INTERNET
The Journals for the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

For searching purposes use
http://parlinfo.aph.gov.au

SITTING DAYS—2010

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>2, 3, 4, 22, 23, 24, 25</td>
</tr>
<tr>
<td>March</td>
<td>9, 10, 11, 15, 16, 17, 18</td>
</tr>
<tr>
<td>May</td>
<td>11, 12, 13</td>
</tr>
<tr>
<td>June</td>
<td>15, 16, 17, 21, 22, 23, 24</td>
</tr>
<tr>
<td>September</td>
<td>28, 29, 30</td>
</tr>
<tr>
<td>October</td>
<td>25, 26, 27, 28</td>
</tr>
<tr>
<td>November</td>
<td>15, 16, 17, 18, 22, 23, 24, 25</td>
</tr>
</tbody>
</table>

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

- ADELAIDE 972AM
- BRISBANE 936AM
- CANBERRA 103.9FM
- DARWIN 102.5FM
- HOBART 747AM
- MELBOURNE 1026AM
- PERTH 585AM
- SYDNEY 630AM

For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
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
Temporary Chairs of Committees—Senator Hon. Alan Baird Ferguson
Kay Boyce, Patricia Margaret Crossin, Mary Jo Fisher, Michael George Forshaw,
Annette Kay Hurley, Stephen Patrick Hutchins, Helen Evelyn Kroger, Scott Ludlam,
Gavin Mark Marshall, Julian John James McGauran, Claire Mary Moore, Louise Clare Pratt,
Hon. Judith Mary Troeth and Russell Brunell Trood

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. Joseph William Ludwig
Manager of Government Business in the Senate—Senator Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Adams, Judith Anne</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Arbib, Hon. Mark Victor</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Back, Christopher John</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Barnett, Guy</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Birmingham, Simon John</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Boyce, Suzanne Kay</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry SC</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Brown, Robert James</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Douglas Niven</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Michaelia Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Coonan, Hon. Helen Lloyd</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cormann, Mathias Hubert Paul</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Hon. Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Farrell, Donald Edward</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Feeney, David Ian</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Hon. Alan Baird</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fielding, Steve</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>FF</td>
</tr>
<tr>
<td>Fierravanti-Wells, Concetta Anna</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchell Peter</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Fisher, Mary Jo</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Forshaw, Michael George</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Furner, Mark Lionel</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, Hon. John Joseph</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Hurley, Annette Kay</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Hutchins, Stephen Patrick</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Joyce, Barnaby Thomas Gerard</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>Kroger, Helen</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Lundy, Kate Alexandra</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>----------</td>
</tr>
<tr>
<td>McGauran, Julian John James</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Mason, Hon. Brett John</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Milne, Christine Anne</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Minchin, Hon. Nicholas Hugh</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Nash, Fiona Joy</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>O’Brien, Kerry Williams Kelso</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Pratt, Louise Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Scott Michael</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Stephens, Hon. Ursula Mary</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Troeth, Hon. Judith Mary</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Trood, Russell Bruneil</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Wortley, Dana Johanna</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2014</td>
<td>IND</td>
</tr>
</tbody>
</table>

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

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

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

Prime Minister
Deputy Prime Minister and Treasurer
Minister for Regional Australia, Regional Development and Local Government
Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate
Minister for School Education, Early Childhood and Youth Economy and Deputy Leader of the Government in the Senate
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Minister for Foreign Affairs
Minister for Trade
Minister for Defence and Deputy Leader of the House
Minister for Immigration and Citizenship
Minister for Infrastructure and Transport and Leader of the House
Minister for Health and Ageing
Minister for Families, Housing, Community Services and Indigenous Affairs
Minister for Sustainability, Environment, Water, Population and Communities
Minister for Finance and Deregulation
Minister for Innovation, Industry, Science and Research
Attorney-General and Vice President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate
Minister for Resources and Energy and Minister for Tourism
Minister for Climate Change and Energy Efficiency

Hon. Julia Gillard MP
Hon. Wayne Swan MP
Hon. Simon Crean MP
Senator Hon. Chris Evans
Hon. Peter Garrett AM MP
Senator Hon. Stephen Conroy
Hon. Kevin Rudd MP
Hon. Dr Craig Emerson MP
Hon. Stephen Smith MP
Hon. Chris Bowen MP
Hon. Tony Albanese MP
Hon. Nicola Roxon MP
Hon. Jenny Macklin MP
Hon. Tony Burke MP
Senator Hon. Penny Wong
Senator Hon. Kim Carr
Hon. Robert McClelland MP
Senator Hon. Joe Ludwig
Hon. Martin Ferguson AM, MP
Hon. Greg Combet AM, MP

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

<table>
<thead>
<tr>
<th>Role</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for the Arts</td>
<td>Hon. Simon Crean MP</td>
</tr>
<tr>
<td>Minister for Social Inclusion</td>
<td>Hon. Tanya Plibersek MP</td>
</tr>
<tr>
<td>Minister for Privacy and Freedom of Information</td>
<td>Hon. Brendan O’Connor MP</td>
</tr>
<tr>
<td>Minister for Sport</td>
<td>Senator Hon. Mark Arbib</td>
</tr>
<tr>
<td>Special Minister of State for the Public Service and Integrity</td>
<td>Hon. Gary Gray AO, MP</td>
</tr>
<tr>
<td>Assistant Treasurer and Minister for Financial Services and</td>
<td>Hon. Bill Shorten MP</td>
</tr>
<tr>
<td>Superannuation</td>
<td></td>
</tr>
<tr>
<td>Minister for Employment Participation and Childcare</td>
<td>Hon. Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Indigenous Employment and Economic Development</td>
<td>Senator Hon. Mark Arbib</td>
</tr>
<tr>
<td>Minister for Veterans’ Affairs and Minister for Defence Science and Personnel</td>
<td>Hon. Warren Snowdon MP</td>
</tr>
<tr>
<td>Minister for Defence Materiel</td>
<td>Hon. Jason Clare MP</td>
</tr>
<tr>
<td>Minister for Indigenous Health</td>
<td>Hon. Warren Snowdon MP</td>
</tr>
<tr>
<td>Minister for Mental Health and Ageing</td>
<td>Hon. Mark Butler MP</td>
</tr>
<tr>
<td>Minister for the Status of Women</td>
<td>Hon. Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Social Housing and Homelessness</td>
<td>Senator Hon. Mark Arbib</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>Hon. Gary Gray AO, MP</td>
</tr>
<tr>
<td>Minister for Small Business</td>
<td>Senator Hon. Nick Sherry</td>
</tr>
<tr>
<td>Minister for Home Affairs and Minister for Justice</td>
<td>Hon. Brendan O’Connor MP</td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>Hon. Tanya Plibersek MP</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>Hon. Mark Dreyfus QC, MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Senator Hon. Kate Lundy</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>Hon. David Bradbury MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>Senator Hon. Jacinta Collins</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator Hon. Stephen Conroy</td>
</tr>
<tr>
<td>Parliamentary Secretary for Trade</td>
<td>Hon. Justine Elliot MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>Hon. Richard Marles MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence</td>
<td>Senator Hon. David Feeney</td>
</tr>
<tr>
<td>Parliamentary Secretary for Immigration and Citizenship</td>
<td>Senator Hon. Kate Lundy</td>
</tr>
<tr>
<td>Parliamentary Secretary for Infrastructure and Transport and</td>
<td>Hon. Catherine King MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Health and Ageing</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Disabilities and Carers</td>
<td>Senator Hon. Jan McLucas</td>
</tr>
<tr>
<td>Parliamentary Secretary for Community Services</td>
<td>Hon. Julie Collins MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Sustainability and Urban Water</td>
<td>Senator Hon. Don Farrell</td>
</tr>
<tr>
<td>Minister Assisting on Deregulation</td>
<td>Senator Hon. Nick Sherry</td>
</tr>
<tr>
<td>Parliamentary Secretary for Agriculture, Fisheries and Forestry</td>
<td>Hon. Dr Mike Kelly AM, MP</td>
</tr>
<tr>
<td>Minister Assisting the Minister for Tourism</td>
<td>Senator Hon. Nick Sherry</td>
</tr>
<tr>
<td>Parliamentary Secretary for Climate Change and Energy Efficiency</td>
<td>Hon. Mark Dreyfus QC, MP</td>
</tr>
<tr>
<td>Role</td>
<td>Member</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Leader of the Opposition</td>
<td>Hon. Tony Abbott MP</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Shadow Minister for Trade</td>
<td>Hon. Julie Bishop MP</td>
</tr>
<tr>
<td>Leader of the Nationals and Shadow Minister for Infrastructure and Transport</td>
<td>Hon. Warren Truss MP</td>
</tr>
<tr>
<td>Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations</td>
<td>Senator Hon. Eric Abetz</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts</td>
<td>Senator Hon. George Brandis SC</td>
</tr>
<tr>
<td>Shadow Treasurer</td>
<td>Hon. Joe Hockey MP</td>
</tr>
<tr>
<td>Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House</td>
<td>Hon. Christopher Pyne MP</td>
</tr>
<tr>
<td>Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals</td>
<td>Senator Hon. Nigel Scullion</td>
</tr>
<tr>
<td>Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate</td>
<td>Senator Barnaby Joyce</td>
</tr>
<tr>
<td>Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee</td>
<td>Hon. Andrew Robb AO, MP</td>
</tr>
<tr>
<td>Shadow Minister for Energy and Resources</td>
<td>Hon. Ian Macfarlane MP</td>
</tr>
<tr>
<td>Shadow Minister for Defence</td>
<td>Senator Hon. David Johnston</td>
</tr>
<tr>
<td>Shadow Minister for Communications and Broadband</td>
<td>Hon. Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Shadow Minister for Health and Ageing</td>
<td>Hon. Peter Dutton MP</td>
</tr>
<tr>
<td>Shadow Minister for Families, Housing and Human Services</td>
<td>Hon. Kevin Andrews MP</td>
</tr>
<tr>
<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>Hon. Greg Hunt MP</td>
</tr>
<tr>
<td>Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship</td>
<td>Mr Scott Morrison MP</td>
</tr>
<tr>
<td>Shadow Minister for Innovation, Industry and Science</td>
<td>Mrs Sophie Mirabella MP</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture and Food Security</td>
<td>Hon. John Cobb MP</td>
</tr>
<tr>
<td>Shadow Minister for Small Business, Competition Policy and Consumer Affairs</td>
<td>Hon. Bruce Billson MP</td>
</tr>
</tbody>
</table>

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

Shadow Minister for Employment Participation
Hon. Sussan Ley MP

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

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

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

Shadow Minister for Universities and Research
Senator Hon. Brett Mason

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

Shadow Minister for Indigenous Development and Employment
Senator Marise Payne

Shadow Minister for Regional Development
Hon. Bob Baldwin MP

Shadow Special Minister of State
Hon. Bronwyn Bishop MP

Shadow Minister for COAG
Senator Marise Payne

Shadow Minister for Tourism
Hon. Bob Baldwin MP

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

Shadow Minister for Veterans’ Affairs
Senator Hon. Michael Ronaldson

Shadow Minister for Regional Communications
Mr Luke Hartsuyker MP

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

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

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

Shadow Minister for Housing
Senator Marise Payne

Chairman, Scrutiny of Government Waste Committee
Mr Jamie Briggs MP

Shadow Cabinet Secretary
Hon. Philip Ruddock MP

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

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

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

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

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

Shadow Parliamentary Secretary for Regional Education
Senator Fiona Nash

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

Shadow Parliamentary Secretary for Local Government
Mr Don Randall MP

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

Shadow Parliamentary Secretary for Defence Materiel
Senator Gary Humphries

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

Shadow Parliamentary Secretary for Primary Healthcare
Dr Andrew Southcott MP
SHADOW MINISTRY—continued

| Shadow Parliamentary Secretary for Regional Health | 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 |
CONTENTS

TUESDAY, 23 NOVEMBER

Chamber

Business—
  Consideration of Legislation ................................................................. 1867
  Consideration of Legislation ................................................................. 1867
  Rearrangement ......................................................................................... 1867

Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010—
  Second Reading ....................................................................................... 1867

Questions Without Notice—
  Broadband ................................................................................................ 1886
  Employment ............................................................................................. 1888
  Broadband ................................................................................................ 1889

Distinguished Visitors.................................................................................. 1891

Questions Without Notice—
  Economy .................................................................................................. 1891
  Broadband ................................................................................................ 1892
  Asylum Seekers ....................................................................................... 1894
  Broadband ................................................................................................ 1896
  Forestry ...................................................................................................... 1897
  Broadband ................................................................................................ 1899

Questions Without Notice: Additional Answers—
  Woodside Energy Ltd ................................................................................ 1900

Questions Without Notice: Additional Answers—
  Broadband ................................................................................................ 1901

Petitions—
  Dampier Archipelago .............................................................................. 1907

Notices—
  Presentation ............................................................................................. 1907

Leave of Absence....................................................................................... 1915

Notices—
  Postponement ......................................................................................... 1915

National Broadband Network Financial Transparency Bill 2010 (No. 2)—
  First Reading ......................................................................................... 1915
  Second Reading ....................................................................................... 1915

Committees—
  Legal and Constitutional Affairs Legislation Committee—Meeting ........ 1918

Goods and Services Tax—
  Order ....................................................................................................... 1918

Broadcasting Legislation Amendment (Anti-Siphoning) Bill 2010—
  First Reading ......................................................................................... 1919
  Second Reading ....................................................................................... 1919

Committees—
  Legal and Constitutional Affairs References Committee—Reference .... 1920
  Environment and Communications Legislation Committee—Reference ... 1921
  Economics References Committee—Reference ....................................... 1921
  Economics References Committee—Reference ....................................... 1922

Notices—
  Postponement ......................................................................................... 1922

Exercise Hamel .......................................................................................... 1923
CONTENTS—continued

Go Home On Time Day................................................................. 1923
Matters of Public Importance—
  Broadband ............................................................................. 1924
Ministerial Statements—
  People Trafficking ................................................................ 1935
Building the Education Revolution Program—
  Return to Order ....................................................................... 1936
Broadband—
  Return to Order ....................................................................... 1936
Committees—
  Foreign Affairs, Defence and Trade Legislation Committee—Additional Information 1936
  Parliamentary Budget Office Committee—Membership ......................... 1936
Fisheries Legislation Amendment Bill (No. 2) 2010—
  Returned from the House of Representatives .................................. 1936
Tax Laws Amendment (Research and Development) Bill 2010 and
Income Tax Rates Amendment (Research and Development) Bill 2010—
  First Reading .......................................................................... 1937
  Second Reading ........................................................................ 1937
Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2010—
  First Reading .......................................................................... 1939
  Second Reading ........................................................................ 1939
Evidence Amendment (Journalists’ Privilege) Bill 2010 and
Evidence Amendment (Journalists’ Privilege) Bill 2010 (No. 2)—
  Report of Legal and Constitutional Affairs Legislation Committee ....... 1940
Telecommunications Legislation Amendment (Competition and Consumer
Safeguards) Bill 2010—
  Second Reading ........................................................................ 1940
Documents—
  Australia Post: Statement of Corporate Intent 2010-11 to 2012-13 ......... 1968
  Australia Post: Equal Employment Opportunity Program Report for 2009-10 ... 1969
  Consideration ........................................................................... 1970
Adjournment—
  Volunteers ............................................................................. 1970
  Pensions and Benefits .......................................................... 1973
  Forget-me-knot Day ............................................................... 1975
  Economy ................................................................................. 1977
  Equal Pay for Women ............................................................ 1979
  Parliamentary Practice ......................................................... 1981
  Mr John McCulloch OAM ..................................................... 1982
  Press Gallery ........................................................................... 1985
  Indigenous Affairs ................................................................. 1986
  Wenlock River ........................................................................ 1988
  Video Game Classification ..................................................... 1990
  Australian Greens ................................................................... 1992
  Renewable Energy ................................................................... 1997
  Defence, Science and Technology Organisation .............................. 2000
  Marriage ................................................................................ 2000
Documents—
  Tabling ................................................................................... 2005
CONTENTS—continued

Questions on Notice
Aboriginal Health Services—(Question No. 14)......................................................... 2007
The President (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers and made an acknowledgement of country.

**BUSINESS**

**Consideration of Legislation**

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (12.31 pm)—I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Family Law Amendment (Validation of Certain Parenting Orders and Other Measures) Bill 2010
- Health Insurance Amendment (Pathology Requests) Bill 2010
- Income Tax Rates Amendment (Research and Development) Bill 2010
- Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2010
- Tax Laws Amendment (Research and Development) Bill 2010.

Question agreed to.

**Consideration of Legislation**

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (12.31 pm)—I move:

That

(a) the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010, allowing it to be considered during this period of sittings; and

(b) the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010 may be proceeded with before the Legal and Constitutional Affairs Legislation Committee reports on the provisions of Schedule 4.

Question agreed to.

**Rearrangement**

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (12.31 pm)—I move:

That intervening business be postponed till after consideration of government business order of the day no. 3 (Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010).

Question agreed to.

**TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND CONSUMER SAFEGUARDS) BILL 2010**

**Second Reading**

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

That this bill be now read a second time.

Senator WILLIAMS (New South Wales) (12.32 pm)—I am very pleased to notice that Minister Conroy is present in the chamber. I thought he might have been hiding under a log or something.

We all want faster broadband and good regional services. There is no argument about that, but the questions we have are about Labor’s history on telecommunications. Last time I spoke on telecommunications I highlighted the issues of the Hawke-Keating government when they did away with the analog mobile phone system, which was a really good system. The clarity was terrific and, living in the regional areas, the reception was great to 30 or 40 kilometres. The analog system was like the EH Holden. The EH Holden was a great Australian-made car. I have several 1964 EH Holdens. But spare parts for the EH Holden became harder and harder to get. It was likewise with the analog system. We saw the demise of the
analog system and the introduction of the
digital mobile phone system, which, frankly,
was just hopeless in regional Australia.

It was up to the coalition, especially my
colleagues in the National Party, to push for
the CDMA phone system to give us that fur-
ther coverage. We are just not close to towers
in many areas around regional Australia.
Then we moved on to the NextG system,
which I think is working very well. It is terri-
fic to think that, in my case—I have a
broomstick aerial off my mobile phone—I
can drive from areas like Inverell in northern
New South Wales and to Adelaide, some
1,800 kilometres away, and not be out of
reception for longer than two or three min-
utes. You go through some very sparse coun-
try when you travel from Cobar to Wilcannia
to Broken Hill. You do not see a lot of built-
up areas in those regions, I can assure you. I
think that, overall, the majority of the people
are happy with the mobile system. There are
certainly black spots and people are frus-
trated that they still do not have a mobile
signal in many areas, especially around the
hills and heavily timbered areas, where mo-
bile reception can be hard to get, but in gen-
eral there has been a huge improvement in
mobile telephone reception with literally
hundreds and hundreds of towers estab-
lished, especially over the period of the coa-
lition government with its funding and help
with that.

But here we have a $43 billion plan put
forward by Senator Conroy and the gov-
ernment. You would not blame us for question-
ing the whole plan when we look at the gov-
ernment’s history on the rollout of their pro-
grams over the last three years. The pink
batts program was a disaster and had to be
guillotined before any more mistakes were
made. The serious issue with that, of course,
was the death of four installers, which was a
tragedy in itself. But 190 houses also caught
fire. It was a system in which people were
rorting, gouging, not doing the job properly
and not possessed of the professional know-
how for installations. It was a way to simply
get hold of government money, whether it be
taxpayers’ money or borrowed money.

Then we went onto the Building the Edu-
cation Revolution. It was a $16.2 billion plan
and the first buildings that come to mind are
the two classrooms that were installed at the
Manilla Central School near Tamworth. They
were demountables brought in on a truck. It
will cost you $1.8 million to build six very
good brick veneer houses, but for $1.8 mil-
lion the Manilla school got two demountable
classrooms brought in on a semitrailer—
nothing else. How could you waste so much
money on two demountable classrooms cost-
ing $900,000 each—$1.8 million for two
classrooms—when we know that it will cost
$1.8 million to build six comfortable brick
veneer or perhaps even solid brick four-bed-
room homes? We question how the money
was spent. I could go on and question the
Green Loans scheme, which was another
disaster, and now we are faced with this leg-
islation in which the Minister for Broadband,
Communications and the Digital Economy,
Senator Conroy, and the government are
proposing to spend $43 billion on rolling out
fibre to the home.

Let us go back to the government’s origi-
nal plan—$4.7 billion, from memory, for
fibre to the node. That was the plan that Min-
ister Conroy was first going to roll out, even
to the stage where he did not think about the
$30 million spent on a tender for fibre to the
node. That was $30 million wasted, down the
tube—more money wasted. It was frighten-
ing to see, when I checked out the federal
government’s website last Friday, that the
federal government’s gross debt was $172
billion, having grown more than $10 billion
over September. This money has to be paid
back with interest, and now we are looking at
a $43 billion plan that someone has dreamt
up for running fibre to the home through 93 per cent of Australia’s residences and businesses. Of course, the seven per cent missing out, the 1½ million people or more, will be in regional areas.

This plan for fibre to the home is being offered for free. In Armidale, in northern New South Wales—from which I catch a plane frequently as, unfortunately, we no longer have an aerial service to Inverell—it has been offered for free in the last couple of weeks, but people had to opt in. People had to contact NBN Co. and say, ‘Yes, please give me free fibre to my home,’ yet people were not doing that. The local newspaper pleaded: ‘It is free. Please sign up for it. Get it now for free.’ They ran stories saying, ‘You must get on to this now because if you don’t you are going to miss the free boat.’

But people did not sign up for it; NBN Co. had to plead with them to take it up for free.

In Tasmania there was also an opt-in situation. If Tasmanians wanted free fibre to the home they had to contact NBN or the authorities. People did not take it up. Why did people not take it up? Because it was not the biggest issue on their minds. Their attitude was: broadband service, great, but the 100 meg download is not the biggest fish to be fried. So in Tasmania the state government had to change the regulations so that people were automatically hooked up unless they opted out. People were simply not taking up a free fibre-to-the-home offer with a very cheap internet connection on a trial basis, so the government had to act to get people to hook up to it. This is a concern.

If we look at the figures from South Korea and Japan that have had fast broadband and 100 meg downloads for some 10 years, we see that around 30, 35 or 40 per cent of people have hooked up to the fast broadband after 10 years. Most are happy with the 12 to 20 meg download, which is obviously cheaper. The big question is: who wants it, who is going to connect to it and who is going to use it? Where is the business plan? Surely, when you invest in anything you look at a return.

One very good thing about improved broadband services is for medical procedures in regional areas. I will give an example of a person who has been in the bush for most of their life working on a property, living at somewhere like Wilcannia or Tibooburra in far western New South Wales. This person notices a spot on their arm or their face—something I am pretty conscious of. The person thinks about the sun from their younger days and wonders if this might be that accursed cancer known as melanoma. This person goes to the nurse in their small community and the nurse puts the camera on the spot, perhaps rings a retired skin specialist living in Sydney and says, ‘Turn on your computer and please have a look at this spot.’

The retired skin specialist says, ‘Yes, I will do that instantly,’ and perhaps asks the nurse on the telephone to zoom in a bit closer. This is a great thing for regional Australia, but how much download is required? The answer is: four megabytes to run that sort of system. A few weeks ago Telstra had the cameras and the screens in Parliament House and told us that four megabytes is required for those medical procedures, not a 100. Telstra’s new wireless broadband offers 44 meg downloads. So, with improvements in wireless broadband, we can have those medical procedures carried out right around rural and especially remote Australia, which I think will be excellent. But you do not require 100 meg per second download to carry out those medical procedures via videoconferencing.

The government had much to gloat about in the OECD report, which was released a couple of weeks ago, except when it came to the National Broadband Network. The OECD said, ‘You are going to commit your-
self to fibre to the home; what about new
technologies in the future?" We have seen
technology advance and change so much
over the last 15 to 20 years. Madam Acting
Deputy President, if I were talking to you 20
years ago and you had said, ‘It will not be all
that long until you will be able to pick up
your phone and take a photo of Senator Guy
Barnett’—which would have been a thrilling
photo of course—’and send it to your niece
in London in a matter of seconds,’ I would
have said: ‘Come on! That’s a fairly big ex-
aggeration.’ Of course, that is what you can
do today—the technology has advanced
enormously, which is a great thing.

When I was in my previous business, I
remember that a man came into my shop in a
rather angry state saying how things were not
up to scratch as far as telecommunications
go. I said to him, ‘Well, it would have been
great if we had had mobile phones back in
the days when our soldiers were at Gallipoli;
they could have sent a text message to their
mum to say, “Hey, everything’s okay; I am
still alive,”’ but they did not, unfortunately.
We have advanced so far.

So here is the $43 billion plan. Minister
Conroy’s first dream of this program was to
get $22 billion from the government and $21
billion from the private sector. I wonder what
happened to the $21 billion from the private
sector. Why was it not forthcoming? There is
a pretty simple answer to that: because they
probably would never ever see a decent re-
turn on their investment. That was the end of
the road for the $21 billion of private money,
so now the government is basically forced to
foot the whole bill. People often talk about
taxpayers’ money but I always refer to it as
‘borrowed’ money, more additions to the
$172 billion gross debt we face as I speak.
Where is the return on investment? Where is
the business plan? First of all, if you were
one of the senators sitting on the crossbench
and you wanted to sign up to a seven-year
confidentiality clause, you might have got a
look at it. But then the government said,
‘We’ll sign you up for three years,’ and then
it came down to two weeks. How fair
dinkum are they when they say to Senator
Xenophon and others: ‘We will sign you up
to a confidentiality clause that you cannot
squeak about and we will show you the busi-
ness plan’? That is outrageous. Let us see the
business plan.

Where is the Productivity Commission’s
inquiry into all of this? People like Inde-
pendent Tony Windsor, who has been a
strong supporter of the National Broadband
Network, said, ‘No, we do not need a Pro-
ductivity Commission report,’ and did not
vote for it. We wanted a Productivity Com-
mission inquiry into the carbon tax, the very
tax about which, prior to the election, our
now Prime Minister, Ms Gillard, said, ‘There
will be no carbon tax under my leadership.’
The point is that Ms Gillard is no longer the
leader. It is the Greens that are leading the
country. Their fingerprints are all over every
policy coming forward, whether it be same-
sex marriage or the carbon tax. It is the
Greens that now have control of the govern-
ment. They are even exerting more pressure
with regard to the privatisation issue for the
government’s plan later on. The Greens are
the big stick here and they now have control
of people like Minister Conroy, and I am
sure he is very pleased about that. So where
is the Productivity Commission’s inquiry?
‘No, it is not necessary.’ It is the biggest in-
structure spend in the nation’s history—
$43 billion—but we are told we do not need
a Productivity Commission inquiry into it to
see what the cost-benefit is for all Austra-
lions.

Let us just do some quick figures. Let us
say that it comes out at $40 billion—and I
know that Minister Conroy is a very good
man on figures when it comes to adding up
debt. We would need a gross return of, say,
$5 billion a year. On $40 billion that is a 12 per cent return. With a gross return of $5 billion you would need five million people hooked up to it at $1,000 per year. I do not know how many houses there are and Australian businesses—perhaps 12 million—so we would have to look at a 40 to 50 per cent take-up rate on the 100 megs download, on the big-picture one. We are still not too sure what it is going to cost. But a $5 billion gross return is $1,000, if you can get that take-up, then add on the retailers supplies and you would be looking at $1,500 a year per household. Who is going to do it? Very few, in my opinion. So what is the take-up? What does the government expect to have? Some figures thrown around show 90 per cent. You would have to bribe everyone to get it out to 90 per cent.

The point I make is this: where is the cost-benefit analysis? We are spending $43 billion. People are saying to me in regional Australia, ‘What about our roads?’ The rain of late has been terrific, and I do hope it stops for the next few weeks so we can get the harvest in; it is a real threat to the magnificent crops we have seen in many areas, especially in New South Wales. But it is doing an enormous amount of damage to the roads. What about our roads? What about our hospitals? What about our aged-care facilities? What about our rail system? I am sure that the Melbourne to Brisbane train line would not be in the interests of people like Minister Conroy because the more truckies are on the road, the more truck drivers there are in the union—the Transport Workers Union. So perhaps there will be more supply there. I remind the minister about the blue card issue that was put forward in the Fair Work Bill amendments, where they wanted all the truckies to sign up to the blue card, which could be printed only by BLUECARD, based in Western Australia.

Senator Conroy—Madam Acting Deputy President, I rise on a point of order about relevance. I am loath to interrupt this stream of consciousness but I know that, deep down, Senator Williams supports this bill. Surely it can’t be too hard to speak for 20 minutes against the bill. I know he actually supports it and really wants this to happen but there is the question of relevance—truckies, blue cards and the Fair Work Bill is straying a little widely.

The ACTING DEPUTY PRESIDENT (Senator Moore)—Thank you, Minister. There is no point of order. As senators know, there is a wide range of debate in this place.

Senator Williams—Exactly. That is a case of the pot calling the kettle black when it comes to the point of relevance. Recalling question time over the last couple of years, I do not think Senator Conroy has ever directly answered a question that has been asked of him. Now he is here with a saintly halo around his head saying, ‘You must be relevant.’ There are wide terms of reference in this debate, as you pointed out, Madam Acting Deputy President. I will continue.

The point I make is: with this $43 billion spend, where is the business plan? That has been hidden away. It was hidden to give to some if they signed up to confidentiality. Where is the Productivity Commission’s cost-benefit analysis? No, that is not forthcoming. People are simply being hoodwinked into signing onto it, as they have had to do in Tasmania with the opt-in, opt-out changes. People in Armidale in northern New South Wales have been begged to hook up to it, as the stories in the paper show. Hence the thing I say is that we can do a lot better with this sort of money and still have good broadband services. We can still carry out those medical procedures, we know, with four megs of download, not 100. Telstra has seen it. The point is: with the waste of money
on top of this debt, when are we ever going to pay it back?

Senator Barnett (Tasmania) (12.53 pm)—I stand today to speak on the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 and to make some observations with respect to the government’s processes and also with respect to the rollout of the National Broadband Network in Tasmania and the refusal by this government to release its business plan. It has also refused a cost-benefit analysis. What we now know about the rollout in Tasmania is that the joint venture with the Tasmanian government and Aurora Energy to roll out the National Broadband Network has collapsed.

Before I talk about the collapse and the implications and consequences of that collapse, I would like to place on record my astonishment that the government would refuse to release the business case for this $43 billion, the biggest infrastructure development project ever undertaken by a government in Australian history, and would refuse to undertake a cost-benefit analysis. It is a disgrace. The fact that they are hell-bent on pushing this legislation through without revealing that information and making it available to members of the Senate and, indeed, to the public is, frankly, a national disgrace. They have obviously offered the Independents and senators on the crossbench a sneak preview of the business plan, and they initially offered it on the basis of a secrecy commitment—a confidentiality agreement—that would last for seven years. How absurd! How disgraceful! It shows how out of touch the government are. They are just not connected. I hope that their heads hang in shame for that and that they stand up and reveal the fact that they are ashamed. They should apologise.

With respect to the National Broadband Network, yes, I have been quite vocal in Tasmania on behalf of the constituents down there about the waste and mismanagement that have been a feature of the rollout in Tasmania. For example, the broadband project has been run back to front. Firstly, the government announced in a media release on 7 April last year that the cost of the program would be $43 billion, but the planning had not been done; they did it on the back of an envelope. This is the concern that I have and that I know others have as well. How did they know the cost? What went into the cost? What was it made up of? That is a staggering amount of money.

Let me just tell you what the $43 billion equates to in broad terms. It is about the market value of Telstra at the time—of course, Telstra has now diminished in value as a result of this government’s efforts and actions—it is twice the annual defence budget and it is almost as much as the federal government spent on health just last year. So there is the equivalence for a $43 billion spend. It is big money, such as we have not seen before in this country. It is over $4,000 per household—closer to $5,000 per household—in your taxes, in your money. That is how much you are putting in, members of the Australian public, to make up that $43 billion. So it is not coming free. If you make international comparisons with other countries around the world, it is up to 100 times what they are paying in other countries around the world. There are the examples of Singapore, the USA, the UK and various European countries. So it is a great shame that the government have gone hell-bent down this path without proper analysis,
without a cost-benefit analysis and without a proper review.

Of course the devil is in the detail, and we have been standing up on behalf of our constituents saying, ‘No, we want to know which way you’re taking us, where you’re going to spend the money and why.’ What business would spend its future earnings without thinking about the return on investment? The government commissioned the McKinsey-KPMG report for $25 million—which is not a bad consultancy, is it? You would want to get a good return for your funds invested there. Nevertheless, let us hope the report was well appreciated, because we know that that report says that they need a take-up or sign-up rate of between 80 and 90 per cent. That is very significant indeed. What we know and what the minister, with Mr Quigley, has revealed in Senate estimates under extreme pressure from the opposition and indeed others—I was there asking these questions—is that in Tasmania the sign-up rate is one in 10 to date, or 10 per cent. That Senate estimates meeting was on 19 October, and those were apparently the figures to 30 September, so we would hope they have improved; the government would want them to have improved. But clearly the government is expecting a sign-up rate of between 80 and 90 per cent.

I am happy to comment further on that. Clearly, the mismanagement and maladministration of the process to date has been something shocking. We do know that there will be significant challenges to be faced with the rollout in Tasmania. Let’s have a look at Tasmania and the rollout of the NBN in Tasmania. We know that the current sign-up rate, based on the latest information, is 10 per cent.

Senator Conroy—It is 11 per cent.

Senator BARNETT—It has gone up to 11 per cent.

Senator Conroy—It has always been 11 per cent.

Senator BARNETT—You are saying it was always 11 per cent. Thank you for that. We have the exact figures of course which are on the public record in answer to questions from me and indeed from others in Senate estimates. Let me see what the exact figures say: 561 services have been ordered for 436 premises with only 262 active connections as at Senate estimates on 19 October. They are the figures.

Senator Conroy—That’s over a month ago.

Senator BARNETT—That is what is on the public record and this government refuses to keep us fully informed. The minister interjects and says, ‘That was over a month ago.’ Indeed it was. What are the latest figures? Minister, why do you not reveal that information, why do you not tell us exactly where we are up to?

The ACTING DEPUTY PRESIDENT (Senator Moore)—Senator Barnett, that was through the chair, wasn’t it?

Senator BARNETT—It was through the chair, I thank you, Madam Acting Deputy President, for noting that. The federal and state governments’ joint venture with Aurora Energy has collapsed. It has been abandoned and now that is on the public record. That news, in my view, proves that the rollout is a shambles. There has been no legitimate business plan in the first place in Tasmania and it raises serious questions in my view about the commercial viability of the project in Tasmania. I have been raising these questions about the NBN rollout in Tasmania since its inception but the government has refused to answer the questions.

The minister is sitting here; he could stand up and answer all of the questions that have been put to him and make it clear. He could come clean and put it on the record. We
know that the Tasmanian NBN Co. was commissioned in August 2009 with much publicity and fanfare. There were lots of newspaper front-page stories and all the media in Tasmania were involved—TV, radio, the whole works. There was a lot of publicity with Premier David Bartlett on the basis of the soon-to-be established joint venture between the federal and state governments and the state owned utility Aurora Energy. That was in August last year, more than a year ago. After more than a year of meetings there has been no progress. In fact not only has there been no progress; it has been canned. The joint venture to roll out the NBN in Tasmania has collapsed. It has been canned.

What we do know based on a company search that I have undertaken is that at least three directors have resigned or not been reappointed. They lasted one year. Guess when they concluded their appointment? Mark Kelleher and Sean Woellner concluded on 21 August. Funny that; it is a familiar date—21 August was the date of the federal election. Daniel Norton, who I respect and admire—as I do Mark Kelleher—ceased on 31 December last year. You have five directors—let me make it clear, based on the last company search—and only one of those directors of the TNBN Co. physically lives in Tasmania. You have Doug Campbell who is from the mainland, Jody Fassina—who I know is a colleague and friend of Senator Conroy—who says that his address is Tolmans Hill in Hobart, but we know that he lives in Sydney—

Senator Carol Brown—that is not true.
Senator Conroy—that is not true.

Senator BARNETT—if that is not true, I will accept that. You say that he lives in Hobart full time. Thank you, Senator Conroy. Then we have Greg McCann from Wynyard, Alison Terry from Perth, Western Australia and Jean-Pascal Beaufret has just been appointed on 27 August 2010. I did not see any public announcement about the appointment of Mr Beaufret. I know it has been in the public arena, but there was no announcement and I wonder why. Why is the registered office of NBN Tasmania based in Melbourne at the head office of NBN Co. Ltd on level 43, 60 Elizabeth Street, Melbourne? Why is the previously registered office in Canberra? This is meant to be a Tasmanian entity and Tasmanian joint venture discussions are meant to have started in August last year. It seems now that the federal government says it will go it alone in Tasmania without the support and equity involvement of the Tasmanian government.

How much money has been invested to date in the joint venture—firstly, by the federal government, secondly, by the Tasmanian government and, thirdly, by Aurora Energy? What arrangements did they undertake? What contracts did they sign? What terms and conditions applied to those contracts? Come clean, spill the beans, put it out into the public arena. Do not be closeted and set up another secret confidentiality agreement with these key parties. Come clean and tell the Tasmanian public and the Australian public what has happened. This collapse is clearly an embarrassment. The abandonment of the joint venture is an embarrassment to both governments not just the federal government.

The federal government says now it will negotiate contracts and arrangements directly with Aurora Energy for them to undertake work. I would like to know what terms and conditions will apply to those contracts. If they have already been signed, please reveal them. If they have not been, we would like to know what arrangements will be put in place with Aurora Energy. The minister here will no doubt be able to stand up, respond to that, and come clean and tell the Senate and the members of the public. That is what we
would like. We would like that rather than this cloak of secrecy around the NBN roll-out.

I would like to know: what is the cost of the NBN rollout in Tasmania to date? It is on the public record that I have asked that question and I cannot get a response from the minister or the government. What is the cost to the Tasmanian taxpayers and Australian taxpayers for the rollout to date? What is the cost for the rollout to be completed and the equity injection to date? These questions must be answered. We know there has been a $37 million contract signed for the NBN stage 1, but that is only part of it and the minister needs to come clean.

