutionise healthcare provision in Tasmania’s rural areas. No wonder the Tasmanian people have welcomed the National Broadband Network. Mr Barnett said:
The federal government has done a terrific job and Tasmania has been fortunate to be in the front running in terms of trials.

The coalition is merely playing politics and being obstructive, and these are its most important concerns. It is nothing to do with acting in the interests of Australians, their health, their wellbeing or their economy. I hear the coalition talking about how the people who work at checkouts, in the sun or in small industries—average Australians, as they describe them—will have to pay for this for years and years to come. I am sure those people would much rather be in work than not. The reason they are still in work now, even with the global financial crisis, is that this government took decisive action to ensure that Australian families kept their jobs. If we had listened to those opposite, we would have kept our heads in the sand as their spokesperson at the time wanted us to do. They said, ‘Let’s sit back and wait,’ while we saw the world’s economies collapse around us. But no; we took action. They have the same negative attitude towards the rollout of the National Broadband Network.
Australia cannot afford to slip behind the rest of the world. Back in 2007, the Organisation for Economic Co-operation and Development’s *Communications outlook 2007* report found that Australia’s broadband was amongst the world’s most expensive and slowest. Who was in government leading up to that time? It was the Howard government, including many of those on the other side. The OECD report studied the average download speeds for the incumbent telco—in Australia’s case, Telstra—in each of the 30 industrialised countries that are OECD members. What did they find? They found Australia was second from the bottom, beaten by countries such as Poland, Belgium and Mexico. What did the then communications minister, Senator Helen Coonan, talk about at that time? She preferred to talk about Australia’s relatively high level of domain name registration per capita. Wow! Yippee! She was certainly looking at the big picture there! Former Minister Coonan was quoted as saying:

This is an outstanding achievement considering the particular challenges of providing telecommunications access at fair prices over a vast continent with a small population.

Unfortunately, the former minister was somewhat alone. David Forman, chairman of the Competitive Carriers Coalition, said that Australia should be ashamed of its performance. He was quoted as saying:

The countries we are keeping company with [in broadband] are not the countries we should want to be associated with. This is a problem that has been 20 years in the making and it’s only going to get worse … If we measure ourselves in isolation then, yes, prices are falling, but they’re not falling fast enough [compared with the rest of the developed world] and we’re not catching up.

The OECD may have in 2010 talked about the speed of implementation of the NBN, but they certainly did not deny the essential need for the National Broadband Network. They did not deny the enormous benefits of the National Broadband Network to the economy and they did not deny that the wellbeing of the community would be enhanced.

Senator Abetz this morning talked about the lack of need for this development. That is what the coalition wants: to perpetuate the clearly inadequate junk that the OECD has already described as amongst the slowest and most expensive in the world, completely inadequate in any developed country in the 21st century. Senator Abetz also gloated this morning about the opposition to President Obama’s health plan and how the Democrats had had a real hiding in the US midterm elections. This is the attitude of the coalition. Forty million-plus people in the USA do not have any access to health care. President Obama recognised the situation as appalling, but the defeat of the Democrats was what was important to Senator Abetz. Pathetic. All that those opposite care about is politics and to be obstructive. They have no concerns for the real needs of our economy. The husband of one of my staff members’ friends in Washington state recently died of bowel cancer at home with no medical support, no pain relief and no assistance of any form—a shocking way to die. The 40 million are now one fewer. They are the sorts of things that those opposite gloat about. They put politics ahead of people.

The same staff member has done a considerable amount of volunteer work in South America. One of the surprises of his travel was how available and quick the internet was. It was certainly as good as in Launceston, my home base. We are talking about poor countries, populations where between 20 and 80 per cent live below the UN poverty line of an income of less than US$2 per day. Despite that, they have recognised the enabling potential of this technology. Countries like Peru and Paraguay, with due respect, are hardly booming economies, but
they can see the need, and yet we are sitting here still debating when Australia needs us to stop the obstructive nature of those opposite and to get on and implement the national broadband rollout.

On 21 October 2010, Akamai Technologies revealed that Australia’s broadband is the 48th fastest in the world. This country now ranks 48th globally. This is what the coalition thinks is reasonable and good enough for Australia. It is not. We, the government, will not accept Australia being third rate. While we sit here and debate what other countries are doing, do you think countries such as South Korea, Portugal, Malaysia, Singapore and Japan are sitting on their hands? No, they are not. As concluded in the article ‘NBN 101: is Australia’s NBN world class?’:

... while the National Broadband Network is an important facet of the Australia telecommunications industry, we are by no means alone in our endeavours, and the types of access some countries already boast can be a humbling experience.

With countries racing to beat each other to the next landmark in broadband speeds, though, the NBN or a high-speed network is ever more important in ensuring Australia becomes competitive, both economically from a data-centric and online services viewpoint, on the global stage.

But to turn to what is happening in Tasmania with the rollout of the National Broadband Network: the first-stage rollout has occurred in Tasmania. We have led the way—and Tasmanians are very proud of that—in Smithton, in Scottsdale and in Midway Point. In Scottsdale the vote in the last federal election was the highest vote the Labor Party has received in decades. Why? Because they led the way to have broadband. The business community, local government and residents are all appreciative of that opportunity. They were some of the most broadband-neglected areas in Australia thanks to the former coalition government.

The next stage will include towns such as Deloraine. I know that area very well. It also includes Georgetown, Kingston Beach, Sorell, South Hobart—

Senator Bilyk interjecting—

Senator POLLEY—Yes, Senator Bilyk—your areas. It also includes St Helens and Triabunna on the east coast of Tasmania. The third stage includes the remainder of Tasmania. It is major cities like Burnie, Devonport, Launceston and Hobart. I have been around speaking to the business communities along with my local member, Geoff Lyons, who also is very committed to this initiative and this investment in infrastructure. We have been talking to people in the local government, business and health. They can see the benefits of the national broadband roll-out, but those opposite would rather play politics, be obstructive, not see the future and keep people back. We on this side of the chamber will not allow that to happen.

When we look at what happened at the Liberal state conference in Launceston just recently, we had Mr Abbott going along to the Liberal conference, trying to assure the Tasmanian community, ‘That’s all right; whatever’s rolled out now in Tasmania with the NBN we’ll leave there.’ He said during the election campaign that he was no tech-head, but his ignorance astounds me. This is a national rollout. This is a national broadband. We are not talking about pigeon carriers or playing on drums; we are talking about modern, 21st-century technology. You cannot have a national broadband network if you do not allow Tasmania to plug into the rest of the country. Of course you are then not going to be competitive. But once again those opposite want to keep Tasmania in the dark. The Tasmanian community have said no to that. They have said no repeatedly. If they have not got the message yet, I suggest those opposite who are shaking their heads have a
talk to Senator Barnett. He will be able to reassure them about what the Tasmanian community thinks.

I can tell you the packages in Tasmania are far more competitive than they have ever been. For instance, Internode are offering 25 megabits per second for $29.95 per month and a 100-megabits-per-second service for $49.95. We know that the National Broadband Network will be rolled out in other states and we know that people are embracing it, whether they are in Armidale, Townsville, Brunswick or any other rural or regional areas of New South Wales, Queensland, WA or Victoria. The penny has just not dropped with the opposition. The National Broadband Network is happening, it is popular and it is what Australian businesses, health services and individuals want. The coalition’s opposition to this, especially in the eyes of most Australians, is about as irrelevant as they are becoming in opposition. I recently said in the Senate:

The agreement between the NBN Co. and Telstra further enhances the viability of the project. There are huge benefits. The use of the Telstra infrastructure will eliminate the possibility of duplication of infrastructure, with significantly less disruptive trenching and laying of conduits. The progressive migration of customers from Telstra copper and pay TV cable networks to the new wholesale-only fibre network to be built and operated by the NBN Co. will be an orderly transition for Telstra customers. There will be significant benefits to taxpayers: savings and faster construction and take-up rates.

In the long-term, full structural separation will be achieved when Telstra migrates its customers to the wholesale-only NBN and decommissions its copper network. In the future, Telstra and other retail services will have access to a single, wholesale-only network offering access on open and equivalent terms as enshrined in the legislation and overseen by the ACCC. The NBN will create and maintain thousands of jobs as well as creating opportunities for local contractors.

The coalition’s latest obsession with obstructing this development revolves around their claim that the government would not release the NBN Co.’s business plan. Therefore they claimed that debate on the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009 could not occur. The link was nonsense. I am not going to reiterate what Senator Carol Brown so eloquently put on the public record, but those opposite, in their typical fashion since they have been in opposition, have no foresight. That is why, after 12 years and what—19 or 20 plans, Senator Bilyk?

Senator Bilyk—That’s right; I’ve lost count there’ve been so many.

Senator POLLEY—I think there were. It has taken a Labor government to invest in this infrastructure. Fortunately, Senator Abetz’s latest attempt to prevent discussion on the CCS bill was defeated. A bit of common sense is needed, something that seems to be in short supply amongst those in the opposition. We as a government are about ensuring that all rural and regional Australians have access to high-speed broadband. I would have thought that some of those opposite—and there are some who have worked in rural and regional Australia and have worked in health—would appreciate the great benefits that the National Broadband Network would bring to our community as far as health services alone are concerned. We can take medical records from bedsides in hospital back to the patients’ homes, their GPs, their specialists and their nursing homes. This is the potential that this great initiative will have.

In summary, the community in my home state of Tasmania has embraced this project. We are all anxiously awaiting the rollout of the future opportunities for local govern-
ment, business, and tourism operators. (Time expired)

Senator FISHER (South Australia) (5.11 pm)—The tragedy for Australians is that the $43 billion National Broadband Network is more about what we do not know than it is about what we do know. What the Australian people do not know still, despite the $43 billion spent, is who will get what, when they will get it and how they will get it. Will they get it by fibre to the home? Will they get it by satellite and/or a combination of wireless? When will they get it? And how much will they have to pay for the supposed pleasure of getting it? Those are just some of the critical unanswered questions left in the lap of the Australian people, who are footing the bill for the $43 billion network. Worse than that, these are the Australian people who are de facto bedfellows of this government. At the behest of the government, they are de facto bedfellows of the government in having to fund every dollar of the spend on the National Broadband Network. Out of respect for that investment, what do this government give them? Nothing but contempt and a shroud of silence around the $43 billion investment—so much so that the Australian people would sadly be justified in continuing to think that, rather than signifying a national broadband network, the initials NBN continue to stand for ‘no body (k)nows’.