Senator Conroy—Do you know what this bill is about?

Senator Barnett—Indeed I do. The minister must come clean and reveal the information. The bill makes many references to the NBN, unlike your interview on Sky News which was a big embarrassment for you, Senator Conroy. I wouldn’t be digging this hole for yourself because you are way down deep in the hole. You are going to have to dig your way out because on national television you embarrassed your good self. I know it was a humiliation.

Senator Conroy—What is the name of the bill?

Senator Barnett—It is a free service to the ISPs in Tasmania for the rollout. This is a great business plan they have, isn’t it? And this will continue through to 30 June next year. Then, of course, the ISPs put on special deals for the consumers of $30 a month or $60 a month. They think they are heroes. They are signing people up for a year or two years. Please, be careful; watch out when you sign.

Senator Conroy—Come on, name the bill!

Senator Barnett—Senator Conroy, we got that information out of you at estimates; it was like getting blood out of a stone but we did manage to do that. That is the concern that we have.

Senator Conroy—What’s the name of the bill?

Senator Barnett—Senator Conroy, there are many, many things that I am concerned about with this bill and with the rollout of the NBN. You are getting very sensitive now—through you, Madam Acting Deputy President—as a result of these observations and the criticisms that have been made because you do not have the ability to stand up and answer these questions. You are refusing to do that.

What about new housing estates? We know that developers are being forced to pay under this new arrangements that the government is bringing in. What about the $43 billion cost: will there be any blowouts? We know what the unions have to say; we know there are negotiations taking place and no doubt the government will roll over and the costs will blow out.

I want to ask about the black box for connection to homes in Tasmania. Originally it was a cost to the homeowner, to the householder. One constituent in Midway Point in Tasmania has had the dickens of a trouble trying to get his NBN connected. It was an
absolute shemozzle. He is so embarrassed for and on behalf of the government that it has taken him weeks and weeks and then into months to get it all connected. What about the cost of the black box?

Senator Conroy—What’s his name?

Senator Barnett—John Salmon.

Senator Conroy—The member of the Liberal Party?

The Acting Deputy President—Order! Minister, will you stop shouting across the chamber.

Senator Barnett—You should contact him—through you, Madam Acting Deputy President—and solve his problems. Likewise, up in Smithton, Ian Heathorn has problems. These constituents are all around, Minister, and—through you, Madam Acting Deputy President—you need to come clean and help fix these problems. In terms of the cost of the black box, the government has changed its business plan and has now agreed through the NBN to pay for the black box as well. What about those people who have already purchased a black box: will they be reimbursed?

Senator Williams—No, they’re suckers!

Senator Barnett—They may very well be, Senator Williams. And they will be very unhappy suckers because this is a cost that Australians into the future will not have to pay but they have paid in the past. So what we have is one big shemozzle.

The collapse of the joint venture in Tasmania will be on your own head, Minister. You need to come clean and make it clear what future plans you have and put on the record exactly what has occurred to date. That is what we would like to know. I would also like to acknowledge the good effort of iTWire. Gee, they have been on the ball. They have been really sharp and have picked up on many of the concerns of the public. They have noted the lack of a business case. They have noted the collapse of the NBN Co. joint venture in Tasmania. I want to acknowledge their good work.

Minister Conroy has said the Tasmanian rollout of the NBN is ‘on time and on budget’. He has said that many times. Well, how would we know? There is no time line and there is no budget. Nobody actually knows. He is making it up. It is nonsensical and ridiculous. There is no veracity or foundation behind that comment, so how can he be believed? So when will the minister reveal the budget? When will he reveal the business plan? When will he undertake and release a cost-benefit analysis? Those are some very important points. I am very happy to rest my case. I thank the Senate.

Senator Fisher (South Australia) (1.13 pm)—What is the hurry with the Senate consideration of this so-called competition and consumer safeguards bill? What is the hurry when this government is in zero hurry to provide stakeholders with a copy of the business case? A copy of the business case could at least inform the business underpinnings of what this bill seeks to implement. What is the hurry, Minister? In particular, what is the hurry when the government is in no hurry to produce a business case? What is the hurry when the minister informed us at Senate estimates in May that there was apparently no relationship between this bill, the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, and the construction of the National Broadband Network? We know that this bill is in fact all about the NBN. We know that this bill is about giving a preferred space to deals done be-
tween NBN Co. and others to implement the government’s NBN dream, because it proposes to exempt those deals from what would be and should be normal scrutiny by the ACCC in terms of competition.

We do know that this bill is about the National Broadband Network, despite the protestations to the contrary of the minister and the government. We also know that this minister told us at Senate estimates that this legislation, and the other legislation yet to come—of which there is quite some—is irrelevant to the construction of the National Broadband Network. Minister Conroy, who is trying to look totally uninterested because he does not want to hear his words spoken back to him—I guess I might do the same, Minister, if I were you, but I am kind of pleased that I am not—

The ACTING DEPUTY PRESIDENT (Senator Moore)—Senator, I just remind you not to address the minister directly in your speech.

Senator FISHER—Thank you, Madam Acting Deputy President, I stand appropriately corrected.

The minister told us at Senate estimates on 25 May:
The NBN Co. is currently being built around Australia as we speak.
He went on to say:
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.

Minister Conroy said that in May. Then when I asked:

Is the legislation irrelevant to the building of the NBN?
He said:
Yes, completely.
So why the hurry? Why the hurry from this minister? Why the hurry for this legislation from this government, when this minister says that this legislation—

Senator Conroy—It’s been 12 months that you’ve been blocking this bill in the Senate!

Senator FISHER—Thank you, Minister Conroy—alive at last. When this minister says that this legislation—

The ACTING DEPUTY PRESIDENT—Senator Fisher, I am interrupting you because I remind you, after reminding you earlier in your contribution, that you do not address the minister directly in your speech.

Senator FISHER—Thank you once again, Madam Acting Deputy President, for that appropriate reminder.

Why the hurry, when Minister Conroy and the government are in no hurry to release the business plan? Worse than that, they are in no hurry to subject this National Broadband Network to any scrutiny at all. They are in no hurry to prove to the Australian people that there is any transparency or that there is any accountability in this National Broadband Network, in which the Australian people are de facto bedfellows with the government whether they like it or not. For a $43 billion spend of taxpayers’ money—as Senator Williams says, borrowed money—the Australian people have been forced into bed with the government, and by the government, in every step of the rollout of the National Broadband Network.

It is with contempt that the Australian government is treating the Australian people not only in refusing to release the business case but also in continuing to refuse to do a cost-benefit analysis, and also refusing to release the government’s response to the $25 million taxpayer funded implementation study. We certainly know what we have not got, other than a government that seems to think, as the member for Wentworth has said,
that with the National Broadband Network the end will justify the means.

We do have a government which somewhat successfully, but wrongly, portrayed the opposition during the previous election campaign as effectively broadband sceptics or broadband deniers. They got to the eleventh hour when that tactic almost worked with the emissions trading scheme. The government almost succeeded in the fraud that would have been the emissions trading scheme by little more than an argument that effectively shut down those who dared to question it by calling them sceptics and deniers. The government thought: ‘Well, that tactic worked before—almost. But we have learned the lesson of that one: change leaders. Now, with the National Broadband Network let’s go the same. Anyone who dares question our way will be shown the highway by telling the Australian electorate that the opposition, in particular, are broadband deniers and broadband sceptics.’

The Australian people will come to realise—that we will do everything we can to see to it that the Australian people have proper access and greater access to fast and affordable broadband. But we do not believe that the ends justify the means without some proof.

I go back to what the government could do, given that we do not have a cost-benefit analysis. We have an implementation study that says that, based on a raft of assumptions, this National Broadband Network can be built.

But we still do not have the government’s response to the implementation study. What does the government actually think about that 25 million buck spend thing? If you listen to the minister, he would have us believe that probably the government can give us its response to the business case by blacking out the bits it does not want us to see earlier than the government can give us its response to the implementation study. It has had the implementation study for way longer than we are led to believe that it has had the business case. Why the reversal of the order?

It is pretty interesting and perhaps not entirely coincidental that there has been selective leaking of what are supposed to be some key observations in the business case. Isn’t it funny that they are favourable to the government? Perhaps the minister, in his speech, might indicate whether or not these leaks are correct observations from the business case because I presume that, by now, he has read the 400 pages of it. It was reported by Michelle Grattan in the Age on 20 November that there are some ‘general points’ that could be made on the business plan. Firstly: The National Broadband Network could be built in a way that provided an internal rate of return higher than the current long-term bond rate. Secondly: The business plan projected that prices would fall over time.

There are two things about those two observations. How cute is it that it ‘projected that prices would fall over time’? Well, indeed they should, because over time consumers should be taking up this national broadband network. The Australian people would expect little else—hoorah, big whoop! As for the comment, ‘The National Broadband Network could be built in a way that provided an internal rate of return higher than the current
long-term bond rate,’ let us revisit the implementation study and let us recall that that implementation study deliberately, in my view, predicted a modest return of six per cent—yes, the current bond rate. Firstly, what private sector investor would bother investing in a project as risky and as unknown as the National Broadband Network for a six per cent return? They can get that on deposit at a bank. How modest was the six per cent rate of return? Experts provided evidence to the Senate Select Committee on the National Broadband Network about the curious fact that the implementation study used the internal rate of return, which the business case says is supposed to be better than the long-term bond rate.

How curious it is that the implementation study used the internal rate of return, to start with, because most economists—of which I am not one, Madam Acting Deputy President, you will be very pleased to know—as I understand, having had it explained to me, would have expected the implementation study to use a thing called the weighted average cost of capital to determine at the end of the day what should be the profit of the National Broadband Network. But, no, I am told by people qualified in these things that those who use a skewed and unusual internal rate of return do so because they want to skew the end point; they want to get to six per cent.

Also, this government wanted to ultimately avoid the prospect, I am told by the economists, that there could be a negative net present value with the National Broadband Network. If there was a result of anything worse than the zero net present value from the National Broadband Network when the government wants all of these private sector investors, who is going to invest in an asset that has less than a zero net present value? I understand from my economic experts that, by utilising the internal rate of return, the implementation study could realise the six per cent outcome, ensuring that it was a better than zero per cent result in the net present value. Thank you for your indulgence—or perhaps not—in getting Economics 101. The point about that is there should be no surprise if the business case actually says that the NBN could be built in a way that provided an internal rate of return higher than the current long-term bond issue. Show us the business case, Minister, in its entirety so that the Australian people can really judge what is happening here.

What else do we not have? We should not be surprised that we do not have the complete picture when this bill, in large part, is about keeping out of the picture deals between NBN Co. and others to deliver the NBN and about keeping them out of scrutiny by the ACCC. So we should not really be surprised. What else do we not have? We do not have Minister Conroy’s response to or compliance with the Senate order made last Thursday that he at least produce three sets of documents over the weekend just gone and by yesterday. It was a motion put up by me that the Senate passed resulting in a Senate order. All he had to do was produce three documents. Firstly, he had to produce the red book as it relates to the National Broadband Network and, in particular, to produce the bits of the red book that are currently blacked out without them blacked out so that they can be read. We would like to see what are expected to be NBN Co.’s observations about and now qualifications of certain key recommendations in the implementation study—that is, NBN Co. no longer agreeing with some of those recommendations. Minister, what we wanted to see, and all we wanted to see, was the red book, the advice to incoming government, with the bits that are currently blacked out not blacked out so that they could be read.
Secondly, we wanted to see yesterday, had you complied with the Senate order, the document showing how the government chose the first release sites that are rolling out around the country. Why, for example, on the minister’s say so, were the first and second phase release sites in Tasmania, starting off with Scottsdale and Midway Point, chosen on the basis of engineering advice, yet the first and second release sites on the mainland were supposedly chosen, according to NBN Co.’s annual report, on different sets of criteria including community acceptance criteria?

How were those first sites chosen? That is what we wanted to know for each and every site, and all we wanted to know. That is what the Senate ordered Minister Conroy to provide to the Senate yesterday and he failed to do so. Each and every one of those documents must be in existence. They must have been approved by the minister. We know that the first release sites and first-stage release sites in Tassie are happening, and the second phase release sites in Tassie and the second-stage release sites on the mainland have all been announced. The decisions have been made, made, made. Presumably, there were some criteria—let us see them.

The third document that the minister failed to provide to the Senate yesterday was the ACTU heads of agreement, which the minister says can reassure the Australian people that there will not be a wages blow-out in the construction of the National Broadband Network. What is the big deal about the ACTU set of enterprise bargaining principles? The minister told us in the Senate last Monday, 15 November:

... we have an agreed set of EBA principles. They have now been signed and agreed by the ACTU, coordinating right through with the CEPU and a range of other unions—

et cetera, and then he went on to say:

They have been signed off and agreed and there is no suggestion at all that there would be a wages blow-out.

Well, Minister, let us see them. Each of those three sets of documents existed—the red book, the basis for the government’s choice of the first release sites, and the ACTU’s supposedly signed and agreed enterprise bargaining principles. All the minister had to do over the weekend just gone was ask someone to press the green button on the photocopier. That is all. Unlike the spurious bases for rejecting calls for the business case, which the Prime Minister is now somehow foisting home and interconnecting with the points of interconnection, for added confusion, those three sets of documents existed.

I note that the minister is departing the chamber. I presume he is feeling rather shame-faced and is now going to press the green button on the photocopier. I look forward to delivery, Minister. In respect of the ACTU enterprise bargaining agreement principles, Minister Conroy attempts to say that there will not be a wages blow-out in the sector because NBN Co. has already signed its enterprise agreement with its workers. Big whoop! That covers some 400 workers. They are not the workers who are going to be rolling out the National Broadband Network across the country. They are not part of the supposed 25,000 and, if they are, that is going to leave 24,600 places still to be filled. They are not part of that workforce and, in any event, NBN Co.’s workplace agreement only covers that workforce for four years, and the minister says that the NBN will take eight years to build. There is way more to unravel in that wages story and, unfortunately, the Australian people will simply have to watch this space because this government is refusing to provide any sort of proof that it has any method to its National Broadband Network madness.
Unless and until the government makes some effort to deliver accountability and transparency, there is no hurry and no haste for this Senate to consider this legislation or any other legislation related to the National Broadband Network, because on Minister Conroy’s very own say-so it is irrelevant to the build of the NBN.

Senator FERGUSON (South Australia) (1.33 pm)—I rise also to speak to the government’s Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010. I commence my remarks by repeating a short portion of what the shadow minister said when he was speaking to this bill in the other place. He said:

The 100 megabit per second fibre-to-the-home objective of the government has become little more than a religious devotion utterly disconnected from economics or market reality. To justify a $43 billion taxpayer investment, as the minister has done, on the basis that it will be used ‘in 20 years time for things that we do not know about’ is reckless in the extreme. In 20 years time most of the equipment in the NBN will have been replaced, some of it several times.

It reminds me of an inquiry that I embarked upon in the Senate in the late 1990s, just after the current minister came into this place. That inquiry, done by the economics committee, the report of which was entitled Telecommunications towards the year 2000, was a very comprehensive inquiry. We went all around Australia. In the outback of Western Australia I remember flying into small township called Cue and also another one of the places in the Murchison Shire where I think there were 19 or 26 ratepayers—I cannot remember which—when we were looking at their requirements with regard to telecommunications towards the year 2000. We went all around Australia and it was a marvellous inquiry, looking at the needs of Australians.

There was only one problem. By the time we brought our report down, some 18 months later, all of the evidence that we had collected at the beginning of the inquiry was out of date and no longer relevant to telecommunications. The changes in telecommunications were so vast and things had moved on so quickly that in fact things that we had found so important in 1998 by 1999 had become irrelevant—something like the current minister may become if he continues on the line that he is currently continuing on in relation to the NBN.

One of the major reforms that have happened—certainly the major economic reform over the last 25 years—has been government, particularly the federal government, getting out of business, not getting into business but getting out of businesses. They have been privatising businesses where governments are in business, ensuring that there is a level playing field, or at least as possible, so that the private sector can compete, which they certainly could not do in years gone by. So what on earth is the government doing here in relation to the National Broadband Network? It is turning back those 25 years of history by establishing a great big new government monopoly and then using the power of the parliament to legislate in a way that will prevent other parties with fixed line networks from competing with that monopoly. We are really turning back the economic reforms of the past 25 years with what is being proposed by the government in relation to the National Broadband Network.

I heard the minister say, in an interview on television, that of course this bill had nothing to do with the NBN. Well, as we are all well aware, he was totally embarrassed by Senator Joyce at that interview. He was embarrassed in a way in which I have not seen anybody else embarrassed for a while when it was pointed out to him that this bill before us mentions the National Broadband Network some 63 times—I think that is the figure, although I have not counted them my-
self. So the current minister’s attempt to divorce the National Broadband Network from this bill was a very good attempt, but it was one that certainly went nowhere.

In view of what I was going to say have been the answers to questions in this place in recent times but which I really have to say have been the lack of answers to questions, I could not help but be reminded of the current Prime Minister’s press interviews just after her government was formed. They were going to let the sunshine in. This was going to be a government of transparency. ‘We are going to tell the people all that they need to know in order to make informed decisions,’ they said. How things have changed, from those bold statements of the Prime Minister in relation to transparency, in a short couple of months. We have had the minister stonewalling, not allowing anything to take place which would give the parliament more information that might enable it to make an informed decision not only in relation to the bill before it but also in relation to the future telecommunications needs of Australia.

I was one of the lucky ones in my small country town: I had broadband that was delivered by the coalition. Sure, it is not 100 megabits per second but it is enough for me, and if we get to the stage of 100 megabits per second coming past my house—which is quite unlikely—I would not be taking it up anyway, and neither will the hundreds and thousands of Australian people be bothered. As we have found out in other countries around the world where high-speed broadband has been made available, people simply are not taking it up because of the expense. Besides that, there are very few people who actually require 100 megabits per second. I do not download movies, so I guess I am in the wrong generation, but I certainly have broadband—Internode are a wonderful service provider and I have nothing but compliments to pay to them—and that will do me, certainly for the foreseeable future.

I notice that we have Tasmanian senators in the chamber. Tasmania is where the national broadband rollout was started. I would be interested to know what the take-up is in Tasmania, in particular amongst people who have it going past their front door but who say, ‘I am not going to pay the extra that is required for my private residence to take up 100 megabits per second.’ In most cases such bandwidth is simply not necessary—and, as I have said, in other countries in the world the expectation of large numbers of people taking up the 100 megabits per second has not been realised.

The questions asked in this place in the past weeks have been an attempt to establish facts in order to allow impartial bodies to make some sort of an assessment as to whether this investment, which is the largest investment of taxpayers’ funds in infrastructure in our history, is a worthwhile idea or whether we are getting value for money. One of the problems we face is that out in the community the average person thinks that, if the government is providing something, it does not cost anything. They are of the view that it costs nothing; the government is providing it. Little do many people realise that it is their money that is paying for this broadband network. Every taxpayer in Australia is footing the bill for this network and yet we are not allowed to know whether there are positive cost benefits relating to its establishment.

Many people, whilst they would like to have broadband, find out that it is going to cost $43 billion of their money and then have second thoughts. There is growing pressure in the community, especially in the business community, for a thorough cost-benefit analysis of the National Broadband Network to be made and for that information to be
placed before the parliament so that people who are required to vote on legislation can make an informed decision. But this minister refuses point blank. This minister does not want members of parliament to have the information before them that is necessary and required in order to make a balanced judgment.

At a business leaders’ forum in early October we heard the chairman of ANZ say that the lack of a business case, and full publicity of that business case, is throwing a lot of doubt in people’s minds in relation to the level of expenditure. And why wouldn’t it? We are being asked to support the largest expenditure of taxpayers’ money—certainly since the Snowy Mountains scheme—before we have any idea of whether or not we are getting value for money. I understand people wanting broadband, particularly when they think it is not going to cost them anything, but there is more to us passing the sort of legislation that is in front of us—certainly the sort of legislation before us as far as Telstra is concerned, which will reduce competition rather than increase it.

We have the chairman of Wesfarmers—a big business, a big company in Australia—saying:

I’m not convinced, and feel it needs a cost-benefit analysis …

We have under-invested in infrastructure for the last 30 years, in road, rail, water. I just see this as another part of infrastructure that we need to go through, stocktake and prioritise. And I don’t know if it (NBN) will rank in priority.

Truer words were never spoken. Nobody is able to make a judgment on that issue without the necessary information in front of them to make it. The government has repeatedly refused to undertake such a cost-benefit analysis, often on the grounds of the cost of doing it or the delay that it might cause if it has to be done prior to the bill reaching its conclusion in this place. Well, when we are spending $43 billion—at least $43 billion—of taxpayers’ money, I do not mind a little delay. If I were spending my own money and it was a fraction of that amount, I would want to make sure that I was getting value for money. Why shouldn’t we require the government to ensure that it is getting value for money—not for its money but for the money of ordinary Australians, ordinary tax-paying Australians? They have a right to know whether or not they are getting value for that money.

The Labor government has refused to refer the NBN to its own, newly created specialist infrastructure agency, Infrastructure Australia. Why? Why would this government refuse to refer this network to its own, newly created specialist infrastructure agency? It defies all logic. This government thinks that it can spend money like a drunken sailor without knowing whether or not it is getting any value whatsoever for its dollars. It is okay to please the customer who does not think it is costing them anything—and that is the average taxpayer—but, when it comes to spending the hard-earned dollars of taxes paid by Australians, the government will not even refer the proposed National Broadband Network to its own specialist infrastructure agency.

When Labor’s infrastructure minister—Mr Albanese at the time—in January 2008 announced the establishment of Infrastructure Australia, it was tasked with ‘developing a blueprint for fixing and modernising the nation’s transport, water, energy and communications infrastructure’. Now, if this is not a major piece of communications infrastructure, I do not know what is. The minister himself said at the time:

Today’s announcement underscores just how serious we are about bringing in expertise from outside of government who want to contribute their energies to making our nation what it can be.
Yet the biggest infrastructure investment in our nation’s history is not being scrutinised by this body. Why not? Why did the minister not address in his second reading speech why the biggest infrastructure investment in our nation’s history is not being scrutinised by the very body that he set up? The then minister for infrastructure set up this body, yet the government refuse to use it.

When we talk about the Productivity Commission, we can say that it is the best possible organisation to ask: what are the implications of this project or what are the implications going to be? The Productivity Commission is staffed by experts who understand economics but also experts who understand the importance of factoring in non-financial costs and benefits, such as spill-overs and the social consequences of various policy choices. Minister Conroy simply rejects this. Minister Conroy, in his bull-headed manner, wants to get this through regardless—regardless of whether senators know the information, regardless of whether the public know they are or are not getting value for money. The minister said:

… you could debate for 10 years and each person will have a different value that you plug into a model—

that is, to assess the NBN. That worries me even more, because currently the only view we have is the view of the minister. And, if the minister thinks he is the fountain of all wisdom when it comes to spending $43 billion of Australian taxpayers’ money on infrastructure, I would suggest that he might want to get a few opinions from some other people—people who are qualified in other fields, people who are qualified in assessing whether such infrastructure spending is good value for the Australian taxpayer.

The very point of referring the project to the Productivity Commission is that it would end the sort of subjective analysis we are seeing, because the Productivity Commission is strictly nonpartisan. I cannot say the same thing about the minister or about a lot of other people who have commented on it. But never in Australia’s history, never in the history of this federal parliament, has a government proposed to spend so much money with so little consideration or analysis. In my time in this place, in excess of 18 years now, I have never seen a government propose to spend this amount of money with such a minimal amount of analysis and without the rigorous analysis that can be provided by bodies such as the Productivity Commission or Infrastructure Australia, or other bodies that this government so proudly trumpets on other occasions. However, when it comes to this particular piece of infrastructure, the National Broadband Network, the government is blind to suggestions from outside.

Senator Conroy—I cannot believe it—tried to justify the lack of transparency by claiming that putting the project with the Productivity Commission would be ‘too costly’; yet the Productivity Commission said it would be prepared to look at the NBN.

We have reached the stage where the government is now trying to establish this gigantic monopoly. It is so anticompetitive that the proposed telecommunications legislation which we are debating explicitly exempts the NBN from the Trade Practices Act. What has this government got to hide? We are talking about an eight-year, $43 billion project and yet this government has said that for us to do a business case will result in too much delay. I am amazed that this government has brought before us a project such as this. In effect, projects of this size and scale require necessary oversight and consideration to ensure that they are being carried out in the most effective and efficient way. The public deserve to be informed of how their money is being spent and whether or not they are getting value for money. I think it is about
time the minister and the government came up with the answers to those questions.

Senator BERNARDI (South Australia) (1.53 pm)—In rising to make a contribution to the debate on the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 I note that the bill we are discussing is the very same bill that the Minister for Broadband, Communications and the Digital Economy maintains has absolutely nothing to do with the NBN. He said that on national television. It is hard to find a more humiliating moment for any individual minister of the Crown. Clearly, he was not across his brief, because this bill mentions the NBN 62 times—that is, 62 times more than the minister had read this bill. The only conclusion people can draw from his embarrassing humiliation on Sky News—at the hands of Senator Barnaby Joyce, I acknowledge—is that he had not even glanced at it.

This bill reminds us that, in spending money, our primary obligation is to the taxpayers of Australia. It is incumbent upon us to spend their money wisely, judiciously and to ensure that we are getting value for money. These are all things we cannot do because of the obfuscation by this minister and this government—a government that, as Senator Ferguson reminded us, said, ‘Let sunlight shine upon all the activities of government, so it is open and transparent.’ Clearly, that only applies to things it wants you to see. Repeatedly, the coalition and others have said, ‘We would like to see the business case for the NBN.’ We have not yet seen it. We have asked for a cost-benefit analysis. The government is refusing to do one, even though its own organisation, Infrastructure Australia, said, ‘All initiatives proposed to Infrastructure Australia should include a thorough and detailed economic cost-benefit analysis.’ And further:

In order to demonstrate that the Benefit Cost Analysis is indeed robust, full transparency of the assumptions, parameters and values which are used in each Benefit Cost Analysis is required. So the government’s own infrastructure arm that has been set up has requested that this be done for major projects. The government are refusing to do it. It makes you ask the question: why would they set it up in the first place if they are not going to listen to the advice and the requirements of it? This project, I remind you, is the single biggest piece of infrastructure rolled out in this country, at a cost of $43 billion. And the government will not allow it to be examined critically. Repeatedly, we have asked the minister questions in question time about this. We get all sorts of stumbles and obfuscations. I asked a simple question: ‘When someone using the NBN rings emergency, and dials triple 0, will their location be readily identifiable?’ We could not get an answer to that. If the humiliation of this minister, his project and his plan needs any further example, let us just have a look at what the government are doing with Telstra.

They are paying Telstra $11 billion—$9 billion in cash to basically rip out their copper line network. They are then going to pay a further $2 billion to acquit them of their universal service obligation. That is so the NBN Co. can achieve some form of legitimacy. We know that it cannot survive in a competitive environment. It will only survive as a government monopoly, something that we in this place have spent decades fighting against. Even the Labor Party acknowledge that, when Telstra was sold, that it was a good idea to have sold it. That was one of their belated gifts to the nation that cost us billions of dollars. But one of the most humiliating things for this minister is when he was asked at estimates hearings—

Senator Cormann interjecting—
Senator BERNARDI—He is swimming naked, Senator Cormann! When the minister was asked who was going to maintain the copper lines he was forced, begrudgingly, to acknowledge that the government will have to pay $100 million, per year, for the next eight years to Telstra, on a subcontract basis, to manage the copper network that they are paying Telstra to pull out. This would be an absolute joke if it were not so serious, because the taxpayers’ money is involved. We have a $43 billion spend, with $11 billion in cash going to Telstra, and ongoing costs, as I just said, of $100 million a year—with no cost-benefit analysis, no business case and no transparency. This is a cobbled-together plan that cannot be sustained under any close examination. It was cobbled together, because we know—and I reminded the Senate of this yesterday—that the mark 1 broadband plan of the government did not engender any support out there in the market. It did not receive appropriate tenders. Importantly, Senator Conroy came in here with a one-page document from Telstra and said, ‘That is a tender,’ and then a few weeks later said that it was not a tender. So he hopped on Kevin 747’s plane—because that was the only time he was able to see His Majesty Kevin Rudd at the time—he sat with him, they got out an envelope and they both scribbled on the back of it. One wrote ‘broadband’ and the other one wrote ‘$43 billion’. This is what we have been shown up with today. It is an embarrassment; it is a humiliation. Senator Conroy is nodding. It has been caught on the camera, because he has been humiliated and embarrassed by this. It is quite extraordinary.

The coalition will be moving a number of amendments. Whether the bill will be supported will be subject to whether these amendments can get up. Without them, we have the monstrosity of a government monopoly that is taking taxpayers’ funds, scattering them around like confetti, which this government has a huge history of, and we have a list of failed ministers and programs on that side to prove it. But all of us on this side have an obligation and it is incumbent on us, whether or not the taxpayers like our politics, to ensure that the government is spending their money appropriately.

Government senators interjecting—

Senator BERNARDI—I can hear the groans from the zombies on the other side. Senator Cameron is groaning, because he is the original lobotomised zombie. He is grinning as well; it is nice that he still has a smiling gene in him. It is extraordinary that the government will not open up the NBN to transparency and scrutiny. And it is a shame.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Broadband

Senator CORMANN (2.00 pm)—My question is to the Minister for Finance and Deregulation, Senator Wong. Why has the minister commissioned an independent review of NBN Co.’s business case and 2010-11 corporate plan?

Senator WONG—I thank the good senator for his question. Given this was on the front page of the Australian, the government effectively had notice of this question. It is not unusual for the opposition to simply go through one broadsheet and then ask the questions accordingly. It is normal practice for governments, when considering these sorts of complex policy transactions—as the opposition keeps reminding us—to seek external expert advice. It is precisely what you would expect from a government that is taking a detailed, methodical and responsible approach to a project of the importance of the National Broadband Network.

It is somewhat amazing that there has been criticism, including from the shadow
minister, about this issue. You would think that the opposition, who have been allegedly clamouring for more due diligence, more information, more consideration, would actually welcome the fact that the government is ensuring it has the proper expert and technical advice, as is normal practice, in relation to this issue. It really demonstrates yet again the hypocrisy of the opposition, because on the one hand they say, ‘We want more time, we want more information, we want more delay, we want more inquiry,’ and then they have the hide to criticise the government for doing what we ought to do, which is to ensure that we consider this issue methodically, closely and responsibly.

The only explanation for the hypocrisy of the opposition is Senator Joyce’s own explanation, and that is: this is not about policy, this is not about transparency; this is about the opposition’s political agenda. They will wreck and oppose everything. (Time expired)

Senator CORMANN—Mr President, I ask a supplementary question. When and by whom was the decision made to commission an independent review of NBN Co.’s business case and 2010-11 corporate plan this late in the process?

Senator Conroy—We only got it two weeks ago, clown!

Senator WONG—I will take Senator Conroy’s interjection, when he reminded the good senator asking the question of the answer yesterday, in response to Senator Brandis, about the date on which the business case was received. This is normal practice; this is appropriate practice. Similar arrangements were entered into by past governments when commercial or business advisers were commissioned. They included Telstra 1, which was ABN AMRO Rothschild; Telstra 2, Goldman Sachs; Telstra 3, Caliburn—

Senator Brandis—Mr President, I raise a point of order. The question was: when and by whom was the document commissioned? Nothing else; just a date and a name.

Senator Ludwig—Mr President, on the point of order: the minister is answering the question. She is being directly relevant. What we now have is the opposition taking the opportunity to take a point of order—not stating what the point of order is about but jumping up and restating the question. That is what we are now having.

The PRESIDENT—Senator Ludwig, I believe the minister is answering the question. I would refer people to the Hansard. I heard the first part of the answer very clearly. If you want to check, go and look at the Hansard. I refer you to that. The minister still has 23 seconds remaining to answer the question.

Senator WONG—Thank you, Mr President. As I was reminding the opposition, seeking independent advice frequently has occurred under governments of both persuasions. It is normal practice; it is standard practice. I was reminding the opposition of the various independent sources of advice they commissioned, and it is normal for this to occur in relation to policy transactions.

Senator CORMANN—Mr President, I ask a further supplementary question. Will the minister publicly release the Greenhill Caliburn review? If the Minister for Finance and Deregulation is having second thoughts about the lack of rigour in the National Broadband Network process so far, why should the parliament not have second thoughts as well? Given the minister’s obvious second thoughts, why should the parliament not insist on the opportunity to consider the independent review she commissioned as well as the business case before being asked to vote on NBN related legislation?

Senator WONG—I am asked about second thoughts. It would be interesting, Senator, if I had the opportunity in the 60 seconds
remaining to go through the various statements made by the opposition on telecommunications policy. They have not had just second thoughts; they have had third, fourth, fifth, sixth, seventh—all the way up to 18 plans on broadband. They have had 18 plans in the telecommunications sector.

Honourable senators interjecting—

The PRESIDENT—It will assist question time if both sides desist interjecting. It makes it very hard to hear the answers on some occasions.

Senator WONG—As I said, the opposition have had some 18 or 19 plans in this policy area, none of which have delivered. If you want to talk about second thoughts, let me remind some people in this chamber of people like Senator Joyce, who once argued that structural separation of Telstra was a good idea, and other intelligent people in the opposition—yes, there are some—who have argued for structural separation and who are now silent in the—

Senator Cormann—Mr President, I rise on a point of order: relevance. I asked the minister a specific question: will she publicly release the report? She is not being directly relevant to that question and I ask that—

Honourable senators interjecting—

The PRESIDENT—Senator Cormann, I am going to invite—

Senator Conroy interjecting—

The PRESIDENT—Senator Conroy, I do not need your comments. I need to listen to the point of order.

Senator Cormann—Thank you. My point of order was that the minister is not being directly relevant to the question. Will she release her independent review publicly: yes or no?

Senator Conroy—Mr President, I suspect that, if you were to review Hansard on the question that was asked, you would find that it contained at least 20 seconds of abuse that was totally broad-ranging. I put to you that, if those opposite want to include 20 seconds of abuse in their question, then there is no point of order.

The PRESIDENT—Senator Conroy, resume your seat.

Senator Cormann—You cannot handle being checked up on, can you? She is checking up on you and you can’t handle it.

Senator Brandis—He has never got over being outsmarted.

The PRESIDENT—We will wait until silence resumes. Senator Wong, there are nine seconds remaining for you to address the question that has been asked.

Senator Wong—In relation to the release of the business case, the Prime Minister has made clear that the government does intend to release it after proper consideration.

Employment

Senator Crossin (2.09 pm)—My question is to Senator Wong, the Minister representing the Treasurer. Can the minister inform the Senate on the state of the Australian economy—in particular, its relationship to job creation?

Senator Wong—I am very pleased to take the question from Senator Crossinn. It is a question of great importance to all Australians—

Opposition senators interjecting—

Senator Wong—but apparently not of great importance to the opposition—that is, the issue of the creation of jobs in the Australian economy. It is something that we on this side regard as a priority and something those on that side have turned their backs on. This is a government that stands for jobs—for job creation and jobs for Australians. Since we came to office, there have been some 650,000 jobs created. In the past year alone, there have been some 375,000 jobs created.
Current unemployment rates are at 5.4 per cent, with the Mid-Year Economic and Fiscal Outlook forecasting falling unemployment to levels with a four in front of them. This is very good news for Australian job seekers. We are seeing low unemployment rates coupled with forecasts of good growth and strong public finances. That demonstrates this government’s sound approach to economic management.

The reality is that, when the global financial crisis hit, this government made a decision to stand for jobs. Those opposite turned their backs on that. When this country faced the global financial crisis, those opposite—who are so intent on wrecking and opposing and delaying—responded by opposing the very measures which have ensured that we have one of the lowest unemployment rates of any advanced economy in the world. They opposed the very measures which have ensured that we avoided the rubble of a recession, with all of the social impacts we know come with high levels of unemployment. All they do is oppose. (Time expired)

Senator CROSSIN—Mr President, I ask a supplementary question. Could the minister inform the Senate how the Australian economy compares internationally on key indicators such as job figures?

Senator WONG—I thank the senator again for the question. I am pleased to inform the chamber that Australia’s current unemployment rates compare very favourably to those in other advanced economies. For example, in Europe unemployment rates are in excess of 10.1 per cent. In the United States it is around 9.6 per cent. What do we have in Australia? We have an unemployment rate of just over half of that—5.4 per cent. This is an extraordinary achievement, in an international economic situation where we still see many countries feeling the effects of the worst economic crisis in some 75 years. I am unsurprised that the other side are silent, because in the face of this they really have no answers.

Senator Carr—They are embarrassed.

Senator WONG—They are embarrassed by the fact that when the decision came about who stood for jobs, the opposition were on the wrong side. (Time expired)

Senator CROSSIN—Mr President, I ask a further supplementary question. My question relates to ongoing responsible economic management. Can the minister inform the Senate about the government’s plan for future and ongoing economic management and whether there are any alternative approaches to this issue?

Senator WONG—This government is very focused on ongoing, strong economic management and the importance of jobs, in preparing not only for today’s challenges but for future challenges. We are determined to build on the economy’s successes. We are determined to continue to work to create a stronger, more competitive economy that benefits all Australians. We are determined to build economic capacity by making the necessary investments, including in the National Broadband Network. We have a record that demonstrates our commitment to economic reform, to creating jobs to jobs growth. What is the record on the other side? The opposition are to be remembered and to be condemned for one thing they did when this country faced the worst economic crisis in 75 years: all they did was oppose. This is an opposition that would rather destroy jobs than support a government plan. (Time expired)

Broadband

Senator BRANDIS (2.14 pm)—My question is to the Minister for Communications, Broadband and the Digital Economy, Senator Conroy. I refer to the services contract with Greenhill Caliburn to advise on the ‘robust-
ness of the key assumptions’—a euphemism if ever there was one—underlying the suppressed NBN business case and the 2010-11 corporate plan. I refer also to the answers given by Senator Wong to Senator Cormann. If the government has so little confidence in its own business case that it has now called into question the very assumptions on which it is based, and if the Minister for Finance and Deregulation has so little confidence in the minister for broadband that she has now decided to second-guess his judgment, how can the public and the markets have any confidence in the minister?