What do we know? We know that the government has continued to refuse to provide a cost-benefit analysis of the $43 billion National Broadband Network. Yes, the government has, courtesy of the taxpayer, invested some $25 million in an implementation study. Of course, the difference between an implementation study and what would have and should have been a cost-benefit analysis is that an implementation study tells the government how to do something; it does not tell the government or us whether we should do that thing. That is the big difference. The other big difference between an implementation study and a cost-benefit analysis is that a cost-benefit analysis would at least shed some light on the degree to which this proposition might or might not be value for taxpayer money. So what we have instead thus far is an implementation study that says yes, the government’s $43 billion National Broadband Network can be built based on certain assumptions. These assumptions include the number of people that will want it and the amount of money that people will pay for the privilege. At this stage the assumptions are untested and very much unproven.

Given that we do not have the government’s response to the implementation study, we are still left wondering as to the basis upon which the government is proposing to implement the very study that it commissioned at the expense of the taxpayer. Of a business case which we believe exists, of some 400-plus pages, once again we are told that we cannot see it until after this parliament rises. Interestingly enough, some two estimates rounds ago the minister was very keen to let us know that at that stage, when we asked him whether we would see NBN Co.’s business case and, if so, when, he very clearly said that he in effect did not intend to provide a copy of that business case to us or to the Australian public—not then, not once it was done and, indeed, never ever. He has been dragged, kicking and screaming, to the brink of releasing a copy of the business case and is now trying to buy more time to take him out beyond the sitting period of this parliament. He is trying to buy more time with a really cheap bribe to the Independents of a briefing from the government in lieu of a 400-page business case. Please, Minister: if you have not even got around to reading it all by now and working out which bits you want us to know about and which bits you do not want us to know about, how can you credibly
expect people like the Independents in this parliament to absorb what they need to know in a cursory briefing—a briefing that the government has had the temerity to offer the Independents and others but not the opposition, at this stage?

Given that there is a whole lot we do not know, there is still some hope that we may be able to discover some of that which we currently do not know, because this Senate has made Senator Conroy subject to an order for the production of documents. Today the Senate made an order that, on Monday, the minister front up and fess up with three sets of documents. So I still live—some may say naively—in hope that the minister will front up and fess up on Monday with, firstly, the red book—the advice to the incoming government—which actually shows the bits of it that are currently blacked out. In particular, he could perhaps shed some light on the concern that the government’s own company, NBN Co., now wants to distance itself from some of the recommendations made in the implementation study. We also look forward to seeing the unexpurgated version of the red book on Monday.

The second thing that we look forward to seeing when the minister complies with the order on Monday is the documents that show exactly why and on what basis the government chose the early release sites: the first stage release sites in Tasmania—the three towns of Smithton, Scottsdale and Midway Point—and the seven second stage release sites in Tasmania, which the minister told us in the most recent Senate estimates were based on engineering criteria. We also look forward to seeing the documents that explain the basis upon which the government chose each and every one of the first and second release sites on the mainland. Interestingly enough, NBN Co.’s annual report, tabled on 25 October—some weeks and a bit ago—indicates, in respect of the mainland, the criteria that mattered. It said:

First and Second Release sites will be used to test the design and construction methodologies. These sites were chosen using a combination of commercial, construction and local authority acceptance criteria.

That does not necessarily sound much like the engineering advice that Minister Conroy says was used to pick the first set of sites in Tasmania. So we very much look forward to seeing on Monday the documentation that explains which sites were chosen for early release, both in Tasmania and on the mainland, and why. That will also, hopefully, go some way to explaining whether there a difference in the criteria used, for example, between Tasmania and the mainland in respect of sites to get first dibs; and, if so, why and how, if Tasmania is supposed to be the trial of the rollout for the mainland.

The third set of documents that the Senate looks forward to receiving when the minister complies with the order on Monday—and this will be a subject close to your heart, Mr Acting Deputy President Forshaw—is the agreed set of principles for enterprise bargaining, apparently agreed to and signed by the ACTU. That is right, Mr Acting Deputy President: agreed to and signed by the ACTU. And the minister used it in his answer during Senate question time on Monday to reassure this Senate and the Australian people that that would mean there would not be a cost blow-out, particularly in the wages that need to be paid to the workers rolling out the National Broadband Network. He talked about the ACTU heads of agreement as the basis for his reassurance that there would not be a wages blow-out in the rollout of the National Broadband Network.

He also, in that answer, talked about NBN Co.’s enterprise agreement with its workers and attempted to say that that somehow
meant there would not be a wages blow-out in the rollout of the NBN. I have a couple of interesting observations about that vain attempt from the minister. Firstly, NBN Co.’s workplace agreement with its workers is exactly that: it covers its workers, some 400 or so of them. They are very well intended and good people but, putting it simply, they are largely desk jockeys—very good desk jockeys, no doubt—when compared with the rump of the workforce that will be required to build the National Broadband Network. In a sense they are but a piddle in the pond of the overall workforce required to build the National Broadband Network. To suggest that the wages bill to be paid to that group of workers is in any way determinative of the wages bill of the entire workforce to roll out the NBN is confused and probably misleading at best.

Secondly, there is NBN Co.’s enterprise agreement with its workers, which runs for some four years. The minister himself has said that the construction of the National Broadband Network will take some eight years. How is a workplace agreement that covers a four-year period any sort of reassurance that there will not be a wages blow-out over a period of eight years—because, whilst it is not the rump of the spending, every little bit of spending matters? Obviously, the money to be expended by NBN Co. on itself and on its workers is relevant in terms of the overall $43 billion spend.

There is the main part of the workforce, for which there is a significant skills shortage and which has to be engaged by contractors in building the National Broadband Network. The minister has relied upon the heads of agreement supposedly signed by and agreed with the ACTU to say that the workforce wages will not blow out in the construction of the National Broadband Network. Given the minister’s reliance on those heads of agreement, there is all the more reason why the Australian taxpayer deserves to see a copy of that agreement. The one thing we do have—the only thing we have, as I have continued to say—which is the implementation study, factored its budget, basically, and its recommendations for the National Broadband Network on an annual wage increase of some 2½ per cent for the workforce rolling out the National Broadband Network. Even NBN Co.’s own workplace agreement, which the minister used in his answer to the Senate on Monday, exceeds that by some 1½ per cent per annum. Even the minister’s own example talks about pay increases of four per cent a year in contrast with the implementation study’s figure of 2½ per cent a year.

If the rumours about the CEPU’s campaign for the workforce rolling out the National Broadband Network is part way correct, it is about seeking wage increases of some five per cent a year, which are clearly double those underpinning the recommendations in the implementation study. This clearly stands to significantly blow out the wages and the cost of the construction sector, particularly if we see realised the concerns of the construction sector that every one per cent increase in the wages bill translates to an extra one point something billion—I think it is $1.4 billion—in terms of the build of the National Broadband Network. There remains much more that we do not know than what we do know about the National Broadband Network.

The taxpayers—who are, I say again, de facto bedfellows with this government, at the behest of this government, and not necessarily willingly so in the build of the National Broadband Network—have to be wondering whether they should hop right out of that bed and have to be wondering why they should not do so, particularly for so long as the National Broadband Network, NBN, stands more for ‘no body (k)nows’ than anything else.
Senator BILYK (Tasmania) (5.25 pm)—We on this side of the chamber know a stunt when we see one and Senator Fifield’s motion is one of the biggest exercises in political trickery and sophistry that I have ever seen. It is just one more of a series of delaying tactics by the opposition. Senator Joyce this morning said that the government will not stand the test of transparency. Well, Senator Joyce, your motives are pretty transparent. If you look at the actions of the coalition in relation to the NBN, there is one question underlying every tactic they engage in, and that question is: ‘What can we do to delay this project? I know: let’s call for a cost-benefit analysis. Let’s introduce a private member’s bill. Let’s set up a joint select committee.’

Senator Adams—For $43 billion, why not?

Senator Colbeck—Let’s do the work that should be done.

Senator BILYK—And in Senator Abetz’s motion this morning they called for the production of documents that are going to be produced anyway—

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order, Senator Bilyk. Senator Bilyk may be asking some rhetorical questions in her speech, but that does not mean that you get to answer them while she is doing it. Please continue, Senator Bilyk.

Senator BILYK—Thank you. I might just ask those rhetorical questions again in fact. ‘Let’s call for a cost-benefit analysis. Let’s introduce a private member’s bill. Let’s set up a joint select committee.’ The call in Senator Abetz’s motion this morning for the production of documents that are going to be produced anyway is just the latest in a long line of delaying tactics. As the Prime Minister has said, the government will be running a fine toothcomb through these documents. The business plan is a 400-page document full of highly technical information some of which is commercial-in-confidence. We have offered the coalition and the Greens a confidential briefing on the business case and they would be wise to avail themselves of that briefing, but I am not holding my breath about that one, and why not? It is because they have already made up their minds. I was amazed when I heard Senator Abetz this morning saying that the coalition need these documents to make up their minds on the NBN. Senator Abetz, you have already made up your mind. Your colleagues have made up their minds. You have opposed this project from the very beginning and I know you will continue to oppose it. The Leader of the Opposition, Tony Abbott, already made this clear when he gave his marching orders to Malcolm Turnbull to demolish the NBN.

We know from your performance in government that you are not committed to innovation and you are not committed to nation-building infrastructure, because you comprehensively failed to invest in infrastructure over your 12 years in power. Malcolm Turnbull, your shadow minister for communications and broadband, has already said that, if a cost-benefit analysis were conducted and it showed the network had a net benefit, the coalition would still oppose it. Senator Abetz says that the Labor members have had a lobotomy and that our support for the network is somehow blind faith and yet your side says that you will oppose the NBN regardless of the information that is presented to you. If Senator Abetz truly has such an open mind then his party should accept the government’s offer of a private briefing. You never know; you might actually learn something from it. But, even before you have a briefing, you already have the five reports that the Senate Select Committee on the National Broadband Network produced. You have the McKinsey and KPMG implementation study, which shows that the NBN has a
strong business case and is expected to generate a six to seven per cent return. There are a whole raft of studies from the OECD and Access Economics demonstrating the benefits of the NBN.

On the issue of a cost-benefit analysis, the idea of conducting a cost-benefit analysis for a technology that underpins applications that have not even been thought of yet is a nonsense—it is an absolute fantasy. Anyone who understands broadband technology knows that when you increase the speed 50-fold then you open up the possibility of new applications that have not yet been envisaged. There are too many unknown variables to conduct a proper cost-benefit analysis of the NBN, and you would have to make a number of heroic assumptions. It is no more than an exercise in crystal ball gazing. Graeme Samuel, Chairman of the Australian Competition and Consumer Commission, said that a cost-benefit analysis into the NBN would be a very complicated exercise indeed and:

...if you play around with the assumptions you can end up with a high level of scepticism as to the ultimate conclusions.