Senator CONROY—Unfortunately that question is based on a string of false premises, false assertions and some allegations tossed in just to round it out. The NBN Co. has finalised its three-year corporate plan and its 30-year business plan. The company submitted the plan to the government, as I said yesterday, on 8 November 2010. The government has announced that it will be releasing as much information as possible from the business plan. The government is currently considering the business plan, and it is reviewing it to remove commercial-in-confidence material prior to its release. The government has also commissioned Greenhill Caliburn to undertake an external review of the NBN business plan, and it is common practice for government to seek external expert advice relating to complex policy transactions.

Opposition senators interjecting—

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

Senator CONROY—If those opposite took the time to think of one original question other than what is on the front page of the Australian and asked if there was other external advice being sought on the National Broadband Network, they might find out some other news as well. Ask just one original question that is not on the front page of the Australian and you might just learn something else. This occurred under the former Howard government, for example with the sale of Telstra. In recent times, external advice was sought for policies such as the Electricity Sector Adjustment Scheme and the Solar Flagships Program. Throughout the process of developing the National Broadband Network, the government has sought expert advice from a range of financial experts such as McKinsey and KPMG. In assessing the NBN business plan— (Time expired)

Senator BRANDIS—Mr President, I ask a supplementary question. If the minister is right that this is the orthodox practice of this government, why was the review forced upon his department by Senator Wong’s department rather than commissioned by the minister’s own department? Will the report on the NBN be released or, like the business case itself, will it be concealed from the public for fear of what it might reveal about the true cost to Australian households of the NBN?

Senator CONROY—Yet again this is a question based on a false assertion. It is based on an inaccurate report. Those opposite do not know quite as much—

Opposition senators interjecting—

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

Senator CONROY—As I was saying, those opposite do not quite have the information they think they have. But they can keep making false assumptions all day, because this additional advice demonstrates that the government is taking a diligent and responsible approach to implementing the NBN, ensuring that the government has access to the necessary technical expertise. When you
have some correct information on which to base your question— (Time expired)

Senator BRANDIS—Mr President, I ask a further supplementary question. Has the minister read the service contract between the Australian government and Greenhill Caliburn or has the minister for finance not shown it to him? Can the minister understand why he has lost the confidence of the public and the markets when his handling of the biggest project in Australian history has been a masterclass in confusion, concealment and incompetence?

Senator CONROY—The government is focused on ensuring that the NBN is delivered in an efficient and cost-effective manner. As the Prime Minister has made clear, NBN Co.’s business plan will be released in December. The government stands by the major findings of the business case, including the fact that the NBN is both viable and profitable. It would be remiss not to undertake standard due diligence just as previous governments did, and that is exactly what this government is doing.

Senator Brandis—Mr President, on a point of order: I asked the minister if he had read the service contract. He obviously has not even seen it. He obviously had it imposed upon him by Senator Wong. Can the minister address the question: has he read the contract?

The PRESIDENT—There is no point of order. The minister is answering the question. The question was much broader than just that; that was part of the question. I cannot instruct the minister on how to answer the question, but I can draw the minister’s attention to the fact that there are 17 seconds remaining to answer the question.

Senator CONROY—As I was saying before Senator Brandis raised another bogus point of order, any suggestion that this is out of the ordinary shows a complete lack of understanding of government’s— (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw to the attention of honourable senators the presence in the gallery of the 19th Asia-Pacific Economic Cooperation—APEC—delegation from the Republic of China. On behalf of all senators, I wish you all a warm welcome to Australia and in particular to the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Economy

Senator WORTLEY (2.22 pm)—My question is to the Minister for Small Business and Minister Assisting on Deregulation, Senator Sherry. Can the minister outline to the Senate how the Gillard government’s regulatory reform agenda will benefit small business and the economy and create jobs? Can the minister outline to the Senate the types of savings that will flow from this bold government reform program?

Senator SHERRY—Thank you for the question. In addition to the decisive actions that were outlined by my colleague the Minister for Finance and Deregulation, Senator Wong, in terms of protecting the Australian economy and indeed highlighting the comparative strength of the Australian economy, a recent World Bank report has rated Australia in the area of start-up for business and ease of doing business as a top 10 country out of 183 economies surveyed. Notwithstanding what is a good assessment, the Gillard Labor government is determined to ensure that doing business in Australia becomes easier. We are assisting small business by reducing red tape. Part of that is the government’s COAG Commonwealth-state agreement on deregulation. It is a central economic reform.
The Organisation for Economic Co-operation and Development has noted that Australia is one of the front-running countries in the OECD in terms of its regulatory reform practices. Through the ministers on the Council of Australian Governments, the government is working closely with the states and territories to deliver reforms in 27 important areas of economic regulatory activity through what is known as the seamless national economy. Establishing a seamless national economy, overcoming the differing rules and regulations that exist from state to state and territory to territory and addressing unnecessary and poorly designed regulation reduce business compliance costs.

Several of the reforms are already operational. For example, the standard business reporting simplifies preparation and lodgement of business activity statements, making it easier for business but particularly small business. In many cases the actual benefits of these reforms have been quantified. We are looking at an approximate annual benefit in the range of $2 billion to $3 billion. (Time expired)

Senator WORTLEY—Mr President, I ask a supplementary question. Can the minister report on how the COAG regulatory reforms are progressing?

Senator McGauran—Slowly.

Senator SHERRY—Through you, Mr President, I did hear that fairly inane interjection from Senator McGauran. They are progressing well. Senator McGauran, for your information, through you, Mr President, we actually have a reform agenda. We are actually undertaking reforms, unlike your government, which sat on its hands—or for a number of years sat under the doormat, in your case. We actually have a reform agenda, Senator McGauran.

Around one-third of these 27 priority regulatory reforms are operational: standard business reporting, a national registration and accreditation scheme for health professionals, a national system of trade measurement and the implementation of national regulation of trustee corporations. That sat around for 80 years. You did nothing in almost 12 long years; we are introducing national trustee regulation in this country. Other reforms will shortly be operational. (Time expired)

Senator WORTLEY—Mr President, I ask a further supplementary question. Is the minister aware of any alternative policies to the Gillard government’s reform agenda?

Senator SHERRY—Normally I could be pretty brief because there are not any alternatives from the other side. As I have indicated, for 12 long years the Liberal and National parties did nothing in this reform area. They are a policy-free zone. They made little if any attempt to tackle the complex regulatory duplication—the web of regulations, often contradictory, that exist between the states and territories. They did nothing in almost 12 long years.

Senator Abetz—Absolute nonsense.

Senator SHERRY—Name a reform, Senator Abetz, that you tackled in this area in 12 long years. Through you, Mr President, he cannot name one. I challenge him; he cannot name one. Where red tape and regulatory reforms were identified, they were swept under the carpet—or, in the case of the National Party, the doormat. They just swept the reforms under the carpet, ignored them and did nothing. As usual, the National Party opposed—(Time expired)

Broadband

Senator BIRMINGHAM (2.27 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Will the government release the contents of the Greenhill Caliburn report—yes or no?
Senator CONROY—That is exactly the same question that I was asked a few minutes ago. They are so short on questions that they are actually repeating their questions.

The PRESIDENT—Senator Conroy, just answer the question.

Senator CONROY—When it comes to the Caliburn report, again, this is a report that in fact has been commissioned to examine the business case robustly, as it correctly states in the contract. That is entirely what an appropriately sensible government should do. In fact, that is what those opposite did in many cases. The government has commissioned a number of organisations to look at a number of aspects of the NBN and its operations through a range of different activities. Those opposite suddenly want to say that, on the one hand, there is no scrutiny going on and then, when they suddenly read the front page of the paper having done no work themselves—they never bother to actually ask a question themselves—they go, ‘Oh, my goodness!’

Senator Brandis—Mr President, I raise a point of order on relevance. This, Mr President, as you must appreciate, is completely hopeless. The minister was asked one question: will the document be released—yes or no? On whatever view of the meaning of the words ‘direct relevance’ you may take, it is not possible for the minister to address that question by carrying on in the manner in which he has been carrying on now for a minute and 10 seconds.

The PRESIDENT—There are two minutes to answer the question. There are 50 seconds remaining. I cannot instruct the minister how to answer the question.

Senator Brandis—It is a yes or no question.

The PRESIDENT—I cannot instruct the minister how to answer the question but I do draw the minister’s attention to the question and the need to supply an answer to the question.

Senator CONROY—Thank you, Mr President, for pointing out to those opposite that I have two minutes to answer the question and you cannot direct me how quickly to answer their question.

Opposition senators interjecting—

Senator CONROY—I am not; I am supporting the President’s ruling. The heart of the issue is that, in a stunning revelation to those opposite, this government is engaged in serious—

The PRESIDENT—Senator Conroy, you should come to an answer to the question.

Senator CONROY—I still have 20 seconds, though, is my understanding, Mr President.

The PRESIDENT—You have only 20 seconds.

Senator CONROY—This government engaged a company to provide information, as it should. That is properly the role of the cabinet. It is properly the role of cabinet to seek this information. To complete my answer, Mr President, the answer is no.

Senator BIRMINGHAM—Mr President, I ask a supplementary question. Could Senator Conroy inform the Senate—having said it is the proper role of cabinet to seek this information—whether the decision to appoint Greenhill Caliburn was made by the full cabinet or made by Senator Wong or made by Senator Wong and the minister as joint shareholders?

Senator CONROY—As Senator Birmingham is well aware, we are not in a position to outline what cabinet decisions have been made. We are not here to provide a running commentary for the benefit of those opposite on what cabinet decisions were made, when cabinet meets or what announcements will be made. But I can say that
the interest of those opposite in probity is an excellent thing. It is an excellent thing to have. It was missing with Mr Turnbull’s $10 billion water policy. It was missing when it came to the Adelaide to Darwin railway. It was missing over and over again.

Senator Brandis—Mr President, on a point of order: it is plain the minister intends to continue to treat your authority with contempt. He was asked to name by whom the decision was made. He was not asked about cabinet discussions or cabinet process; he was asked whether the decision was made by cabinet, by Senator Wong or by himself and Senator Wong in collaboration. Which is it?

Senator Ludwig—Mr President, on the point of order: the minister has been answering directly relevant to the question that was asked—to the extent of what he can make out of it. Clearly, the minister is explaining that it is a decision of government. That really underpins the ridiculousness of the question asked and, of course, what they are now arguing about. This is not a point of order that has been taken. It in fact spilled into the argument about the question and, on that basis, there is no point of order. There is no point of order that is being raised by the other side. The minister continues to be relevant to the question that was asked.

The President—Senator Conroy, you have 18 seconds remaining to address the question that has been asked of you.

Senator Conroy—As has already been observed during the questions so far today, Senator Wong and I are joint shareholders. So decisions about the NBN are joint decisions. That is properly set out in all of the guidelines and all of the cabinet statements. This is a joint portfolio area between Senator Wong and me. When the letter from the government is written—

Senator Brandis—Mr President, my point of order goes to relevance. The question was whether the minister was party to a decision to appoint Greenhill Caliburn. He has not addressed that question directly or indirectly.

The President—I must say that, from what I have listened to so far, I have formed the view that the minister is certainly answering the question. The minister has nine seconds remaining, if there is anything else to answer.

Senator Conroy—Thank you, Mr President. For those opposite, whose research document is actually the Australian, the penny has not dropped—they have actually got it wrong. (Time expired)

Asylum Seekers

Senator Hanson-Young (2.36 pm)—My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Carr. Given recent reports of an increase in self-harm by asylum seekers and the two suicides at the Villawood detention centre in recent weeks, will the government commit to reviewing the mental health services currently provided in immigration detention facilities as a priority?

Senator Carr—I thank the senator for her question. I can confirm that there have been a number of incidents at a number of immigration centres of recent times. There have any confidence in his capacity to run the NBN?

Senator Conroy—As has already been observed during the questions so far today, Senator Wong and I are joint shareholders. So decisions about the NBN are joint decisions. That is properly set out in all of the guidelines and all of the cabinet statements. This is a joint portfolio area between Senator Wong and me. When the letter from the government is written—

Senator Brandis—Mr President, my point of order goes to relevance. The question was whether the minister was party to a decision to appoint Greenhill Caliburn. He has not addressed that question directly or indirectly.

The President—I must say that, from what I have listened to so far, I have formed the view that the minister is certainly answering the question. The minister has nine seconds remaining, if there is anything else to answer.

Senator Conroy—Thank you, Mr President. For those opposite, whose research document is actually the Australian, the penny has not dropped—they have actually got it wrong. (Time expired)

Asylum Seekers

Senator Hanson-Young (2.36 pm)—My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Carr. Given recent reports of an increase in self-harm by asylum seekers and the two suicides at the Villawood detention centre in recent weeks, will the government commit to reviewing the mental health services currently provided in immigration detention facilities as a priority?

Senator Carr—I thank the senator for her question. I can confirm that there have been a number of incidents at a number of immigration centres of recent times. There
have been well-publicised issues. The government is obviously very concerned about people who are undertaking actions of self-harm. However, the government has provided an extensive array of services to help people through these difficult periods and is obviously very concerned to ensure that the welfare of people who are kept in detention is maintained at the highest level. The government of course does not in any way condone actions of self-harm undertaken by people who are held in detention. We are concerned to ensure that the mental health of detainees is protected. The advice that I have been given is that appropriate support is being provided to ensure that those objectives are being met.

Honourable senators interjecting—

Senator HANSON-YOUNG—I will take that as a no, that the government is not committed to reviewing the mental health services. That was the direct question I asked and the minister did not respond. Mr President, I have a supplementary question; perhaps in his answer the minister might like to clarify. Last week Dr Louise Newman, who heads an expert panel advising the government, questioned whether Australia should be accountable for some of the damage that immigration detention causes people. Given that we have seen the number of incidents of self-harm increase on Christmas Island and in mainland detention centres, will the government commit to a review of mental health services?

Senator CARR—The government does have a mental health advisory group who provide advice to the government on these matters. As Minister Bowen has stated, the government has suitable healthcare programs in detention facilities. I am advised that, in light of the increasing number of people in immigration detention and concerns that this may result in increasing numbers of clients experiencing mental health issues, the Department of Immigration and Citizenship has increased mental health support at places of immigration detention. The advice that I have is that the minister is confident that the range of healthcare services, including mental health support, currently available to people who are in immigration detention centres is superior to that provided in the past while remaining commensurate with those available within the broader Australian community. The government is concerned about these issues and is providing the necessary support—(Time expired)

Honourable senators interjecting—

Senator HANSON-YOUNG—Mr President, I have a further supplementary question. I must say I do find it astonishing when we are talking about issues of self-harm and suicide that people continue to heckle across the chamber. Some people who have already been found to be in genuine need of protection, who have already been found to be refugees, are still in detention. What duty of care does the government have for those who have already been found to be in genuine need of protection and remain in immigration detention, to ensure that that prolonged detention does not impact on their mental health? What is the duty of care?

Senator CARR—The senator is obviously concerned about these issues, as is the government. The government is providing, as I have already indicated to the Senate, a higher level of support for detainees, including on questions of mental health support, at a superior rate to that in the past and it remains commensurate with that available in the broader Australian community. The government does have a duty of care and is exercising that duty of care by providing the necessary support to ensure that detainees are given proper medical support. We are concerned and we are provided advice
through health experts such as the Detention Health Advisory Group to ensure that detention health policies for people in immigration detention are informed by evidence and based on the very best practice available.

**Broadband**

*Senator JOCEY* (2.42 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer the minister to the letter from the NBN Co. CEO, Mr Mike Quigley, to the minister and Senator Wong, dated last Friday, which states that the NBN ‘can be built in a way that provides an internal rate of return higher than the current long-term government bond rate’. Can the minister confirm whether the NBN will make a return at or above the commercial cost of capital for the NBN?

*Senator CONROY*—I thank Senator Joyce for his ongoing interest in this issue, particularly the Page Foundation where he endorsed and supported a fibre-to-the-home network, and I look forward to his many more questions. The NBN Co. has finalised, as I have already said, its three-year corporate plan and a 30-year business plan. The company did submit, as I have said, the plan to government on 8 November. The government is committed to releasing as much information as possible from the business plan. The business plan contains material, as Mr Quigley has advised, which is highly sensitive and commercial-in-confidence. Certain information may be of a commercial significance in a number of competitive procurement processes which NBN Co. currently has underway and those which may be conducted during the life of the project. This includes the commercial—

*Senator Joyce*—Mr President, I raise a point of order on relevance. He is giving a whole palaver, but this is very specific: can the minister confirm whether the NBN will make a return at or above a commercial cost of capital? That is not giving away details. He either can or he cannot.

*The PRESIDENT*—The minister has two minutes in which to answer the question. The minister is currently 57 seconds into answering the question. I draw the minister’s attention to the question.

*Senator CONROY*—Thank you, Mr President. And this includes the commercial negotiations of definitive agreements with Telstra. It would be utterly irresponsible to release this information. The sensitive nature of the business plan was further confirmed by Mr Quigley last week in his letter, and his letter was very, very specific. I am happy to point out and read to the chamber what Mr Quigley said. His letter outlines that the peak equity requirement of the project approximates that predicted by the implementation study. The total capital expenditure is substantially lower than predicted by the implementation study— noting that the plan is based on significantly different assumptions, including a deal with Telstra and independent advice based on borrowing capacity. The NBN Co. has assumed a uniform national wholesale price for its basic service offering of 12 meg downstream and one meg up. And NBN Co.’s business plan projects that prices will be reduced— *(Time expired)*

*Senator JOCEY*—Mr President, I ask a supplementary question. Seeing as he was unable to answer that question, I have to further ask: what take-up rate of broadband services does the NBN business plan assume to deliver the expected rates of return—which he does not have a clue about? What growth in fixed-line broadband services is required to meet this take-up rate?

*Senator CONROY*—Thank you, Senator Joyce, for those questions, because all of that information will be included when we release the documents so that people can ana-
lyse these things. But we do not intend to release this document until the cabinet has had a chance to consider it, until the ACCC has supplied some critical decision recommendations to the cabinet and final decisions are made. And Mr Quigley makes all of these points in his letter.

I note that those opposite continue to pretend—particularly Senator Joyce, who pretends that he is interested in the information he has just asked about, when he revealed his true colours last week when he said that he is not interested in this; this is about demolishing the NBN, because demolishing the NBN will demolish the government.

Senator JOYCE—Mr President, I ask a further supplementary question.

Honourable senators interjecting—

The PRESIDENT—Wait a minute, Senator Joyce; you are entitled to be heard in silence.

Senator JOYCE—Thank you very much, Mr President. I love the way he thanks me for the questions but never gives the answers! If the minister struggles—and in some instances is completely clueless—with the most basic of questions, how can his colleagues, who were answering most of his questions yesterday, or the markets or the Australian public have any confidence in him whatsoever?

Senator CONROY—I know Hansard will not have seen you shake your head there, Mr President, but clearly—

The PRESIDENT—Senator Conroy, all I am saying to you is—

Senator CONROY—it is a rhetorical question with no basis of fact in it whatsoever. What needs to be understood is that it is just like Mr Abbott said when he appointed Mr Turnbull: ‘Go out and demolish it.’ And Senator Joyce is right up there in this game. He is not interested. Those opposite are not interested. They want to wreck the NBN. They do not want people in Willunga to get genuine fast broadband, they do not want people in Townsville to get fast broadband, they do not want people in Armidale to get fast broadband, they do not want people in Brunswick to get fast broadband and they do not want people in Kiama Downs to get fast broadband, because that is where it is being rolled out—just like in Tasmania. You want to pretend to those people in Tasmania that you can keep the network—(Time expired)

Forestry

Senator POLLEY (2.48 pm)—My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. My question concerns contractors in Tasmanian forestry.

Honourable senators interjecting—

Senator POLLEY—Can the minister inform the Senate—

Opposition senators interjecting—

Government senators—We can’t hear anything!

The PRESIDENT—Senator Polley, continue.

Senator POLLEY—My question concerns contractors in Tasmanian forestry. Can the minister inform the Senate what the government is doing to assist forestry contractors in harvest or haulage sectors in Tasmania?

Senator LUDWIG—I thank Senator Polley for her question and note her ongoing interest in the Tasmanian forest industry. The Gillard government understands the financial hardship facing forestry contractors in the Tasmanian haulage and harvest sectors. We are committed to building a viable forest contracting sector that can support communities and work throughout Tasmania. That is why we have committed $22.4 million today to support the industry, and what the gov—
ernment announced represents a balanced response to a very difficult problem.

There are three elements to the $22.4 million package that I announced with Minister Green from Tasmania today. They are: assistance of up to $750,000 each to help contractors exit the business with dignity; for viable businesses, a pool of $5.4 million in business assistance, which will be delivered by the state government; and fairer contracts to support a viable, ongoing industry. Each of these elements is focused squarely on delivering a leaner, stronger, more viable contracting sector in Tasmania for the future.

Whoever I consulted on this issue—whether from industry, the contractors association, the state government, the community or the CFMEU—there was widespread agreement that there was an oversupply of contracting services in the native forest sector in Tasmania, and that this was seriously threatening the viability of the industry. The exit grants contained within the package are in direct response to this stakeholder feedback.

The government recognises that exiting is only part of the answer to this problem. That is why we are delivering two other crucial elements within the package to deliver better viability for the industry in the future. (Time expired)

Senator POLLEY—Mr President, I ask a supplementary question. Given the minister’s answer that the government has announced a business and exit assistance package for Tasmanian forestry contractors, can the minister please advise the Senate how this package will be rolled out?

Senator LUDWIG—I thank Senator Polley for her supplementary question. This announcement today delivers on the government’s election commitment to provide much-needed assistance for Tasmanian forestry contractors. The commitment and co-operation between all parties in these discussions has been positive and productive, and the government has appreciated the work and patience of all involved.

This package will allocate $17 million towards exit assistance for eligible haulage or harvest forestry contracting businesses to support their transition out of the industry. The exit assistance can be applied for immediately, with applications closing in the middle of December, and I expect offers to be made to successful applicants before Christmas. The application assessment process will be completed by officials from the Australian and Tasmanian governments, who will also be able to draw on external expertise to assist in the assessment process. Up to $750,000 will be available for each successful eligible business that is predominantly in the native forest sector. (Time expired)

Senator POLLEY—Mr President, I ask a second supplementary question. Can the minister please advise the Senate of any impediments to confidence in the forestry sector while the government has been working to deliver on its election commitment?

Senator LUDWIG—I thank Senator Polley for her second supplementary question. The government is pleased to be delivering today a balanced set of measures to support viability in the contracting industry. From those opposite there has been a constant tide of negative talk about the forestry industry in Tasmania. The Liberals have played cheap politics and have not given consideration to the workers, their families and their communities. The government acted quickly and worked diligently with all interested parties to develop and implement a series of measures that will assist the development of a viable contracting sector. This has not been helped by the willingness of those opposite to add to the legitimate fears of communities that could potentially be in crisis. This pack-
age is good news for forestry contractors, workers and their communities. It is a good package of measures that directly—(Time expired)

**Broadband**

Senator PAYNE (2.54 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. When will the government provide certainty to the residential development sector and greenfield fibre operators on how fibre for the National Broadband Network is to be connected in new residential estates and what costs will be passed on to new home owners?

Senator CONROY—I thank Senator Payne for that very thoughtful question. This has been one of the more complex issues—and there are many—around the National Broadband Network, and we have been working very closely with all the stakeholders in the sector to ensure that we can get the best possible outcome. For six to 12 months now we have been in detailed discussions with Telstra, the property sector and home owners to ensure that we get the balance right. We want to ensure that we are able to get the absolute best possible answer on this issue.

Opposition senators interjecting—

**Senator CONROY**—As I said, there are no final decisions. We are currently in negotiations—

Opposition senators interjecting—

**Senator CONROY**—We are currently in negotiations—

Opposition senators interjecting—

**Senator CONROY**—We are currently in negotiations—

**Senator Ian Macdonald**—You’ve said that three times so far.

**Senator CONROY**—Well, unfortunately I am getting the odd interjection, particularly from you, Senator Macdonald. The government is committed to ensuring that new developments have ready access to communications, and it considers high-speed fibre-optic infrastructure to be the best long-term solution. In fact, those opposite agreed with that during the election campaign. Let us be clear: from recollection, at that stunning press conference by Andrew Robb—(Time expired)

**Senator PAYNE**—Mr President, I ask a supplementary question. Can the minister please advise when the costs to homebuyers will be named, and should homebuyers in residential estates be given a choice of the type of internet technology they would prefer to use rather than being forced to pay the on-cost of installing fibre based broadband that they might not want to use?

**Senator CONROY**—I thank Senator Payne for the question. Now, and increasingly into the future, high-speed broadband should be seen as a critical utility service like water, sewerage, electricity and gas. Belatedly, even the coalition has accepted this; it was your election policy. Those opposite had an election policy that recognised that fibre should be in new estates, but they provided no pathway towards this outcome and merely recommended that everything be put on hold.

**Senator Brandis**—Mr President, on a point of order: the minister was asked when the cost will be known. His answer is neither directly nor indirectly relevant to the question: when will the cost be known?

**The PRESIDENT**—Senator Conroy, you have 12 seconds remaining. I draw your attention to the question.

**Senator CONROY**—Those opposite merely recommended that everything be put on hold while they came up with an answer. Those opposite continue to play a hypocriti-
cal double-game of demanding better broadband yet— (Time expired)

Senator PAYNE—Mr President, I ask a further supplementary question. Can the minister please advise the chamber when the cost will be known? What assurance can the government offer the Australian public that the installation of the NBN in housing estates will not result in a cost blow-out in what is already a massive government spend—or is this another one of the doubtful assumptions called into question by Senator Wong’s department?

Senator CONROY—Again, those opposite cannot help themselves on this question. It is based on an entirely false premise. On 20 June, the government announced that NBN Co. would ‘act as a wholesale provider of last resort in new developments constructed within, or adjacent to’ its ‘long-term fibre footprint’. This followed, as I have already stated, extensive consultation and consideration of the implementation study recommendations. The government, as I said, is finalising the implementation details with NBN Co. and other stakeholders and will provide these shortly. In all instances, the government will ensure there are arrangements in place to ensure that people in new developments have access to telecommunication services if and when they are required. For the time being, developers and others should continue using the established process that Telstra has had in place— (Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Woodside Energy Ltd

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Minister Assisting the Minister for Tourism) (3.01 pm)—I seek leave to incorporate in Hansard a response to a question asked of me yesterday by Senator Bob Brown.

Leave granted.

The answer read as follows—

Resources, Energy and Tourism Portfolio Senate Question Time 22 November 2010
Topic: Browse Retention Lease Condition
Proof Hansard Page: 18-19
Question:
1. President, I ask a supplementary question. We can all see what is happening here, so I will put this question as a consequence. Will the minister confirm that Martin Ferguson, the Minister for Resources and Energy, directed the companies involved to have this project at James Price Point unless they could show that an earlier commercially viable option was available, knowing that that would not be the case?

2. President, I ask a further supplementary question. The lease answers the question: the minister did direct the proponents to have this project at James Price Point unless they could show a commercially viable alternative, which was not to be the case. I ask the minister: what is the point of the Commonwealth undertaking to protect national environmental and social values, including those of the Indigenous people of this country, if it so directs.

Background: Senator Brown asked the above two questions which were taken on notice by Senator Sherry representing the Minister for Resources and Energy:

Q1 Answer: No
Q2 Answer: Not Correct.

On 6 February 2008, in accordance with the Environment Protection and Biodiversity Conservation Act (1999) and State Environment Protection Act (1986) (EPBC Act) the Australian and former WA Governments announced a Strategic Assessment of the West Kimberley region to coordinate selection and management of an LNG precinct to service Browse Basin gas reserves. This strategic assessment requires all potential environmental, heritage and social impacts to be fully assessed
including an analysis of technically and economically viable gas processing options outside the Kimberley.

The site selection process was conducted by the Western Australian Government as the first component of the Strategic Assessment. The process considered more than 40 sites and involved consultation with Indigenous communities, environmental scientists, marine experts, the public, environment groups and industry. On 23 December 2008 the Premier of Western Australia, the Hon Colin Barnett MLA, announced James Price Point as Western Australia’s preferred site.

I understand that the Strategic Assessment report is now being finalised and will be released shortly. There will be further opportunity for public comment on the proposed LNG precinct when the strategic assessment report is released.

The Minister for Sustainability, Environment, Water, Population and Communities will make his decision on whether or not to approve development of an LNG precinct at James Price Point only when he is in possession of a full and comprehensive suite of information and once satisfied that the requirements of the EPBC Act and strategic assessment terms of reference have been adequately addressed.

There will be no Kimberley LNG Precinct at James Price Point unless the proposal meets all of the environmental requirements, including under the Environment Protection and Biodiversity Act.

The conditions placed on the retention lease renewals are explicit in having the Browse Joint Venture undertake all necessary work as part of the Strategic Assessment to enable that process to be finalised, and the Minister to make his decision, unless an alternative development option is put in place which would not utilise the Kimberley LNG Precinct.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Broadband

Senator TROETH (Victoria) (3.01 pm)—I move:

That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by Senators Brandis and Birmingham, the Leader of The Nationals in the Senate (Senator Joyce) and Senator Payne today relating to the National Broadband Network.

In my 17½ years in the Senate, I do not think I have ever seen question time reduced by a minister to such a travesty as I saw today. Senator Conroy dived and weaved around questions without making the faintest attempt to answer them. In taking note, I would like to take a reasonably forensic look at some of these questions and the way Senator Conroy did not answer them.

At the start of question time, Senator Wong in one of her answers described the question of the NBN as a ‘complex policy transaction’. If it is such a complex policy transaction, why is advice being provided very, very late in the piece to the government, and why haven’t they thought to make these inquiries before? The government’s inability to quantify the costs and benefits now is surely not an excuse to squander billions of taxpayer dollars. Their refusal to release the business plan must surely increase doubts about the NBN commercial case and thus Labor’s economic competence.

No answer was given to Senator Cormann in reply to the questions that he asked. Senator Brandis then asked what I thought were very original questions: when, who and why? Even though these questions were denigrated by Senator Conroy, he could not answer them or give any degree of detail in the way that Senator Brandis asked. Respected economics writer Ross Gittins, in yesterday’s Sydney Morning Herald, wrote an article that began ‘I am starting to get a really bad feeling about’ the NBN. This is so across all sections of the economy and across all sections of business. If it is good enough for the cabinet and the government to know what is going on with the NBN, the least they could do is release some information to
us in the Senate and the House of Representatives. We are, after all, the elected representatives. But no definite answers can be given.

Senator Birmingham asked: ‘Will the document be released?’ And, finally, at the end of Senator Conroy’s response, we got a one-word answer: ‘No.’ It is regrettable that Senator Conroy treats this chamber with such disrespect that he laughs his way through every question and makes a joke of serious economic questions. This government spent $1 billion to set up the Home Insulation Program, and $1 billion will be needed to remedy it. I am sure we all hope, when we consider that $43 billion will be spent on the National Broadband Network, that a similar amount will not be needed to remedy any mistakes that arise.

The government expects the Senate to vote on this mammoth project with no information. I totally respect Senator Xenophon’s view on this. He was offered a private briefing on the grounds that he would maintain a seven-year silence. It is like something out of Grimm’s fairy tales—seven years silence in return for a policy briefing.

Senator Ian Macdonald—Or out of the politburo.

Senator TROETH—Yes. Senator Macdonald correctly remarks that we could also compare it to the politburo. Senator Joyce asked a perfectly pertinent question: if Minister Conroy cannot even answer these basic questions, why should the public and the market trust him? Even his colleagues have lost confidence in him. When these questions are asked, Senator Conroy simply abuses those who asked them. That is no defence.

In an hour of question time, with most questions being asked of Senator Conroy, all we got was a one-word answer to Senator Birmingham. That is not enough for this side of the chamber and it is not enough for the Australian public. We will continue to ask the questions.

Senator FORSHAW (New South Wales) (3.06 pm)—I have to say that I am surprised at one of the comments that Senator Troeth just made. I have a great deal of respect for Senator Troeth; I have worked with her on committees over many years. I regard her as one of the more sensible, rational and reasonable people in the opposition. But Senator Troeth said that the Senate will be asked to vote on the NBN without any information. That is not true. That is an absolutely outrageous distortion. I could use an unparliamentary word but I would be called to order. That is absolutely incorrect, and you know it is incorrect.

Let me very briefly touch upon some of the things I can recall from the previous government, which suggest that you are speaking with forked tongues when you mount those arguments on the NBN. I was around when proposals were put up by the then Howard government to sell Telstra and I can remember the refusal of the Howard government to release information about their proposals to privatise an existing government enterprise. The initial position of the Howard government was to seek approval to sell 100 per cent of Telstra. They said, ‘We’re not actually going to sell 100 per cent; we are actually going to sell maybe 33 or 49 per cent, but give us the power to sell the lot’—in other words, they wanted to bypass proper parliamentary scrutiny by getting approval in advance to sell down Telstra at whatever percentage the government decided. Fortunately the Senate on that occasion took steps to frustrate and stop that process.

Senator Abetz—Frustrate!

Senator FORSHAW—It was frustration because you were asking for a blank cheque for the sale of Telstra. And the proof came when you eventually got the ability to sell
Telstra 2—the T2 shares. The record shows that the then government privatised the second tranche of Telstra and it went on to the market and thousands upon thousands of Australians lost a lot of money by purchasing shares which subsequently dived in value under the Howard government. The shares dived in value by up to 50 per cent. So the opposition should not lecture us about public accountability and taking proper due diligence on government expenditure.

The Minister representing the Treasurer, the minister in charge of broadband, has made it clear, time and time again, that this is a critical microeconomic reform. The NBN has a three-year corporate plan and is developing its 30-year business plan. The current government is currently dealing with those elements. It is inappropriate, until that process is properly completed, for the sorts of questions that are being put up constantly by the opposition to be put out into the public arena.

You want to destroy the roll-out of this very important project—probably the most significant project in the history of this country in terms of its importance to the population in the future. Your intention is to wreck this, and to do it as early as you can. That is why you are pursuing the course you are on. It is as plain as day: it will become very clear to you, and to the Australian public, just how important this project is when, in proper time, the information is made available.

I can recall being in this parliament in opposition, when I chaired an inquiry. A contract had been let by ANSTO—a government enterprise—but we could never ever get access to that contract after it had been entered into. Not before the contract had been entered into, when there were commercial-in-confidence considerations to be taken into account, but after the contract had been signed by ANSTO and an Argentinean company, INVAP. We asked for the contract in this Senate time and time again. Do you know what we were told? ‘We can’t give it to you.’ Why? It was commercial-in-confidence after the decision. You are now trying to jump before the appropriate time and ask for the same sort of information. That is your approach.

Senator Barnett (Tasmania) (3.11 pm)—I am very pleased to take note of the answers from Senator Conroy today. Never in my time here in the Senate have I seen such ducking and weaving, such ducking and diving and such obfuscation by this minister of the questions put to him. He simply refused to answer, time and again. He is whimsical and he is happy-go-lucky in his approach and yet he refuses again and again to even address questions which are entirely relevant. We were simply asking for dates and times and who had made a decision but he refused, time and again. It is a very disappointing approach. Never in my time in the Senate have I seen such a display as we saw by Senator Conroy today. It is a great shame.

In terms of the NBN and the roll-out, the government refuse, time and again, to reveal the business plan. They have had it for weeks. A crack team of public servants could easily go through that 400-page plan and edit or redact certain parts of it for the purpose of making it public. This is in the public interest. This $43 billion national broadband roll-out is the largest single infrastructure development in Australia’s history. It is bigger than any other project undertaken by a government, ever. They are treating the NBN and the public with contempt. This is fast becoming another pink batts fiasco, in my view. In fact, it is so much larger. It is a pink batts fiasco; it is going to be a schools rorts fiasco—

Senator Boyce—On steroids.
Senator Barnett—It is on steroids, as Senator Boyce says. The mismanagement and maladministration of this project is going from bad to worse. This government has attempted to bully the Independent senators—the crossbench senators—into a seven-year confidentiality agreement, where they will not disclose information to members of the public, members of their families or anybody else based on a private viewing of that business plan. It is a disgrace. It is a national disgrace. It is worse than a joke. I am very pleased that, to date, those senators have not been bullied into going down that track. They are acting in the public interest. To think that the government would even consider a seven-year confidentiality agreement is absolutely appalling.

What evidence do we have either that there was no business plan in the first place or that they are not following the business plan and the project has not been thought through? We have the evidence. We know what has happened in Tasmania. Tasmania was the first state to have the rollout. What happened in Tasmania? We know that in August last year a joint venture agreement was entered into between the federal government, the state government and Aurora Energy, that state’s energy retailer. There was much publicity and much fanfare. They were throwing their arms around making front-page stories in all the Tasmanian media and making the news on TV and radio everywhere. They made heroes of themselves: ‘Joint venture to roll out the NBN’. Guess what has happened? It has collapsed. The Minister for Broadband, Communications and the Digital Economy, Senator Conroy, has now agreed and admitted to the abandonment of that joint venture. What we want to know in this place is what costs were involved in the joint venture rollout to date, what agreements were made and what terms and conditions were applied to those agreements. We would like to know. The public would like to know.

This has been going on for 14 to 16 months, and now we have been advised that it has been abandoned by Senator Conroy and Premier David Bartlett. Both governments should be dreadfully ashamed as a result of the collapse. Senator Abetz is concerned about that, as are many other Tasmanians. We are not happy. We want to know what the cost of the rollout is in Tasmania, because the minister refuses to answer. He says time and again that it is on time and on budget, but how nonsensical is that, how ridiculous is that, when you do not know what the time lines are and you do not know what the budget is; he simply refuses to reveal it.

Senator Boyce—Trust Senator Conroy!

Senator Barnett—Trust Senator Conroy—absolutely spot on! That is what we are meant to do in this place. We are being treated with contempt and, on behalf of our constituents in Tasmania and across the country, we say enough is enough. We would like the minister to come into this place and simply answer the question honestly and carefully and with respect.

Senator Moore (Queensland) (3.16 pm)—The NBN discussion continues and there is no shortage of discussion and debate around this topic. Sometimes it is a bit hard over here to get a gig because we usually have so many senators who want to talk on the topic—especially those from Tasmania. Today it is my turn.

All the discussion seems to be about the business plan, and that has been going on for days. It does interest me that the government has openly told everyone it has received this business plan and it has given the date and committed publicly to releasing it. The debate in this place seems to be when. Mention of its release was done very publicly, which
is in stark contrast to other governments, it having been open with people in this place and the wider community in talking about the production of documents. The Prime Minister has said the business plan will be released next month. We have heard the Minister for Broadband, Communications and the Digital Economy say numerous times that it will be released. People in the other place have said the same thing. But the debate continues to be around clandestine comments of obfuscation. I love using the word ‘obfuscation’ and I love spelling it. I am so pleased that senators have used it— because there is none. The government has been clear on the process and it has released documents throughout. The original report on what was happening with the NBN was publicly given early, on 6 May 2010, to everyone who wanted to read it, to look at the issues and to be involved in the discussion. Realistically, the only way that this program will be successful is if people are engaged in the process. The government has said that from the start.

I repeat, as has everyone else on this side of the chamber, that the business plan will be released. There are concerns about things that are commercial-in-confidence—and how many times do we hear that? I do not want to get into the all too common debate in this place about what happened when we were in opposition and the other side was in government, because we can go back to Federation on that debate. There has always been a debate about when documents can be released, what can be released and to whom. This is part of the ongoing debate. In this case, the NBN business plan will be released. It will be released next month and then this discussion will continue. That is what occurs and that is where we are going.

I clearly remember a previous debate we had in this place about Telstra and telecommunications issues. Mr Deputy President, you were on this side and I was on the other side and we were following each other in the speaking list. I found it interesting because we were enjoying the general contribution. I am pretty sure Senator Boswell was in the chamber at the same time. I said in that debate that what goes on in this place is incredibly important. That is the role of government. The real test, though, the real understanding of what happens in telecommunications in this country, is what happens in the community. People will be watching what happens in the community. So far, we have seen in the initial rollout of the NBN—in places in South Australia, as Senator McEwen has spoken of, and in Tasmania, as a number of Tasmanian senators have spoken of—that people are waiting for this program. They need to be encouraged. They need to know about it. I think in some cases they are confounded by the fact that it is free, and that in some sense has been a bit of trouble with the marketing process, because people cannot believe that they are getting access to the service which they have asked for over many years. There would not be a senator in this place who has not had constituents talking with them at times about the need for access to better telecommunications and access to broadband.

They finally have access to it, and I am really pleased to say that, in the Mundingburra-Aitkenvale area of Townsville in North Queensland in my state, it has had success in that people want to be involved in the program. Over 50 per cent of people have already said they want to be involved, and that will grow, as does any program. I have heard other senators talk about slow uptake, but with any government program it takes time for people to think about it and to actually sign up. But, when they do, they do in large numbers. I am really pleased that my home town of Toowoomba is in the next rollout. They are already talking about it on the Dar-
Toowoomba is going to be a hub of this program and they are waiting for it, as are parts of the Brisbane area. I am pleased to talk on it and I hope this program will continue.

Senator BOYCE (Queensland) (3.21 pm)—I would like to confirm and agree with my coalition colleagues on the travesty that was made of question time today by Senator Conroy. I must add that I was interested in one of his comments today. He said it would be remiss not to undertake due diligence on the business plan. Well we on this side of the chamber completely agree with him on that. In fact I put out a media release in April 2009 making the point that if anybody else was seeking to borrow so much money with so little detail as this government was to fund this pie in the sky program then the government regulators—ASIC, ASX—at the time would have knocked them out of the market, and yet the government is saying, ‘Take this on faith.’ Nothing has changed since April 2009 in terms of ‘take this on faith’.

Senator Moore suggested that it is somehow the coalition’s problem that we consider that the business plan should be released with some urgency. The urgency here is of the government’s making. We do not, in principle, care when we get to see the business plan, just do not expect us to debate and vote on the legislation until we do. That is the point. And nothing that the minister gave us today assisted in any way to clarify the information.

I was fascinated by his comments about other external advice—a little game, presumably, that Senator Conroy was playing. If he has useful information about how this is going to work, what the detail of it is, then what on earth is wrong with sharing it with this chamber—except of course they do not want to share any of it with this chamber because they are frightened of the result?

We all know that the government right now is taking a hit in the telecoms industry sector, in the IT sector and with the general community as to why it will not release it. What is in it? To continue to refuse to simply do a quick black marker exercise on this business plan, and for that matter the three-year corporate plan, and put them out for public discussion and analysis and debate suggests that there is something in there that the government is frightened about, and that would not surprise me. It is currently damaging its great big shiny NBN Co. by being so secretive and obfuscatory. By continuing with this secretive approach to it it is simply feeding the ideas of everyone that there is something there to hide.

The government could release it, but they will not. The longer they go on doing that, the more we are going to be of the view that there is something there to hide. And no wonder people are becoming very concerned about what is there and what is not there, given the fact that this all pottered along for well over 18 months without a business plan and without any detail—a thought bubble developed by former Prime Minister Rudd when he was back giving us big ideas.

It is interesting that the very existence of Infrastructure Australia is being questioned because there are no infrastructure projects of significance that they can suggest, and yet the biggest infrastructure project that has ever been undertaken in Australia will not be subject to the criteria that Infrastructure Australia have. It will not be subject to any inquiry by the Productivity Commission. It will not be subject to anything except an analysis by Greenhill Caliburn. The minister will not even answer the question: will you tell us when you get it and will you release it? It is just a travesty. (Time expired)
PETITIONS

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

Dampier Archipelago
To the Honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows:
The petitioners support for World Heritage Listing of the Dampier Archipelago as shown in the underlying map and oppose the development of any further industrial infrastructure on any of the islands that make up the Dampier Archipelago that may impact on the National and World Heritage values of the place.

It is acknowledged that the Dampier Archipelago contains what is probably the largest assemblage of prehistoric rock engravings (petroglyphs) anywhere in the world and provides one of the few chronologies in the world of environmental and social change through the last ice age to the present.

In light of the above statement your petitioners request that the Senate:

- Review all scientific data and expert advice on the scientific, cultural and heritage values of the rock art, standing stones and other components of the archaeology that exists on the islands of the Dampier Archipelago to test its value as a World Heritage nomination.
- Investigate what activities the Federal Government has made or may undertake to encourage the State of Western Australia to nominate the area for World Heritage listing and make ensuing recommendations to the Federal Government to pursue such nomination.
- Your petitioners therefore request that you give this matter earnest consideration, and your petitioners as in duty bound, will ever pray.

by Senator Siewert (from 105 citizens)

Petition received.

NOTICES

Presentation

Senator Bob Brown to move on the next day of sitting:
That the Senate supports the agreement reached by logging industry representatives and non-government organisations on the future for Tasmania’s forests.

Senators Siewert and Milne to move on the next day of sitting:
That the Senate—
- (a) notes the passing of renowned scientist Professor Frank Fenner on 22 November 2010 at the age of 95;
- (b) acknowledges the huge contribution Professor Fenner made to the nation, including his work on the eradication of small-pox and on controlling Australia’s rabbit plague, and his leadership in the areas of research and education;
- (c) recognises that Professor Fenner was in his time one of the world’s leading virologists, who made a significant contribution to our understanding of antibodies that had lasting implications for global health; and
- (d) expresses its condolences to Professor Fenner’s family and friends.

Senator Cash to move on the next day of sitting:
That the Senate—
- (a) recognises that Thursday, 25 November 2010 is the International Day for the Elimination of Violence Against Women and that the symbol for this day is the white ribbon;
- (b) acknowledges that it is a basic right for women and girls to feel safe in all aspects of their life;
- (c) expresses concern that many women in Australia continue to experience violence as an everyday reality and that nearly one in three women in Australia has suffered from physical violence during their life;
(d) commends the work of the White Ribbon Foundation (Australia) in increasing community understanding about violence against women;

(e) supports Australian men who have sworn an oath never to commit, excuse or remain silent about violence against women and encourages all men to swear this oath;

(f) notes recent comments from Amnesty International that ‘the true sign of political will to address [violence against women] will be the delivery of the government’s promised National Plan of Action to Reduce Violence Against Women and their Children’; and

(g) calls on the Government to expedite delivery of its ‘National Plan to Reduce Violence Against Women and their Children’ in 2010 as promised by the former Prime Minister (Mr Rudd) in late 2009.

Senator Birmingham to move on the next day of sitting:

That there be laid on the table, no later than noon on Thursday, 25 November 2010:

(a) the full rate of defects discovered under both the Home Insulation Safety Program and the Foil Insulation Safety Program, including:

(i) the number and percentage of roofs found to be unsafe,

(ii) the number and percentage of roofs found to be faulty or substandard,

(iii) the number and percentage of roofs found to be flawed, unsafe or substandard in any way,

(iv) the number and percentage of roofs rectified,

(v) the cost of repairing the faulty, substandard or unsafe insulation, and

(vi) the total amount of money paid by the Australian Government to insulation companies for faulty, substandard, flawed or unsafe insulation; and

(b) information on the asbestos problem discovered under the Home Insulation Program, in particular:

(i) the number of roofs containing asbestos that received insulation,

(ii) any specific warnings of asbestos risk given to installers prior to fitting the insulation, and

(iii) steps being taken to manage the asbestos risk for safety inspectors assessing roofs.

Senator Boyce to move on the next day of sitting:

That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 25 November 2010, from 11.30 am.

Senator Mason to move on the next day of sitting:

That further consideration of the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010 be an order of the day for the first day of sitting after the Select Committee on the Scrutiny of New Taxes reports on the student services and amenities fee proposed by that bill.

Senators Barnett and Bernardi to move on the next day of sitting:

That the Senate notes, with concern:

(a) that Iranian woman, Sakineh Mohammadi-Ashtiani, currently stands convicted of adultery and sentenced to death by stoning, and that she has also been accused of complicity in the murder of her husband, but the status of this accusation is not clear;

(b) the case of Sakineh Mohammadi-Ashtiani has received worldwide attention and has been a focus for human rights groups such as the International Committee Against Stoning and Iran Solidarity; and

(c) the case of Sakineh Mohammadi-Ashtiani has lacked transparency and due process, a view expressed in comments by the United States of America’s Secretary of State, Hilary Clinton recently, and that such inconsistencies in relation to a legal
matter with such a severe sentence are of grave concern.

Senators Barnett and Fifield to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the outstanding contribution volunteers make to Australian society, estimated to be worth more than $42 billion per annum,

(ii) the support and leadership that volunteer support organisations such as Volunteering Australia, their state and territory counterparts and Australian Volunteers International provide to the volunteer sector,

(iii) that more than 5.4 million adults (34 per cent of the population) do voluntary work each year, contributing more than 700 million hours annually,

(iv) that volunteering has benefits in promoting a sense of community belonging, personal fulfilment and professional skills development for those who volunteer, as well as providing services to the community that may otherwise not be provided by government,

(v) the sacrificial efforts of volunteers and volunteer organisations throughout Australia is under recognised and undervalued and without them society as we know it would collapse,

(vi) that International Volunteer Day will be celebrated around the world on 5 December 2010, and

(vii) that the International Year of Volunteers will celebrate its 10th anniversary in 2011 and will provide a global opportunity to reinvigorate the spirit of volunteerism through events and programs to be held around the globe; and

(b) calls on the Government to continue to recognise and support volunteers and volunteer supporting organisations in our community.

Senator Barnett to move on the next day of sitting:

That the Senate—

(a) notes:

(i) an estimated 27 million people around the world are currently victims of human trafficking and slavery, despite the efforts of William Wilberforce and a team of abolitionists who campaigned successfully more than 200 years ago to end state-sanctioned slavery in the British Empire and despite the fact that 80 years ago slavery was made internationally illegal by the League of Nations,

(ii) human trafficking and slavery reduces people to commodities – buying, selling and exploiting them to meet demand for cheap goods and services, some of which reach Australia through unchecked supply chains,

(iii) Sunday, 21 November was dedicated as Abolitionist Sunday by churches around Australia as part of World Vision’s ‘Don’t Trade Lives’ campaign, an education and advocacy program aimed at raising awareness and informed action against human trafficking and slavery, and which seeks to inspire a new generation of abolitionists, and

(iv) the important role played by innovative programs in the areas of prevention, protection and criminal justice response to human trafficking and slavery; and

(b) calls on the Australian Government to support initiatives such as Abolitionist Sunday and ‘Don’t Trade Lives’ and to continue efforts to combat human trafficking and other forms of slavery.

Senator Mason to move on the next day of sitting:

That there be laid on the table, no later than 10 December 2010, a copy of the post-election brief for a returned Labor Government (the so-called ‘Red Book’) for the Department of Education, Employment and Workplace Relations.
Senator Fierravanti-Wells to move on the next day of sitting:


Fifteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed.

Senator Carr to move on the next day of sitting:

That the Senate—

(a) notes the passing of scientist and scientific historian, advocate and philanthropist Professor Frank Fenner, AC, CMG, MBE, FAA, FRS on Monday, 22 November 2010;

(b) acknowledges the immense contribution Professor Fenner made to Australian and world science, society and wellbeing, both as a virologist who oversaw the eradication of smallpox internationally and the control of rabbit populations in Australia with the myxoma virus, and as a passionate advocate for science in Australia, including as a scientific leader at the Australian National University and as an active and generous foundation Fellow of the Australian Academy of Science, to which he was elected in 1954; and

(c) expresses its condolences to Professor Fenner’s daughter Marilyn and her family, and his many close friends and colleagues on the passing of this brilliant, generous and passionate Australian researcher.

Senator Johnston to move on the next day of sitting:

That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 1 May 2011:

(a) all details concerning the Department of Defence’s Request for Tender (AO/014/09) for the provision of air support to the Middle East Area of Operations, and other aviation contracts let by the Commonwealth, to ensure that value-for-money will be achieved, including:

(i) the adequacy of the due diligence process around the choice of potential suppliers from Standing Offer Panels and, more specifically, whether there was existing or any subsequently discovered evidence to warrant non-selection of any of the panel members, or whether the information obtained should have resulted in further inquiry and investigation,

(ii) the requirements of tenders and how effectively these will be met,

(iii) whether the preferred respondent decision was influenced by any vested interests, outside influences or any other perceived or actual conflicts of interest,

(iv) the role of departmental personnel in the tender processes and their adherence to the Commonwealth’s procurement policy, as well as any conflict of interest issues arising from the tender process and if any perceived or actual conflicts were declared,

(v) the methodology and adequacy of the decision processes and whether the services to be supplied in the contract were determined on the basis of objective and supportable, current and likely future requirements or were structured so as to unfairly advantage a particular respondent,

(vi) the integrity of governance around the development of Request for Tenders and the subsequent evaluation process, and whether the governance arrangements achieved their intended purposes, including the processes to manage perceived and actual conflicts of interests,

(vii) whether the governance arrangements were adequate and in fact did ensure that there were no perceived or actual conflicts of interest, for any people involved in the lead-up to the decision to tender, and during the tender review,
assessment and supplier selection processes, and

(viii) whether the respondents, including directors and other key personnel (whether employees, agents or contractors nominated in the tender response) for the proposed contracts, are fit and proper for the purpose of contracting with the Commonwealth and the adequacy and methodology of this process; and

(b) the adequateness and appropriateness of the processes in determining:

(i) whether the respondents and associated companies supplying services to the respondents have the financial and commercial capacity to deliver the services submitted in their responses,

(ii) whether respondents have the capacity to deliver the services submitted in their responses to a quality and standard that meets the requirements of the Commonwealth and its regulatory authorities and, if so, whether the department was fully satisfied with the services provided by their appointed foreign carrier when they last provided such services (Request for Tender AO/014/09),

(iii) whether the department is in a position to guarantee the security status of all foreign personnel involved in the air-transportation of troops between mainland Australia and its deployment base adjacent to a war zone (Request for Tender AO/014/09),

(iv) whether issues relating to respondents, or their related companies, of their contracts in South Africa are such as to warrant consideration of them from the procurement process, e.g. on ethical or probity grounds (Request for Tender AO/014/09), and

(v) any other matters relevant to the probity of the procurement processes and the respondents, including the appointment of a permanent and independent probity auditor to oversee the

awarding of all aviation contracts by the Commonwealth.

**Senators Birmingham and Cormann** to move on the next day of sitting:

That there be presented to the President under standing order 166, no later than noon on Thursday, 25 November 2010 the final report of the review of NBN Co Limited’s Business Case undertaken by Greenhill Caliburn in accordance with the services contract between the Department of Finance and Deregulation and Greenhill Caliburn, which the services contract requires to be provided to the department by 26 November 2010.

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

(1) That estimates hearings by legislation committees for 2011 be scheduled as follows:

**2010-11 additional estimates:**

<table>
<thead>
<tr>
<th>Day</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, 21 February and Tuesday, 22 February (Group A)</td>
<td>Environment and Communications</td>
</tr>
<tr>
<td>Wednesday, 23 February and Thursday, 24 February (Group B)</td>
<td>Finance and Public Administration</td>
</tr>
</tbody>
</table>

**2011-2012 Budget estimates:**

<table>
<thead>
<tr>
<th>Day</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, 23 May to Thursday, 26 May, and, if required, Friday, 27 May (Group A)</td>
<td>Environment and Communications</td>
</tr>
<tr>
<td>Monday, 30 May to Thursday, 2 June, and, if required, Friday, 3 June (Group B)</td>
<td>Finance and Public Administration</td>
</tr>
<tr>
<td>Monday, 17 October and Tuesday, 18 October (supplementary hearings—Group A)</td>
<td>Environment and Communications</td>
</tr>
<tr>
<td>Wednesday, 19 October and Thursday, 20 October (supplementary hearings—Group B)</td>
<td>Finance and Public Administration</td>
</tr>
</tbody>
</table>

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

(3) That committees meet in the following groups:

**Group A:**

Environment and Communications
Finance and Public Administration
Legal and Constitutional Affairs
Rural Affairs and Transport

Group B:
Community Affairs
Economics
Education, Employment and Workplace Relations
Foreign Affairs, Defence and Trade.

That the committees report to the Senate on the following dates:
(a) Wednesday, 2 March 2011 in respect of the 2010-11 additional estimates; and
(b) Tuesday, 21 June 2011 in respect of the 2011-12 Budget estimates.

Senators Heffernan, Coonan, Xenophon and Siewert to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the Patents Act 1990 to prevent the patenting of human genes and biological materials existing in nature, and for related purposes. Patent Amendment (Human Genes and Biological Materials) Bill 2010.

Senators Heffernan, Coonan, Xenophon and Siewert to move on 25 November:

Senator Wortley to move on the next day of sitting:
That the Senate—
(a) notes:
(i) that 23 November 2010 marks one year since the murder of 58 people, 32 of them journalists and media workers, in the southern Philippines,
(ii) the massacre in Maguindanao province, Mindanao, on 23 November 2009 is the world’s single biggest atrocity against journalists,
(iii) it marked the lowest point in the Philippines’ long-standing culture of impunity for the killings of media personnel, bringing the toll of media killings in the country at that time to 136 since 1986, according to the National Union of Journalists of the Philippines, an affiliate of the International Federation of Journalists,
(iv) this motion remembers their tragic loss, a loss which comes under horrific and violent circumstances and their loss reminds us of the vital role journalists play in upholding democratic values overseas and at home, and of how critical it is that governments ensure this role is respected and protected,
(v) many other journalists across the Philippines continue to endure serious threats because of the content of their reporting, and
(vi) that of 196 suspects in the massacre, 19 are now on trial while 130 remain at large; and
(b) welcomes the determination of the Philippines President, Benigno Aquino III to bring those responsible to justice and call on the Government of the Philippines to:
(i) take all reasonable steps to charge and detain the accused, and
(ii) expedite the trial process.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.30 pm)—I give notice that, on the next day of sitting, I shall move:
That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:
Education Services for Overseas Students Legislation Amendment Bill 2010
Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010
Health Insurance Amendment (Pathology Requests) Bill 2010

I table a statement of reasons justifying the need for these bills to be considered during
these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—
Education Services for Overseas Students Amendment Bill 2010

Purpose of the Bill

• To implement the Government’s initial response to a number of recommendations arising from the Review of the Education Services for Overseas Students (ESOS) legislative framework led by the Hon Bruce Baird AM as reported in February 2010.
• Amend the Education Services for Overseas Students Act 2000 to:
  • strengthen the requirements for registration of providers to have a greater focus on financial viability, business sustainability, governance and general capacity to uphold Australia’s reputation for quality education and training to international students
  • introduce a consistent, comprehensive risk management approach to profile providers to determine the level of scrutiny that should apply at registration and throughout the registration period, as well as allowing conditions on registration and limiting the period of registration for each provider based on their risk profile
  • strengthen regulation by increasing enforcement options available to regulators and publishing information about regulatory activity planned or undertaken.
• Amend the Ombudsman Act 1976 to:
• improve access by international students to a statutorily independent complaints body by expanding the jurisdiction of the Commonwealth Ombudsman to include providers without access to such a body.
• Amend the Privacy Act 1988 to:
• enable any complaints, made initially to the Privacy Commissioner, to be transferred to the Commonwealth Ombudsman.

Reasons for Urgency

To give priority to responding to recommendations in the ESOS Review conducted by the Hon Bruce Baird AM which will require timely changes to the Education Services for Overseas Students Act 2000.

In light of ongoing pressures and concerns impacting on the international education industry related to a range of economic, policy and reputational factors, the findings of the Baird Review have highlighted the need to strengthen the gateway and regulation of providers of education services to overseas students.

The review also highlighted the need to ensure all international students have access to a robust complaints and appeals process regardless of whether they attend a public or private institution.

The Review report was released in February 2010 and stakeholders have an expectation that the Government will respond to the findings of the Review in a timely way.

Effect if Bill not dealt with in Spring sittings

The international education sector has faced significant challenges in the last 12 months. In response to this, in June 2009 the Prime Minister, in her former capacity as Minister for Education, announced that she was bringing forward a review of the ESOS legislative framework to ensure that international students have a positive experience and the international education quality meets the high standards expected in Australia.

The inability to respond to these recommendations in the Spring 2010 sittings would mean that the momentum gained from the Government’s proactive initiative of bringing forward the ESOS Review will be lost.

Family Assistance Legislation Amendment (Child Care Budget Measures) Bill

Purpose of the Bill

The bill reduces the annual Child Care Rebate cap to $7500 and pauses annual indexation for four years from 1 July 2010.

The savings of $86.3 million will contribute to funding improvements to the quality of child care.
Reasons for Urgency
The first quarterly payment of the Child Care Rebate for 2010–11 will be made to families by Centrelink from 18 October 2010. With the bill on hold, the 1 July 2010 indexation of the Child Care Rebate annual cap has occurred. Passage of the bill will ensure that no over-payment of the Child Care Rebate entitlement is made to families.

The Government supports and has made a commitment to enact a Senate amendment to the bill to pay the Child Care Rebate fortnightly from 1 July 2011. The Government will amend the Family Assistance legislation to enable fortnightly payments in a separate bill in the 2011 Autumn sittings.

-----------------

Health Insurance Amendment (Pathology Requests) Bill 2010

Purpose of the Bill
To improve patient choice by amending legislative restrictions relating to pathology request forms. Under the Health Insurance Act 1973, a Medicare benefit is not payable for a pathology service unless the service is rendered pursuant to a written request from the patient’s treating practitioner. A Medicare benefit is generally not payable unless the patient attends the pathology provider named on the request form. This restriction would be removed, allowing patients to take a request form to any pathology provider of their choice.

Reasons for Urgency
The Bill gives effect to a 2009-10 Budget measure which was announced to commence from 1 July 2010. Passage in the Spring sittings is necessary for timely implementation of the new arrangements.

If the Bill is not passed in the Spring sittings, implementation will be delayed. Increased patient choice is intended to encourage pathology providers to compete on price and convenience for patients, and if the Bill is not passed in the Spring sittings these benefits will be delayed.

Senator Xenophon to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the Foreign Acquisitions and Takeovers Act 1975 to control acquisitions of interests in agricultural land, and for related purposes. Foreign Acquisitions Amendment (Agricultural Land) Bill 2010.

Senator Boyce to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the provision of modern quality palliative care means no person with a terminal illness should die in pain, and
(ii) the provision of modern quality palliative care affects end-of-life care arrangements; and
(b) calls on the Government to ensure:
(i) Australians have access to quality, modern palliative care when and as it is needed,
(ii) adequate provisions are in place to make palliative care a fundamental part of our national healthcare system,
(iii) the states, particularly Queensland, address the chronic under funding of palliative care services,
(iv) government training programs for aged care and healthcare workers include appropriate end-of-life training and education, and
(v) appropriate public education through greater awareness about the role of palliative care in the healthcare system and its contribution to the quality of life and death.

Senator Milne to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the global carbon budget to give us a 75 per cent chance of constraining global warming to less than 2°C has been identified as in the order of 1 000 gigatonnes between 2000 and 2050, of which some 30 per cent has already been emitted, and

(ii) there are various ways of sharing the task of meeting that global budget, depending on your view of equity; and

(b) calls on the Government to set out the principles which underpin the negotiating position on burden sharing it will take to the United Nations Framework Convention on Climate Change meeting in Cancun that begins in the week beginning 28 November 2010.

LEAVE OF ABSENCE

SENATOR McEWEN (South Australia) (3.32 pm)—by leave—I move:

That leave of absence be granted to Senator Hutchins for 24 November and 25 November 2010 for personal reasons.

Question agreed to.

Senator PARRY (Tasmania) (3.33 pm)—by leave—I move:

That leave of absence be granted to Senator Bushby for today, for personal reasons.

Question agreed to.

NOTICES

Postponement

The following item of business was postponed:

Business of the Senate notice of motion no. 4 standing in the names of Senators Fisher and Ludlam for today, proposing a reference to the Environment and Communications References Committee, postponed till 24 November 2010.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.34 pm)—by leave—I move:

That general business notice of motion no. 76 standing in his name for today, proposing an amendment to standing order 104, be postponed till 25 November 2010.

Question agreed to.

NATIONAL BROADBAND NETWORK FINANCIAL TRANSPARENCY BILL 2010 (No. 2)

First Reading

Senator BIRMINGHAM (South Australia) (3.34 pm)—I move:

That the following bill be introduced: A Bill for an Act to require the preparation and publication of a business case and a cost benefit analysis of the proposed National Broadband Network, and for related purposes.

Question agreed to.

Senator BIRMINGHAM (South Australia) (3.35 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 BIRMINGHAM (South Australia) (3.35 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The purpose of the National Broadband Network Financial Transparency Bill 2010 is to require the publication of a 10-year business case for the NBN and equally importantly, to refer the NBN project to the Productivity Commission for a thorough cost-benefit analysis.

This bill is not intended to delay or hold back the NBN’s rollout of test sites and passage of it would in fact have no impact on this timing. It is simply an attempt to establish the facts to provide parliament with an appropriate level of financial understanding of this, the largest expenditure of taxpayers’ funds on an infrastructure asset in our nation’s history and to separately permit the Pro-
ductivity Commission, an independent and expert source of advice on economic and regulatory issues to make an assessment of this investment.

The first part of the bill requires NBN Co., the Government-owned company that is rolling out the broadband network, to produce and publish a detailed 10-year business plan, including key financial and operational indicators. In addition to the normal financial information that one would expect to find in a business plan, it also requires the NBN Co. to make explicit its assumptions about how many premises it will pass each year, how many households and businesses it anticipates will purchase communication services carried over its networks and what average retail and wholesale prices it anticipates that they will pay.

All of this is critical information for the parliament to understand given our role as custodians of taxpayers’ money.

That such a massive project, without precedent in either this country or abroad, has been allowed to commence without parliament being provided with this sort of financial data is quite extraordinary. In the United States the federal Government is spending $7 billion to support broadband rollout in that country. This project, the NBN, involves federal Government money in Australia 100 times more per capita than is being spent in the United States. This is a truly unprecedented expenditure anywhere in the world, as well as in our history.

This bill seeks the publication of both forecasts and projections for the NBN Co. This wording recognises that there will necessarily be less certainty in the various financial and operational metrics sought where they are offered for periods further into the future. Nevertheless, this is a vast project that the Government has stated will continue to be constructed for most of this decade. So it is entirely reasonable for the parliament to be provided with a 10-year business case rather than a business case over any shorter period.

I note that the Government has stated that it intends to release much of the financial information discussed in this bill in the very near future. However, it will give parliament much greater comfort if that transparency is a statutory requirement rather than simply a promise from the executive.

The second part of the bill requires the Productivity Commission to conduct a comprehensive cost-benefit analysis of the NBN and report back to parliament by 31 May 2011. The Productivity Commission inquiry will include but not be limited to an analysis of the current availability of broadband across Australia, including the identification of suburbs and regions where services are of a lower standard or higher price than in the capital cities; consideration of the most cost-effective and speedy options by which fast broadband services can be made available to all Australians, particularly those in regional and remote areas and underserved areas in the cities, such as black spots where legacy network design choices or exchange capacity constraints mean that ADSL2 is not available to some households; consideration of the economic, productivity and social benefits likely to flow from enhanced broadband around Australia and the applications likely to be used over such networks; and a full and transparent economic and financial assessment of the proposed NBN by the commission.

It is difficult to think of an organisation better than the Productivity Commission to look at the NBN and these issues and to thoroughly examine both its direct and indirect implications for Australia’s economy, economic productivity and society. The commission’s chairman, Gary Banks, is a distinguished public servant who has been at the Productivity Commission or its predecessor, the Industry Commission, for the past 20 years. He has carved out its role as a source of rigorous and fearless advice on microeconomic issues. He has presided over several important inquiries into our national competition laws. The deputy chair, Mike Woods, presided over Productivity Commission into the market for international telecommunications services in 1999 and into the regulation of competition in telecommunications in 2001. A third commissioner, Patricia Scott, was secretary of the department of communications from 2007 to August 2009, serving both coalition and Labor Governments.

The commissioners are supported by a first-rate staff of economists with extensive experience in assessing not only the financial costs and benefits of policies and regulations but also their broader economic and social implications. We are not
talking about an organisation that is new to this industry or these issues. The Productivity Commission’s recent work in areas such as gambling and the provision of assistance to people with disabilities is evidence of its ability to look carefully at not just the dollars and cents but also the socioeconomic implications of various policy options.

The Government has already acknowledged that the Productivity Commission is the most able body to assess the benefits of ultimately privatising the National Broadband Network. Indeed, the Government has already conceded there should be an inquiry. This bill simply requires that inquiry to be undertaken by the Productivity Commission.

The terms of reference differ in some respects to those contained in a similar Bill introduced in the other place, reflecting some of the views provided by Independent Members. The breadth of the terms of reference should satisfy those who, with some legitimacy, point out that the economic costs and benefits of the NBN will extend beyond the revenues, expenses and rate of return for the NBN Co. So, for example, the Productivity Commission will be able to explore the positive externalities such as productivity gains from faster broadband and negative externalities such as the economic losses and vastly diminished competitive environment in fixed line telecommunications that will result if the Government is successful in preventing Telstra and Optus, for example, from offering broadband over their HFC pay television cables in the future. But it is also important for us to understand the core financial viability of the NBN Co., given that the Government has grounded its support for this project in the claim that while it will not generate a commercial return it will nonetheless produce a return in excess of the bond rate for taxpayers.

It is important to reflect on that for a moment. When the NBN Co. was announced by the former Prime Minister, Mr Rudd, he said that it would be a thoroughly commercial project, that the private sector would invest up to half of the total amount—in other words, there would be shareholders in it—and that mums and dads would be wise to invest. Indeed, he had urged them to do so. The Government has retreated from that position since then and is now saying it will produce a return slightly better than the Commonwealth’s cost to funds. That is not an acceptable commercial return and it is not an acceptable basis for Governments to be engaged in business ventures. But it is the basis upon which the Government has made its claim that, because the expenditure in the construction of the NBN is being matched by an asset that is being created of equal value, it should not be included in the budget’s expenditures and therefore add to the Government’s already very substantial deficit.

Seeking a cost-benefit analysis is simply holding the Government to account. It is holding the Government to account to its own standards. This is a Government that established Infrastructure Australia for the express purpose of identifying, prioritising and analysing through a rigorous cost-benefit analysis major infrastructure projects of national importance, yet the Government has refused to allow Infrastructure Australia to look at this project. This is a Government whose leading economic adviser, Dr Ken Henry, said: “Any major infrastructure project must be subject to a rigorous cost benefit analysis and if it does not pass a rigorous cost benefit analysis then it necessarily detracts from Australia’s wellbeing.”

So, in seeking that the Government refer this matter to the Productivity Commission, there is no delay to the construction of the test sites for the NBN and there is no frustration of any policy objective of providing broadband across Australia. But there is certainty that we will get the very best financial and economic advice, and the social and economic cost benefits from the most expert body available to advise this parliament and the people of Australia whose taxes are about to be deployed in building this massive piece of infrastructure.

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

Leave granted; debate adjourned.
COMMITTEES
Legal and Constitutional Affairs Legislation Committee
Meeting
Senator McEWEN (South Australia) (3.35 pm)—At the request of Senator Crossin, I move:

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 25 November 2010, from 4 pm, to take evidence for the committee’s inquiry into the provisions of the Human Rights (Parliamentary Scrutiny) Bill 2010 and a related bill.

Question agreed to.

GOODS AND SERVICES TAX
Order
Senator CORMANN (Western Australia) (3.36 pm)—I move:

That the Senate—
(a) notes that:
(i) the Government has refused to provide the information requested by the Senate in relation to advice to Government about the requirement for unanimous agreement from all parties to change the GST arrangements,
(ii) the Government did not justify its refusal by pointing to a recognised public interest ground and by explaining any harm to the public interest from releasing that information,
(iii) both the 1999 Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations (GST Agreement) as well as the Intergovernmental Agreement on Federal Financial Relations in 2008 require unanimous agreement from all parties to make any changes to GST arrangements,
(iv) there is no unanimous agreement to change the GST arrangements, and
(v) in its Incoming Government Brief, Treasury advised the Government that ‘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’ and that ‘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’;
(b) orders again that there be laid on the table by 5 pm on Thursday, 25 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 GST arrangements;
(c) notes the agreements between the Government and other parties and independents to refer disputes about public interest disclosures to the Information Commissioner, who will arbitrate on the release of documents; and
(d) orders that, if the Government does not produce the information required by this order within the specified timeframe, there be laid on the table by 15 December 2010, a report on the matter by the Information Commissioner, including a review of the adequacy of the grounds specified by the Government for its refusal to produce the information and, if applicable his arbitration on the release of the information.

Question put.
The Senate divided. [3.40 pm]
(The President—Senator the Hon. JJ Hogg)

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

Adams, J.  
Back, C.J.  
Bernardi, C.  
Boswell, R.L.D.  
Boyce, S.  
Brandis, G.H.  
Cash, M.C.  
Cormann, M.H.P.  
Coonan, H.L.  
Coulbeck, R.  
Cooper, S.  
Ferguson, A.B.  
Fielding, S.  
Fierravanti-Wells, C.  
Fifield, M.P.  
Fisher, M.J.  
Fields, W.  
Humphries, G.  
Heffernan, W.  
Kroger, N.  
Johnston, D.  
Mason, B.J.  
MacDonald, I.  
Minchin, N.H.  
McGauran, J.J.  
Parry, S.*  
Payne, M.A.  
Ryan, S.M.  
Scullion, N.G.  
Troeth, J.M.  
Trood, R.B.  
Williams, J.R.  
Xenophon, N.  

NOES

Arbib, M.V.  
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.  
Hurst, L.  
Hutchins, S.P.  
Ludlam, S.  
Ludwig, J.W.  
McEwen, A.*  
Marshall, G.  
Milne, C.  
McLucas, J.E.  
Pooley, H.  
Moore, C.  
Sherry, N.J.  
Pratt, L.C.  
Siewert, R.  
Sternle, G.  
Worlley, D.  

PAIRS

Abetz, E.  
Wong, P.  
Bushby, D.C.  
Faulkner, J.P.  
Eggleston, A.  
Evans, C.V.  
Joyce, B.  
Carr, K.J.  
Ronaldson, M.  
O’Brien, K.W.K.  

* denotes teller

The speech read as follows—

The anti-siphoning regime is the reason that Australian viewers can continue to enjoy free access to televised coverage of the present range of significant sporting events. Without it, some of the sporting events we have become accustomed to viewing for free would inevitably migrate to subscription television, where they can only be enjoyed by some 30% of the population. We have seen this occur in other countries, such as in the United Kingdom where live test cricket has not screened on free-to-air television since 2005.

The Australian Greens are committed to ensuring that this does not occur in Australia. We will not support changes to the anti-siphoning regime that result in reduced viewer access to significant
sporting events. At the same time, we accept that it is in no one's interest for the scheme to permit broadcasters to purchase the rights to events on the anti-siphoning list and then not show them.

With the current anti-siphoning list due to expire at the end of 2010, and only a few Parliamentary sitting days remaining in the year, the immediate risk is that the anti-siphoning list will lapse or be replaced without the Parliament having the opportunity to explore such arguments. The list may expire before a replacement has been released, or the Government may release a replacement list out of sitting. Either scenario may result in significant sporting events being removed from the list and the rights to broadcast them purchased by subscription television before the Parliament has the opportunity to exercise its prerogative to intervene.

The present bill is a stopgap measure to prevent either of these situations from arising. It does two simple things: it removes the expiry date on the current list, and it provides that a replacement list will not take effect until six sitting days after it has been tabled in Parliament. Removal of the expiry date ensures that the current list will not expire at the end of the year, potentially resulting in a free-for-all on broadcasting rights for sporting events if no replacement list has been released by the Minister for Communications. Delaying the commencement of any new list ensures that the Parliament is not put in the difficult position of potentially disallowing a new list after it has operated throughout the Parliamentary break, during which time deals may have been concluded on the basis of the new list.

I commend the bill to the Senate.

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

Leave granted; debate adjourned.

COMMITTEES

Legal and Constitutional Affairs

References Committee

Reference

Senator BARNETT (Tasmania) (3.44 pm)— I seek leave to amend business of the Senate notice of motion No. 2 standing in my name for today proposing a reference to the Senate Legal and Constitutional References Committee on the Australian Law Reform Commission before asking that it be taken as formal.