In other words, the value of any cost-benefit analysis into the NBN would be undermined by the fact that you cannot guarantee its accuracy. You might as well be reading tea leaves.

Of course, I wonder if that is the next step in the coalition’s delaying tactic. If a cost-benefit analysis was released which came to the conclusion that the NBN was of massive economic benefit to Australia, I would put any money you like on the coalition then trying to undermine the credibility of the report by attacking the underlying assumptions.

Another reason why this suggestion by the opposition is a waste of time is because we already have studies into the benefits of NBN. For example, Access Economics identified that Australia could save between $1.4 billion and $1.9 billion a year if 10 per cent of the workforce teleworked half the time. They also estimated the benefits of telehealth to Australia to be between $2 billion and $4 billion. A study commissioned by IBM in 2009 conservatively estimated that a fibre-to-the-node network—and this is far inferior to a fibre-to-the-premises network like the one we are building—would boost Australia’s gross domestic product by between $8 billion and $23 billion over a 10-year period.

I would like to know, with regard to Senator Fifield’s motion, at what point in the history of the Liberal-National coalition did they decide that every major national infrastructure project needed a cost-benefit analysis to prove its worth? Can you give me one precedent for a nationwide infrastructure project being subjected to a cost-benefit analysis, and what would that analysis involve? Imagine if a full cost-benefit analysis had been done on the copper telephone network before it was rolled out. Can anybody on that side of the chamber tell me how the internet or facsimiles would have factored into the equation when the Postmaster-General took control of the Australian telephone network in 1901.

If governments of the past had adopted the same attitude to major infrastructure projects we would not have a telephone network, we would not have a rail network and we would not have had a Snowy hydro scheme. We would be still communicating in semaphore and using kerosene fridges. Imagine what that would have done for our economy and society, and imagine what it will do if we lag behind South Korea, Japan and Singapore, who already have national optical fibre broadband networks. And can anybody on that side tell me where the cost-benefit analysis was for the privatisation of Telstra under the Howard government? At what point in that process did you consider the
costs to rural and remote consumers of having a private monopoly running most of the telecommunications in this country? Of course we did not need a cost-benefit analysis to tell us that this would hurt people in rural and remote areas. We did not need a cost-benefit analysis to tell us that having a private, vertically integrated company dominating the market would not provide real competition for consumers. At least the NBN is going to enhance services to remote consumers, not diminish them. If we are going to deliver for regional Australia the opportunity for telemedicine, for virtual classrooms, for remote monitoring of community care clients and, as I said before, for a range of applications that possibly have not even been thought of yet, it is the most important thing.

I know that in my home state of Tasmania my constituents want this network. I know that my federal colleagues in this place—certainly Senator Polley and Senator Carol Brown, who have both spoken before me today—want this to go ahead. I know that my colleagues over in the other place all support it. The Premier of Tasmania, David Bartlett, with his forward-thinking capacity obviously wants it and was happy for Tasmania to be the pilot state. Even the Tasmanian Leader of the Opposition wants it. So there is something odd going on there between federal senators and the state Leader of the Opposition, Mr Hodgman. The people in Tasmania are ready for it and they are already signing up to it. They are signing up, just to name a few places, in Midway Point, Scottsdale and in Georgetown with reasonably priced plans delivering up to 50 megabits per second.

The other day, after I had given a speech on the NBN, Senator Fisher asked about knowing the difference between ‘megabits’ and ‘megabytes’. Yes, Senator Fisher, I do know the difference between megabits and megabytes. Seeing Senator Fisher was quite helpful last sitting week in pointing out this verbal slip, I thought I might return the favour to her! This morning Senator Fisher suggested that NBN stands for ‘nobody knows’. This is not the first time I have heard Senator Fisher say this. I think I will help her a little bit and do her a little bit of a favour, because ‘knows’ actually starts with a ‘k’. I am not sure where she gets her spelling lessons from, but I think she needs to improve a bit there.

Anyway, I am really glad she highlighted the fact that the NBN would deliver speeds of 100 megabits per second and eventually 1,000 megabits per second through optic fibre broadband to 93 per cent of homes and businesses, because it highlights the importance of upgrading our telecommunications infrastructure to the next generation of technologies. We know from the research that the demand for internet bandwidth has been increasing exponentially in Australia and we have just about reached the limit of what can be provided within the existing infrastructure. If the trend since 1985 continues, we will need speeds of 1,000 megabits—or one gigabit—per second by 2020 to meet the needs of Australian internet users and to compete internationally.

We know that the copper network is starting to reach the limits of the bandwidth that can be delivered and we know that we can dramatically increase the bandwidth with an optic fibre network. This is why, as the member for New England, Tony Windsor, says, it has to be done with fibre. Of course, wireless broadband is useful and important and will be used to serve those consumers who are not in the 93 per cent who will access the network through optic fibre. But, under the best conditions, wireless cannot deliver the sorts of speeds that Australians will need in 10 years time. South Korea is already upgrading to 1,000 megabits per second. While the opposition huff and puff
about the cost of the network, I have never heard them talk about the costs of not doing it and what the failure to deliver the NBN would deny to Australians. They do not want to acknowledge that.

We all know—and I think that those on the other side, if they were truthful, would acknowledge it—that the NBN is the largest nation-building project in Australia’s history and will help lift Australia to the top of the world rankings in broadband access. It will drive major productivity and growth opportunities and ensure our children get the best education in the world. I am at a loss to understand how those on the other side can oppose that. I know that for 12 years they did nothing. My colleague Senator Polley and others have pointed out how many plans they had. However, they never did anything, they never pushed it. But, as soon as we take some action, there is a lot of sour grapes happening from that side.

In regard to the international experience, a report delivered to the United Nations by the Broadband Commission in September 2010 has recommended that governments should adopt national broadband strategies because ‘they are a social asset that provides one of the most cost-effective and efficient means of delivering services to citizens’. This is exactly what is happening in countries such as Japan, Korea and Singapore as identified by John Stanton, CEO of the Communications Alliance, after a recent Austrade organised visit to these three countries. In an article on the ABC’s technology news website on 11 November Mr Stanton pointed out that Japan’s Ministry of Internal Affairs and Communication has projected a value-add to the economy over 10 years of a fibre-to-the-premises rollout in the order of ¥73 trillion, or around $908 billion. Importantly, Mr Stanton noted that the Japanese tried to go a step further and capture the wider economic value of these enhancements in people’s everyday lives but were defeated by the challenge of too many variables and different indices. He added that Singapore and Korea have not attempted to undertake such an economy-wide cost-benefit analysis.

It would be great if those on the other side stopped playing politics and actually did something constructive for the people of Australia. As I said, the people in my home state of Tasmania tell me they want the NBN. I do not know where the people are who Senator Abetz says he talks to who have concerns with it, because everybody I talk to is champing at the bit to make sure it happens. So I think it would be prudent for those on the other side to stop following their leader’s lines—especially the Tasmanian Liberal senators, who, as Senator Polley mentioned, did so abysmally at the last election. Without doubt, the NBN made a difference to their vote. If they have any sense, they will start supporting this within Tasmania and for the whole of Australia.

Senator COLBECK (Tasmania) (5.37 pm)—This is really about transparency. As Prime Minister Gillard said when her government was recently installed: ‘Let the sunshine in, let’s have transparency, let’s open the gates, let’s have visibility of what is going on. We’re prepared to let the sunshine in.’ Well, here we are merely seeking information so that we can share it with the Australian community, and what are the government doing? They are obviously not interested in letting the sunshine in at all. They are trying to hide things. They want to put this report through some internal processes so they can hide the information in it. You can almost bet that the process they are going through right now is about taking out any information that would allow anybody outside the government to do a cost-benefit analysis of the NBN. They have an implementation report and, under the guise of ‘commercial in confidence’, they will hide
anything that gives anyone else the capacity to properly scrutinise this project. They do not want the opposition or the Australian people to have access to that information.

And it is not as if their record is all that flash. Over their first term of government there were some pretty good examples of their complete failure and incapacity to manage projects properly. You do not have to go much further than the BER. We had the famous example of covered outdoor learning areas which a few years ago could have been built for $125,000 costing $500,000 or, in some cases, close to $1 million. When we are talking about cost-benefit analyses, I would suggest that there was not all that much value for money for the Australian taxpayer in those particular projects. Even in that process there was continual denial that there was any failure, that there was anything wrong. In fact, I think it was Minister Tanner who at the time said they were in such a hurry to get the money out the door that they did not have time to dot the i’s and cross the t’s; it was just a matter of getting the money out the door. We had the absurd situation of taxpayers’ money being spent at that sort of rate but we did not get value for money. So I think the opposition has every right, on behalf of the Australian taxpayer, to ask for the information that the government have available to them and insist that the government do the work that rightly should be done. As the government say, it is the biggest infrastructure project in the Australia’s history, yet they do not want to do the base work that should be done to support it.

I can give more examples. Take pink batts: we spent billions on the installation of pink batts, and now we are going to spend close to $1 billion to repair the problem that was created by pink batts—a complete, unmitigated disaster. Then we can go on to the Green Loans Program. Was there a green loan ever issued? That is a good question!

We have a lot of assessors for green loans out there who had their hopes raised about a potential business for themselves. They went out and got trained. They incurred expenses. I do not think we have actually had a green loan issued. Then of course there was GroceryWatch. Who could forget GroceryWatch? The government would like to, I am pretty sure—and Fuelwatch, likewise. They would like to see the back of Fuelwatch.

Then there is the CPRS. We had comments from government senators a minute ago about manipulation of inputs into processes. Well, if there was ever something where the inputs were manipulated, it was some of the work that was done on the CPRS. We were told faithfully by the government that the CPRS was going to be revenue neutral. We were not told for a long time—until we finally discovered it—that there was not an output of the model; it was one of the inputs to the model. So what reason do we have to trust the government when they say, ‘Everything will be fine with this project.’ What reason do we have to trust this government? We do not have any.

Then we come to the NBN in Tasmania. The government tells us that it has been completed ahead of schedule—maybe it has been completed ahead of schedule—but also that it has been completed under budget. The figure that we have been given for completion under budget is 10 per cent. But how would we know? We are not told what the budgets are—minor detail! We were told, ‘Trust us; it was completed 10 per cent under budget,’ but they would not give us the budget figures. We have been told: the cost for the first stage—for the three towns that it has been rolled out to so far: Smithton, Scottsdale and Midway Point—plus the backbone work, has been about $30 million. We cannot be given a break-up of that.
Senator Conroy’s excuse for not being able to give us either budgets or a breakdown of that cost is: ‘We would be signalling to potential tenderers the figures that we have in mind for the individual parts of the project.’ That is his excuse—and it is just an excuse, because, in so many other ways and in so many other projects, governments put out indicative costs for projects all the time. They do it in their budgets every year. They do it in their election promises during the election cycle. They indicate what the value of a project might be. Yet Senator Conroy’s excuse—his weak excuse—is that we might signal to the tenderers what we have got budgeted for that particular part of the project. It happens in tender allocations all the time; an indication of the budget is not an unusual thing. Yet Senator Conroy, again, does not want the public or the opposition—he does not want any of us—to know what is going on.

The government members have been told by the Prime Minister, Julia Gillard: ‘Go out there; follow the party line; sell the message; don’t dissent.’

**Senator Lundy**—What are you doing?

**Senator COLBECK**—Well, I am prepared, Senator, to actually have a look at the project. I will come to some of the issues about the project in my home state in a moment, because I have actually been out and had a discussion with some of the people who are on the line, and who have not been told the information and have not been given details of how this might work. But they have been impacted, and they have seen some of the waste already that has been incurred in the construction of stage 1 of the process.

For example, one constituent of mine, who has a lot of rock in the front of his yard, required an excavator to excavate the trench for it. That is no big deal, I suppose. You would expect an excavator to come in and do that sort of work; it is heavy work. But what does NBN Co. do? They go an hour and a half down the road. They hire an excavator without a driver—so they hire a dry excavator. Then they have to find a driver. And it is something in the order of 260 bucks an hour by the time they have got the equipment and the personnel they need; yet the same unit could be hired locally for about 100 bucks. So there is waste already in the implementation and rollout of this project, and it costs about $1,000 to run this line in to one resident. Those costs are going to occur; I understand that. But there should be some scrutiny of the process, and that is what the opposition is looking at—as part of our duties, our responsibilities, as an opposition.

Senator Carol Brown asked earlier: what would the business case provide? It would provide some of those answers that the taxpayers are looking for. It would provide a real opportunity for the opposition—and, if the government members were doing their job as well as they could, for them, because they would also be looking for some scrutiny into this process too. It is just as much the government members’ duty as it is the opposition’s duty to scrutinise this project, to ensure that taxpayers are getting value for money. It is just as much the responsibility of the government members to do that.

The government members talk about the number of inquiries that we have held as part of this process. Why aren’t they after this information? Why don’t they want to know? But they have been told by the Prime Minister, Julia Gillard: ‘Don’t rock the boat. Just wander along; follow us like zombies—you’ll be right. Just trust us.’ Yet, when you go through the list of projects—and I did not even mention the mining tax.

**Senator Mason**—Tell us about that.
Senator COLBECK—The mining tax—that was a lovely disaster, wasn’t it? Nobody consulted; it just comes out there, all worked out. The Treasurer, Mr Swan, has done a wonderful job on that—not! Then, of course, there was the pre-election fix that is now not a pre-election fix. Again, the pre-election fix is another case of exclusion. The three big mining companies come in; they get a chance to talk to the Prime Minister and the Treasurer, and of course all the smaller operators are left out in the cold, left out in the dark, and have to try to find some other way to get their issues sorted out. So there is plenty of reason for us to say that we do not trust you when you say, ‘Trust us.’

The Labor members talk about this magnificent take-up rate. Senator Carol Brown talked about the take-up rate. But the take-up rate, I think, needs to be clarified. What Senator Carol Brown is talking about is the number of people who said, ‘Yes, run the cable to my house’—not the people who have bought a service; just the people who have said, ‘Yes, I’ll have a cable in. It’s being done free; it’s not costing me anything.’ I think it is a reasonable thing to do.

Senator Mason—Why would you say no?

Senator COLBECK—Why would you say no? Even though it is being provided free in Tasmania at the moment, the take-up rate is only at about 50 per cent, and the government is boasting about that. Granted, it is higher in some other communities—I think some other communities have got the message. But, as of estimates, there were only 262 active services of about 4,000 households that are covered by the service in Tasmania.

The government talks about how wonderful this is going to be for rural and regional Australia. In Smithton, only those within the town boundary are going to get access to broadband via fibre; the rest of them are going to have to use the ‘inferior technologies’ that Senator Conroy talks about. They are going to have to have satellite or fixed wireless.

Senator Lundy—‘Inferior’, you say—I thought that was your policy.

Senator COLBECK—I am citing Senator Conroy from estimates and from yesterday in question time. The government cannot even get its own line straight on this.

We then come to connection of the service. The latest in decor in Tasmania is these wonderful eight- by eight- by three-inch, in the old terms—approximately 200- by 200- by 75-millimetre—boxes. I have constituents who have these boxes on their bedroom walls. A great fashion accessory in your bedroom is a 200- by 200- by 75-millimetre box! I am holding a photograph of the boxes on the wall in a particular constituent’s residence—it is a pity it is not in colour; otherwise, you would see the bright light on the box that shows there is no service. It took something like six weeks for this service to be provided, and a large part of that time was spent in correspondence with the office of the local member, the member for Braddon—and not getting too far, I might say. Once the opposition got involved, it was connected within 48 hours. The government think, ‘Just follow along; just let it all happen.’ There are two boxes on the wall in this photograph, but my constituent tells me there are now three—the third box is the modem. The photo was taken in her lounge room, and I would not call these the greatest fashion accessories: a network termination box, a battery pack and a modem.

There is something else that the government is not telling Australians about this service. Another constituent of mine ordered a 50-megabit service. That is what they thought they would be able to utilise for their
home. On this occasion, the installation was okay; they got the modem installed in a cupboard in their garage. The problem was that the computer was in the middle of the house, some 15 metres away from the modem. When they went to test their service, what did they find? The drop in service from the wireless modem installed in the garage to the computer in the lounge room was in excess of 50 per cent. They bought a 50-megabit service and they got a 23-megabit service. There has been a lot of discussion and debate about the need to hardwire your house, and a lot of that is being scoffed at. Senator Conroy’s second-best friends at the Australian said some time ago there might be a need to hardwire your service. People who I talk to in the industry say the only way you will get a 100-megabit service is by hardwiring your house—you will not get it any other way. So Senator Conroy’s derision at the media for highlighting this is not justified, according to the industry and also my constituent who made the inquiry. That constituent had to plug a category 6 cable into the modem in the garage and run it through the garage, down the hallway and into his office—and he is now getting 48 megabits per second. So he has another great fashion accessory: a category 6 cable running down his hallway at home so that he can actually get from the NBN the service that he bought. He said that, if there is more than 15 metres between the modem and the computer, he is in real trouble as far as capacity is concerned. At his business, where he has everything connected right next to his computer, he is as happy as Larry.

These are the sorts of things the government is not telling people, and I think they ought to. They ought to come clean with the Australian people in respect of their information. It is obvious the information that is going to be released after the parliament has risen and we have had an opportunity to scrutinise this further is going to be restricted. There will be a lot of black marks in the business plan. That is a real disappointment. The Australian people deserve better than that. They deserve to be told what the process is going to be and what the costings are. There are a lot of questions the government can practically answer. For example, what is it going to cost for my telephone line to be converted to fibre? If I currently have an ADSL service on copper and by the magic of the NBN it is converted to fibre—I have not asked for this magnificent new service, but it is coming—how much more is it going to cost me? What is the wholesale cost of the NBN versus the existing network? That is a reasonable question for people to ask. If I was happy with an ADSL2+ service, whatever the speed provided me, and I am compulsorily moved across to a different service, what are the cost implications of that going to be, and what will that do to my home budget? The government has not asked any of these questions. It certainly has not answered any of these questions.

I am not talking about what the providers are charging. In Tasmania that is absolutely no guide, because the government is giving it away. As Senator Macdonald said earlier, the government is getting absolutely no revenue out of the NBN in Tasmania because, by their own admission—and let’s accept that it is an introductory offer, going perhaps until July next year—they are not charging for it. So the prices that are being charged are not real. What are the prices going to be after July next year, and what are they going to do to the take-up rate of the NBN? What speeds will people be able to afford? We want a number of answers. All we are asking is for the government to come clean.

Debate interrupted.
The ACTING DEPUTY PRESIDENT (Senator Hurley)—Order! It being 6 pm, the Senate will proceed to consideration of government documents.

Final Budget Outcome 2009-10

Senator CORMANN (Western Australia) (6.01 pm)—I move:

That the Senate take note of the document.

I take note of the Final budget outcome 2009-10 report presented by the Treasurer, Mr Swan, and the Minister for Finance and Deregulation, Senator Wong. That is the budget that delivered Australia a record deficit of $54.8 billion. It is the budget that continued the track record of reckless spending, higher taxes and more debt. In Australia we are now in a situation where we are looking at $94 billion worth of net debt. We have experienced more than $40 billion in new and increased taxes over three budgets. We have a government that is so dishonest with the Australian people that Wayne Swan, the Treasurer, and the finance minister, Senator Wong, would go out in the media, in the lead-up to the election and since the election, and claim $83.6 billion worth of savings over the last three budgets, when more than half of those claimed savings were tax increases and revenue measures. This government would not know a spending cut if it fell over one. This government does not know how to make a hard decision.

The problem really starts at the top. Wayne Swan is a Treasurer who does not do his homework. Wayne Swan is a Treasurer who gets it wrong. He is the Treasurer who told us that the resource super profits tax would raise $12 billion—oops!—only to have to fess up a couple of weeks later that the tax would have raised $24 billion. Every time Wayne Swan gets something wrong—every time he stuffs up—he has to cover it up. He has to duck for cover and we get this incredible secrecy from the Treasury portfolio.

Today we have had a debate in relation to the proposed GST takeover by the Commonwealth of revenue from the states. Again, Wayne Swan has not been doing his homework. He is not being truthful with the Australian people. This proposed takeover of a third of the GST is just another lazy cash grab by a Labor government always desperate to cast around for more cash. They are always looking for more money to spend. They are not spending the money that they currently have responsibility for all that well, so I am not sure why we would trust them with more money.