Leave granted.

Senator BARNETT— I amend the motion by omitting in paragraph (d) the following words: 'in particular the Australian Human Rights Commission' and move the motion, as amended:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 31 March 2011:

The Australian Law Reform Commission (ALRC), with particular reference to:

(a) its role, governance arrangements and statutory responsibilities;

(b) the adequacy of its staffing and resources to meet its objectives;

(c) best practice examples of like organisations interstate and overseas;

(d) the appropriate allocation of functions between the ALRC and other statutory agencies; and

(e) other related matters.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (3.45 pm)— I seek leave to make a short statement.

The DEPUTY PRESIDENT— Leave is granted for two minutes.

Senator LUDWIG— The government regards the work of the Australian Law Reform Commission as important to a vibrant and sustainable legal system. Dealing with the part of the motion on appointments, on 27 October 2010 the Governor-General made three appointments to the Australian Law Reform Commission. The Hon. Justice Berna Collier has been reappointed as a part-time member of the commission for a further three years. The Hon. Justice Arthur Emmett
and the Hon. Justice Bruce Lander have been appointed as part-time members of the commission until 30 April 2011 to contribute to the current inquiry into improving the discovery process in civil litigation.

The government is confident that the commission’s current level of membership is sufficient to carry out its important work. The government intends to make greater use of short-term appointments to enable eminent persons who are experts in the field of inquiry to contribute to particular references, and the government will continue to liaise with the ALRC regarding the need for future appointments. In terms of workload, the ALRC currently has a full workload and is undertaking two inquiries which can be identified on the web. In terms of funding, the government must be prudent and responsible in its expenditure of taxpayers’ money. Savings measures have been taken across government as part of the government’s medium-term fiscal strategy. While the achievement of these measures is a matter for the commission to determine, the ALRC has advised that it has considered options for administrative rather than operational savings, including using alternative office locations and enhancing the use of online strategies to engage with stakeholders.

Question agreed to.

Environment and Communications Legislation Committee
Reference

Senator SIEWERT (Western Australia) (3.47 pm)—I move:


Question agreed to.

Economics References Committee
Reference

Senator BOB BROWN (Tasmania)—Leader of the Australian Greens (3.48 pm)—I move:

That the following matter be referred to the Economics References Committee for inquiry and report by the last sitting day in March 2011:

The Reserve Bank of Australia’s subsidiaries, Note Printing Australia and Securency, with particular reference to:

(a) allegations of payments to overseas agents into offshore tax havens and corruption in securing note printing contracts and what the Reserve Bank of Australia, Austrade and the Australian Government knew about the alleged behaviour; and

(b) action which may be taken to prevent improper dealings occurring again.

I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator BOB BROWN—The Age on Saturday, through the work of its investigative unit and after some years of revelations related to the Securency subsidiary of the Reserve Bank of Australia, had the extraordinary front-page information that a cache of confidential Securency documents obtained by The Age revealed that this Reserve Bank of Australia firm wired $5.8 million in suspected bribe money to a mysterious company in the Seychelles in early August last year, 10 weeks after a police investigation began into previous allegations against this Reserve Bank subsidiary. Two months later, in September, a further $1.5 million was wired by Securency to the tax haven account. The documents reveal that up to $23 million in suspected kickbacks was paid by Securency to win currency contracts in Nigeria. Further on, the article says:

The RBA has failed to respond to questions from The Age about why it allowed the extraordinarily
high-risk business practices—which should have been detected in any routine audit—to continue in the face of a police bribery investigation.

The way Securency moved its money has been described by a government source as ‘‘a classic money-laundering technique that you expect from a sophisticated criminal syndicate, not a Reserve Bank company’’.

These are extraordinary allegations, they are front page and they include comment from a government source. They should be investigated by this Senate, and I expect that the opposition and the government will support the Greens in ensuring that this investigation gets under way. The primary question here is: where is the due diligence of the Reserve Bank? It is missing.

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

The Senate divided. [3.55 pm]

(The Deputy President—Senator the Hon. AB Ferguson)

Ayes……….. 6
Noes……….. 40
Majority…….. 34

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

NOES
Back, C.J. Barnett, G.
Bilyk, C.L. Bishop, T.M.
Boswell, R.L.D. Boyce, S.
Brown, C.L. Cameron, D.N.
Cash, M.C. Colbeck, R.
Collins, J. Cormann, M.H.P.
Crossin, P.M. Farrell, D.E.
Feeney, D. Ferguson, A.B.
Fifield, M.P. Fisher, M.J.
Forshaw, M.G. Furner, M.L.
Hurley, A. Hutchins, S.P.
Kroger, H. Ludwig, J.W.
Landy, K.A. Macdonald, I.
Marshall, G. McEwen, A. *
McLucas, J.E. Moore, C.
Nash, F. Parry, S.
Payne, M.A. Polley, H.
Pratt, L.C. Ryan, S.M.
Stephens, U. Sterle, G.
Troeth, J.M. Wortley, D.

* denotes teller

Question negatived.

Economics References Committee
Reference

Senator BOSWELL (Queensland) (3.57 pm)—I move:
That the following matter be referred to the Economics References Committee for inquiry and report by 17 December 2010:

The decision of the Australian Competition and Consumer Commission (ACCC) to oppose the proposed acquisition of the Franklins supermarket business by Metcash Trading Limited, with particular reference to:

(a) the basis of the ACCC decision to oppose the proposed purchase;
(b) the competition impacts of the decision at the retail and wholesale levels;
(c) whether the Franklins’ distribution warehouses, supplying eight franchised stores, could be regarded as an independently sustainable wholesale business; and
(d) any other related matters.

Question agreed to.

NOTICES
Postponement

Senator SIEWERT (Western Australia) (3.58 pm)—by leave—At the request of Senator Ludlam, I move:

That general business notice of motion no. 125 standing in the name of Senator Ludlam for today, relating to the elimination of violence against women, be postponed till 25 November 2010.

Question agreed to.
EXERCISE HAMEL

SENATOR IAN MACDONALD (Queensland) (3.59 pm)—I move:

That the Senate—

(a) notes that:

(i) Exercise Hamel was conducted by the Australian Defence Force (ADF) at the Townsville Field Training Area, Cowley Beach and RAAF Townsville, between 10 October and 11 November 2010, involving 6 000 Army, Navy and Air Force personnel,

(ii) as a result of the exercise, $4 883 518 was spent in the Townsville district, and

(iii) this training exercise was held for the purpose of testing and evaluating the units and the formations participating to the highest level of confidence; and

(b) congratulates all ADF personnel involved in this major exercise, including those involved in the significant planning and logistics roles and, in particular, the Director of Exercise Hamel, Brigadier John Frewen AM.

Question agreed to.

GO HOME ON TIME DAY

Senator SIEWERT (Western Australia) (3.59 pm)—I seek leave to amend general business notice of motion No. 120 standing in my name for today relating to Go Home on Time Day.

Leave granted.

Senator SIEWERT—I move the motion as amended:

That the Senate:

(a) notes that:

(i) overwork is a significant problem for many Australian workers,

(ii) research by the Australia Institute has shown that the typical full-time employee works 70 minutes of unpaid overtime a day, which equates to six and a half standard working weeks a year,

(iii) excessive working hours can have negative consequences for physical and mental health, for relationships with loved ones, and for the broader community, and

(iv) to focus attention on the ongoing problem of work/life balance, Wednesday, 24 November is National Go Home on Time Day, an initiative of the Australia Institute that is supported by beyondblue, VicHealth, the Australian Health Promotion Association, the Public Health Association of Australia, and many other organisations; and

(b) acknowledges the positive and simple message behind Go Home on Time Day, and encourages employees and employers to take part on 24 November.

Senator CASH (Western Australia) (4.00 pm)—Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator CASH—Another day in the Senate and what do we have today? We have another stunt from the Greens. Today the Greens are pushing their publicity buttons and desperately angling for some media exposure by pushing National Go Home on Time Day.

I referred last Thursday to the publicity stunts performed on a daily basis by the Greens. Today the Greens are pushing their publicity buttons and desperately angling for some media exposure by pushing National Go Home on Time Day.

I referred last Thursday to the publicity stunts performed on a daily basis by the Greens. But I do not want anyone to get too excited by this stunt, because it is a re-run by the same Greens assisted by the same Australia Institute of the same motion run around the same time last year. And let us face it, hardly any workers took this stunt seriously. And guess what? Not even the Greens took the stunt seriously. It is utter hypocrisy. On 25 November 2009 Senators Bob Brown and Milne did not even heed their own advice—more’s the pity—as Hansard clearly shows
them working well past the knock-off time they urge upon others and feign their support for. We will be watching the good Greens tomorrow to see if they actually let their staff off at 4.51 pm.

But this is the interesting bit: National Go Home on Time Day is the invention of Richard Dennis, the executive director of the left-wing think tank, the Australia Institute, and National Go Home on Time Day, we are told, is an initiative of the Australia Institute. The real fact is that it continues to be promoted by an incestuous bunch of Greens and the unions. Surprise, surprise—the facts also show that Richard Dennis is a former senior strategic adviser to Senator Bob Brown. And guess who is on the board of the Australia Institute. Ben Oquist, Senator Bob Brown’s chief of staff, is on the board. No doubt he will be looking to knock off early tomorrow, at 4.51 pm. Then add Lin Hatfield Dodds, the Greens Senate candidate for the ACT at the last election, Sharan Burrow, Barbara Pocock and Meredith Edwards—and you have all of the usual suspects. But it gets better. Then there is Sarah Maddison, Chair of the Australia Institute, who last month joined the board of GetUp!—another left-wing Labor-Greens front which bills itself as independent, when it is anything but.

When are the Greens and the unions going to stop trying to deceive Australians with these sorts of fronts and stunts? The Australia Institute is even using National Go Home on Time Day as a fund-raising vehicle for the institute. That says it all.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.02 pm)—I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator BOB BROWN—The one thing that we cannot accuse Senator Cash of having is a sense of humour, let alone a sense of decency when it comes to thinking about the fact that people do want to go home on time. She quotes a Senate Hansard record talking about Christine Milne, my fellow senator, and me. We did go home on time. The time was set and that was the time that we went home. If Senator Cash is saying that senators’ work is entirely limited to the hours we sit in this place, she has a different work schedule to mine and I wish her luck.

Senator Cash also said that this is a stunt by left-wing people and so on. If we were to take that rather grizzled and mean-minded approach, there would be no Mother’s Day, there would be no Father’s Day, there would be no Earth Day and we would have no Thanksgiving Day. It all would have been nastily shut down at the outset. Sure it comes from the Australia Institute and the good people she has mentioned, including Dr Richard Dennis—and good on them for wanting to make our society think a little bit more about spending more time at home with our families. It is not a bad idea.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Broadband

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

The Gillard Government’s secrecy surrounding the business plan of NBN Co and their continued failure to ensure transparency for their $43 billion National Broadband Network project.

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

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

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

Senator FISHER (South Australia) (4.05 pm)—This matter of public importance is about the Gillard government’s secrecy surrounding the business plan and its total bloody-minded and unacceptable insistence on lack of transparency for the National Broadband Network. Let us start with the business case. The Gillard government is refusing to present it to the Australian people so that their elected representatives in this chamber can utilise that business case in their consideration of the legislation that the government wants this chamber and the other place to consider in relation to the National Broadband Network. Today we learn that the government has commissioned an independent think tank to second-guess the business case. And Minister Conroy tells us today that, no, we cannot have anything in relation to the deliberations of the independent think tank.

Why does the government decide to hire corporate advisers to second-guess NBN Co.’s business plan? It is starting to smack of a government that knows not its way. It knows the ends. But, as the member for Wentworth has said, the ends are not necessarily sufficient to justify the means. Yet this government seems to think that it can get away with that method to its National Broadband Network madness. If the ends are to justify the means, this government is making it up as it goes along: ‘Let’s hire an independent think tank—that’ll buy us some more time.’ Is that what the government is proposing to do with the ACCC’s deliberations on the points of interconnectivity? That is about where the new bits will link up to the old bits. Will the government release publicly, as soon as they are completed, the ACCC’s deliberations about points of interconnectivity and, if not, why not? Is the government going to commission an independent think tank to look at those ACCC deliberations in some attempt to buy further time before the sector concerned gets the bad news verifying their concern that there will not be enough points with which to interconnect in order to sustain competition in the sector? Is that where this government is going to go with yet another important piece in the NBN jigsaw puzzle?

The government opposes a cost-benefit analysis by the Productivity Commission, yet the government has decided that the Productivity Commission is the body most able and most suitable to assess ultimately whether or not the NBN should be privatised. At the same time, the government decided that a House of Representatives committee—a government controlled committee—is the appropriate vehicle to examine the NBN. At the very least, the government seemed by that move to be accepting a scintilla of a possibility that the NBN should be subject to some scrutiny right now, but it hived it off to a government controlled House of Representatives committee to do so. The timing of that announcement was interesting. It was announced late yesterday and by that time the government would have received notice of a motion—it was on the Notice Paper yesterday—that was to be moved in this place today by Senators Ludlam and Fisher, me, to set up an inquiry into the National Broadband Network by the Senate Environment and Communications References Committee. How interesting is that coincidence! It smacks of a government that has recognised, ‘Oh, my gosh, we can’t hold back this entire tide of scrutiny,’ so it sets up a half-baked, government controlled House of Representatives committee that will at least be in some way an antidote to what will one day most likely be a Senate committee set up to inquire into the ongoing National Broadband
Network madness. That is what it continues to appear to be at this stage.

Having conceded that it is appropriate to allow the NBN to be subject to at least some degree of scrutiny by setting up the House of Representatives committee, the government continues to defy each and every attempt by the opposition, the crossbenches and minor parties and the Australian public to have some access to some information that shows there is a method to Minister Conroy’s NBN madness. Minister Conroy defied a Senate order that he produce by yesterday three sets of documents relating to the NBN: the red book, with the blacked-out bits in it so that it can be read; the government’s criteria for choosing every one of the early release sites; and, finally, the ACTU heads of agreement for the so-called enterprise bargaining principles that the minister says will ensure there will not be a wages blow-out in the sector.

On the latter, it is interesting, at the very least, that the CEPU has forecast its intention to seek industry-wide wage increases of five per cent per annum over a three-year period. This is telling because it is the CEPU’s membership, plus some others, who will largely be involved in the 25,000-odd jobs that the government says are going to be created in the rollout of the National Broadband Network, not the 400 or so people working for NBN Co. That was the minister’s red herring in an attempt to say there will not be a wages blow-out in the sector. The wages to be paid to those workers matter most to the cost of the rollout of the NBN. How interesting, then, that what we do know about the implementation study is that, in the budgeted $43 billion spend, the figuring on wage increases in the sectors concerned was some 2½ per cent per year. So the CEPU’s campaign is at best double the figure underpinning the budget in the implementation study for the rollout of the NBN. Is it in conformity with the ACTU agreed enterprise bargaining principles or not? We do not know because Minister Conroy will not give us those enterprise bargaining principles. Given the government’s breach of its promise to female workers to support women in the pay equity test case and given that the government is most likely to be forced to trample on its promise to support low-paid workers in a test case for which it set up provisions in the Fair Work Act, I think that unless the Australian people have seen a copy of the ACTU heads of agreement they are entitled to speculate as to whether or not that heads of agreement shows that the government is also intent on undercutting any campaigns for wage increases in the sectors responsible for rolling out the National Broadband Network.

This government has not got the courage to face up to its promises. This government does not even have the courage to tell the Australian people, and in particular the Australian workers that they pretend to represent, that they do not have the courage of their convictions. In fact, they ain’t got the cash for their convictions. That is what it is all about. And unless and until we see the ACTU heads of agreement why would we not think that they show anything other than the government is going to turn its back on construction workers as well for fear of otherwise not being able to deliver the National Broadband Network on time and on budget.

Give us some transparency, give us some accountability and give us some means with which to judge that the means will in fact deliver the ends. Thank you very much.

Senator BILYK (Tasmania) (4.15 pm)—It is always amazing to listen to Senator Fisher. She comes in here and she makes up information. She is out there trying to scare the members of the public yet again by scaremongering and trying to oppose things for the sake of opposition.
Once again we hear the call from the opposition to release the business plan for the NBN. Once again we know that it is just a cheap political stunt to cast unfounded aspersions on the project and on the government. As we said previously, the National Broadband Network business plan will be released towards the end of the year. Once we have had time to fully analyse the 400 pages of highly technical information, some of which is still commercial-in-confidence—

Senator Brandis—Why are you hiding it from parliament?

Senator BILYK—This continued attack on the NBN is just a diversionary farce to get away from the fact that the opposition have no policies, no vision and, if they are not careful, no future.

The opposition has had 20 broadband policies, none of which they managed to successfully implement. They oppose the NBN not for any public cost-benefit reason but simply because they are too petty to see the government succeed where they have continually failed. The government is not being secretive; it is being prudent.

We are not reckless like Mr Turnbull, who when he was environment minister paid $10 million on unproven technology to electro-charge the atmosphere to milk unseen moisture from the skies. In contrast to the reckless Mr Turnbull, the government’s actions are showing this project—Australia’s most significant infrastructure investment since the Snowy Mountains scheme—the respect that such a significant investment deserves.

We are not going to rush into it. We are not going to be bullied by those on the other side coming out with their bizarre comments just to delay things. The NBN will deliver significant benefits for all Australians, and particularly for those in my home state of Tasmania. Tony Abbott may think that the internet is only good for Facebook and email, but those in rural and remote Australia have the vision to see the profound effect that the NBN will have on meeting their future health and educational needs as well as the profound economic benefits which will result.

I will take a few moments to provide just a few examples of projects in Tasmania that rely on fast broadband and which would benefit from the NBN. Recently, the CSIRO launched its TASICT centre. The TASICT aims to promote employment growth and wealth creation throughout the Tasmanian economy by accelerating growth of its ICT industries. And who was there at that launch? Senator Barnett was at that launch, celebrating the obviously welcome local investment delivered to Tasmania by the CSIRO. Would it not be ironic if Senator Barnett did not welcome it, because one of the factors that led to the CSIRO’s decision to establish the centre in Tasmania was—guess what?—the fact that Tasmania was the first recipient of the NBN rollout. That is a $30 million investment that Tasmania was not likely to have seen without the National Broadband Network.

The Tasmanian government has recently developed an innovative new school to provide flexible learning opportunities for Tasmanians. The Tasmanian eSchool brings together Distance Education Tasmania, the Centre for Extended Learning Opportunities-Online and the Online Campus into a single school from 2011. Assisted with a $4.9 million grant from the Australian government, the Tasmanian eSchool will provide services through cutting edge technology.

Of course, if we provide a connection speed of 100 megabits per second through optic fibre this would allow for a primary or secondary student to log on at home and participate in a virtual classroom. At the moment virtual classrooms are a reality but they
are not supported by high-definition video in Tasmania. We need that video to deliver better pedagogical outcomes to distance education students so that they can interact with the teacher through reading and conveying body language and so that the teacher can demonstrate visual concepts with their hands. Such students will also be able to interact with other students and collaborate on projects.

There are a number of reasons why students may need to study at home. They may be very remote and have difficulty with transport or have a disability making it difficult to leave their house. Their parents may be full-time carers and unable to drop them to and from school. While there are many primary and high schools throughout Tasmania, the University of Tasmania has only three campuses. Distance education is provided by UTAS, but it is limited in scope and cannot deliver the quality of face-to-face lectures or tutorials. A family from Dover, St Helens or Strahan wanting to send their child to university has only two options: either they move house or they pay to accommodate their child on campus in a residential college. Alternatively, the child may need to work part-time to pay their rent in a residential college or share house which, of course, can be very disruptive to their studies. Imagine how much that family or student could save if they could have their lecture or tutorial delivered straight into their home.

The benefits to health are just mind-boggling. Many elderly patients in need of specialist treatment find it incredibly disruptive to have to travel long distances to receive that treatment. Imagine if a patient requiring a visual examination by an ophthalmologist could stay at home rather than having to visit the hospital. A high-definition video link could mean the examination could take place without the patient having to leave their home. If their webcam is not up to scratch, the hospital could lend them one—and soon televisions will also be video conference units. Other more basic consultations, including GP consultations, could be provided via this method. For certain consultations, this could alleviate some of the difficulties that remote communities face when trying to secure a GP. With the NBN, patients who have to travel interstate for highly specialised surgery may have the option of receiving the surgery at their local hospital. A high-speed data link could allow the surgeon to deliver the instructions to a less specialised but still qualified surgeon, or instruments could be developed that respond to a surgeon’s instructions remotely.

Opposition senators interjecting—

Senator BILYK—Of course, those on the other side do not want to hear this, and that is why they continually interject. They do not care about the future of Australia or the people of Australia.

Senator Brandis—Madam Acting Deputy President, on a point of order: the honourable senator is making a false assertion. She says the opposition do not want to hear this. When I have been interjecting, we are very eager to hear it.

The ACTING DEPUTY PRESIDENT (Senator Pratt)—There is no point of order.

Senator BILYK—if those on the other side are eager to hear it, I suggest that they stop interjecting. At the moment, telesurgery is experimental, but the concept has been proven overseas and could become a reality in the near future. The competitiveness of local businesses is also a compelling argument for higher broadband speeds—and I would have thought that that would be of interest to those on the other side, too. If someone wanted to run a data-intensive business such as digital broadcasting or a retail warehouse for downloadable content, they would have difficulty getting the bandwidth without...
a dedicated link. Imagine if an Australian entrepreneur could run their own multichannel digital broadcasting service from home.

What will the capability of the NBN do to our economy? When the telephone was invented, Alexander Graham Bell imagined that there would be ‘one in each city so great men can talk to one another’. But now most people have a telephone in their pocket. Those on the other side who constantly harp and do not want to pursue a relevant future for Australia should be absolutely ashamed of themselves. The economic potential of the NBN is undreamed of; the mind boggles just at the thought of it.

The opposition have made it clear that they have already made up their minds against the NBN without having read or accepted a briefing on the business case. The opposition talk about transparency. The opposition are as transparent as crystal clear Tasmanian water: we can all see that they are trying to delay, spin and frustrate the project for petty political reasons. They just want to bulldoze the NBN. It is all petty politics with them. If the Liberals and Nationals are serious about ensuring Australians have access to world-class telecommunications infrastructure and the resulting health, economic and educational benefits then they would support the NBN rollout. In fact, if they were really serious they would have done it in their 11 or 12 years in government. But what did they do? They did nothing. They came up with 20 plans but no action. And what are they planning to do in the future. I presume they will continue to do nothing.

I know Mr Abbott is not the most technologically literate of men, but when he told Malcolm Turnbull to ‘demolish the NBN’, why did he hand him a pickaxe and a hard hat? Malcolm Turnbull has stated publicly that the opposition will not support the NBN even if a cost-benefit analysis proved the project’s benefits to Australia. That just demonstrates that the coalition oppose this project for opposition’s sake. All their talk about transparency is a ruse; it is nothing but a convenient excuse. The truth is that they would deny Australia the economic potential of this project because they failed to think of it themselves. They hate to see this government taking the lead on broadband, just as we did with other nation-building projects such as compulsory superannuation and Medicare.

There have already been extensive reports written about the NBN, including five Senate committee reports and the McKinsey-KPMG implementation study, and numerous Senate estimates appearances by the NBN Co. CEO, Mike Quigley. The implementation study has already confirmed that the NBN will generate a six to seven per cent return and the government will fully recover its costs, including interest on borrowings—and that is before we even consider the economic and social benefits of the network. There have also been studies into the benefits of broadband by the OECD, Access Economics and IBM. The business plan will be released once commercial-in-confidence material is removed.

If those opposite are so concerned about transparency and due process, let us have a look at what they did in government. In 2007, John Howard’s $10 billion National Water Plan went to the Department of Finance and Administration just days before it was announced. Finance officials were yet to sign off on it before it went through the cabinet. In fact the department secretary, Ian Watt, was asked to ‘run an eye lightly over the costings’ before John Howard’s announcement. That is what happened when you mob were in government, so do not talk to us about accountability and transparency.
The business plan for the NBN will be released in due course, as we have said I do not know how many times on this side of the chamber. In the meantime the opposition have the opportunity to avail themselves of a confidential briefing. If they are not going to take up that option then it just goes to show they are not interested in the information. In their usual arrogant way, they have already made their minds up and no amount of expert opinion is going to sway them.

But it does not really matter what they think. The Australian people know the benefits of this project and the difference it will make to their lives. They certainly know it in Tasmania, where the NBN is already being rolled out and customers are already connected. Tasmanians know what is good for them—just look at the results from the last federal election. If those opposite who are acting like Neolithic primates cannot see the value of optic-fibre broadband then maybe they should spend more time in their electorates talking to ordinary Australians and less time with their heads in the sand. This matter of public importance is just more bluster and hot air from an opposition that would not know one end of a laptop from the other.

To reiterate, this is just another delaying tactic from those on the other side. They are just trying to frighten people. First of all, they called for a cost-benefit analysis. Then they introduced a private member’s bill. Then they wanted to set up a joint select committee. They are not even happy when a House of Representatives committee is set up—Senator Fisher was just complaining about that. As we know, they are going to oppose it anyway. Those on the other side are not committed to the future of Australia. They are not committed to innovation. They are certainly not committed to nation-building infrastructure. How can you do a cost-benefit analysis on technology that has not yet been thought of? Those on the other side are simply wreckers, opposing for opposition’s sake. They are trying to scare people by continuing along this line. They asked us question after question after question on the NBN. We keep giving them the answers; we keep telling them what is going to happen. They do not want to hear it. They just want to oppose, to be obstructionist. I suppose that is what you would expect from people in denial. They are yet to accept that they are on that side of the chamber. If I can just talk about a letter from the NBN Co.—(Time expired)

Senator IAN MACDONALD (Queensland) (4.31 pm)—I have been waiting with eager anticipation for Senator Bilyk, Senator Polley, Senator Sherry or another Tasmanian senator to answer the question I have asked them many times before: how much are you charging Tasmanians for use of the NBN, a $100 million construction, in Tasmania? Nobody will answer me. I proffer the answer: nothing. Tasmanians are getting the NBN service for free, for absolutely nothing. With a $43 billion spend, the government is giving the service away for free. How can you possibly get a return on your money when you are not charging? In spite of the fact that they are getting it for free, only about 50 per cent of Tasmanians have so far taken up the offer. Yet the Tasmanian senators will not talk about this at all.

Senator Bilyk suggested to us that, through the NBN, a student in Tasmania would be far better off sitting at home watching this. Quite frankly, Senator Bilyk, they can do that at the moment if they want to, and they could do so long before the NBN came along. But not too many students could afford the $3,000 to $7,000 necessary to connect to it if they were being charged. Senator Bilyk spoke a lot about e-health. We all agree. As Senator Brandis mentioned, we think it is a great idea. Mind you, you can get it now if you are prepared to pay for it. But
people are not prepared to pay for it. Evidence given to the select committee quite rightly said that only about 70 to 80 per cent of Australians ever use a computer. Twenty to 30 per cent of Australians are never going to use the NBN, but they are going to pay for it—it is their $43 billion.

Senator Bilyk also spoke about remote communities. We all know the farce of remote communities. Senator Conroy is paying Telstra $11 billion to shut down the copper network. Then, having given them $11 billion for that, he is going to give them more money to keep the copper network going for the seven per cent of Australians who will not get the fibre to the home promised by the Labor Party. What a farce. Senator Conroy is completely out of his depth, as I have said. I do not want to embarrass Senator Lundy—she is here—but she should have been the communications minister. She understands it and she would not have got the government and the Australian nation into the mess that they are currently in.

I remind any listeners that, had the coalition won the 2007 election, fast broadband would be up and operating throughout Australia today. We would not have had to wait for eight years for this service to come out. Senator Bilyk asked: what did the Howard government do? I will tell you, Senator Bilyk: we actually signed a contract with the OPEL consortium to construct a fast broadband service across the nation at a moderate price using a mixture of technologies: wireless, copper, fibre and HFC. Senator Conroy is locking us into a technology which is state of the art now but which, by the time this NBN is completed, will probably be old hat. Do not ask me what will replace it; I do not know. But nobody knew 30 years ago that we would be moving into mobile phones. That is how rapidly technology is changing. Not only did the coalition have a plan but we implemented it. We signed a contract—which the Labor government came in and broke as its first decision.

If the NBN is as good as Senator Bilyk claims it is and Senator Polley is going to tell us it is, can they please tell me why they would not get an authoritative source like the Productivity Commission to do a cost-benefit analysis? If you did, all your arguments would be won. You would not have to rely on Senator Conroy—who clearly has no idea of telecommunications technology—to be your standard-bearer. The Productivity Commission could come out and say, ‘This is wonderful; the benefits to the nation’—they in communications or elsewhere—‘far outweigh the $43 billion cost.’ It is a no-brainer. Why wouldn’t you do that? The Gillard government has done everything possible to keep the facts from the Australian people. This atrocious ruse of saying, ‘We’re going to release it in a little while,’ clearly shows that the Labor Party and their mates in the Greens are not interested in transparency. If they were, they would have released it yesterday so that the parliament, the place where these things should be debated, could have a look at it, debate it and put Senator Conroy to his proof. All the rhetoric of the Greens on accountability and openness comes to nil when they support the Labor Party in having that information hidden away.

I see Senator Polley reading her notes and getting the lectern ready, so I assume that she is going to speak in this debate after me. Senator Polley is from Tasmania. Here is the opportunity I have been waiting for. I have asked Senator Conroy; I cannot get an answer. Senator Polley, tell me: how much is the NBN selling its fibre-to-the-home—or even fibre-to-the-node—services to Tasmanians? I will challenge you. I will say the answer is nil. I will say that the Labor government is giving it away. So uncertain are they that anyone would take it up at the mas-
sive cost likely to be involved that they are giving it away. Please, Senator Polley, when you get up after me tell me that I am wrong. Also tell me I am wrong when I allege—with evidence given by Mr Quigley—that not only will the government give away the service for free but they will pay the people the $300 or thereabouts to install the connection box at their homes. That does not mean to say people will use it.

The questions go on and on, and in the committee stage of debate on the bill currently before the parliament—I give Senator Conroy notice—I will be asking questions. So, please come prepared. In the committee stage Senator Conroy will not be able to obfuscate like he does at question time. I am asking him: please come along with the answers, because we know if you give genuine honest answers the Australian public will see that this whole NBN proposal is a farce. Great! Everybody wants high-quality, high-speed broadband, but we do not want to pay $43 billion for it. That is $43 billion of wasted taxpayer money.

Senator POLLEY (Tasmania) (4.39 pm)—It is with great delight that once again I get the opportunity to get up in this chamber and speak about the positive aspects of the National Broadband Network. The contribution that Senator Macdonald made, from my point of view—and I think it is the view of those on this side of the chamber—is not worth responding to, because Senator Macdonald is well known for his negativity. He is one of those old warhorses on the opposition side who like to be very negative. Senator Macdonald will oppose for the sake of opposition. He is a wrecker. He is well known in this place.

I do not want to waste the opportunity that I have today to talk, as I have talked before, about the positives of the National Broadband Network. One week later I ask the question: has the opposition moved on? Obviously and absolutely, no. The government is clearly of the view that Australia must maintain and improve its standard of living—its healthcare system, its education system, its economy. These are comparable with any country in the world and we, as a government, want to continue that situation.

There is one thing that Senator Macdonald did get correct. Yes, I am a Tasmanian senator and I can speak about the positive attributes of the National Broadband Network and the effect that it has had in the Tasmanian community. Perhaps Senator Macdonald would like to confer with his colleague Senator Guy Barnett about what he thinks about the National Broadband Network rollout and the effects that it had in Tasmania on the federal election outcome. Senator Macdonald ought to consult with his colleagues at the state level. The Leader of the Opposition in Tasmania, Mr Will Hodgman, does see the benefits to the Tasmanian community in what the National Broadband Network will deliver to the Tasmanian economy, but we have to ensure that it is a national program.

The federal Leader of the Opposition, when he made a fleeting visit to Launceston recently for a state conference of the Liberal Party, committed to not pulling out of the National Broadband Network that has been rolled out in Tasmania, but we all know that the benefits to Tasmania rely on it being Australia wide. Those opposite—people like Senator Joyce—come into this place time after time and lecture us about rural and regional Australia. Senator Joyce is ‘Backdown Barnaby’ because, once again, Backdown Barnaby has failed to represent the people in rural Australia. People in rural and regional Australia know the benefits that the National Broadband Network will bring to health, education, business, local government and families. All Australians need and de-
serve the same access to the National Broadband Network. We believe that.

Before the global financial crisis hit Australia this government took the action needed to protect jobs. We invested in Australian families and we invested in jobs to ensure that we kept our economy strong. Those opposite, on each and every occasion, opposed every piece of legislation, just as they are opposing the roll-out of the National Broadband Network. They are doing that even though they know that this is the biggest investment in infrastructure in this country’s history. Those opposite will not acknowledge that. They will oppose for the sake of opposing. They are wreckers and they will continue to wreck because they have nothing to offer.

Today we have heard another range of questions—for instance: what were the criteria for choosing the first three roll-out sites in Tasmania? What is the point of that question other than to continuing to oppose and frustrate the development of the National Broadband Network? I can tell you that Smithton, Scottsdale and Midway Point have been some of the most broadband-neglected areas in Australia, thanks to the coalition when they were in government. The only things the opposition were able to achieve were a few plans, which delivered nothing for rural and regional Tasmania or for the rest of the country.

The opposition continue to talk about wireless. Wireless systems are inherently less secure than wired systems. That does not mean that a household wi-fi will necessarily be broken into; I am talking about wi-fi used by the public at airports, restaurants and hotels. The wi-fi systems currently in use for regional Tasmania are proposed by the opposition in lieu of the National Broadband Network. Public wi-fi systems are inherently less secure than wired systems. Why would the opposition advocate a system with inherent insecurity? Because they are people who cannot accept—

Senator Sterle—People!

Senator POLLEY—They are people, Senator Sterle, despite what you may think! They are people who are supposed to be in this chamber representing their communities and their states and territories. But all they are about is proving, once again, that they are wreckers. They wreck and oppose for the sake of opposition.

When we talk about the benefits we need to look at what we are doing. We are more than just the Australian community; we are part of the globe. We have to compete internationally. Other countries are leading the way. Australia should not have a second-rate system. We on this side of the chamber are going to ensure that all Australians have the fastest network available to them. The coalition talks about 12 megabytes per second being adequate. Where is it? I think the coalition is up to plan 20 for what it wants to deliver.

The National Broadband Network has already been established in three towns: Smithton, Scottsdale and Midway Point. As I have said in this place on a number of occasions, when you go around the community—whether you are talking to business people in the health industry, health professionals, educators, local government, small business operators or tourism operators—they are all crying out for the benefits of the National Broadband Network. We have three providers already up and running in Tasmania: iPrimus, Internode and iiNet. Telstra has also now signed on to test its services over the National Broadband Network. Those three providers have very competitive prices. Internode has released its retail prices. Its entry level 25 megabytes per second service is $29.95 per month. At entry level a 100-
... a once in a lifetime opportunity for Tasmania to be at the forefront of the new digital economy in Australia and this in itself has a myriad of opportunities for business and especially SMEs which is over 96 per cent of Tasmania.

Unlike the opposition, Tasmanians in the next stage of the rollout are eagerly awaiting the NBN. They are the people of Deloraine, George Town, Kingston Beach, Sorell, South Hobart, St Helens and Triabunna. The third stage, the remainder of Tasmania, includes the major cities of Burnie, Devonport, Launceston and Hobart. When I move around the communities with other senators and members we know what the people of Tasmania are saying. We know what the rest of Australia deserves and that is what this government will be delivering. We are delivering on our commitment. We are delivering on our investment. It is the biggest investment in infrastructure in Australian history.

Those on the other side had 12 very long years and did nothing. Now they are in opposition they have taken up the mantle of being oppositionist for the sake of opposition. The Australian people can see through that. The Australian people can see the benefits—they can see them already. Those on the other side would rather we stayed in the Stone Age.
very easy to recall a vast number of them. It takes not too much imagination to do that. It was the Howard-Costello government that developed this country so that it became an economic powerhouse that withstood the global financial crisis. And it was only through their work in paying back $98 billion worth of debt, leaving a surplus, a gift, for those on the other side of more than $20 billion, that was able to help Australia withstand the global financial crisis. The Howard government was the driver of financial and banking reform. It was the Howard government that established a $10 billion program, long before the current government dealt with it, to deal with the Murray-Darling Basin. It was the Howard government that made a landmark investment in education. It was the Howard government that established an investment fund that made significant reforms to industrial relations, which underpins the strength of the small business community, the main sector of the employees of this country.

When you look at what those on the other side have achieved in the past three years—what have they done? They have achieved an absolute debacle in the rollout of an insulation batts program. They have had a failed Green Loans scheme. They have failed in their ‘Julia Gillard memorial halls’ program, where value for money has not been the critical component. So it was with very good reason we asked to see the business plan for NBN Co., because this government have form. They have form on failed programs. They have form on disgraceful waste and mismanagement. They have form on economic ineptitude. And so it is with good reason and for the protection of Australians’ interests that we are asking to see that business plan.

NBN Co. is one of the largest projects of its kind, and we accept that. There has never been a question about the need to invest in the IT area. There has never been a suggestion not to do that. But what we are concerned about and have repeated many, many times is our concern about the process and the way in which it is being rolled out. This is the nub of the problem with NBN Co. after it was first conceived. Senator after senator on the other side have continued to proclaim the merits of the program, hoping that their mere protestations will obscure the real issues and their obfuscation will avoid any responsibility. No matter how small or big a program is, it should be subject to transparent analysis based on normal business practice, and it is that that we are seeking here. By not releasing the business plan that this project has been based on the government, not us, are sticking their heads in the sand if they do not think the public are wise to their game. And it only begs the question: what are they hiding?

This government does have form. Those on the other side of this chamber and their leaders have form—form that they have clearly demonstrated and finessed over the past three years. The government are hiding something. It is time they stopped pussyfooting around and let the business plan see the light of day.

The ACTING DEPUTY PRESIDENT (Senator Pratt)—Order! The discussion on the matter of public importance has concluded.