But let’s leave that to one side. Wayne Swan, in his incoming government brief, was told by the Treasury, unequivocally, that in order to implement his proposed takeover of a third of the GST from the states and territories—changing the GST agreement that was entered into in good faith by the then Prime Minister Howard and all of the premiers and chief ministers at the time—he needs unanimous agreement from all states and territories. Guess what? He has not got it. The state government in Western Australia is opposed to the deal. The state government in Western Australia is opposed to a change in the GST agreement. The state government in Western Australia is opposed to handing over its GST. It is in favour of health reform, as a lot of the state oppositions are. Of course, we on this side of the chamber are in favour of good health reform as well, but this GST takeover has never been about health. This is about $50 billion in additional revenue for a government that is always casting around for more cash. After more than $40 billion in additional taxes—new and increased taxes—and after $94 billion worth of debt, this government wants to get hold of another $50 billion worth of revenue, this time at the expense of the states and territories.
Today at question time the Treasurer, Wayne Swan, said, ‘Look, we’ve been open and up-front all along about how much of the GST revenue would have to be contributed by each individual state.’ Well, let me beg to differ. In the budget in May there was not one little bit of information. There was no breakdown at all about how much of the revenue would come from each individual state. In the Treasurer’s second reading speech two weeks ago all he was able to say was that one third of the GST revenue would be transferred to the Commonwealth. In MYEFO, the Mid-Year Economic and Fiscal Outlook, just over a week ago, we got some of the detail. I am not sure that we can trust the detail, because with this government the devil is always in the detail. What does MYEFO show? It shows that the contribution from individual jurisdictions will vary from 15 per cent in the Northern Territory to 51 per cent in the ACT and 40 to 44 per cent in Queensland. If Treasurer Wayne Swan knew about this when he introduced the legislation, why didn’t he tell the parliament when he made his second reading speech two weeks ago? The reality is that this is a government that is all over the place. Wayne Swan is a Treasurer that does not do his homework. He gets it wrong, and when he gets it wrong he has to cover things up.

Question agreed to.

**Australian War Memorial**

**Senator HUMPHRIES** (Australian Capital Territory) (6.09 pm)—I move:

That the Senate take note of the document.

The annual report of the Australian War Memorial provides a very concerning picture about the activities and capacity of the Australian War Memorial to reflect appropriately on Australia’s experience in war. The report reveals that there are pending staffing cuts of more than 20 staff at the Australian War Memorial in the next year or so, on top of 17 staff already cut recently from the memorial. This comes on top of decisions to axe highly successful open days and a much beloved annual event where Christmas carols were conducted at the Australian War Memorial. It has also been revealed that the council of the Australian War Memorial considered cutting one day a week out of the memorial’s program in order to save money. This is one of Australia’s premier national institutions. It is more than simply a tourist attraction, important though it is in that regard in the ACT; it is also an important national memorial and a place where Australians can appropriately reflect on this nation’s experience of war. The idea that its programs and its capacity to deliver that important reflection on Australia’s role to the Australian nation should be reduced is absolutely disgraceful.

Since this government came to office in 2007, some $7 million has been ripped from the budget of the Australian War Memorial. That is an absolute disgrace. This is an institution of great importance to this community and to the Australian community. To see it denuded of its capacity to do the important things that it does, particularly as we approach the centenaries of a number of major milestones of the first part of the 20th century, is very concerning indeed. Of course, 2014 will mark the centenary of the beginning of the First World War and 2015 will mark the centenary of the landing at Gallipoli. I wonder how well this great national institution, the Australian War Memorial, will be able to properly mark that occasion, bring its importance to the attention of all Australians and conduct appropriate commemorations of these centenaries, when its funding has been so dramatically cut by this Labor government. Frankly, I do not believe it will be possible to properly mark those occasions in the present circumstances.

I condemn this government for its decisions with respect to the Australian War Memorial.
Memorial. I expect it to reconsider; I expect it to acknowledge that the memorial cannot do its important job with these sorts of serious cuts going on. I note that the government has pledged to include national institutions in the efficiency dividend that is applied—a dividend it attacked when it was in opposition but has applied in government; indeed, it has increased it at various points in government. I implore it to reconsider this policy. This institution, and indeed others in the national capital, play a role which is far too important to be compromised by the penny-pinching of this government.

Senator RONALDSON (Victoria) (6.13 pm)—I also rise to take note of the annual report. I start off by thanking Senator Humphries for the way he has taken up the cudgel in relation to the Australian War Memorial. He has passionately advocated the case for the War Memorial since these appalling funding cuts came to our attention. Full strength to Senator Humphries in his pursuit on behalf of not just the people of Canberra but also the people of Australia to make sure this magnificent memorial remains adequately funded.

I indicate to the chamber that the mission of the Australian War Memorial is: ... to assist Australians to remember, interpret and understand the Australian experience of war and its enduring impact on Australian society. How can we achieve that without adequate funding? How can the Australian War Memorial meet its mission statement without appropriate and adequate funding? In this year’s report the most telling commentary from anyone was from General Peter Cosgrove, who is chairman of the memorial’s council. In the report he said: This year has seen a further reduction in the operational budget for the Memorial ... He went on to say: The challenge for the Memorial is to do more with less but there are limits to how far this approach can be taken.

Senator Humphries has mentioned the staff reductions. Senator Humphries has mentioned the fact that the War Memorial actually considered closing for a day a week. The government says they did not end up doing that, but that is not the point; the point is that they were forced to consider it. No-one knows more than Senator Humphries about the enormous contribution of the staff and volunteers at the Australian War Memorial; I have heard him praise them in our discussions about this matter. But they are being let down by the government.

I do not care what the government says about this; the simple fact is that the operational budget of the Australian War Memorial has been slashed by this government. It does not matter how you try and cloak this argument in smoke and mirrors, the operational budget has been reduced. When we left government, it was $37 million; it is now $31 million. It is a substantial reduction in funding. I am a bit sick and tired of hearing people say, ‘Well, we might do something about addressing it.’ Stop talking about it, and do something about it, because the operational budget has been cut. Senator Humphries said that that has resulted in staff cuts. This memorial is under enormous pressure. The Gillard Labor government needs to do something about it very quickly.

Senator PARRY (Tasmania) (6.16 pm)—I also rise to speak on this document. I endorse wholeheartedly the comments of Senator Humphries and Senator Ronaldson. There are some things in life that are sacrosanct. One of them is the reverence and the esteem in which we hold those who have fallen in the greatest sacrifice of all for their nation.

I was horrified last year when I found out one of the considerations for the Australian
War Memorial was that the last post, which is played every day—it is one of the most poignant and symbolic things that happen at the War Memorial—was going to be either axed or else corporate sponsorship was going to be sought to fund the playing of it. That was horrific. It was so horrific that I discussed it with war veterans in my home state of Tasmania, and we took up a petition—and that petition has been lodged in this parliament—condemning the proposal to seek sponsorship for the playing of the last post at Australia’s premier war memorial. I could not believe that, and I know thousands of other Australians shared my view.

To cut funding to an institution such as this is basically saying: we do not care about the memories, we do not care about honouring and we do not care about respect for those who have gone before us, those who have laid down their lives in support of our great nation and other nations around the world.

It is also a great symbol of democracy. When you honour your dead you are honouring your democracy and democratic rights around the world. I think governments need to make sure that funding is not cut to things like this. It is one of the most revered places in this country. People flock to the War Memorial. When people come to Canberra, they always include the War Memorial on their itinerary. It is one of the premier things they include on their itinerary.

I am very concerned and I condemn the government for even considering reducing the budget for the Australian War Memorial. It is something that should not be played with. It is not something they should take lightly. We need to honour the dead of this country, especially those who have fallen in defence of this nation. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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**1999 GST AGREEMENT**

Return to Order

**Senator ARBIB** (New South Wales—Minister for Indigienous Employment and Economic Development, Minister for Sport and Minister for Social Housing and Homelessness) (6.21 pm)—I table a statement relating to the order for the production of documents concerning advice on variation of the 1999 GST agreement.

**COMMITTEES**

**Fuel and Energy Committee Report**

**Senator CORMANN** (Western Australia) (6.22 pm)—I move:

That the Senate take note of the document I rise to speak on the report by the Senate Select Committee on Fuel and Energy. The Senate Select Committee on Fuel and Energy was a fine committee. It did some great work over a period of two years across some areas where this government again, consistent with its usual modus operandi, was trying to keep things secret and covered up in order to avoid scrutiny, transparency and accountability. One of the first issues we looked at through this committee was the government’s failed proposal for a carbon pollution reduction scheme. In the lead-up to the 2007 election, the then Leader of the Opposition, Kevin Rudd, who became Prime Minister, said that we had to face up to the ‘greatest moral challenge of our time’. His prescription was to propose a carbon pollution reduction scheme. He wanted to make people believe that even in the absence of an appropriately comprehensive global agreement we would be able to reduce global greenhouse gases by placing additional costs on our economy, on jobs and on investment in Australia. But, of course, nothing could be further from the truth.
To reduce emissions in Australia in a way that increases them in other parts of the world does not make sense. It is dumb economics, it is bad policy and it was not going to contribute anything to the achievement of the objective that the Prime Minister was supposedly pursuing. The reason I go back over that ground is that, in order to substantiate the assertion that this was a sensible way to help reduce global greenhouse gas emissions, the Treasurer asked Treasury to conduct some modelling. This Treasury modelling had some very heroic assumptions, and one of them was that the US was going to have an emissions trading scheme in place by the end of 2010. Now we are at the end of 2010, and we know that there is neither an emissions trading scheme in the United States nor any prospect of there being one because President Obama and the Secretary of State, Hillary Clinton, have said: ‘No, it is not going to happen. In the US we now think it is a bad idea, but you in Australia should still do it.’ That is what we were told a couple of weeks ago.

The modelling results that Treasurer Wayne Swan sought to present to the Australian people completely underestimated the economic impact of that CPRS—the impact on jobs, the impact on the cost of living and the impact on our economy generally was completely underestimated. That is this Treasurer’s modus operandi, because it has happened again and again. He stuffed up the mining tax proposal, and Kevin Rudd had to go—the then Prime Minister was stabbed in the back. Yet Treasurer Wayne Swan, the guy who was actually responsible for putting it all together, has not been sacked; he has been promoted and is now one political execution away from being our next Prime Minister. How does that make sense?

I asked Treasury officials at the time about the CPRS assumptions, ‘How come you are using these strange assumptions?’ They said that they had used those assumptions ‘at the direction of the government’. A second time round, we asked Treasurer Wayne Swan about the assumptions around the mining tax, and he said, ‘No—I know I get myself into trouble when I talk about assumptions, so I am going to keep them secret; I am not going to tell you the assumptions that we have used to estimate the mining tax revenue.’ In the meantime, the figure started off at $12 billion. We were then told that it would have been $24 billion. Then, at a secret meeting in a dark little room somewhere with nobody watching, it went down to $10.5 billion. Finally, the exchange rate assumptions changed and it went down to $7.5 billion. So revenue estimates for a tax that has not even been introduced yet have fluctuated between $7.5 billion and $24 billion.

As the Chair of the Senate Standing Committee On Economics I am sure you would share my view, Madam Acting Deputy President Hurley, that these assumptions are crucially important when it comes to scrutinising the actual impact of this mining tax proposal on the budget, on the economy, on jobs and on investment. When there are fluctuations like those, which are caused by changes in assumptions, blind Freddy can see that the government should be transparent about the assumptions. But of course the government is ducking and weaving, bending over backwards and doing everything it can to avoid releasing the information, and that is true to form for the secretive Gillard-Swan government.

There is also the GST deal. It is a deal among federal and state Labor leaders that the states and territories will hand over, as we were told at the time, about one-third of the GST to the Commonwealth. However, that figure was subject to variation—at one stage it was to be 30 per cent, then it was to be about one-third—but it was not all that clear. The opposition then went to the 2010-
11 budget papers to see what the overall GST revenue estimates were, and we came to the conclusion that, considering that the government is saying that it wants this deal to take effect from 1 July 2011, if 33 per cent of the GST revenue estimated over the forward estimates were to be handed over, it would amount to about $56.1 billion, and if 30 per cent were to be handed over it would amount to about $51 billion. So there is a guide—it was to be in the range of $51 billion to $56 billion. Have you ever heard the Treasurer mention either $51 billion or $56 billion as the amount of money that the federal Labor government wants to take off the states as part of the deal? No, of course not. The Treasurer gave a second reading speech in the House of Representatives two weeks ago, and the closest he got to mentioning the figure was to say, ‘It will be about a third’.

About a week ago the Treasurer released the Mid-Year Economic and Fiscal Outlook, and in it there was a breakdown which said that the revenue that will now go from the states to the Commonwealth if Wayne Swan gets his way is about $44.5 billion—not one-third and not 30 per cent but about 28 per cent is what we are told it will be. That is only about $8 billion dollars worth of difference, and what is $8 billion over the forward estimates among friends?

The important point here is that when John Brumby, Kristina Keneally, Anna Bligh and Jon Stanhope—all the Labor leaders—sat in a room with Kevin Rudd and Wayne Swan there was no way they could have known how much of their state’s revenue they were signing over to the Commonwealth. Nowhere in the legislation does it say how much revenue is going to go to the Commonwealth. In there there is a very obscure formula; it says that the Commonwealth wants to take Commonwealth spending up to a certain level.

Let me make the obvious point first. A GST grab by the Commonwealth at the expense of the states is not health reform. If the government were focused on health reform they would have agreed with Premier Colin Barnett, who said: ‘I am prepared to put the equivalent amount of WA’s state GST into a joint state-federal pool and we will be able to co-fund the health reforms that we all agreed to at COAG.’ But, no, that was not good enough. Kevin Rudd, and now Julia Gillard and Wayne Swan, do not think that is good enough. Every now and then they send Nicola Roxon out to make a few comments as part of the PR strategy, but she is not part of the deal. This is not about health. This is part of a federal Labor government always looking for more cash and taking more money at the expense of the states.

In the ½ minutes I have left I want to reflect on the disastrous record of the Treasurer we have in Australia at the moment. He is a Treasurer who has given us record deficits. He is a Treasurer who has increased taxes by more than $40 billion over the last three budgets. He is a Treasurer who inherited a sound balance sheet, a sound budget, a strong fiscal position, with $45 billion in the bank and with a $20 billion surplus, yet we had a $54.8 billion deficit last year and a $41.8 billion or thereabouts deficit this year and have about $94 billion worth of net debt coming our way.

The $40 billion in taxes and the $94 billion in additional debt are not enough. This government needs more cash. So what does it do? It takes $50-odd billion off the states. It is going to take the states’ GST, rebrand it and make people believe that somehow it has invested more money in federal hospitals. Like the Australian recently put in their caricature, that is alchemy and magician illusions a la Wayne Swan. The government is trying to make people believe something that is not real. That is political spin and decep-
tion at their worst. It is time that this Treasurer was actually held to account for his deception of the Australian people. I have not even started talking about his attempt to sell $40 billion of tax increases and revenue measures as spending cuts. (Time expired)

**Senator IAN MACDONALD** (Queensland) (6.32 pm)—In lauding the work of the Senate Select Committee on Fuel and Energy, Senator Cormann naturally, because he is full of humility, did not mention that that committee was very well chaired by none other than Senator Cormann. He was the driving force on the wide range of issues that that committee looked at. As Senator Cormann has said, the committee was always interested in the resource super profits tax, and the minerals resource rent tax which has followed it.

The committee looked at the impact a price on carbon, a carbon tax, would have. As a member of that committee I was delighted to hear before the election that the Prime Minister, Ms Gillard, ruled out categorically that there would be any carbon tax should Labor be re-elected to government. It took less than a month, after stitching up some dodgy deal with a couple of the Independents, for Ms Gillard to announce that, contrary to her pre-election promise, she was now considering a carbon tax.

This final committee report goes through a lot of those issues and highlights many. I want to alert the Senate and anyone who might be listening that the introduction of a carbon tax, which is now proposed by Prime Minister Gillard—directly contrary, I repeat, to the assurance she gave the Australian people prior to the election—will have an impact on jobs. I regret to say that it will impact on the jobs of people in the Bowen Basin coalfields—from Emerald up through Moranbah to Collinsville—the same people the Labor Party claims to be representing in this parliament. They are the people who will suffer when these taxes are imposed, if perchance the Australian parliament allows them to be introduced against the pre-election promise of Ms Gillard.

I appeal to senators from the Labor Party to stand up and not be the zombies that Senator Cameron mentioned many of the backbenchers were: have a say; speak up for those people you are supposed to represent; point out to Mr Swan in his mad grab for cash that people’s lives and jobs and futures are at stake. We all know that the introduction of a carbon tax will not make one iota of difference to the greenhouse gas emissions in the world, with Australia emitting less than 1.2 per cent of world emissions. Even if we shut Australia down completely it would have absolutely no impact on greenhouse gas
emissions, yet the impact it would have would be to make Australia uncompetitive and put up electricity prices for all of us. Perhaps we in this chamber can afford those increases in electricity prices, but I can tell you, Madam Acting Deputy President, that many of my constituents in Queensland are simply not in a position to pay the huge extra cost that will follow from the introduction of a carbon tax. I am delighted that this final report of the Fuel and Energy Select Committee raised a lot of those issues. It is therefore a report that I commend to the Senate.

Question agreed to.

Foreign Affairs, Defence and Trade Committee: Joint Report

Debate resumed from 28 October, on motion by Senator Parry:

That the Senate take note of the report.

Senator IAN MACDONALD (Queensland) (6.38 pm)—The Joint Committee on Foreign Affairs, Defence and Trade’s report, *Review of the Defence Annual Report 2008-09*, is interesting to read. More importantly, that annual report of the Department of Defence is particularly interesting. I certainly do not claim to be an expert on foreign affairs, defence or trade but I have had the privilege of being appointed recently to the joint standing committee and I appreciate the advices and briefings that have already been given. Since parliament last sat I have had the opportunity of experiencing firsthand some of the great people we have in the defence forces of Australia. When you have some association with those directly involved you cannot help but feel confident of Australia’s security into the future.

I was recently at the naval base HMAS Cairns and was delighted to be able to have a look around at the good work being done at that base and to see how the Armidale class patrol boats there are operated. I was interested to learn—perhaps a lot of people knew this; I was not really aware of it—that for every two patrol boats you need three complete crews. A lot of those crews comprise reservists. Without those reservist naval officers the operations of our patrol boat fleet would be much more difficult. Those who watch the television show *Sea Patrol* and those who understand from firsthand experience the good work of those patrol boats will know that they are always on the job protecting our borders and trying to keep some sort of control on our borders. Regrettably, because of the actions of the Labor government, people who would come to our country in ways that are not regular or lawful understand that the Labor government are very soft on border protection and allow anyone in who wants to get on a leaky boat and who has the substantial sum of money to pay the people smugglers to get here.

The patrol boats do a great job in difficult circumstances and it is great to see them operational. But the impact of reservists cannot be understated. Without those reservists we would have difficulty in putting our patrol boats to sea. That is why I am concerned—and this is referred to in the annual report—that because of cutbacks by the Labor government it appears there may well be cutbacks to reservists in all our armed services. That, to me, could substantially reduce the effectiveness of all three services that currently do such good work in protecting Australia. At some stage I want to say more about that issue; suffice to say at this time that I certainly hope the government will seriously reconsider any actions which might lead to a diminution of the numbers in the reserve forces that help to protect Australia. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
DOCS
Consideration

The following orders of the day relating to government documents were considered:


Department of Broadband, Communications and the Digital Economy—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.


Departmental and agency appointments and vacancies—Budget (Supplementary) estimates—Letters of advice—Documents tabled 25 October 2010—Motion to take note of documents moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Departmental and agency grants—Budget (Supplementary) estimates—Letters of advice—Documents tabled 25 October 2010—Attorney-General’s portfolio.

Australian Institute of Family Studies.
Australian National Audit Office.
Australian Public Service Commission.
Climate Change and Energy Efficiency portfolio.
Commonwealth Ombudsman.
Department of Broadband, Communications and the Digital Economy.
Department of Families, Housing, Community Services and Indigenous Affairs.
Department of Immigration and Citizenship.
Department of Infrastructure and Transport.
Department of Regional Australia, Regional Development and Local Government [2].
Department of the Prime Minister and Cabinet portfolio.
Department of Veterans’ Affairs.
Education, Employment and Workplace Relations portfolio.
Finance and Deregulation portfolio.
Human Services portfolio.
Inspector-General of Intelligence and Security.
National Archives of Australia.
Office for Sport.
Office for the Arts.
Office of National Assessments.
Old Parliament House.
Privacy Advisory Committee; and Office of the Privacy Commissioner.
Resources, Energy and Tourism portfolio.
Treasury portfolio.

Motion of Senator Macdonald to take note of documents called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.

Departmental and agency grants—Budget (Supplementary) estimates—Letters of advice—Documents tabled 25 October 2010—Office of the Official Secretary to the Governor-General. Motion of Senator Barnett to take note of documents called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.

Departmental and agency grants—Budget (Supplementary) estimates—Letters of advice—Documents tabled 25 October 2010—

Department of Agriculture, Fisheries and Forestry.
Innovation, Industry, Science and Research portfolio [2].

Motion of Senator Parry to take note of documents agreed to.


Medibank Private Limited—Report for 2009-10. Motion of Senator Barnett to take note of document agreed to.

Department of Finance and Deregulation—Campaign advertising by Australian government departments and agencies—Report for 2009-10. Motion of Senator Bushby to take note of document agreed to.

Military Superannuation and Benefits Board of Trustees—Report for 2009-10, including financial statements for the Military Superannuation and Benefits Fund. Motion of Senator Ronaldson to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.