MINISTERIAL STATEMENTS

People Trafficking

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (4.56 pm)—On behalf of the Minister for Home Affairs and Minister for Justice, Mr O’Connor, I table a statement on people trafficking, together with the second report of the Anti-
Return to Order

The ACTING DEPUTY PRESIDENT (Senator Pratt) (4.57 pm)—I present a letter from the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Chris Evans, relating to an order for the production of documents on the Building the Education Revolution.

Senator MASON (Queensland) (4.57 pm)—by leave—I move:

That the Senate take note of the document.

I have not seen that document, but in relation to this issue the first recommendation of Brad Orgill’s report into the Building the Education Revolution is to release the costings for all school buildings across all education authorities throughout Australia. The Prime Minister, Ms Gillard, promised she would act on that recommendation. That was 3½ months ago. The Senate needs these costings to make an assessment as to whether taxpayers’ money is being well spent. Despite the Prime Minister’s rhetoric about this new age of accountability—‘let the sun shine in’—the Australian parliament’s requests for information have been repeatedly ignored. If the Building the Education Revolution is such a great success, as the Prime Minister tells everyone, what does she have to hide? The parliament needs this information to determine whether the Building the Education Revolution is a success at all.

Question agreed to.

BROADBAND

Return to Order

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (5.00 pm)—I table a statement relating to the order for the production of documents concerning the National Broadband Network.

COMMITTEES

Foreign Affairs, Defence and Trade Legislation Committee

Additional Information

Senator POLLEY (Tasmania) (5.00 pm)—On behalf of the Chair of the Senate Foreign Affairs, Defence and Trade Legislation Committee, Senator Mark Bishop, I present additional information received by the committee on its inquiry into the provisions of the Australian Civilian Corps Bill 2010.

Parliamentary Budget Office Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Troeth)—The President has received letters from party leaders seeking the appointment of senators to a committee.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (5.00 pm)—by leave—I move:

That Senators Joyce and Milne be appointed to the Joint Select Committee on the Parliamentary Budget Office.

Question agreed to.

FISHERIES LEGISLATION AMENDMENT BILL (No. 2) 2010

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.
TAX LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2010

INCOME TAX RATES AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2010

First Reading

Bills received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (5.01 pm)—I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (5.02 pm)—I move:

That these bills be now read a second time.

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

Leave granted

The speeches read as follows—

Tax Laws Amendment (Research and Development) Bill 2010

This Bill, together with the supporting Bill, the Income Tax Rates Amendment (Research and Development) Bill 2010, introduces a new research and development tax incentive to replace the outdated and complex R&D Tax Concession.

The Bills were introduced in the previous Parliament, which was prorogued before they could be debated in the Senate. In response to the report on the Bills by the Senate Economics Legislation Committee, minor changes have been made to the lapsed Bills to clarify that the new R&D tax incentive supports experimental activities for the purpose of generating knowledge in the applied form of new or improved materials, products, devices, processes or services. This was always the intention of the legislation and the changes make this even clearer.

The new incentive is the biggest reform to the business R&D landscape in the last decade. It is all about boosting investment in R&D, strengthening Australian companies and supporting jobs. It provides for increased assistance for genuine R&D and redistributes support in favour of small and medium sized enterprises—the engine room of our economy.

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

The two core components of the new incentive are:

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

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

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

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

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

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

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

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

Recognising the pervasive nature of information technology in a modern economy, the new R&D tax incentive will ensure most software R&D is treated consistently with R&D occurring in other sectors.

Activities that were specifically excluded from being considered core R&D activities have been substantially rationalised to further improve the incentive.

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

Importantly, this Bill:

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

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

The Bill ensures that public support for R&D is sustainable. On an underlying cash basis, the new R&D tax incentive is expected to be budget neutral over its first four years of operation.

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

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

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

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

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

---

**Income Tax Rates Amendment (Research and Development) Bill 2010**

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

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

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

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

This Bill contains the necessary amendments to the *Income Tax Rates Act 1986*, which in accordance with normal Government practice are contained in a Bill separate from the other amendments.
Full details of the amendments in this Bill are contained in the combined explanatory memorandum to this Bill and the Tax Laws Amendment (Research and Development) Bill.

Debate (on motion by Senator Feeney) adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

TAX LAWS AMENDMENT (CONFIDENTIALITY OF TAXPAYER INFORMATION) BILL 2010

First Reading

Bill received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (5.03 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 FEENEY (Victoria—Parliamentary Secretary for Defence) (5.03 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, the Confidentiality of Taxpayer Information Bill, was introduced to Parliament on 19 November 2009, but lapsed due to the prorogation of Parliament.

The Bill consolidates taxation secrecy and disclosure provisions currently scattered across 18 taxation Acts into a single framework.

Not only are the existing provisions spread across the taxation law, they were also enacted over time in different drafting styles, leading to an inconsistent level of protection for taxpayer information and uncertainty for the Tax Office, other users of taxpayer information and for taxpayers themselves.

The inconsistencies and ambiguities associated with the existing law have the potential to undermine its primary purpose – that is, to provide clear protection for taxpayer information. The taxation law has long recognised that such protection is fundamental to ensuring that taxpayers maintain their confidence in the operation of the tax system.

The new framework draws on principles in the current law. It will continue to prohibit, through criminal offence provisions, the unauthorised disclosure of taxpayer information obtained or generated in the course of administering a taxation law.

It will also broadly retain the existing disclosure provisions, which recognise the need for taxation officers to use taxpayer information in the performance of their duties and the legitimate need of other Government agencies to access the information to more effectively deliver services or enforce laws.

In bringing together the existing provisions, the new framework will also standardise key definitions to overcome existing ambiguities. It will also clarify the circumstances in which identifiable taxpayer information may be provided to a Minister. However, it is not the intention of the Bill to broaden the circumstances in which information can be so provided and taxpayers can be confident that their personal information will remain secure.

The Bill will also introduce clear rules to govern the on-disclosure of information provided to non-taxation officers. Under the existing law and the new framework, taxpayer information can be provided to non-taxation officers for certain limited purposes. The new framework will make it clear that a recipient of taxpayer information is able to use the information for the purpose for which the information was provided or a related purpose. Such an approach strikes the right balance between the protection of taxpayer privacy and facilitating the work of Government.

The Bill also proposes to introduce a number of new disclosure provisions where the public benefit in disclosure outweighs taxpayer privacy. Of
note, the Bill will facilitate greater disclosures of taxpayer information to the Australian Securities and Investments Commission (ASIC) to, amongst other things, enable a greater level of cooperation between ASIC and the Tax Office in addressing fraudulent phoenix activity.

The Bill has been developed following thorough public consultation in early 2009 and the Government would like to thank all those that provided comments on the exposure draft Bill and explanatory memorandum. Many of the comments received are reflected in the Bill before us today.

The Bill has been considered by the Senate Economics Committee which recommended that it be passed by Parliament. The Senate Privileges Committee also considered the Bill and recommended that disclosures to Parliament and its committees be governed by the laws of parliamentary privilege and the practice and procedures that have been developed in relation to parliamentary committee processes. These amendments have also been adopted.

This Bill will reduce the volume of the taxation law and is a reflection of the Government’s commitment to simplify the operation of the taxation law. It will also enhance taxpayer privacy by providing greater transparency in the circumstances in which taxpayer information can be used.

Full details of this Bill are contained in the explanatory memorandum.

I commend this Bill to the Senate.

Debate (on motion by Senator Feeney) adjourned.

EVIDENCE AMENDMENT (JOURNALISTS’ PRIVILEGE) BILL 2010

EVIDENCE AMENDMENT (JOURNALISTS’ PRIVILEGE) BILL 2010 (No. 2)

Report of Legal and Constitutional Affairs Legislation Committee

Senator POLLEY (Tasmania) (5.04 pm)—At the request of Senator Crossin, I present the report of the Senate Legal and Constitutional Affairs Legislation Committee on the Evidence Amendment (Journalists’ Privilege) Bill 2010 and the Evidence Amendment (Journalists’ Privilege) Bill 2010 (No. 2), together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator POLLEY—by leave—I move: That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND CONSUMER SAFEGUARDS) BILL 2010

Second Reading

Debate resumed.

Senator BERNARDI (South Australia) (5.05 pm)—Before question time I raised a number of concerns which are shared by many on this side of the chamber. The largest infrastructure spend in the history of the Australian people, $43 billion, is being committed by this government without the benefit of a cost-benefit analysis—which their own organisation, Infrastructure Australia, has requested for any major infrastructure rollout. I asked the question earlier and I will pose it again: why would you create Infrastructure Australia and then not heed their advice or accede to their questions in order to get value for taxpayer dollars?

The first conclusion one could draw is that there is not value for taxpayer dollars. The other conclusion we could draw is: based on the track record of this government, billions of dollars will be squandered under this program. That is their history and a leopard cannot change its spots. Their history is of squandering billions of dollars on half-baked programs that end up with bigger problems down the track. These are legitimate ques-
tions, whether you are a Liberal or a Labor person, or even if you are a Green. You deserve to know the truth. The problem is: Minister Conroy and this government are hiding something from us all. They will not release the business case.

What I find absolutely remarkable is the fact that they commit to $43 billion of infrastructure rollout without a business case being made beforehand. We know it was cooked up on a plane, while Kevin 747—

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! Senator Bernardi—

Senator BERNARDI—Sorry—the former Prime Minister’s jumbo jet or whatever he was on with Minister Conroy. It was cooked up there because the previous incarnation had failed. We know that. But the Australian people need to know what is behind it. After all, this is taxpayers’ money that has been invested to create a monopoly situation in which this government will be in control.

If anything should scare the Australian people, it is to give this government—an incompetent government riddled with incompetent ministers who still have their jobs no matter what catastrophic disasters they have given us—control of a monopoly situation in which this government will be in control.

It is interesting to note that, for all their rhetoric, flourishes and arguments now, Minister Conroy last year in estimates said that he does not support the structural separation of Telstra. This year, he is implementing legislation which effectively makes the structural separation of Telstra virtually impossible for Telstra to resist because of the damage that would be done to their business if it did not accede to these demands by the government. And why should they accede to them? Well, the government is dangling a bunch of cash for them to accede, virtually pushing them into it.

So there are punitive penalties here, such as not being allowed to bid on other spectrum, wireless spectrum, which Minister Conroy has been laughing at and saying it is not a viable alternative. It is quite an extraordinary situation. When he was in opposition I remember him saying that wireless spectrum was going to cause chickens to lay hard-boiled eggs, or something equally ludicrous. It was going to cause roller doors to open or microwaves to go off. This is the sort of hyperbole that Minister Conroy is responsible for. But what he will not come up with is some simple facts and figures, something so that we can examine the credibility of this case.

If it stacked up to scrutiny and the assumptions were right and things were good, you could possibly make a case for it. But they will not give us that. They will not give it to us. They want us to take it on face value that this is in the interests of the Australian people. We know what the cost is going to be; we are not really sure of the benefits.

Rather than release it or ask for an independent assessment by someone like the Productivity Commission, they have cobbled together in the last 24 hours a reference to a stacked committee in which they will dominate the terms and the ultimate report. That is not scrutiny. That is not examining whether you are getting good value for taxpayer dollars.

The question ultimately is: what do they have to hide and why do they want to hide it from the examination of this parliament? I am disappointed to note that some of the documents we seek will be released after parliament has risen. Then there will only be six weeks of examination in the next six months in which we can ask questions about this—not that we get many answers from
Senator Conroy or from anyone on that side of the chamber.

The Australian people deserve to know. All the time, the clock is ticking, the rollout is continuing and billions of dollars are being spent. We do not know if that money is being spent wisely. In fact, in many instances one could presume it is not being spent wisely. In Tasmania, in order to get people to sign up to the NBN, which is almost compulsory because they are ripping out their copper line networks, they have to give it away for free.

Senator Conroy talked about 100 gigabytes per second. The fact is: very few people are signing up to 100 gigabytes per second, because it costs so much money. Madam Acting Deputy President Troeth, you are from Victoria—perhaps the only people in this country who want 100 gigabytes per second now are those in the Brumby dirt unit, the people responsible for spreading and smearing people on the social networking sites, at taxpayers’ expense. The grubs who trawl through the social networking sites belittling their opposition are probably the only ones. This is what taxpayers are paying for under a Labor government in Victoria. What more can we expect from the Labor government up here with their proven smearing techniques and their dirt units. It is quite extraordinary—

Senator Feeney—I seem to recall you did pretty well.

Senator BERNARDI—Senator Feeney is of course quite proud of masterminding the dirt unit in Victoria—he was the state director down there. He would know a lot about it, and I am sure he recognises that having 100 megabytes per second would be of great benefit for him to smear more people on more internet sites. But it is not your job now, Senator Feeney; your job is to spend taxpayers’ money wisely and prudently. It is not to take staffers out of Mr Brumby’s office and put them into the smear unit—$43 billion is being spent in this country with no cost-benefit analysis, no public business case and no scrutiny. This is an extraordinary circumstance and it is something that I know will alarm the Australian people.

I am someone with an open mind about most things—and you know that, Madam Acting Deputy President. I am sure I can deal with this bill before us. The coalition is going to move a number of amendments with respect to things like competition. We want to ensure the normal operation of the Competition and Consumer Act 2010. This is the key legislation that protects the interests of consumers and promotes competition. We want to make sure it applies to the NBN, the government monopoly. This government loves monopolies. It loves monopolising information and taxpayers’ money. But taxpayers need to know whether competition is going to ensue with this proposal.

We also want to make sure that the parliament is allowed to disallow ministerial directions to the ACCC regarding the NBN and Telstra deal. We want to make sure that any ministerial direction to the ACCC regarding the criteria for acceptance of a functional or structural separation undertaking shall be a disallowable instrument. We want to make sure this parliament can continue to have a say, so that this government does not have the last word on everything that transpires in this deal.

We also want to remove some of the sticks. There are carrots—there is $11 billion in cash and $100 million a year for eight years to maintain a network that the government is paying Telstra to get rid of, which is quite extraordinary. I remind the Australian people: Telstra is being paid $9 billion in cash to rip out and sell its old copper line network. But what this government has not acknowledged is that it is contracting Telstra
to pay the government $100 million per year for the next eight years to maintain that self-same network, and that strikes me as quite extraordinary. But it is not extraordinary to this government, which only saw that payment as a failing when it was exposed to the scrutiny of light.

We want to remove the gun-to-the head provisions of the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 which provide ministerial discretion to bar Telstra from bidding for next-generation 4G wireless spectrum—‘Separate or you can’t bid.’ This is the same spectrum that Senator Conroy, the Minister for Broadband, Communications and the Digital Economy, has been ridiculing as inefficient and ineffective. But why would the government care who buys the spectrum if it is not going to work properly? We want to remove these provisions, which threaten Telstra with being forced to divest its pay television code and/or its 50 per cent interest in Foxtel if it does not voluntarily structurally separate. This use of the word ‘voluntarily’ reminds me of someone’s going to a Labor Party branch meeting and volunteering to vote the same way all the time. That is what happens in the Labor Party—there is no voice of dissent. As Senator Doug Cameron said, and I think he deserves some credit for belling the cat, there are lobotomised zombies on the other side of the chamber.

Senator Ryan—Don’t forget the ballots.

Senator BERNARDI—Thank you, Senator Ryan—I will recall that. Senator Ryan interjected, and I know that interjections are disorderly, but his interjection was very pertinent in this case, because the highlight of Senator Conroy’s career was when his mentor, Robert Ray, recognised how talented he was. He referred to him as a ‘factional dalek’ with an inability to see any other side of a position. Robert Ray’s referring to Senator Conroy as a factional dalek—if I recall correctly, he may even have referred to him as a ‘dysfunctional factional dalek’—shows that Senator Conroy has been spending far too much time doing the numbers for his own preselection, getting rid of Kevin Rudd and various things like that and not enough time looking at the integrity of this legislation.

I remind the Australian people once again that I am talking about a minister whose low-light so far—though I expect there are still lower lights yet to come—was his saying on national television that this bill had nothing to do with the NBN. The bill refers to the NBN 62 times; yet, according to the minister, it has nothing to do with the NBN. What further evidence do we need that we cannot take this government or this minister at their word and that we should not be passing bills like this in an unamended form? That would be wrong.

I want to refer to principle, because some of us hold principle high in the carriage of our duties. I do not think it is right, the previous coalition government having sold Telstra—a fully integrated telecommunications organisation—to the Australian people at a cost of many billions of dollars and to use that money to repay a previous Labor government’s debt, that as soon as Labor gets back into government and is struggling for an agenda it tries to enact legislation which creates another telecommunications monopoly in the hands of a government and which forces Telstra to divest itself of a very big part of its business if it wants to remain competitive in the telecommunications industry.

The principal of this is wrong, and it has been demonstrated again and again that governments cannot run businesses. We accept that governments may fill the void where competition fails, but we should have competition out there; we should have people
producing as much as they possibly can and providing as many services as they can in a competitive environment. This government’s proposal will not do that. It will not provide a competitive environment, because the government will set the terms and conditions and the Australian people will not be able to get their money back because of the grubby deal that was done 24 hours ago between the Greens and their alliance partners, the Labor Party.

Senator Ryan (Victoria) (5.19 pm)—It is with pleasure that I follow my colleague Senator Bernardi’s fine contribution on the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010. That is an Orwellian title if ever there was one, because this bill does nothing for competition and nothing for consumers. Australia is one of the few countries—if not the only country—in the world that is seeking to renationalise industry. Not even Cuba is going down that path since Fidel Castro passed control to his brother. Australia is renationalising one of the most dynamic sectors of its economy, its telecommunications sector, and through this legislation it is intentionally destroying existing infrastructure owned by multiple players in the Australian business community. It seems as though the dreams of Ben Chifley are still alive among those opposite. Chifley’s dreams to nationalise the banks and airlines failed miserably in 1949, so now the Labor Party seeks to renationalise the dynamic telecommunications industry. It seems as though the light on the hill has become somewhat smaller. It is now nothing more than a fibre-optic cable.

We have heard a lot about this government, which was elected just short of three years ago. In the extraordinary circumstances of having just changed leaders and for the first time in 80 years lost its bid for a majority in its re-election, it has clearly lost whatever sense of purpose it had under the former Prime Minister. This government has been desperately seeking some sort of rationale for its existence—some sort of sense of purpose—and through the National Broadband Network it has arrived at a contrived and confected sense of purpose. Three years ago, the Labor Party’s policy on broadband involved a $5 billion promise. Then, on a flight of fancy involving the former Prime Minister and the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, it suddenly became a $43 billion promise. I suppose we can only be grateful that Minister Conroy does not get on a plane to discuss the National Broadband Network with the current Prime Minister, because there is no way of knowing what it would cost after such a flight. To go from $5 billion to $43 billion on the basis of a calculation done on the back of an airplane napkin is nothing short of extraordinary, and since that time the government has done everything it can to avoid scrutiny on this proposal. It has reverse engineered the whole process—it has got the whole process backwards—and I will talk about that more in the remainder of my contribution.

The government wants to talk about the National Broadband Network but only in one sense. Yesterday we had a contrived set of questions in this place, to everyone but the minister, about its alleged benefits. A piece written yesterday by an ABC commentator talked about the government’s strategy as being simply to put the letter ‘e’ before every word to justify this broadband network, as if slogans like ‘e-health’, ‘e-education’ and ‘e-commerce’ somehow justified expenditure of $43 billion of current and future taxpayer funds. None of those things will substitute for real doctors, real schools and real commerce, and this proposal does nothing at all to advance those.

Today during question time, we heard a minister suggest that 100-megabit broadband
was somehow a utility—a right like access to electricity and water. This legislation represents the first step in many in renationalising our telecommunications network. If the performance of our telecommunications network resembles anything remotely like the performance of our electricity and water networks over the last 10 years under predominantly state Labor governments, I think most Australians should be scared for their telephone as much as they worry every February about whether they will be allowed to use an air conditioner or water their garden. Government ownership simply does not work and renationalising this most dynamic of sectors does not have a rationale.

We send investments, industry support plans and government spending programs for scrutiny to the Productivity Commission that pale into insignificance when you consider the numbers involved here. We have sent car plans and textile, clothing and footwear plans to the Productivity Commission. We have had the Productivity Commission analyse water initiatives and public and private health systems. Yet the one thing this government will not do is allow the Productivity Commission to undertake a cost-benefit analysis of this extraordinarily large program—a record in Australian history—worth tens of billions of dollars.

In the other place, the Prime Minister has occasionally talked about the record of the previous Labor government. We on this side have made it clear that it did some good things, with the support of the opposition. The previous Labor government—and I am not talking about the one that existed before the current Prime Minister came to office only four short months ago; I am talking about the government of the 1980s and 1990s—would not have even considered a plan like this without subjecting it to the most rigorous analysis. There was a time in this country when $1 billion or even $50 million was considered lot of money. Now, to this government, writing $43 billion on the back of an aeroplane napkin on Prime Minister Rudd’s Air Force One is somehow enough justification to send Australians into debt this year and for the foreseeable future.

Minister Conroy is twisting himself into ever more painful contortions to come up with a justification as to why this parliament should not have access to all the information that he does and why we can just take him on trust. Earlier during the debate my colleagues pointed out at length just how wrong this government has got so many programs, from pink batts to school halls, some of them with tragic consequences. Now we are expected to take on trust the idea that this government should be allowed to expend $43 billion to renationalise the telecommunications network but we will not be provided access to all the information.

Most extraordinary of all was the deal with the Greens yesterday—yet another deal to show that the Greens really are the driving force behind this government in an intellectual sense. The government struck a deal with the Greens to send this to the Productivity Commission after the network has been built. So we will not examine whether spending $43 billion makes commercial sense; we will not understand the true cost to the Australian taxpayer so that, even if it did not make commercial sense, we could make an assessment of the social value of it; we will send it to the Productivity Commission after we have built it, as if somehow that will protect Australian taxpayers. The Auditor-General’s reports into the pink batts and Building the Education Revolution programs did not save taxpayers’ money. Ex post facto examinations do nothing because this government does not learn, as it has shown. But it had to do a deal with the Greens because the Greens want scrutiny of the promised
privatisation of this to come back to parliament.

We know your government’s form, Senator Feeney, through you, Madam Acting Deputy President. Labor will try to sell anything that is not nailed down when it is in office, usually to somehow make the budget numbers add up. It sold off the Commonwealth Bank and started to sell Qantas. We know it was going to try to sell off Telstra or components of it before the 1996 election, yet the minute it comes to opposition all of a sudden it is a champion of public ownership. Unlike the Labor Party, on this side when we privatised sectors of the Australian economy it went to pay off debt and go into the Future Fund to provide wealth for future Australians.

The truth is that, due to the deal with the Greens, we are going to have an ex post facto examination of whether or not the broadband network was a worthwhile expenditure of taxpayers’ funds. It does not really matter if we find out that it is not because it will all be too late—the money will have been spent. The Labor Party will have guaranteed that, unless they are in government and commit to following through their promise—though it is amazing how often they do not do that—the NBN will never be privatised. Once again, Australia will be left with a publicly owned national telecommunications network that is a monopoly provider with some faux competition at the retail end but no competition in technology or in the provision of that backbone that service providers have to access. It will remain in public ownership.

Madam Acting Deputy President Troeth, you are from regional Victoria and I am sure that you would have many more stories than me about the alleged good old days of Telecom Australia or the Postmaster-General’s department. Some will say that service under Telecom Australia was great. Go and speak to the people who waited months and years for a basic telephone service in regional Australia. Telecom Australia in government ownership was an abject failure, just like every other publicly owned utility. Publicly owned utilities do not have the same incentive. They have union feather-bedding, they overcharge and they, if anything, stifle the development of new technology. If Telecom were still running the place it would be like the old days: we could have any type of telephone we wanted as long as it was black and it had a dial on the front. That is what we are allowed under government owned utilities. Maintaining this network in public ownership, which is what the government deal with the Greens entails, is going to hold Australia back and ensure that we do not benefit from technological development and that consumers pay ever higher costs.

It is not just the opposition that has concerns with this government’s approach to this and its desperation to prevent scrutiny of the business case before this parliament votes. I mentioned earlier how the government had reverse engineered this whole process. The $5 billion program fell in a heap, as the opposition outlined it would when it was in office, because the numbers simply did not add up. So Minister Conroy gets onto a plane, pulls out a napkin and a pen—that is the only time he could speak to the then Prime Minister—and designs a $43 billion network that takes fibre right to the front door. After that they start to undertake some financial analyses to try to find a way for it to add up. You pay McKinsey and Co. $25 million, and they come out with assumptions of 80 and 90 per cent take-up rates, but then you realise this is not going to work, because not everyone wants a 100-megabit service and not everyone wants fibre. I know people who only want a telephone service. What are we going to do then? We had better beat up
on Telstra! We had better make sure that this package rests upon tearing up the copper and hybrid fibre-coaxial networks that service all of Australia in the case of the copper network and a lot of urban Australia in the case of the HFC network.

Nowhere else in the world is a government tearing up functioning telecommunications services. Nowhere else in the world would it be considered economically rational to tear up a functioning telecommunications network. The government has had no justification for that and it simply tries to hide behind the assumed 80 to 90 per cent take-up rate. To all those Australians who do not want 100 megabits a second, to all those Australians who just want a telephone or are quite happy with their current internet service, to all those Australians who just want a telephone or are quite happy with their current internet service, to all those Australians who do not want to go through the undoubted shemozzle that this will become as people are forced to move from one to the other: make sure you remember which party is proposing this legislation, because the Labor Party is proposing to force you to change networks, providers and equipment, and it is doing so simply to try to make the sums add up on its own flawed proposal.

On this particular issue Ross Gittins—not a noted fan of the coalition, I hasten to add—outlined only yesterday in the *Sydney Morning Herald* and the Melbourne Age this government’s constant refusal to subject itself to the most basic of scrutiny. It is scrutiny that it expects of other people applying for money, scrutiny that you expect of state governments as they apply to Infrastructure Australia for funds for roads and rail lines and scrutiny that we expect of people who are involved in substantial government tenders, but it is apparently not the scrutiny the government will subject this record spending to. Ross Gittins wrote:

The more it resists subjecting the plan to scrutiny, the more you suspect it has something to hide.

We do not suspect; we know. We have a lot of the jigsaw puzzle, and the jigsaw puzzle rests on the house of cards of tearing up existing networks and assumed high take-up rates. We know that it will actually lead to higher costs for consumers.

Let us consider the government’s behaviour over the last 12 months in this regard. The government held back the implementation study until it could get its lines right, and then it released it. It is now holding back the business plan, alleging there is commercial-in-confidence information, expecting this Senate to vote on the expenditure of tens of billions of dollars of government funds without knowing whether or not it is viable.

The government throws around commercial-in-confidence as if that is somehow a veil behind which it can hide in order to prevent the release of the business plan. The minister has the gall to say, ‘You vote on it; then I’ll tell you whether or not the sums add up.’ Just like previous reports, this particular plan needs examination. This plan may well be like swiss cheese and have so many holes in it that the government is fearful that it will blow the case for its NBN apart. When the government throws around commercial-in-confidence, all I keep thinking is that it is Macquarie Street come to Canberra. Yet again this Labor Party shows where its true roots lie: in the failed state governments all around Australia, particularly in New South Wales, Queensland and Victoria, as if the veil of commercial-in-confidence is somehow a reason why the public should not know how their money is being spent.

We could talk about that desalination plant that exists in Victoria. Victorian taxpayers are not allowed to know exactly how much this huge plant is going to cost them over the next 30 years. This government expects that in this place it will get away with a similar claim and a similar sense of obfuscation to avoid scrutiny. I think the next time we hear
the Australian Greens—the new coalition partners of the Labor Party—stand up and call for transparency we can point this out to them. We should point this out to them because it shows nothing short of hypocrisy. To say that it is okay for some of us to have a look at this but it is not okay for the Australian public or the parliament of Australia to know about this is nothing short of extraordinary. This Senate will stand between the Australian parliament becoming like Macquarie Street or the Queensland or Victorian Parliaments, where the veil of commercial-in-confidence is used to hide massive expenses, massive future debts, feather bedding and union rorts.

We have not just heard from journalists on this point over the last few days and months. Just as the government has asked the people submitting plans to Infrastructure Australia for cost-benefit analysis—just because it expects this of every local council that gets a road or a bridge—business knows that if you are investing any money, let alone an inconceivable sum like this, a thorough cost-benefit analysis is something you make available. It is something you undertake in order to ensure that you are getting value for money. At a business leaders forum in October the chairman of ANZ said:

… the lack of a business case and full publicity of that business case is throwing a lot of doubt in people’s minds about the level of expenditure.

It is very simple: business leaders are now expressing the same concerns the opposition have expressed for many months. The chairman of Wesfarmers said:

I’m not convinced, and feel it needs a cost-benefit analysis …

He went on to also say:

I just see this as another part of infrastructure that we need to go through, stock take and prioritise. And quite frankly I don’t know if it (NBN) will rank in priority.

We would like to know that too. We would like to know the cost.

When an election was coming, ex-member for Wakefield Bert Kelly would say, ‘I can hear a dam coming on.’ Over the last 20 or 30 years we have moved this country away from the idea that a government has a right to spend taxpayers’ money on building boondoggles and wasting money. At the end of the 19th century, railways were built across my home state of Victoria for political purposes. They went to waste and were pulled up only a few decades later, and I mentioned the example of Bert Kelly and he what used to say about hearing a dam coming on.

Those opposite continually like to list the number of towns that will benefit from this. No-one disputes that, but there are many towns that might benefit from something else as well. The basic concept of opportunity cost has to be considered for any program of government expenditure. Money spent on this cannot be spent on something else, yet this government will not allow Australians to know the costs. It will not let Australians know the benefits in a fully assessable way because you need to know what you are paying to find out what the true benefits are. This proposal fails both those tests. We do not get a proper cost-benefit analysis and, even if there was a social value over and above the economic one, we should always know what that number is because that would allow the Australian community to make a fully informed judgment.

About this time a year ago, the same government were trying to ram another piece of legislation through. At that time, they also got hot under the collar as they tried to hide the true cost from Australian taxpayers and they would not release the full Treasury modelling. They tried to hide the fact that that legislation could never be repealed, just
as this legislation will have a degree of permanence. The government may try and sledge the opposition by saying we are wreckers, but we are quite happy to stand between these fiscal wreckers and the Australian taxpayer, present and future. The parliament and the Senate should support the opposition amendments to ensure competition remains in the telecommunications space. Indeed, leading to renationalisation of our telecommunications plan is something we will regret in decades to come.

Senator TROETH (Victoria) (5.38 pm)—I too rise to comment on the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010. The government has continually characterised the opposition as having no principle and no policies, but nothing could be further from the truth. We have taken a very principled stand on this and, with acknowledgement of the Parliamentary Library, we have verified this. On 14 October 2010, our shadow communications minister, Mr Turnbull, verified that the coalition would back the government’s telecommunications sector reform legislation subject to key amendments being passed. My colleagues Senators Ryan and Bernardi have outlined some of them. These amendments are intended to remove the gun-to-the-head provision relating to spectrum determinations, ensure that the regulatory oversight applies to the NBN Company-Telstra deal and give parliament the power to disallow ministerial directions. They aim also to restore merit review and procedural fairness to the ACCC’s enforcement of the new access pricing regime.

Mr Turnbull stated that the coalition was committed to policies that were aimed at the delivery of fast, affordable broadband to all Australians. That is our aim, but this should be delivered in a manner that is cost effective, promotes competition and imposes no greater cost on taxpayers than is absolutely necessary. This is where the government’s proposal falls down. Mr Turnbull added that these goals would be assisted by a more competitive telecommunications industry and, in that context, the separation of Telstra’s fixed line customer access network from its retail business would be a welcome development. Mr Turnbull went on to say:

The Coalition therefore has no objection to Telstra separating its retail and network businesses, but does not believe such a separation should occur under duress, or via a deal that is in breach of the nation’s competition laws. Any such restructure should be on terms which are fair to Telstra shareholders.

The shadow communications minister also proposes a regulatory environment where the separated network company would be given regulatory certainty and the knowledge that as a regulated utility it would be able to charge prices aimed at delivering a reasonable amount of return on its assets, noting that this is the regime that is applied to other utilities such as gas, electricity and water.

The bill facilitates at least two significant outcomes. Firstly, the threat of a spectrum determination preventing Telstra from acquiring bands of spectrum for advanced wireless broadband services should it not provide an undertaking that is accepted by the ACCC to structurally separate and divest its HFC cable network and its interest in Foxtel. Secondly, the bill allows the ACCC to accept such an undertaking, which is currently likely to be in contravention of the Trade Practices Act. Were the ACCC to accept such an undertaking, which is currently likely to be in contravention of the Trade Practices Act, Telstra would effectively be compensated by the taxpayer in order to make redundant existing operational network infrastructure, such as copper line network subscribers and HFC cable network for internet subscribers, thus limit-
ing the infrastructure choices available to retailers and ultimately consumers.

This would act to improve the commercial viability of the NBN but simultaneously move the telecommunications sector in the direction of the identified core impediment to competition—namely, the concentrated ownership of the network infrastructure. In the Bills Digest put out by the Parliamentary Library, the OECD warns against such action. It states that the government:

... should not trigger a weakening of competition in wholesale broadband services to protect the viability of the government project. An alternative to this picking-the-winner strategy would be to let the market guide choices between the various Internet service options on the basis of prices that reflect costs, factoring in externalities that ought first to be evaluated. To that end, it would be desirable to maintain competition between technologies and, within each technology, between Internet service providers. This would be consistent with the planned vertical separation of Telstra and with other aspects of the reform that seek to promote competition.

In those remarks the OECD states that maintaining competition between technologies is consistent with the vertical separation of Telstra. The vertical separation of Telstra and subsequent divestiture of its fixed-line copper and HFC cable networks’ subscribers, with a view to nationwide, fixed-line optic fibre telecommunications infrastructure—outside of the approximately seven per cent of premises in Australia already with next generation wireless and satellite technology connections—is not consistent with competition between access technologies. This approach is identified by the OECD as a picking-the-winner strategy.

Apart from relative academic theorising, we need to look at the track form of the government in its three years of thinking about and operating these reform capabilities in order to bring better services to Australians. So far, we have seen the pink batts scandal, where it took $1 billion to dream up and implement a scheme for putting insulation in people’s houses. Such was the failure of that scheme, and at such a level, that it then took $1 billion to dismantle the scheme and make reparations to all the people who had suffered—in some instances, tragically—because of the implementation of that scheme. If you multiply that by 43 times the fiscal amount, if this scheme takes $43 billion to put in place, what happens if it ultimately falls over? The taxpayer is going to be the person who actually bears the brunt of that, and to put the level of debt and reparation that would be needed on the taxpayer is simply not thinkable in this day and age. Not only that, the implementation of the NBN will waste literally billions of dollars in fibre backhaul investment that has already been by companies such as Telstra, Optus, AAPT, Pipe and others over the past decade, and this will be an astonishing destruction of economic value.

The NBN’s plan to limit the number of points of interconnect on its network to as few as 14, all located in the major capital cities, would strand hundreds of the already existing fibre links between Australian towns and cities. So we would bypass competitive infrastructure that has already been built by numerous private companies, and we would exclude those links from carrying fixed-line traffic. Not surprisingly, the owners of these networks have demanded that the NBN offer compensation and, regardless of how that question is resolved, in the meantime, further private investment in communications infrastructure in Australia will be reduced because of uncertainty and perceptions of sovereign risk.

The government should know better than this. In October 2009 it released Better infrastructure decision-making: guidelines for making submissions to Infrastructure Austra-
lia’s infrastructure planning process, through Infrastructure Australia’s reform and investment framework, from which I quote:

... all initiatives proposed to Infrastructure Australia—

the body that is set up with the express purpose of assessing major infrastructure projects—

should include a thorough and detailed economic cost-benefit analysis.

... ... ...

In order to demonstrate that the Benefit Cost Analysis is indeed robust, full transparency of the assumptions, parameters and values which are used in each Benefit Cost Analysis is required. Where do we see that here? We see a blanket refusal by the minister to give out publicly any details of the business plan, a refusal to undertake a cost-benefit analysis and a refusal to send it to the Productivity Commission, and all of the members and senators in this place, representing the taxpayers of Australia, as well as many other constituents, are simply invited to take this in good faith and not raise any questions. We would not be doing our work properly if we did that.

The Prime Minister, Julia Gillard, would leave us to understand that what she would normally do in these circumstances is subject this to the sort of analysis that we really need. But, yesterday, in the House of Representatives, the shadow minister for communications and broadband, Mr Turnbull, recollected the election leak—if I can call it that—which suggested that Prime Minister Gillard had opposed increasing pensions. She had defended herself at the time by saying that all expensive programs should be scrutinised carefully. This is what she said in her own defence:

I am the person who will say let’s look at it, let’s cost it, let’s think about it, let’s question it, let’s turn it upside down, let’s hold it up to the light, let’s ask a billion questions: does it add up? Is it affordable?

When Mr Turnbull asked the Prime Minister this question and asked her to justify that if such scrutiny were good enough for pension increases why wasn’t it good enough for the $43 billion NBN, the Prime Minister’s response was:

It is good enough for the NBN and it is happening.

Why cannot the parliament, the ultimate legislative body in this country, be allowed to know what is going on? I see that Senator Xenophon has entered the chamber, and I do admire his resolution and resolve in refusing to accept such a ridiculous scheme as to be allowed a briefing but then not to be allowed to talk publicly about any details of it for, at first, seven years, then reduced to three years and then reduced to two weeks. As I remarked after question time today, this sounds like something out of Grimm’s fairy tales—and we are all way too grown up for that.

My colleague Senator Ryan mentioned some of the other public criticism that has been made. He also mentioned the article by Ross Gittins, a respected economic journalist, in yesterday’s Age and yesterday’s Sydney Morning Herald. Mr Gittins asked why we would not send it to the Productivity Commission. He said:

I don’t have an in-principle objection to a network with natural-monopoly characteristics being owned publicly rather than privately, provided governments don’t use their powers to shore up or abuse that monopoly in a way any private owner would and should be prevented doing.

I might add that Mr Gittins began his article by saying:

I am starting to get a really bad feeling about Labor’s plan for a national broadband network. The more it resists subjecting the plan to scrutiny, the more you suspect it has something to hide.