Defence Force Retirement and Death Benefits Authority (DFRDB)—Report for 2009-10. Motion of Senator Ronaldson to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.

Office of the Renewable Energy Regulator—Financial report for 2009-10. Motion of Senator Barnett to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.

Australian Commission for Law Enforcement Integrity—Report of the Integrity Commissioner for 2009-10. Motion of Senator Williams to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Department of Foreign Affairs and Trade—Reports for 2009-10—

Volume 1—Department of Foreign Affairs and Trade.

Volume 2—Australian Agency for International Development (AusAID).
Motion of Senator Williams to take note of documents agreed to.

Wet Tropics Management Authority—Report for 2009-10, including State of the Wet Tropics report for 2009-10. Motion of Senator Williams to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Australian Sports Commission—Report for 2009-10, including financial statements for Australian Sports Foundation Limited. Motion of Senator Williams to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.

National Health and Medical Research Council (NHMRC)—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Department of Immigration and Citizenship—Report for 2009-10, including report on the operation of the Immigration (Education) Act 1971. Motion of Senator Williams to take note of document agreed to.

NBN Co Limited—Report for 2009-10. Motion of Senator Williams to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.


Volume 1, dated October 2010.

Volume 2, dated October 2010.

Motion of Senator Williams to take note of documents agreed to.


General business orders of the day nos 12, 15 to 20 and 22 to 38 relating to government documents were called on but no motion was moved.

COMMITTEES

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Environment and Communications References Committee—Report—Sustainable management by the Commonwealth of water resources. Motion of Senator Parry to take note of report agreed to.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report: Review of the Defence annual report 2007-08—Government response. Motion of Senator Bushby to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till the next day of sitting.

Regional and Remote Indigenous Communities—Select Committee—Final report 2010. Motion of Senator Bushby to take note of report called on. Debate adjourned till the next day of sitting, Senator Macdonald in continuation.


Community Affairs Legislation Committee—Report—Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2009. Motion of Senator Bushby to take note of report agreed to.


Agricultural and Related Industries—Select Committee—Final report—Food production in Australia. Motion of Senator Bushby to take note of report called on. On the motion of Senator Back the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Interim report—
Thursday, 18 November 2010

Australia’s administration and management of the Torres Strait. Motion of Senator Bushby to take note of report called on. On the motion of Senator Macdonald the debate was adjourned till the next day of sitting.


Environment, Communications and the Arts References Committee—Interim report—Administration and effectiveness of the Green Loans Program. Motion of Senator Bushby to take note of report agreed to.

AUDITOR-GENERAL’S REPORTS

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 2 of 2010-11—Performance audit—Conduct by Infrastructure Australia of the first national infrastructure audit and development of the infrastructure priority list—Infrastructure Australia. Motion of Senator Bushby to take note of document agreed to.

Auditor-General—Audit report no. 3 of 2010-11—Performance audit—The establishment, implementation and administration of the strategic projects component of the Regional and Local Community Infrastructure Program—Department of Infrastructure, Transport, Regional Development and Local Government. Motion of Senator Bushby to take note of document agreed to.

Auditor-General—Audit report no. 5 of 2010-11—Performance audit—Practice Incentives Program—Department of Health and Ageing; Medicare Australia. Motion of Senator Bushby to take note of document agreed to.

Auditor-General—Audit 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. Motion of Senator Macdonald to take note of document agreed to.

Orders of the day nos 5 and 6 relating to reports of the Auditor-General were called on but no motion was moved.

1999 GST AGREEMENT

Return to Order

Senator CORMANN (Western Australia) (6.44 pm)—by leave—I move:

That the Senate take note of the document.

Yet again, the government has refused to provide the information the Senate has sought. I draw the attention of the Senate to what it is that we asked for. The Senate ordered the government:

… that there be laid on the table by 5 pm on Thursday 18 November 2010, any advice (including legal advice and advice from the Solicitor General or the Australian Government Solicitor) to the Department of the Prime Minister and Cabinet or the Department of the Treasury, or advice from these departments to their respective Ministers, concerning the need for unanimous agreement to vary the GST Agreement.

What have we got here? We have a letter from Senator Wong telling us that the original 1999 version of the GST agreement was replaced with the 2008 version of the GST agreement by COAG unanimously. There is no comment here whatsoever, no attempt at providing the information that the Senate asked for, which of course is the advice from those respective agencies that has been provided to the government. We know that the Treasurer, Wayne Swan, knows that he has a problem. We know that he knows he has a problem because it is contained in the incoming government’s brief, the red book. I will just read from it in relation to the implementation of the GST takeover proposed by this federal Labor government. On page 15 it says:
Western Australia’s decision not to participate in the NHHN reforms poses an implementation challenge. The key issue for Western Australia is the dedication of a portion of each state’s GST to health and hospital services.

It goes further. It goes into a section on the Intergovernmental Agreement on Federal Financial Relations. It says:

Western Australia has indicated that it is not prepared to agree to proposed amendments to the IGA notwithstanding that they preserve the current arrangements for Western Australia.

I am quoting: ‘notwithstanding that they preserve the current arrangements for Western Australia’. And here comes the clincher. This is in advice from the Treasurer’s own department. This is in advice from the Treasury to the Treasurer, released under FOI after the election. I will quote from the red book again:

As changes can only be made to the IGA by unanimous agreement of all parties, alternative approaches may need to be considered to give effect to the financing arrangements for other jurisdictions.

That is a polite and bureaucratic way to say: ‘You may have to find the money elsewhere. You might need to do it another way. This way might not work because you have not fulfilled a core requirement under the intergovernmental agreement—and that is to have the unanimous agreement of all the parties involved in the intergovernmental agreement.’

It continues. This is very informative advice to the Treasurer. I am not sure whether he has read it. If he had read it he would not have taken the actions he did in pressing ahead with reintroducing the legislation to grab $50 billion of the states’ and territories’ GST. He would have actually done his homework. I will keep reading, for the benefit of the Treasurer and for the benefit, perhaps, of his staff, the hollow men in his office who might be watching what is happening in the Senate right now. I will continue to quote from the advice:

… alternative approaches may need to be considered to give effect to the financing arrangements for other jurisdictions.

Ideally, these issues should be resolved before the reintroduction of the legislation.

That, again, is a very polite way for Treasury to say to their boss, the Treasurer, ‘Do your homework before you bring the legislation back into the parliament.’ But this Treasurer has a problem because he is desperate for the cash. He wants the money. But he also knows that there are two states in Australia that are going to have elections soon. There is the great state of Victoria and the state of New South Wales—also a great state.

Senator Ronaldson—Not as good as the former.

Senator CORMANN—I would not want to discriminate between states, because that would be against the Constitution, wouldn’t it, Senator Ronaldson? There are soon to be elections in Victoria and New South Wales. Wayne Swan knows very well that Labor is on the nose across Australia, that there are alternative governments in Victoria and New South Wales that are quite likely to form the next government in those respective states. In New South Wales all the Labor rats are currently leaving the sinking ship. I have to say there must be a conga line of people in front of Mark Arbib’s office in New South Wales asking for jobs. All of the state Labor members of parliament in New South Wales are walking out the door because they know they are not going to be the government as of March next year.

Here we have a Treasurer who knows that, if he continues to waste time, if he does not rush this legislation into the parliament—without having done his homework—the chances are that he will not be dealing with Kristina Keneally in March next year. He
will be dealing with Barry O’Farrell—and with Mike Baird and with Ted Baillieu and with Kim Wells. These are people who stand up for the best interests of their state. John Brumby is the guy who tried to run up the pretence of standing up for Victoria and in the end the Labor mates got to him. They beat him up. He folded at the last moment. And what did he do? Hours before going to Government House to call the election, he quietly signed the deal to hand over the GST. He quietly signed the deal, hours before going into caretaker mode. That is outrageously dishonest. That is outrageously not acting in the best interests of the people of Victoria. I hope that the people of Victoria will take that into account when they go to the ballot box towards the end of November.

Minister Wong, on behalf of the Treasurer, I assume, has again wilfully ignored an order of the Senate. This government has again refused to provide information which the Senate appropriately asked for. This goes to the heart of the integrity of the Treasurer. This goes to the heart of the integrity of the government. They are out there, day in, day out, looking for new opportunities to get their hands on cash, whether it is through increased taxes, through more debt or by taking money off the states and territories. They want to cut corners. They do not want to follow proper process. They do not want to comply with the agreements that they have signed up to.

Julia Gillard, our Prime Minister, a little while ago said, ‘A deal is a deal,’ when she sought to lecture the Premier of New South Wales. She said, ‘A deal is a deal.’ Well, the states and territories across Australia have a deal with the federal government that is the Intergovernmental Agreement on Federal Financial Relations, which can only be changed by unanimous agreement. Wayne Swan knows this; Julia Gillard knows this. They know they have a problem. The reason they know is that it is all here in the briefing notes from the Treasury to the government—when they were finally able to scrape back into government.

Tell me why Wayne Swan is rushing this legislation back into the parliament without having done his homework. He knows he has not got unanimous agreement for it because Western Australia is opposed to it. He knows that the intergovernmental agreement requires him to have unanimous agreement. He knows that, if anything, things will get worse for him over the next two or three months. That is why he is rushing. He can see his $50 billion in additional revenue running out the door, and that is what he is worried about. This of course is a Treasurer who is always looking for money. This is a Treasurer who is part of a government that has got a track record of reckless spending, of waste and mismanagement, of increased taxes, of more debt and deficit, and of putting upward pressure on interest rates and inflation. This is a Treasurer who has a terrible track record as Treasurer and who, whenever he is held to account or asked a question, or is asked by the Senate or by the House of Representatives for some information, treats us with absolute contempt. We were promised a new era of openness and transparency by this Prime Minister. We were promised that sunlight would shine in. We were promised that things were going to change and that this government, which was punished by the Australian people at the last election, had learned its lesson. Well, things are going from bad to worse. Things are not getting better. This is a bad government. It is a government that always tries to cover things up. It is a government that knows it is out of its depth, and that is why it is not able to comply with legitimate inquiries from the Senate on issues like this. Wayne Swan should hang his head in shame.

Question agreed to.
The ACTING DEPUTY PRESIDENT (Senator Hurley)—Order! There being no further consideration of committee reports, government responses and Auditor-General’s reports, I propose the question:

That the Senate do now adjourn.

Relay for Life

Senator FURNER (Queensland) (6.54 pm)—I rise today to give honour to the hard work and dedication of the Cancer Council and to share my own experiences in the recent Relay for Life Brisbane event. This was the first year that the Brisbane Relay for Life event was held at the Exhibition Showgrounds. Relay for Life events are held annually in a variety of locations nationally with the intention of raising awareness and funds. The event celebrates cancer survivors and mourns those whose lives the disease has claimed. The Relay for Life encourages us to fight back against the disease, which has affected every one of us in some way or another. This is an event that is very close to my heart and one that I have participated in for the last several years.