He suggested, for example:
The Productivity Commission could be required to ensure its cost-benefit analysis ranged far more widely than a mere commercial evaluation, taking account of present and potential "social" benefits … and acknowledging those whose value it can’t quantify.

For instance, the presence of an accessible high-speed broadband network would enable many people who at the moment live in the cities of Australia not because they want to but because that is where their business is. With a proper network in the rest of rural and regional Australia, many people would be able to live in localities that suited them and their families far better and to telecommute—that is, run their businesses from home. If Labor were prepared to acknowledge this and put the view to the Productivity Commission that it wanted to look at the social benefits, I am sure that we could come up with many good things that would happen if we had a suitably costed broadband network in this very large country of ours.

Geoffrey Blainey’s book many years ago was entitled The Tyranny of Distance, and that is what we all live with, but a high-speed, properly costed broadband network would go a long way to relieving some of that tyranny of distance.

Mr Gittins also says:

… it’s false economy to build something today without allowing for reasonable growth in your use of the item.

But he agrees that the idea of building a gold-plated broadband network up to eight times faster than any present application needs so we are ready for anything that might come along one day is all very well but that we cannot possibly anticipate what the needs are going to be in 10, 20 or more years. He says:

… it’s false economy to build something today without allowing for reasonable growth … But there comes a point where allowing for more growth than you’re likely to see in ages becomes a waste of money.

Private businesses that do this—such as home owners who overcapitalise their properties—do their dough. Government businesses survive either by overcharging their customers or falling back on the taxpayer.

The final worry is the way that— notwithstanding the break-up of Telstra—the plan involves deliberately reducing competition from other networks in the telecommunications market. Why’s that a good idea?

We on this side of politics believe that competition is a good thing because it ultimately brings down the price of goods and makes them more affordable for consumers to pay for. If we are not going to see that in this present scheme, I would like to know why we have to adopt it.

The government’s approach is without precedent anywhere in the world. Nowhere else in the world is the government proposing to force a carrier to dismantle its copper just to maximise revenues and eliminate competition for a government owned monopoly regardless of its economic value. Nowhere else in the world is broadband over copper, such as ADSL or VDSL, being effectively banned regardless of whether it provides service of a quality and at a price that consumers want. Nowhere else in the world is competition for fibre from HFC being banned—again, simply to prop up a government owned monopoly. On the contrary, broadband and voice delivered over pay TV cables is the main form of facilities-based competition for copper and fibre in most of the world. Why on earth would the parliament believe Australia has this right and every other country in the world has it wrong? I believe, having read it somewhere, that the sorts of speeds we are looking at in this scheme are way above anything that, for instance, is achieved or indeed necessary in
the United States, one of the world’s most advanced countries.

We have had several eminent people commenting on this, and even the Treasury secretary, Ken Henry, stated in September 2009 on the whole scheme:

Government spending that does not pass an appropriately defined cost-benefit test necessarily detracts from Australia’s wellbeing. That is, when taxpayer funds are not put to their best use, Australia’s wellbeing is not as high as it otherwise could be.

We have many public agencies such as the Productivity Commission prepared to look at the NBN, but the project is being rushed through, the way the government rushed through its home insulation scheme, the Green Loans scheme and the school halls scheme, all of which left schools, communities, individuals and small entrepreneurs out of pocket and very sorry that they had ever heard of the schemes in the first place. So, as the shadow minister has recommended, we need to have our amendments in place and we need to have a public scrutiny process for this very important piece of legislation.

**Senator XENOPHON** (South Australia) (5.58 pm)—I think it is pretty fair to say that most Australian families have a fixed home phone line and at least two mobiles, if not three or four. Many have connection to the internet and quite a few have pay TV as well. There is no question that the telecommunications industry will continue to grow and, as technologies improve and networks advance, it becomes even more essential to safeguard the interests of competition and consumers. Indeed, with a reported figure of more than four billion mobile phone users worldwide, expected to reach five billion in coming years, safeguarding and serving the consumer’s interest remains paramount.

As far back as 1901, the Postmaster-General’s Department was established by the Commonwealth to manage all domestic telephone, telegraph and postal services. Today Telstra is the core provider of telecommunications services in Australia. Telstra has operated and continues to operate as a retailer providing consumers with contracts, handsets and services as well as a wholesaler providing copper cable and mobile access to competitors. Being vertically integrated, with its hands effectively in both wholesale and retail pockets, Telstra has the market captured. While Telstra has around 1.4 million shareholders who are keen to ensure the company makes the biggest profits it can, it is crucial that the market is as fair as possible so that all consumers receive the best access and best services within the competitive telecommunications market.

The Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 sets out a framework for either a voluntary structural separation or a compulsory functional separation of Telstra and puts in place a number of safeguards with regards to access, competition and consumers. This is a critical piece of legislation and in some regards it has been a long time coming. This is also critical in the context of the rollout of the National Broadband Network because it effectively gives the parliament the last major opportunity to make sure that we are on the right track.

I have long campaigned for fairer competition and the rights of consumers and I have been aware for many years of the recurring allegations of unfair and anti-competitive practices by Telstra in the past. I do acknowledge the more open and engaging approach that David Thodey has brought to the company as CEO. When it comes to structural separation, yes, I do believe that Telstra should structurally separate in the interests of fairer competition and the interests of consumers. For too long Telstra has monopolised the market. Currently, as a vertically
integrated giant with substantial power and market share, Telstra can project that power throughout the sector in a way that allows it to maintain its dominance across the marketplace. I agree with the Senate Standing Committee on Environment, Communications and the Arts, which noted:

Telstra is one of the most integrated telecommunications companies in the world.

It also noted:

Partly because of this integration, it has been able to maintain a dominant position in virtually all aspects of the market despite more than 10 years of open competition.

Above all, though, I agree with the majority of the committee:

Telstra’s high level of integration has hindered the development of effective competition.

Telstra’s vertical dominance of the telecommunications sector today has put it in an unrivalled position to transfer knowledge and/or engage in pricing tactics that undermine its competitors. The result, I believe, is hindered competition and poorer services. Indeed, without strong and ongoing pressure to compete, Telstra only faces the demand of serving its shareholders, leaving service to customers as an optional extra as many would see it. In response to Telstra’s current vertical integration this bill provides a framework that seeks to lessen Telstra’s dominance through either a voluntary structural separation or a compulsory functional separation. It must be noted that structural separation is subject to a vote by shareholders sweetened by $11 billion worth of taxpayers’ funds.

My office and I have had many, many consultations with Telstra as well as with other key stakeholders in recent months not to mention recent days and nights and Telstra has made it clear that it accepts a separation of some form is on the cards. By structurally separating, Telstra will be split into two parts each an entity in its own right, each with its own CEO, board of directors and shareholders. Under this the board of each separate part will be legally responsible to its respective shareholders and in this way will provide the framework and protections against anti-competitive conduct. The new wholesale company would not be captive to the new retail company with the wholesale company under immediate competitive pressure to deal with all retailers on an independent basis.

The bill also provides a framework for functional separation should the telco choose not to voluntarily undergo a structural separation. Under functional separation Telstra would remain as a whole, but a regulatory framework would be established to keep each part at a distance. While ultimately still reporting to one body of shareholders, changes would be made so that performance is measured by efficiency in performing duties rather than in terms of shareholders.

Specifically, it would mean that Telstra would manage its retail operations separately to its wholesale functions, and thereby provide the same information and access to services on ‘equivalent’ price and non-price terms to its retail and non-Telstra businesses. In my mind, functional separation is a poor second cousin to structural separation and falls well short of the immediate benefits that can be achieved through structural separation. But either way, the clear message is that it is time Telstra is made accountable to all Australian consumers, not just to its shareholders, who, perhaps ironically, are consumers themselves and similarly demand quality service, fair prices and good competition.

As I mentioned before, I am in favour of a structural separation of Telstra. I believe it is the only true way to ensure a fair and competitive telecommunications market in Aus-
But we need to know much more before we can pass such a significant piece of legislation. The bill in its current form can and should go further, to ensure that, whether or not Telstra undergoes a structural or a functional separation, the framework under which it takes place is as effective as its intent. It is imperative that the terms and requirements of the separation are as strong, as transparent and as consultative as possible, in how it is carried out, in how it is enforced and in how it is monitored. Currently, there are gaps in the proposed regulatory framework. It is also important that we strengthen consumer safeguards and strengthen the anti-competitive conduct regimes.

Given these concerns, I have circulated a number of amendments, which I will move at the committee stage, which I believe will strengthen this legislation, and I thank competition expert Associate Professor Frank Zumbo from the University of New South Wales for his assistance in drafting these amendments and for providing me with advice on this crucial piece of legislation.

I will not go into these amendments now, but broadly I would like to say that I acknowledge the formal role of the ACCC under the current bill in assessing undertakings and proceedings with enforcement remedies for breaches of undertakings. However, it is crucial that this is not purely discretionary and that the process involves consultation with all stakeholders and that the determinations are made publicly available so as to ensure greater scrutiny and transparency of process. This is one of the most significant reforms, if not the most significant, of our telecommunications sector and it is vital we get this right.

A report by the OECD last year commented that Telstra remains one of the most ‘vertically integrated providers in the world’, and warns that the government must ensure that any involvement of Telstra in the NBN does not ‘end up strengthening the dominant position of the incumbent’. In considering this legislation, we need to ensure that we are heading towards the best possible framework for our telecommunications sector and that we are not eliminating a quasi-monopoly, and replacing it with another without necessary safeguards.

As I have stated, I believe it is crucial that greater safeguards are introduced into this legislation so that the rules of Telstra’s separation—either structural or functional—are transparent and the product of consultation. This is the only way to ensure the strongest possible protections for all Australians using telecommunications services now and into the future, to maximise competition and to lower prices.

I believe there is real merit for the Productivity Commission to be involved this process but as yet I have not secured this assurance from the government. I think it is interesting to note that the agreement secured by the Australian Greens, and Senator Ludlam in particular, is that privatisation of the NBN would be contingent upon the approval of both houses of parliament and an independent study conducted by the Productivity Commission into the ownership of the NBN and its commercial impacts. So there is an acknowledgement by the government that the Productivity Commission can have a useful role in relation to better informing public policy.

However, there is another hurdle, and I see it as a primary hurdle. Madam Acting Deputy President, I approach every piece of legislation in this parliament the same way. I gather all the information I can and that I believe I need, and only then do I make a decision about the merits of any piece of legislation. But the sad fact is I cannot do that in this case because, in part, a crucial piece of
information, the NBN Business Plan, is being withheld from the Senate and the public. And this is occurring because the government claims its hands are tied while the ACCC is making determinations about the NBN, and that it will not be available until the 30 November—one week after the parliament has risen.

No-one in this place should be voting blind, and signing a confidentiality agreement that lasts for seven years, three years, or even two weeks, does not resolve the problem for me. I do not believe that is the transparent, robust approach in a parliamentary democracy. I need to be able to explain to my constituents in South Australia, and to the Australian public, the reasons upon which I make such an important decision on this piece of legislation. And I cannot do that right now. It would be irresponsible to stay ignorant of the content of that document.

So while I indicate that I support the second reading stage to allow this piece of legislation to go into committee, I reserve my position as to the committee stage and the third reading of this bill. And finally, I do want to acknowledge that my staff have been working almost around the clock—17- or 18-hour days—for this piece of legislation. I am very grateful to them for their dedication on this important piece of legislation and I thank Rohan Wenn and in particular Evelyn Ek, because they understand how important it is to get it right.

(Quorum formed)

Senator RONALDSON (Victoria) (6.12 pm)—I rise to speak tonight on the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, and, indeed, on a matter of principle that I find quite remarkable; and, as the rooster-come-the-goose leaves the chamber, I will talk about his involvement in some of these matters as well. I just want to put into some sort of perspective the nature of the moneys that we are talking about. It is $43,000 million. Forty-three thousand million dollars is what the issue relates to. It is a massive investment by the taxpayers of this country. Of great interest is that it is not just the people who are paying tax at the moment, but the people who will be paying taxes, quite frankly, for the next 50 years.

This is not about today. This is actually about tomorrow. This is about the obligations and the noose that we are putting around the necks of our children and our grandchildren in relation to this investment. We have quite clearly articulated in this chamber, led by Senator Birmingham in relation to this matter, where the coalition stands. We believe that it is entirely inappropriate and unacceptable for this government to refuse to show us the business case—not to show us, necessarily, but to show the Australian community their so-called business case.

This is just going from bad to worse for both the government and the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. The ineptitude that is being shown on all fronts in this matter is, quite frankly, absolutely gobsmacking. The minister needs to stop his confected, nervous laughter, which we have seen a lot of during the week, particularly yesterday when we saw probably the most embarrassing question time I have ever seen for any minister in a long time when his own side could not even bring themselves to ask him a question. They moved around the chamber to ask the most remarkably simplistic and stupid questions of anyone other than the minister himself. There was a fair bit of ABC, Anyone But Conroy, yesterday. The Senate tactics group would have said in the morning: ‘Anyone but Conroy. We are not going anywhere near him because we know they are going to be at him all day and because we know he is completely incompetent. We
will ask questions of others and hope that they might be able to bat it away.’

Today’s revelation that we have now got someone else involved in this debate is quite remarkable. The corporate advisory firm Greenhill Caliburn have been asked to re-
view the NBN Co.’s 30-year business plan as well as the 2010-11 corporate plan. Clearly, given the answers that Senator Conroy gave today, he was not involved in this decision at all. He is one of the partnering ministers in this and he was not involved. Had he been involved, he had numerous opportunities today to say that he was part of it. His silence in this matter told as much as we needed to know about this whole issue.

Clearly what is happening—and we have been starting to see a bit of it over the last week—is that the Prime Minister is getting extremely nervous about this matter. She knows that out there are some very signifi-
cant questions being asked about the $43 billion taxpayer investment in the NBN. She knows that she has had to take some owner-
ship of this matter and she knows that Sena-
tor Wong will be the one who will deliver it. Senator Wong will deliver it, not Senator Conroy. Senator Wong has now been tasked with the job of trying to sort this mess out. The fact that they have gone behind Senator Conroy’s back and put in place another group to oversee the overseers is remarkable. When asked if we were going to be able to see the NBN business plan, again we have been told no. So we are not going to see the business case and we are not going to see the outcome of this newly commissioned report.

We had the remarkable admission this morning from the Deputy Prime Minister that he had not read this documentation. It is quite remarkable. This is the Treasurer of this country. It is a 400-page study and he has not had the time to read it. It is quite remarkable. What is cabinet actually doing? I think we know the answer to that—absolutely noth-
ing. It is completely and utterly paralysed. Does anyone in this chamber remember a government suffering policy paralysis the way this government is?

Senator Bernardi—Don Farrell in South Australia may.

Senator RONALDSON—Senator Farrell in South Australia may well have seen this. I get back to the comments of the Deputy Prime Minister this morning that he has not read the business case. I quote my colleague in the other place the member for Wentworth, who said at a doorstep this morning: So we have the Parliament being asked to pass legislation for the establishment of the NBN—a $43 billion investment, no cost-benefit analysis, the largest expenditure of taxpayers’ cash in our history, a business plan that is secret, that is not being revealed to the public, and a business plan that neither the Prime Minister nor the Deputy Prime Minister are able to say that they’ve read.

Yesterday Senator Conroy confirmed that in 14 days neither he nor someone else in the government have managed to read the 400-
page report. That is just so ridiculous in its commentary. But someone is not being truth-
ful. I am not going to accuse anyone of lying, but I make the comment that someone or some people are not being truthful in the re-
sponses they have given. Can anyone in this chamber seriously look me in the eye and say that the Prime Minister and the Deputy Prime Minister have not read this report? That absolutely beggars belief.

We have been sitting for 1½ weeks. Every single person is in this place. In the other place they cannot leave under the new para-
digm, so they are all here. The ministers in the other place most certainly are here. There is a fair chance that the ministers in this place are here. This is a $43 billion invest-
ment. Is anyone really telling me that there cannot be cabinet meeting after cabinet meeting to get this matter resolved?
There is absolutely no doubt that this is a delaying tactic to get the government past six o’clock on Thursday night. Blind Freddy could see this is about getting the government past six o’clock on Thursday night, because at six o’clock on Thursday night we do not come back here until the second week in February. And then next year we are only here for 17 weeks. This is a government completely and utterly afraid of scrutiny, a government which has only four weeks of sittings before the next budget. It is an unprecedented sitting pattern. This is a government that is running and hiding until 1 July when their alliance mates who sit up the other end of this chamber, the Greens, have the balance of power.

What a remarkable coincidence that we will sit in the week that the Greens start running the country. Never before in 17 years have I seen us sitting in July. We are sitting in July because this government has rolled over to the Greens. This alliance now runs this country. Even Michelle Grattan made comment about it in the Age, I think it was, earlier in the week, where she talked about the new power of the Greens.

This is not just about some significant philosophical difficulties we have got with the Australian Greens and the sorts of things which the Greens stand for, which my party will never, ever countenance. It is not just about that; it is a far bigger issue. It is an issue about who is going to run this country in the best interests of this country. If you look at some of the new Greens senators who will be entering this place it beggars belief that some of those new senators will be running this country for anyone’s benefit other than for a very narrow group sitting in the far Left, politically, of this country. That is their agenda and that is who they will be representing.

I want to go back to some of the comments in the newspapers, and I also want to refer briefly to the bill introduced by Senator Birmingham today. I want to talk about the requirements in relation to the Productivity Commission. This bill requires the Productivity Commission to conduct a comprehensive cost-benefit analysis of the NBN and to report back to the parliament by 31 May 2011. I will read from Senator Birmingham’s press release:

The Productivity Commission inquiry will include:

• Analysis of the current availability of broadband across Australia, including the identification of suburbs and regions where services are of a lower standard or higher price than in the capital cities;

• Consideration of the most cost-effective and speedy options by which fast broadband services can be made available to all Australians (particularly those in regional and remote areas and underserved metropolitan areas).

• Consideration of the economic, productivity and social benefits likely to flow from enhanced broadband around Australia, and the applications likely to be used over such networks.

• A full and transparent economic and financial assessment of the proposed NBN.

I have heard my colleagues in the chamber today, Senator Cormann and others, who have been talking about these issues and the lack of transparency with this government. On a number of occasions this week I have heard Senator Bernardi and Senator McGauran talk about a lack of transparency with this government. I have heard all three of those senators take this government to task and question their inability and their outright failure to start being honest with the Australian people.

Why is it that since the election of the Gillard government we have seen anything but openness and transparency? Why is it that
the Prime Minister and the ministers in this place constantly refuse to engage the Australian community in open dialogue? What greater obligation is there on a government when spending $43,000 million than to at least enable the Australian community to have some input into this and make sure that we are spending that money wisely? Let us wait and see what the Productivity Commission says about this expenditure of $43,000 million. Let us make a decision as a community as to whether this money is better spent than it would be on hospitals, roads and saving Australian lives. Let us make a decision about what way $43,000 million is better spent.

It is all very well to talk about the information superhighway. But what about some of the highways around this country where people are still getting killed every day of the week? So we have a road network that is still killing people but we are spending $43,000 million on an information superhighway that has not even had an appropriate parliamentary debate on the back of information that has been provided to the government. This notion that the cabinet will deal with this matter after we get out of here I think is absolutely and totally obscene—completely and utterly obscene.

It is an absolute dereliction of the responsibilities of the Prime Minister to this country. She cannot parade herself in front of the Australian community as someone who has got a new paradigm for how we are going to operate as a government, who has learnt from the mistakes of the past and who will not repeat the lack of engagement of the former and now stabbed Prime Minister Rudd when we have seen exactly the same behaviour from her. Apparently the crime that was committed by Prime Minister Rudd has been replicated by Prime Minister Gillard. So what was the change for? I ask those on the other side of the chamber: what was the change for?

Senator McGauran—So Arbib could be promoted.

Senator Bernardi—And Shorten could become Prime Minister.

Senator RONALDSON—I think the latter will happen and the former has taken a bit of a hit today, but he may well be back.

I look at the commentary today in the Australian editorial. I know that there are some—not all—on the other side of the chamber who openly and quite viciously attack the Australian newspaper—I think, quite frankly, totally unreasonably. I think it is a newspaper that has passed the test of time, and I think it is a responsible reporter of political facts in this country. I just want to read from this editorial:

THE unseemly rush to a National Broadband Network says more about the government’s political problems than about adding to national value.

... ... ...

Labor appears willing to do anything to get the $43 billion network up ...

... ... ...

Australians deserve more open discussion on the NBN ...

... ... ...

The NBN is a Rolls-Royce answer to communication needs when a Holden might do just as well. Towards the end of the editorial it says:

Even if the NBN delivered a top-of-the-line service rather than becoming an expensive white elephant, as some fear, the government has failed to explain why $43bn should be spent on broadband rather than on schools, hospitals, indigenous housing or other essential infrastructure and services. It is not easy to see, for example, why we still have so much single carriageway on Highway One north of Nambour (where Mr Rudd and Wayne Swan spent their childhoods) when the
government thinks nothing of pouring millions into an information highway.

I have rarely seen a minister under more pressure than Senator Conroy is at the moment.

Senator Bernardi interjecting—

Senator RONALDSON—As my colleague quite rightly said, sometimes extreme pressure makes for bad decision making—to paraphrase what he said. That is absolutely what we are seeing at the moment. I say to the government: you have an opportunity now to deliver on the frankness and openness that you have been beating your chests about since the election. You have the opportunity now to put your cards on the table and prove us wrong in relation to the NBN. Prove us wrong and show us that you have got the information that substantiates this expenditure. Prove us wrong and show us that this is a far better investment for the future than schools, hospitals and roads. Prove to us that you are not putting a noose around the necks of our kids and grandkids. The only way you can do that is to put on the table the information that you have— and not hide behind a failure to have a cabinet meeting or behind some extraordinary notion that no-one has had the time to read the documentation. Put it on the table and let us see it. If we are wrong, show us where we are wrong; if we are not, stop wasting an obscene amount of taxpayers’ money which could be far better spent elsewhere.

Senator CORMANN (Western Australia) (6.32 pm)—We are talking about a huge amount of money when we are talking about the NBN. This is one of the millstones that is still hanging around Prime Minister Gillard’s neck from the old Kevin Rudd days. It has been some time now since the $43 billion price tag for the NBN was put out there. It was at a time when the ABC series The Hollowmen was showing. I well remember all these hollow men standing in front of a whiteboard and having a discussion about how much money to throw at a particular program to make sure they got the appropriate political impact and ensure they got attention from the public about what it was that they were proposing to do and saying, ‘If you want to make people believe that you are taking action and that you are making a difference, you have to get that number right.’ In that episode of The Hollowmen they were standing around the whiteboard and essentially wondering whether the figure they came up with would pass the ‘whoo’ test.

I can just imagine Kevin Rudd and a few of his 30-odd-year-old advisers standing around the whiteboard and wondering, ‘Should we make it $5 billion? No, that’s not enough. What about $10 billion? No, that doesn’t sound like a serious investment. How about $20 billion? Ah, we’re getting closer. How about $40 billion? Oh, that passes the test.’ But the problem with $40 billion is that it sounds too much like you have picked it out of the air. You have got to make it look a bit scientific. So you have to put an uneven number at the back. You have to put a ‘3’ there and make it $43 billion. That sounds like you have at least given it some thought—as if there is some science behind the figure you came up with; as if there is some sort of proper assessment behind the identification of what is a significant amount of money that is supposed to be committed to this.

The former government, under former Prime Minister Kevin Rudd and former finance minister Lindsay Tanner, prided itself on the fact that they had not conducted a cost-benefit analysis. I sat in Senate estimates with the finance department—and it is the same secretary of the department now as it was then—and asked them about all the ins and outs and asked: ‘Wouldn’t it be more
consistent with finance department attitudes, policies and best practice to go through a cost-benefit analysis? It is on the record—and it is well established—that we have not conducted a cost-benefit analysis for this massive investment of taxpayers’ dollars.

I congratulate Senator Penny Wong, as the new Minister for Finance and Deregulation, for trying, very late in the process, to put a little bit of rigour around all of this. We have got Inspector Clouseau—also known as Penny Wong—out there trying to find out what Minister Conroy was up to. Here we are, two years into this process, and finally there is a minister in the government saying, ‘Hang on; we should put a little bit of independent oversight over all of this. We shouldn’t just take the word of Minister Conroy on this. We shouldn’t just take the word of NBN Co. about all of this. We should have a closer look at what it is that is being proposed.’ One day it is $43 billion and then it is $26 billion and then the government advertising says that the government has committed $43 billion but it is really $26 billion. Then we have an implementation study that suggests that we are going to have super profits in order to make sure that this is a commercially viable venture.

Whatever way you look at this, there has never been a serious attempt to test whether this approach proposed by the government is the best way to deliver faster and affordable broadband to all Australians. We on this side of the chamber are committed to faster and affordable broadband, but we are not convinced that the government and, in particular, the Minister for Broadband, Communications and the Digital Economy have done their homework. They are taking a very cavalier approach in their treatment of taxpayers’ dollars. So we think it is quite legitimate that there ought to be proper scrutiny applied to the way they go about committing to spend these sorts of sums of money.

This is the government that gave us the home insulation fiasco. This is the government that committed $2½ billion to put pink batts into people’s roofs as a stimulus measure and after they had spent half of the money they had to spend the other half to take those pink batts out of the roofs that they had put in there in the first place. This is the government that has had waste and mismanagement wherever you look, whether it is for home insulation or for school halls. There has been secrecy wherever you look, whether it is on the mining tax revenue assumptions or whether it is to do with the NBN or the waste and mismanagement in the Building the Education Revolution.

The government well knows there are many aspects of this legislation we are dealing with here that we can agree with. However, as a former leader of the Labor Party—one that I know Senator Conroy is very close to, and that is Simon Crean, the member for Hotham—once said, you cannot unscramble the egg. In this legislation there are 260 mentions of the NBN, even though the minister does not quite realise this. So this legislation is directly connected to the government’s plans for the National Broadband Network and, on that basis, it is very important that the Senate and the Australian people have the opportunity to properly scrutinise what is behind all of it.

We were promised a new era of openness and transparency by this government. Julia Gillard clearly was very scared in the two weeks after the election that she would not be able to hold on to her seat of power. I am sure that Senator Farrell, who is sitting across the chamber, was very worried that his little initiative towards the end of June in overthrowing the then Prime Minister, Kevin Rudd, was going to result in defeat of the Labor Party at the ballot box. I am sure that Senator Farrell, along with Senator Arbib,
Senator Feeney, Mr Bill Shorten and all the other people who were actively involved—

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Senator Cormann, I direct your attention to the bill that is before us.

Senator CORMANN—Madam Acting Deputy President, I am talking very specifically to this bill. This is about the government’s secrecy in not being prepared to release information that is directly relevant to us being able to properly scrutinise this legislation. The government, from the Prime Minister at the top and all the way down, promised us a new era of openness and transparency, but openness and transparency are the important features that are missing in the handling of this bill. That is why I have to go through some of the history, Madam Acting Deputy President, even though I am sure that Senator Farrell would rather that we did not remember.

One of the reasons this government did so badly at the election was that in the last three years we saw a similar track record of secrecy and cover-up, which led to a deep sense of suspicion across the Australian community as to whether they could trust where this government was proposing to take us. This is particularly relevant to the National Broadband Network because, as I have described in my opening comments, it was initially $43 billion worth of taxpayers’ dollars and then later we were told $26 billion of it would be taxpayers’ dollars. Whether it is $26 billion or $43 billion coming out of taxpayers’ pockets, it is a lot of money and it deserves proper scrutiny. It deserves a proper process to ensure that taxpayers are getting value for money. That is something that the Rudd government did not pursue, and of course that is why it had to keep secret what little information there was in order to ensure that people could not understand exactly what was on the table and nobody could prove how ineffective this spending potentially was. The point is that if we are going to invest $43 billion in a project we ought to have a cost-benefit analysis. That is pretty basic: what is the cost and what is the benefit we are going to get out of it? Then we can make a clear and informed judgment as to whether, in light of the benefit we can achieve, the cost required is justified.

I point out again that the Rudd government, in their period in office, prided themselves on the fact that they were not doing a cost-benefit analysis. At least now Minister Wong is attempting to have some scrutiny of Senator Conroy’s activities. She wants to have some independent oversight; she is sending in the detectives and auditors to look at what is on the table. She wants to independently review the business case. She wants to review the 2010-11 corporate plan by NBN Co. It is very late in the process, but at least Senator Wong is trying to make sure that there is a degree of scrutiny of Senator Conroy’s activities. On this side of the chamber we congratulate Senator Wong for at least making an effort. But, again, our concern is that the outcomes of that process are not going to be appropriately transparent for all the Australian people to review and assess. Today in question time the minister refused to commit to releasing the outcomes of her detective work to the Senate and the Australian people. My concern is that we are being asked to deal with a piece of legislation which is directly driven by the government’s plans for the NBN, yet there are ministers in the government who are having second thoughts about the way the NBN process has been handled so far, to the point where they are commissioning independent reviews and independent scrutiny, and we are expected to make a decision on this legislation before we have the benefit of the results of those reviews and can properly assess what
has come out of Senator Wong’s scrutiny of the activities of Senator Conroy.

We do not believe that that is appropriate. If the government is having second thoughts, why should the Senate not be having second thoughts? If the government thinks there is a need for more scrutiny, and if Senator Wong thinks she wants more information to ensure that what is being proposed is the right way to go, why should the Senate not have access to more information to ensure that what is on the table is the right way forward? As I mentioned earlier, it has not been properly scrutinised to date as to whether the government’s proposal in relation to the NBN is the best way to ensure faster and affordable broadband. That ought to happen. We should not go down the road of spending $43 billion on something unless we know it is the best way of doing it. That is simple—policy development 101; it should be, anyway. That is why we are not in a position at this point in time to support this legislation, even though there are bits in it that are quite sensible and do have our support.

The concern we have is that the secrecy that has been displayed by this government in relation to this bill is not an isolated incident. There is government secrecy wherever we look. This is a government that was supposed to let the sun shine in. This is a government that promised that everything was going to change after the scare on 21 August. This is where you interrupted me before, Acting Deputy President Crossin, but this is very relevant to this piece of legislation. Two weeks it took, after the election, to form a government, and a key feature for Mrs Gillard to convince Independents to support her—

The ACTING DEPUTY PRESIDENT—Senator Cormann, it is not ‘Mrs’ Gillard, and I would ask you to refer to people in the other house, and particularly the Prime Minister, by their correct titles.

Senator CORMANN—Acting Deputy President, I apologise. That might have been the accent. I do not quite know how to properly pronounce ‘Ms’ and ‘Mrs’, but I—

The ACTING DEPUTY PRESIDENT—Senator Cormann, I think the correct title you are seeking is ‘Prime Minister’.

Senator CORMANN—I might just seek advice—and you might. I understand that I am allowed to refer to people as ‘Mr Kevin Rudd’, for instance, and ‘Ms Gillard’. I would seek your ruling on that again on the basis of advice from the clerks.

The ACTING DEPUTY PRESIDENT—Senator Cormann, the advice is, and my ruling is, that the correct title is ‘Prime Minister’. But she is certainly not ‘Mrs’ Gillard, and we would ask that you refer to people in the other house by their correct title. Thank you.

Senator CORMANN—The Prime Minister, Ms Gillard—

The ACTING DEPUTY PRESIDENT—Thank you, Senator Cormann.

Senator CORMANN—I will say it again. The Prime Minister, Ms Gillard, of course, knows exactly what she did, two weeks after the election. In order to get the Independents to support her, she committed to a new era of openness and transparency in government. She promised that all of the errors, and all of the losing of the way that happened under the Rudd government, were going to come to an end and that now there was going to be, truly, openness and transparency. Of course, we have experienced the exact opposite. We have experienced the exact opposite in relation to this bill. We have experienced the exact opposite in relation to the mining tax. We have experienced the exact opposite in relation to the Building the Education Revo-
olution fiasco. And I am not confident that we are going to experience anything but secrecy from this government in relation to other matters. This government also wants to take $50 billion off the states in GST revenue. We have been asking it for information in relation to this and that has not been shared with the coalition either. The reality is that there is a pattern developing under this government. They want us to deal with legislation like this, which is directly related to the NBN, without having the benefit of information that was properly requested by the Senate.

The government knows that it is not just the coalition who are of this view. This is a view that is shared by crossbench senators and by crossbench members in the other place. They share our assessment that this government has been very secretive in relation to this and they share our assessment that the government should be much more forthcoming with information.

We take very seriously the need to be very careful in the way we spend taxpayers’ dollars. We think that there ought to be a proper process to ensure that taxpayers’ dollars are spent for maximum effect. This government cannot put its hand on its heart now and say that the $26 billion in government money, and the $43 billion proposed to be invested in the NBN, are going to be invested in the best possible way, because nobody has ever gone through the process. The only person in the government that is trying to ensure a semblance of scrutiny, a little bit late in the process, is Penny Wong, and I found it very amusing when—

Debate interrupted.

DOCUMENTS
The ACTING DEPUTY PRESIDENT (Senator Crossin)—Order! It being 6.50 pm, the Senate will proceed to the consideration of government documents.
and the opposition want to give the bosses absolute managerial prerogative on the workshop floor is that, under Work Choices, more than one million workers suffered a real pay cut of up to $97.75 a week. We still have the opposition, in their party room, wanting to bring back Work Choices. Hundreds of thousands of workers were pushed onto individual contracts. It is great to see in this report that individual agreements are down by 23 per cent. Workers are getting their rights back under a Labor government.

Under AWAs and Work Choices, 70 per cent of workers lost shift loadings, 68 per cent lost annual leave loadings, 65 per cent lost penalty rates, 49 per cent lost overtime loadings, 25 per cent no longer had public holidays and 3½ million lost their right of protection against unfair dismissal. And it is on again. The coalition party room, as reported on AAP, says flexibility needs to come back to the workplace. Flexibility is simply Work Choices—that is what you have got to think about when you hear the coalition talk about ‘flexibility’. We know that what they want to do is go down to the annual general meetings of the HR Nicholls Society in South Australia. The sycophantic politicians from the coalition want to doff their caps to the HR Nicholls Society, as Senator Minchin did a few years ago, saying: ‘We’re sorry; we didn’t take enough away from workers.’ Senator Minchin did that when he did not realise he was being recorded. He thought he was talking privately to the extremists in the HR Nicholls Society.

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Senator Cameron, your time has expired.

Senator Cameron—Oh, well, we got one in!

Senator IAN MACDONALD (Queensland) (6.55 pm)—It is interesting to listen to the old class warrior, Senator Cameron. He thinks he is still back in Scotland, back in the good old country, where there was real class warfare. Senator Cameron did not understand when he came to Australia that there is none of that sort of class warfare in Australia. But I have to say that ‘class warrior’ is better than the last terminology that was given to him but perhaps not quite as accurate. I think most people in this chamber and throughout Australia would agree with Senator Cameron’s own description of himself as a zombie. He also referred to his colleagues as having had a policy lobotomy. I happened to be in the coalition party room meeting all day today—I promise you I was not asleep—and I never once heard Work Choices mentioned. So Senator Cameron’s claim is clearly part of the Labor Party’s yearning for the good old days of the 2007 election, when they could scare enough workers into voting for them. How quickly those workers woke up and realised the Labor Party were not really for the workers. The Labor Party were about increasing mining taxes and destroying the jobs of workers, particularly up in the area I come from.

From our side of the fence, Work Choices has been declared dead and buried for two or three years now. What Senator Cameron is trying to do by continually raising the Work Choices mantra is to divert the attention of Australians from the continuing series of failures of the Gillard government: the pink batts home insulation fiasco; the Julia Gillard school halls program, an absolute fiasco; and the climate change policy, which you will recall was the great moral challenge of our time, which disappeared from sight along with the then Prime Minister. What Senator Cameron is trying to do is divert the attention of Australians from Labor’s absolute paucity of ability in governing Australia. For the first time in history a first-term government has lost an election. It is incredible that a first-term government could lose an elec-
tion, but it happened at the last election. Senator Cameron yearns for the old days when they could try to mislead the Australian public and, indeed, Australian workers. I see that Senator Cameron has come back into the chamber to give some riding instructions, but I remind Senator Cameron’s colleagues that they are zombies and not allowed to have an independent view on these things. Remember, they have had a policy lobotomy, so they are not allowed to talk about policy unless it is approved by the union bosses. On Senator Cameron’s understanding of the document before the chair and on his understanding of what might or might not have happened in the coalition party room today, suffice it to say that, like most things Senator Cameron says in this chamber, it is fanciful.

I urge Senator Cameron to retreat to being, as was his own description, a zombie, without any view on policy—certainly without any view on policy they are allowed to talk about it. For those who might be listening as they are driving home, I want to emphasise that it is not me calling Senator Cameron a zombie; that was Senator Cameron’s own very famous description of his colleagues last week. He confessed to the world that Labor Party members are not allowed to talk about policy or to have any new ideas and get out there and argue the case—they simply have to toe the Ms Gillard line and do whatever is said by Ms Gillard to be the right thing, whether or not they believe in it. Fortuitously, on this side of the parliament, we do encourage debate amongst ourselves, because we are interested in good policy, and that is the way it happens. That is why this document before the parliament at the moment is so important.

Senator McEWEN (South Australia) (7.01 pm)—I also wish to take note of this report. I do not think Senator Macdonald came in here intending to speak to that report at all; I do not think he actually knew what report he was speaking to. But, when it was, correctly, raised that the opposition are still full of warriors for Work Choices—as has been evidenced again today—Senator Macdonald could not help himself. He had to take the bait, get up and once again demonstrate how the opposition is determined to reintroduce what they like to call ‘flexible workplace practices’, which is code for Work Choices.

I hope that people who are listening to this debate while driving home tonight fully understand what the opposition has in mind when it comes to workplace relations. The report, which Senator Cameron also talked to, demonstrates that Australian workers are not interested in individual workplace agreements; they are interested in collective agreements and are signing up to collective agreements that are negotiated with them and by their unions on their behalf. Those agreements, especially those that have been registered under the new Fair Work Act, demonstrate increases in wages and entitlements for workers and are being done in a cooperative framework that was enabled by the Labor government. One of its first initiatives in government was to repeal Work Choices and to establish the Fair Work Act and the fair work umpire.