The Cancer Council is an extremely admirable charity. It works year round raising funds for cancer research, educating the community on early prevention and providing support to those who are affected by cancer. With one in two Australians being diagnosed with cancer, it is a disease that is going to affect everyone one of us in some way. Cancer does not discriminate—whether it be a family member, a friend or even yourself, it is likely that cancer has impinged on all of our lives.

According to recent statistics from the Cancer Council, cancer is the leading cause of death in Australia. In this year alone more than 115,000 new cases have been diagnosed and it has claimed the lives of 43,000—12,000 more people die each year at the hands of this disease than 30 years ago. Cancer costs $38 billion on our healthcare system yearly. With the exception of non-melanoma skin cancer, the most common forms of cancer include prostate, bowel, breast, melanoma and lung cancer.

However there is good news. Over the last two decades the survival rate has increased by 35 per cent. And on the subject of melanoma, here in our sunburnt country melanoma is often called ‘Australia’s cancer’. With around 10,000 new cases diagnosed each year, it is the most common cancer affecting young people. Closer to home, in my early 20s my wife, being the same age, developed melanoma cancer and spent two periods in hospital having this insidious disease removed.

Just last week while catching the last few moments of the ABC’s 7.30 Report I heard with interest about some amazing breakthrough in this type of cancer. Michael Roberts, long-time club president of Brighton Beach Athletic Club, explained during the interview of his miraculous recovery—having been told by doctors previously he did not have long to live. Michael explained how within 24 hours his pain had all gone after taking experimental drugs called BRAF inhibitors. These drugs, which are taken orally, target the mutations and block the mutant BRAF gene, stopping the cancer almost immediately.

This makes the work of non-government organisations such as the Cancer Council extremely important. It is why each year I join many others in the 18-hour Relay for Life. Through our participation as a community we can work alongside the Cancer Council to raise funds to find a cure for this disease. Over the last five years we have helped raise over $70,000 for the charity through this event.
Alongside Wendy Cooke, Abdul Obeid, Christine Stubbs, Alana Smith, Terry Kent, Carol Cooke, her partner John, Sharon Stocker, her partner Vinay, Courtney and Chelsea Lambert, John Hamze, and Russell Vieritz and his partner, Sherilyn Johnson, we took on the 18-hour relay as the ‘Senator’s Sorcerers’. Additionally, I recognise Senator Moore, who has participated in each Relay for Life event since I have been involved; however, due to unforeseen circumstances was unable to be involved this year.

The idea of the event is to have at least one team member carrying the team baton around the track for the entire 18 hours. Each member took half-hour shifts. I would like to say a special thankyou to all of my team members—especially those who took on the graveyard shifts. Some of the experiences from the night are that we raised an additional $107. Then around dusk the candle light vigil takes place, recognising and remembering those lost from this insidious disease. Also this year, three of us—two of my staff, Abdul and Terry, and me—had our heads shaved at 7.30 am on the Sunday morning. So I have not joined some new, far right-wing cult or tried to recapture the memory of what my father used to do when I was taken down the back of the garage and given a crew cut; it is an attempt to raise additional money, and we did. The privilege was given to Netbox Blue to shave me at 7.30 on that Sunday morning. And in doing so we picked up the second highest fundraiser in the event at the closing ceremony towards 9 am that morning.

I would like once again to thank my fellow team mates for all their hard work, not only during the relay but also for their help raising much needed funds. I would also like thank a long list of sponsors who generously donated for the cause. These include Senator Dana Wortley, Senator Catryna Bilyk, Senator Annette Hurley, Senator John Faulkner; the member for Lindsay, David Bradbury; the Member for Blair, Shayne Neumann; the member for Werriwa, Laurie Ferguson; Julie Collins, the Parliamentary Secretary for Community Services; Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs; Super Cheap Auto, Colgate-Palmolive, National Foods, Kerry Ingredients, Gail Ker from A.C.C.E.S.S Services; David Smith, Secretary of the Australian Services Union; Chris Forrester, Bidvest, Terri Irwin from Australia Zoo, Antoine Ghanem from Byblos Restaurant, Clare Gambaro from Solutions Found, Inspector John Fox from Queensland Police Service, Russell Thirgood, Russell Furner, Thor Lambert, Julian Origliasso; Lanna Le, who herself is battling cancer; Joe Sim from RBS Morgans Mackay, Dr. Evan Jones, John Fison and Peter Christensen from Netbox Blue, Karen Conner, Mount Gravatt Little Athletics, McDonald’s at Windsor West, Dominos Pizza and Henry Lawrence. They used a variety of methods to raise money. Most of the money was raised online and most of the companies donated by cheque. Once again, it is extremely appreciated not only by our team but also by the Cancer Council.

I also want to acknowledge the special extra efforts made by Wendy and Carol Cooke, who held an amazing fundraiser at their residence through a BBQ and drinks night. They raised the huge amount of $4,000 on the night. Additionally, one week before the event the Obeid family, friends and neighbours all pitched in with a fundraiser at their residence raising a further $1,025. All your support was greatly appreciated and contributed towards a grand total of over $15,370 for our team’s efforts this year.

Additionally I extend my appreciation to Morgan Brown, Vicki James and all the other staff and volunteers from Cancer Council Queensland who made sure everything went
as smooth as clockwork for all the teams. These events happen all over this state, throughout every other state in this nation and having top quality people like these working for the Cancer Council makes the whole event more successful.

The 2010 Relay for Life was a huge success. I look forward to continuing my support for the Cancer Council and once again participating in next year’s event.

Skin Cancer Awareness Week

Senator IAN MACDONALD (Queensland) (7.02 pm)—I am passionate about Northern Australia and North Queensland where I live. I am very keen to explain to people wherever I can, that although we only have about five per cent of the population we produce something like 45 per cent of the Australia’s export earnings out of Northern Australia. But there is one downside of living in the north and that is that our fabulous long hours of sunshine in Northern Australia, and Australia as a whole, make us one of the world’s leaders in the incidence of skin cancer.

It was a genuine pleasure last Sunday for me to launch the Townsville campaign of this Skin Cancer Awareness Week that started last Sunday and runs through until next Saturday. Skin cancer is a subject very close to my heart—and for that matter close to my arms, my legs, my face and other parts of my body that have been exposed to the North Queensland sun over many years.

Many of us in North Queensland are paying the price today for the complacency of my generation and the general lack of knowledge about the dangers of sun exposure that existed when I was growing up and when we were all growing up in the north. We grew up in an era when we thought it was cool to have a tan and we happily lay on the beach for hours and did not think twice about mowing the lawn without a shirt. As anyone who has had skin cancers removed would understand, it is not cool to have those skin cancers frozen off or cut off, or to live in constant fear that one of the sun spots may one day be diagnosed as a malignant melanoma.

The introduction of the Slip! Slop! Slap! education campaign 25 years ago has done wonders, I believe, for the incidence of skin cancer. As a result of campaigns like that and of such things as a Skin Cancer Awareness Week, we now know a lot more about the perils of the sun’s rays. Most of us do take necessary precautions. I do say ‘most’ because you still do see people lying around the beaches without proper clothing on or wearing those ridiculous American baseball style caps, which are practically next to useless in stopping the sun’s rays.

It is timely to remember during Skin Cancer Awareness Week that North Queensland, regrettably, leads the world in skin cancer cases. We have to reverse that trend, particularly those of us in the north. We can only do that through education. I do note with some satisfaction that more and more sporting facilities, car parks and outdoor recreation areas are being built with roofs or shade cloth to protect people from the sun’s harmful rays. Whilst I applaud this trend, we must never forget that it comes back to each and every one of us to take our own precautions to prevent being burnt in the first place. Parents of young children particularly carry a very heavy responsibility to protect their children when outdoors and, more importantly, to educate their children about the dangers of the sun. During this week I urge parents to ensure that their children wear hats and clothing that protect their exposed arms and legs and I also urge them never to forget to slap on sunscreen.

In Townsville last Sunday afternoon a street was closed near the Mater hospital and
there was rather a carnival atmosphere where about 300 people gathered to release butterflies as part of the publicity for the dangers of skin cancer. It was a magnificent event and it was put together by the important work of Dr Robert Miller, a consultant physician and dermatologist, and his staff. I particularly want to mention the efforts made by Gillian Gilmore, the practice nurse, Kate Stringer and all of the staff of Dr Miller, who worked so hard to organise the event. I also want to acknowledge Lisa McFadden and Herman Herlaar, who represented Melanoma Patients Australia. I thank all of those hundreds of people who came along to support the launch of Skin Cancer Awareness Week in Townsville.

As I mentioned, the launch was accompanied by the release of some 300 butterflies. There is an interesting story about how a lot of work had to be done to ensure the butterflies stayed alive for their symbolic release, but, nevertheless, at the time of the launch they all flew away, or most of them did, and it was a very fitting climax to the launch of Skin Cancer Awareness Week. Congratulations to all those involved. For all of us who live in the north in particular, it is perhaps a very important reminder of the dangers of skin cancer.

Senate adjourned at 7.09 pm
QUESTIONS ON NOTICE
The following answers to questions were circulated:

Finance and Deregulation: Accommodation
(Question No. 29)

Senator Humphries asked the Minister for Finance and Deregulation, upon notice, on 28 September 2010:
Do any of the departments or agencies within the Minister’s portfolio consider that new or additional office accommodation may be required in the next 2 years; if so, would that accommodation be provided in Canberra; and if so, approximately how many staff are estimated to need accommodation in the new or additional offices.

Senator Wong—The answer to the honourable senator’s question is as follows:
Yes. The Australian Electoral Commission (AEC), the Australian Reward Investment Alliance (ARIA) and Ministerial and Parliamentary Services (M&PS), NSW State Office may require new or additional office accommodation in the next two years.
The AEC and ARIA may seek new accommodation in Canberra.
It is estimated that approximately 300 AEC and 50 ARIA staff would be affected.

Special Minister of State: Accommodation
(Question No. 53)

Senator Humphries asked the Minister representing the Special Minister of State, upon notice, on 28 September 2010:
Do any of the departments or agencies within the Minister’s portfolio consider that new or additional office accommodation may be required in the next 2 years; if so, would that accommodation be provided in Canberra; and if so, approximately how many staff are estimated to need accommodation in the new or additional offices.

Senator Wong—The Special Minister of State has provided the following answer to the honourable senator’s question:
Please refer to the Minister for Finance and Deregulation’s response to Question No. 29.