The working people of Australia rewarded the Labor Party for that initiative by re-electing us in 2010—something that the opposition neglect to mention in their speeches. What Australian workers are fearful of is a return to the bad old days of the coalition. If there is any doubt about that, that is what we have seen demonstrated here. Australian workers are afraid of a return to Work Choices. That legislation stripped away from working people entitlements like penalty rates and flexible working arrangements. It stripped away workers’ right to negotiate with their employer through their unions. It took away the things that Australian unions
and working people had fought for for more than 100 years.

I will never forget the night in this Senate when the now opposition, who were then in government, managed to get that disgusting legislation through the parliament. What a sad day that was for working people. But the coalition were punished for that in the 2007 election, the memory of which is not too far away. We are celebrating the anniversary of that this week. We won the 2007 election because of Work Choices, and now we have the Work Choices warriors back in here trying to defend their record. More frighteningly, they are coming in here and openly stating that they believe in Work Choices and would like it back. We know full well that that is what is going to happen if— heaven forbid!— they are ever elected again.

Australian working people do not want that kind of industrial relations system. They want fairness and an equal say in the workplace. They do not want to be hostage to unscrupulous employers who are able, because of legislation, to run roughshod over them. We worked very hard to repeal that legislation from the previous government, and we are proud of that action. I can tell you that all of us on this side are going to continue to protect working people from the rampages of the Work Choices warriors over there, like Senator Macdonald, Senator McGauran, Senator Williams and Senator Nash. All of them should be ashamed of it. The people of Australia should be very, very afraid of them ever coming back into government again.

Senator McGauran (Victoria) (7.05 pm)—I rise to speak on the document. I have been severely provoked, and named, by the previous speaker. I was not going to speak on this document at all; in fact, I was going to sit quietly and wait for the adjournment debate to come on. But the previous speakers, Senator McEwen and Senator Cameron, just launched into the opposition for no reason at all—a tirade with no basis.

I can assure Senator Cameron that, whatever he report he read on the party room, I was there too and there was no talk of Work Choices. What we have here, and you could hear this from the previous speaker, is a desperate government. They are so desperate now that they cling to anything they can as a distraction, as even a morale booster, if you like, for their side. Their morale is way down, as it ought to be, because of what happened this week and last week. And here comes the greatest morale dipper you have ever seen, about to sit down and take up chamber duty—Senator Carr would dint your morale, wouldn’t he? The previous two government speakers have simply attempted to distract from their own problems—their own serious, deep problems.

Senator Cameron—

Senator McGauran—I knew it would take nothing to provoke you, Senator Carr. The Rasputin of the Labor Party! It has not taken any more than five seconds of provocation and here he is yelling, screaming and pointing the finger.

I want to make this point about Senator Cameron. I give him utter credit—surprised as I was that he was so courageous—for the way he tagged his own side. He has given it away: he called his own side zombies. He said they had all had lobotomies. Senator Faulkner said they lacked courage—that they had more cunning than courage. Acquiring more cunning than courage is something that Senator Carr has spent a career refining.
Senator McGauran—I am, and I am speaking in response to the previous speakers. This is how Senator Cameron has dubbed those on the other side of the chamber. He has seen that this is a government adrift. But I also have to pick up Senator Cameron; he threw out meaningless figures and statistics about the previous government. Let me just put this on the record. When it came to employment, wages growth, productivity and growth of the economy there was no prouder success of the previous government than its achievement in employment and its unemployment rate, which fell to record levels. The unemployment rate dipped well below five per cent; I think it even got to 4.5 per cent—nearing full employment rates. That was a proud achievement.

I served in an opposition when Labor was in government, when unemployment reached one million. There were a million people unemployed under the previous—

Senator Ian Macdonald—It was 11 per cent.

Senator McGauran—Yes, something like 11 per cent. We had a long, hard slog to bring unemployment to 4.5 per cent, and that was a proud achievement. For workers over the 11 years of the Howard government productivity increased and so did wages. So it is just a fallacy put out by the Labor Party for their own political justifications to say that the workers were worse off under a Liberal-National Party government. But it is typical of Senator Cameron and his side to throw out these figures, unsourced. Senator Cameron has learnt from the best. He has learnt from his own leaders. They do not ever source their figures. They never tested their figures. They do not even test their policies or the legislation that comes through this parliament. We have seen it with the policy on pink batts. They were too busy to cross the t’s and dot the i’s on the billions of dollars they spent on pink batts. They had to rush out the Building the Education Revolution program—

The Acting Deputy President—Senator McGauran, I just want to remind you that we are talking about a document from the Department of Education, Employment and Workplace Relations.

Senator McGauran—Yes. My point is this: Australian workers and their families are more concerned with government waste, the cost of living and their jobs than they are concerned about a government that will waste the money and not spend it on proper priorities. This is a government that is hell bent on introducing a carbon tax and a mining tax that will cost them jobs and increase the— (Time expired)

Question agreed to.

Australia Post: Statement of Corporate Intent 2010-11 to 2012-13

Senator IAN MACDONALD (Queensland) (7.12 pm)—I move:

That the Senate take note of the document.

This Statement of corporate intent 2010-11 to 2012-13 is by Australia Post, one of the biggest government organisations. It is quite an interesting document. I want to point out the obligations on page 2 of this statement, where Australia Post says:

We are required to meet community service obligations by ensuring the letter service operates to performance standards that meet the needs of the community.

Later on in the document, under item 15, Australia Post talk about their values of one team—customer and community; and respect, integrity and responsibility. They talk about ‘doing our part to enhance the communities within which we live, understanding and responding to our impact on the environment’. Later on they talk about showing respect and treating everyone with courtesy
and fairness. They talk about acting with integrity and standing up for what is right. All of that is very good. On pages 4 and 5 they talk about caring for the environment. In particular, at item 22, they say:

We will conduct our business in a manner that is safe and healthy for all people.

Australia Post, generally speaking, do a good job. I raised in estimates—and I have raised this in correspondence with the minister and the head of Australia Post—a situation which exists in Rockhampton, where the old Post Office on the northern side of Rockhampton has, by effluxion of time and through changing technologies and changing uses of Australia Post services, become the major central mail centre for Rockhampton and Central Queensland. That has meant that trucks come into that place at all hours of the day and night. There are forklifts operating, backing and filling, with all the beeping that goes on when trucks reverse. This all happens at two, three, four, five and six o’clock in the morning.

This old post office has been expanded and now goes into a residential part of Rockhampton and people who have lived there for most of their lives now find that they cannot get to sleep at night because of the activities of Australia Post. I do not blame the employees of Australia Post and I do not blame Australia Post itself because the mail has to get through, but the problem is that a group of people—in that centre now find that their quality of life has gone to zero because of the activities of Australia Post in this area during the early hours of the morning. It is causing health problems for elderly people and it is a situation which cannot continue.

With thanks to Michelle Landry, the Liberal National Party candidate for Capricornia at the last state election, I had a meeting with these people. Subsequent to that I arranged a meeting with Australia Post officials and the local people and, as a courtesy, I invited the local federal member. We explained the situation and showed videos of the difficulties the people were experiencing. I also raised this at estimates and in correspondence with both the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, and the head of Australia Post. They have all said they are concerned about it. I do not blame the people of Australia Post. They are in this situation; they are there. The only real solution—you cannot stop the mail going through—is for the mail centre to be removed from the residential area of Rockhampton and placed into an industrial estate or something like that. That will require government money. I have pleaded with Senator Conroy—and I know his focus is otherwise these days, trying to get through that white elephant he calls the NBN—to put money aside in this next budget to transfer the central mail centre in Rockhampton to a non-residential area of town. Whilst I have not yet received a response, I again urge Senator Conroy to do that, because it is the only long-term solution to a problem which is affecting the lives and health of people living in that part of Rockhampton.

Question agreed to.

Australia Post: Equal Employment Opportunity Program Report for 2009-10

Senator IAN MACDONALD (Queensland) (7.19 pm)—I move:

That the Senate take note of the document.

This report is about equal opportunity employment within Australia Post. Generally speaking, Australia Post does a reasonably good job in that area. I simply alert Australia Post to the importance of being fair to the people it employs. At the same time, I urge Australia Post to be fair to the neighbours of its Rockhampton Mail Centre operation.

CHAMBER
What is happening is very unfair. It is not something for which Australia Post is directly to blame. I am sure it would like to resolve the situation, as I would. It is a terribly difficult situation for people who have lived in that area long before the Rockhampton Mail Centre started its current operations.

Question agreed to.

Consideration

The following government documents tabled earlier today were considered:


ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Order! It being 7.20 pm, I propose the question:

That the Senate do now adjourn.

Volunteers

Senator POLLEY (Tasmania) (7.20 pm)—Tonight, I rise to talk about one of the most important facets of Australia’s culture and character, but it presents as one of the more confusing pictures as well. I am talking about volunteering. We all know of the valuable and significant contributions made in times of crisis by Australians—after the terrible catastrophe of the Victorian bushfires, the mine disaster at Beaconsfield in northern Tasmania and the devastation of Cyclone Tracey. The efforts of Australians in dire times are not limited to within Australia’s shores. Thousands of Australians assisted with rescue and the rebuilding efforts after the 2004 tsunami and many more travelled to Haiti after the devastation of the earthquake. We know that they have been recognised as part of our history: What I would like to talk about is the other side of volunteering: the regular, routine, week after week voluntary efforts of many thousands of Australians.

What do I mean by volunteering? Any activity that is freely chosen of benefit to the community and undertaken without financial reward—or, as it is less charitably described, all work and no pay. These two definitions portray the dichotomy of attitudes that have been common in Australia when we are considering volunteering.

The latest ABS data provides insight into volunteer services. Currently—and I have to say I find these figures quite surprising—there are 700,000 not-for-profit and community organisations in Australia and 5.2 million volunteers. Many Australians rely solely on the efforts of their volunteer services to continue to operate and, as well as bringing important social benefits, volunteers contributed $42 billion to Australia’s economy. But the other side of the coin is that there are very, very few references in our history to their contribution, a contribution that is often very substantial. References to the responses
Religious foundations existed in Australia from its foundation in 1788. Australia’s oldest charity, the Benevolent Society, was formed in 1813, founded by Edward Smith Hall. It has since provided a voice and material assistance for many of Australia’s disadvantaged. In 1912 the Benevolent Society established the first antenatal clinic in the British Empire. The New South Wales Colonial Secretary was also the Inspector of Public Charities’ administrative arrangements from 1856 to 1901. The Royal Flying Doctor Service, the oldest air based medical service in the world, was established in 1928 by the Reverend John Flynn. Even today this service is dependent on volunteers.

So why is there this mismatch between written history and reality? Volunteering has been part of our history but has not been reported. Their work is part of the so-called invisible history. Professor Melanie Oppenheimer, a senior lecturer in the School of Humanities at the University of Western Sydney, suggests there are four broad reasons. Before I go into some of them, I would like to recognise Professor Oppenheimer’s views as well as her family’s long history in volunteering. Her great-grandmother was the foundation president of the CWA, her grandmother was a volunteer during the Second World War and her mother has received an Order of Australia for her volunteering efforts.

Professor Oppenheimer’s first reason reflects a broad community view that volunteer work is less valuable than paid employment. This distinction about the value of the work, between the work being remunerated and other unpaid work, seems illogical. But there is a common theme through society that rate of pay determines the importance of the work. And yet when studies make comparisons between, for example, the work of one doctor and the work of maintaining an adequate community sewerage system, the value of the contribution to the wellbeing of that community may be quite different than that suggested by the pay rate. All I am trying to say is that the view that paid work is more valuable than unpaid work does not stand up to scrutiny. We do not measure the contributions of volunteer work in the GDP or any other significant economic measure. It is not that we cannot estimate what it is; it is just that we do not include it.

The relationship between volunteer organisations and governments of Australia—federal, state or territory—could at best be described as a moving feast. For example, prior to 1916 the care of soldiers returning from war and their dependents was the domain of the volunteer organisations. But by 1916 these organisations clearly could not cope. The federal Department of Repatriation was established in 1917. In World War I, 62,000 Australian died and a further 152,000 were injured. Major involvement by government was essential. And yet in 1925 Legacy was formed to care for the children of deceased servicemen.

The Great Depression of 1929 to 1932 again saw volunteers supporting thousands and thousands of unemployed Australians. Soup kitchens and clothing outlets were common as late as 1939. During World War II, particularly after the manpower directives of January 1942, we saw a significant number of women join the paid workforce. In 1943 and 1944 this was 32 per cent of women in Australia. Despite this increase of women in the workforce, volunteer work continued. Eight thousand funds were established across Australia that raised the equivalent today of $1.6 billion.

The 1950s is generally perceived as the peak of volunteer activity across Australia.
New advocacy style self-help groups were formed, service clubs were consolidated and performing arts began to grow with the influx of volunteers. The face of volunteer organisations has changed since then. The increased participation of women in the workforce and the increase in age of the general population have led to changes in the make-up of volunteer organisations. Government policies in the 1980s and 1990s has blurred the lines between not-for-profit, profit-driven and government organisations.

I have not mentioned the type of work undertaken by volunteers. A very incomplete list would include fundraising, supporting older people and those with disabilities, administration, research, teaching, coaching, umpiring, working with animals, entertaining, conservation, handiwork, driving, youth work, counselling, gardening and childminding. Two significant changes in the last decade and a half have on the one hand made the operation of volunteer organisations most difficult and, on the other hand, have seen the demand on organisations noticeably increase due to government action. These changes are the need for organisations to implement adequate risk management strategies and to purchase adequate insurance to protect their organisations and their members. The key risks that volunteer organisations are exposed to are unsafe workplaces, no emergency plan or management plan, inadequate or inappropriate insurance, and not being incorporated. Many organisations have now ceased to exist as the costs were beyond their means. On the other hand there is no doubt there has been an underlying government policy to shift responsibility of some previous government services to not-for-profit organisations. Is this because they would provide a better service or that, if there is a shortfall in funding, these volunteer organisations will fill the gap?

I need to add that, despite perceptions in the community to the contrary, there is an increase in the number of people volunteering. If I look at Tasmania, my home state, according to the Australian Bureau of Statistics at least one-third of adult Tasmanians volunteer an average of two hours per week on a regular basis. That means more than 100,000 Tasmanian volunteers, contributing almost 11 million hours of voluntary work each year. The equivalent in paid work is more than $200 million.

Tasmania’s volunteering rate was 27 per cent in 1995. It grew to 34 per cent in 2000 and 36 per cent in 2006. Women volunteered at a slightly higher rate than men. Women outside Hobart had the highest volunteering rate of 41 per cent in 2006. I want to put on the record that all governments, whether state, territory or Commonwealth, rely, as the community does, on the fantastic contributions of so many Australians giving their valuable time. The median annual hours contributed by men was 60 and by women 52 across all areas of the state in 2006.

The situation is that volunteering is growing to fill needs created quite deliberately by government activity, but, conversely, this contribution continues to be grossly unvalued and under recognised. We need a whole-of-government approach to volunteering—one that results in forms, structures and values that facilitate this work. Then we will truly recognise this huge social and economic contribution. Again I would like to place on record—and I know many others have spoken on this in the chamber—the invaluable work that volunteers do within our communities. There is a vast array of volunteer work undertaken in our communities and I record my appreciation here tonight.
Pensions and Benefits

Senator NASH (New South Wales) (7.30 pm)—I rise tonight to raise what I think is a very serious issue for this parliament. Recently I introduced the Social Security Amendment (Income Support for Regional Students) Bill 2010, which is a bill to make access to independent youth allowance fair for regional students, regardless of where they live. Last week, unfortunately, the Greens and the Independent senator Nick Xenophon voted with the government to block the bill and stop debate on that very important bill.

What I want to raise tonight is subsequent events. Interestingly, after I spoke on that bill last week, the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Evans, who is also the Leader of the Government in the Senate, wrote to the President of the Senate. In the letter he was, in essence, asking the President to stop my bill being debated. I quote:

I enclose advice from the Attorney-General which explains that there are constitutional problems with the introduction of the Bill as it would, if enacted, appropriate revenue by increasing payments of youth allowance under the relevant standing appropriation.

On that basis, I would be grateful in your assistance in drawing this matter to the intention of Senators so that steps may be taken to ensure the Bill does not proceed.

It sounds awfully like the Leader of the Government in the Senate is heavying the President. This is quite extraordinary stuff, to have the leader of the Senate writing to the President asking for debate on a bill to be stopped.

My bill does nothing more than ask for regional students to be treated fairly, and it is hard to understand why the government is going to such lengths to stop debate on this bill. Can I just indicate to the Senate that there is now going to be an inquiry into this bill, and there has been a submission to that inquiry from the Clerk of the Senate. It is very important that I place this on the record for the Senate. The Clerk says:

… a bill to change entitlements, such as providing wider access to income support—such as my bill does—does not need to appropriate any money because the appropriation is already in place. Such bills are therefore not appropriation bills and may be introduced in the Senate by any Senator.

This is the very important bit:

Bills of this nature have previously been introduced in, and passed by the Senate. A recent example is the Urgent Relief for Single Age Pensioners Bill 2008 …

The House apparently declined to consider the bill, but the government gagged it, so there was never any explanation or analysis of the issue. The Clerk goes on to say:

Another example is the National Health Amendment (Pharmaceutical Benefits) Bill 2007 which created an entitlement to pharmaceutical benefits in respect of prescriptions issued by optometrists, to be funded out of a standing appropriation in the any basis, let alone on the basis that the House of Representatives has a different view of its constitutionality.

While this is a complex issue, this is very important to note. I say to all those people listening out there—driving in their cars or perhaps in their homes, but taking time to pay some attention—sure, this is about the independent youth allowance debate, but this is about a Senate process which is quite extraordinary. The leader of the Senate has written to the President asking for debate on a bill to be stopped.
principal Act. A Government bill introduced in the Senate—a government bill, colleagues—
It was subsequently agreed to by the House without demur.
This is the really important bit:
These bills are the equivalent, in all constitutional respects, of Senator Nash's bill which is the subject of the committee's inquiry. The only difference in their treatment by the House of Representatives was that one was a Government bill and one a private senator's bill.
So here we have two examples that previously happened in the Senate. Why didn't the Leader of the Government in the Senate write to the President on the single age pensioners bill? Why didn't he raise that particular issue with the President? Why didn't he say, 'Gee, we've had the Urgent Relief for Single Age Pensioners Bill 2008 on the list, Mr President. I would ask you to take steps to ensure that that does not proceed.' Why did he not do that? Why my bill? Why the independent youth allowance bill? Why the bill that does nothing more than require fairness for all regional students? The government has split regional Australia into four zones. One of those zones is being treated differently from the others. The students in that zone cannot use the gap year criteria—taking one year off to access independent youth allowance—and the other zones can. That is blatantly unfair, and it is about time this government realised the disadvantage that is being placed on those students.

Why would the government go to such lengths to stop my bill? This is the really interesting question. Why get a 6½-page bit of advice from the Attorney-General and then go to the President and say, 'By the way, Mr President, can you take steps to stop Senator Nash's bill?' Why would they go to those lengths? I cannot for the life of me fathom why they would go to those lengths. Are they worried that, if it actually does get through the Senate, it may get to the House of Representatives and it may actually be passed? We know that the notice of motion, which does exactly the same thing that my bill does, was passed in the House of Representatives just recently. Is the government worried that if it does get through the Senate it will be passed in the House of Representatives? It would be a matter for the House of Representatives to determine if this bill would be debated. Are they worried about that? Perhaps, more importantly, they are worried that it would set a precedent. If the House of Representatives determined that it was appropriate to debate that bill, would that set a precedent?

What is the reason the government is so determined not to debate my independent youth allowance bill? Perhaps they are worried that it would set a precedent. If the House of Representatives determined that it was appropriate to debate the bill, would that set a precedent? Why is the government so determined not to debate my independent youth allowance bill?

Last week they stopped it on a procedure motion. Straight after that, we see a letter to the President, saying, 'Take steps to make sure this bill is not debated.' People need to ask the government—anybody listening or reading this speech should ask the government—why won't they fix this? This is unfair treatment of regional students. Why won't they fix it? They say it is because it is going to cost $90 million a year and they cannot afford it. We know the government has $172 billion worth of debt, but they can waste $1 billion fixing up the pink batts debacle and more than $80 million paying employees to administer an emissions trading scheme that does not even exist; yet they cannot find $90 million to make sure regional students get treated fairly. That is absolutely appalling.
Isn’t it interesting that part of the agreement made between the Australian Labor Party and the Independents to form government had to do with private members’ business and private members’ bills? The Independents were very concerned that they would have time for private members’ bills. I wonder if they realise that this government is going to try and stop any private member’s bill and any private senator’s bill that requires appropriation. Guess what, Independents: they are not going to allow debate on any private member’s bill or private senator’s bill if it requires funding—if this government is true to form and from what we have seen from the Leader of the Government in the Senate. That is what is going to happen to all of those bills that you thought you might bring up and have debated. I would imagine, colleagues, that that would blow a big hole in the intent of what the Independents were trying to achieve when they signed that agreement.

This is just wrong. This independent youth allowance bill should be debated. People out there in the community need to know the lengths that this government is going to stop this bill being debated. They can waste billions of dollars on programs and they cannot find the money to treat regional students fairly. The question needs to be asked of this government: why did Senator Evans try and heavy the President to stop this bill being debated?

Regional students deserve to be treated fairly, regardless of where they live. The Greens and the Independent senator Nick Xenophon, who voted against this the other day, should hang their heads in shame. Not only should we be debating this bill; the government should be fixing this legislation to ensure that all regional students can be treated fairly, regardless of where they live.

**Forget-me-knot Day**

**Senator BILYK** (Tasmania) (7.40 pm)—Tonight I rise to speak on the important organisation Adults Surviving Child Abuse, or ASCA. I know, Madam Acting Deputy President Kroger, that you share this interest with me, so I am sure you will find tonight’s speech interesting.

ASCA is a national organisation—one of many—which works to improve the lives of the many adults who suffered abuse during childhood. This is a really insidious event that takes place way too often. In the local media of my home state Tasmania today, there was another case of child abuse—of teenagers—in the courts. It just makes you feel sick every time you read it and hear about it.

The organisation lobbies governments and policy makers as well as educating and informing communities and healthcare professionals about the needs of those affected by childhood trauma. ASCA’s long-term strategy is to ensure that all Australian adult survivors of all forms of child abuse and neglect will be able to access the specific services they need to ensure health, wellbeing and meaningful engagement in their communities.

In November 2009, ASCA held its inaugural Forget-me-knot Day in support of the more than two million Australian adults surviving child abuse. The ASCA website states:

When children are abused they become confused; life, even in adulthood, can be chaotic and tangled. ASCA wants all Australians to work together to untangle the knot of child abuse and to support survivors as they break free from the shame and the stigma.

This year’s Forget-me-knot Day was held on 12 November.

In recent years ASCA has developed and delivered an extensive workshop program
nationally. ASCA’s ‘Creating new possibilities’ workshops for survivors make a real difference to the lives of those who attend. ASCA is currently seeking ongoing funding so its crucial programs can reach more survivors in need.

The organisation also delivers education and training workshops for healthcare professionals and community workers. And ASCA has a 1300 line to provide support to survivors of abuse as well as to the people who provide support to those who have been abused. It is resourced Monday to Friday between 9 am and 5 pm by experienced trauma therapists. As well as its hotline, ASCA also has an ever-expanding referral database of healthcare professionals and agencies who have registered to offer services for trauma survivors. Breaking free is ASCA’s monthly newsletter for survivors, friends and supporters, and there is also a quarterly internet publication, e-health for health care professionals, to provide important information and support to survivors of abuse and their support networks. To give you an idea of the cost of ASCA services: $25 is enough for 50 Breaking free newsletters; $50 is enough for one hour of care and support on the 1300 line; $100 is the equivalent of two hours of trauma phone counselling; and $500 allows two people to attend ‘Creating new possibilities’ workshops.

The ASCA website includes some horrific stories of abuse. I will not go into details about these but I can tell you that they are not for the faint-hearted. However, despite these appalling stories, some good has come from them. For example, one survivor is completing a Master of Social Science in Counselling and has studied some psychology. She works in the area of mental health and says that she will not rest until she can see that countless others can benefit from her lived experience and her knowledge.

Another example is that of Anthony and Christine Foster, who talk about the devastation of losing their daughter Emma to an illness that resulted from trauma associated with abuse. They also have a second daughter, who is physically and intellectually disabled as a result of being involved in an accident—she was drunk and using alcohol to escape her emotions when she was hit by a car. The couple, along with their third daughter, Aimee, share their experience in the hope that others will learn from it and that it may prevent people suffering the way their family has. ASCA has set up the Emma Foster Memorial Fund to help sufferers of abuse.

I would now like to mention what the Gillard government is doing about child protection. The Gillard Labor government recognises that protecting children demands national leadership and a coordinated national response. In 2009, federal Labor delivered the first ever national child protection framework and committed more than $60 million in new investment. The national framework is an ambitious long-term agenda for reform and includes over 70 actions, among them new national standards to safeguard the health, safety and wellbeing of children living in out-of-home care regardless of where they live; improved information-sharing between Commonwealth agencies, like Centrelink and Medicare, and state child protection authorities; and more family support and parenting services right across the country to help struggling families before problems escalate.

The national framework represents an unprecedented level of collaboration between federal, state and territory governments and non-government organisations to protect children. Reducing child abuse and neglect is not an easy task, and it will take time. The national framework provides the foundation for national reform. Under the National Framework for Protecting Australia’s Chil-
CHILDREN, STATUTORY RESPONSIBILITY FOR CHILD PROTECTION AND Foster Care Services AND Related Allowances REMAINS WITH THE STATES AND TERRITORIES.

The national framework delivers on federal Labor’s 2007 election commitment to look after the most vulnerable in our society—that is, our children. The Gillard government is committed to doing what we can to protect our children both now and in the future. I am sad to say that the former coalition government had no national child protection policy and washed their hands of this critical issue. Organisations such as ASCA must be congratulated for their hard work and dedication to helping people overcome the trauma of abuse. They should be supported in their efforts and I urge everyone to contribute in any way that they can.

In conclusion, I remind all parliamentarians and the people of the ACT and surrounding areas of the art display—an extract from the Cunningham Dax collection—in the public viewing area of Parliament House. The approximately 40 pieces upstairs for people to view are part of a huge collection of around 15,000 pieces. When you look at the display and read the descriptions with the artwork, it is quite a moving experience. It helps us to realise what people feel who have been abused and helps those people deal with issues that they so often find difficult to talk about. I encourage anyone who is listening tonight in the vicinity of Parliament House in Canberra to make the trip to have a look at the display.

ECONOMY

Senator BOYCE (Queensland) (7.48 pm)—Senators always use the adjournment debate to speak on a range of serious issues, and I want to bring up an issue—that is, Australia’s two-speed economy—that I think is probably one of the most serious facing us, particularly with Christmas approaching. It has become commonplace to suggest that, if your job or your company profits rely on the mining industry, you are doing well. But if you are not in the mining industry—if you are in retail, manufacturing or one of hundreds of other areas, including tourism—you are not doing well at all.

I have been most interested to read some of the conflicting views on this that have come out of the government and some of the government’s advisers. The Minister for Small Business, Senator Sherry, said on 24 October that there was little the government could do to make borrowing easier for Australia’s two million small business owners, but he did acknowledge that things are ‘much tougher now for small business’. The Governor of the Reserve Bank, Mr Stevens, made the extraordinary suggestion that the two-speed economy is some sort of fallacy. Governor Stevens may well be an expert in the area of interest rate setting and monetary policy, but he is certainly not an expert on what is happening in the real world of the main streets and the shopping strips all over Australia.

I was interested to hear Senator Sherry today saying that the government had invested a whole $2 million to $3 million in reducing regulation for small businesses. That is the most minor of starts—a very minute start—and it would not wash at all well if the minister and others were to go to places like Goondiwindi, where one store which has been operating for just over 100 years will be closing its doors this month, not because the family want to close it but simply because they do not have enough customers anymore.

That sort of situation is replicated everywhere you go throughout Queensland. The situation is the same in Dalby. In Cairns, the slowdown in the tourism business and the building sector is feeding through to every small- and medium-sized business in the...
town—it is a disaster. I was talking at the weekend to a very experienced businesswoman from Townsville. She has run a retail outlet there for more than 20 years, always successfully and always very carefully watching how well the business is going. She said to me, ‘I think Townsville might be in depression.’ This is not a woman who lightly resorts to complaints of the ‘we’ll all be rooneed’ kind; she is a sensible woman who checks very carefully. Yet she tells me she is finding that, whilst there is still spending at the top of the market and at the bottom of the range of goods she sells, there is no spending going on in the middle. The question we have to ask is: why isn’t spending occurring at this level? Why are these businesses being affected like this?

Another business, in Samford in Brisbane, which operates on weekends, has just cut back its weekend trading hours by more than one-half. Goodness, why has it had to do this? It has something to do with penalty rates and with the fact that its staff have to work shifts of a minimum of three hours. In the current climate the expenditure that is a matter of choice rather than necessity for people, such as putting a dog into a boarding kennel—as with the business I am discussing—is more limited, so this business cannot afford to stay open for the same hours it did two years ago. It is all very well for the government to say that perhaps on the one hand there is a two-speed economy but on the other hand there is not—just pull your socks up and get on with it—but that is not the experience in Australia, and Queensland in particular, and it is getting more serious as Christmas approaches.

One factor in particular that is really affecting business is the downturn in the housing industry. This is becoming so serious now that it is causing huge problems for all the downstream industries that rely on the building industry for their work and their profits. It is not uncommon now to find builders, plumbers and others—tradespeople—who have had to put off staff simply because the work is not there. If you live in a mining community you may be having a lot of trouble getting a tradesman to come to an ordinary domestic job because they are all working for the mines, but that is not the reality in the rest of Australia.

What does the federal government suggest can be done? It has done a little to reduce regulation. That is wonderful, but small- and medium-sized enterprises are the lifeblood of Australia’s recovering economy, if it is to recover, and we need to do more to encourage it. There is this fallacy all over the place about how easy it is to have a business and how easy it is to get a loan to run or sell a business. This is not the reality. In Queensland, my home state, manufacturing, construction, retail trade and tourism are all down. In the last two years the construction industry in Queensland has lost 24,000 jobs. We had the big falderal—the big hurrah—of the Building the Education Revolution. Of course, rather than to small and medium business people, that work is going only to the very large companies, which manage to charge significant management fees for doing it. Small and medium enterprises, the heart and life of Australia, are being squeezed over and over again.

A key issue was raised by Peter Anderson from the Australian Chamber of Commerce and Industry. He feels that business is under-represented in this place. He says:

Of the 220 federal members and senators, at least 170 had no active business background in the period prior to entering the parliament. That is more than three-quarters. I have not done any analysis, but I do not need to; I know that, on the coalition side in both the Senate and the House of Representatives, there is a strong knowledge and strong un-
understanding of small business and its needs. It is on the government side that there is no understanding. This, I think, is borne out by the sorts of policies that they have in place at the moment. The cry from industry at all levels is: ‘There is more you can be doing. The cash splash was fine, but don’t think you’ve fixed it—you haven’t.’

Katie Lahey, the Chief Executive of the Business Council of Australia, recently said:

> We are continuing to see proposals to amend key business laws, often as a hasty reaction to individual issues, where there is little or no evidence of the kind of market failure that warrants government intervention.

According to Ms Lahey, the immediate response to any perceived problem with an individual business or in an industry sector is to ‘rush headlong into amending pieces of legislation’. This, of course, is the work of people who do not understand business and how to implement reform. I think we only have to look at some of their work in the home insulation field and the Building the Education Revolution program to realise how appallingly the government go about it. The other point is that their regulation is all merely reactive; there is no proactive regulation. There is no plan to develop processes that would respond to a model incorporating prospective and retrospective reforms so that bad regulation is not made in the first place.

(Time expired)

**Equal Pay for Women**

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations (7.59 pm)—I wish to speak tonight about the important issue of equal pay for Australian women, which has recently been in the news—and, in a sense, has been somewhat misreported. Last Thursday the Gillard government lodged a submission with Fair Work Australia, which is deciding a landmark equal pay test case brought by the Australian Services Union on behalf of 153,000 workers in the social and community, or SAC, sector. Almost 90 per cent of those workers are female. It is important to acknowledge the valuable work they do, caring for some of the most vulnerable members of our community, such as people with disabilities, people affected by mental illness and families devastated by violence and abuse. The Gillard government values the important contribution of this sector and wants to improve economic outcomes for women and their families.

The Gillard government is serious about equal pay. That is why the government changed Australia’s equal pay laws to allow this important test case to happen. It would not have happened under Work Choices. Under the Fair Work Act, the government extended the concept of equal pay to include the right to equal pay for work of comparable value as well as equal value. Without the government making these key changes, the test case would not have been possible.

I am pleased that the latest ABS wages data shows that the weekly gender pay gap has declined to 16.9 per cent in August 2010 compared to 17.3 per cent in August 2009. It also shows the third consecutive quarterly reduction in the hourly gender pay gap to 12.1 per cent. While the figures are still unacceptable, the gender pay gap clearly has not ‘blown out’ under this government, as Senator Cash wrongly claimed last week. Senator Cash also incorrectly claimed in her media release today and in question time yesterday that the government promised to support the funding of any wage increases as a result of the equal pay case—yet to be determined by Fair Work Australia.

It is quite clear that Senator Cash has not read or does not understand the heads of agreement because, if she did, she would
know that the government has reserved its position in respect of making a submission in relation to the appropriate quantum and funding arrangements of any pay increase. The heads of agreement does, however, commit the ASU to supporting a phased implementation of any significant increases that might be awarded. It is wrong for Senator Cash to characterise the intent of the submission differently.

May I also remind the Senate and Senator Cash and her colleagues that the opposition’s Work Choices was a disaster for working women and their families, removing the no disadvantage test for Australian workplace agreements and stripping away wages and conditions like penalty rates, overtime, redundancy pay and holiday leave. In fact, women working full-time on Australian workplace agreements, or AWAs, took home on average $95 per week less than their colleagues on collective agreements, which was why the equal pay gap was expanding rather than contracting further. As well as changing equal pay laws, the Fair Work Act has other measures to address equal pay, including new criteria to guide minimum wage increases, a new low-paid bargaining stream and new opportunities for collective bargaining.

As the Senate knows, the Gillard government will also introduce Australia’s first paid parental leave scheme from 1 January next year. It is disappointing that the opposition is playing politics with this, with its private member’s bill to remove the obligation on employers to pass on payments. Unlike the opposition, the government believes paid parental leave is a workplace entitlement—just like annual leave or sick leave—and, like other leave, should be paid through employers. It is important to assist women to maintain their connection with their employer whilst they are on paid parental leave. Almost all industry of any significance accepts this point. But, once again, the opposition is playing nuisance or playing wreckers—seeking to spoil a scheme that will make a real difference to Australian women and their families.

Returning to the equal pay test case, Fair Work Australia has a tough job. It must strike the right balance between ensuring community workers are not undervalued, maintaining a strong and productive not-for-profit sector and considering the impact of a significant wage increase on services and the economy. These are the key factors the government has brought to the attention of Fair Work Australia through its submission.

On 30 October last year, the then Minister for Employment and Workplace Relations, and now Prime Minister, Julia Gillard, signed a heads of agreement with the Australian Services Union, stating that the government would assist Fair Work Australia and the parties by presenting evidence and research on issues such as employee earnings and the economic and labour market features of the sector. The agreement with the Australian Services Union sought to ensure that employees in the Queensland social and community services sector did not lose the pay rises they were awarded by the Queensland Industrial Relations Commission when they transferred to the national system.

In the agreement, both the government and the Australian Services Union recognised that any resulting pay rises would have ‘significant financial implications for the Australian government and the states’, and the government pledged to work through the potential funding implications with state and territory governments. The ASU acknowledged that there would be ‘very significant budgetary impacts to state, territory and Commonwealth governments in the event of any significant increase’ to pay levels and, for that reason, agreed to a gradual phasing
in of any such wage increase ‘that takes into account the capacity of the Commonwealth, state and territory governments to meet a significant cost increase in the current economic and budgetary environment’.

Given this ASU acknowledgement last year that the government would need to assess its ability to fund a significant wage increase in light of economic issues, it is somewhat odd that the union and others seem to be surprised at the government’s submission which simply restates that point. Consider some of the comments in the government’s submission, and I quote:

1. It is important that FWA ... note the implications that a considerable wage increase may have on SACS services and the broader economy in a way that is consistent with the object of the Fair Work Act to promote productivity and economic growth for Australia’s future economic prosperity.

2. The potential fiscal cost to the Commonwealth of a significant wage increase ... could be considerable, even taking into account a phased implementation. The Government’s fiscal strategy, which is aimed at ... returning the budget to surplus ... will influence the Government’s ability to support the sector in meeting additional wage costs. If any additional Government funding is provided it would likely come at the expense of other Government funded services.

None of this should come as any surprise to the Australian Services Union or any other interested observer in the equal pay case. What the government has done in its submission is simply expand on the key issues contained in the heads of agreement signed between Ms Gillard and Ms Linda White from the ASU.

As I stated earlier, the government is serious about equal pay, and Fair Work Australia has a difficult job ahead of it. The Gillard government encourages Fair Work Australia to find the right balance between a fair rate of pay for Australian women and maintaining a strong economy. Those are the two key things that everybody wants in this case.

Parliamentary Practice

Senator McGAURAN (Victoria) (8.07 pm)—As the Senate would be only too aware, every morning at the opening of the parliament the President commences with the Lord’s Prayer, also known as the Our Father. The Christian prayer said at the opening of each day of parliament is a long-held tradition of the Australian parliament. It is also practised in all of the state parliaments. It is a recognition of our Judaeo-Christian traditions and foundations and it is also a moment for personal reflection. The prayer does not interfere in any secular judgments of the legislative program or process.

It is worth noting that the Lord’s Prayer is the most exalted prayer of the Christian faith. The reason for its exalted status is that the very words of the prayer were given by Jesus Christ to his apostles and subsequently passed down through the ages. There have been many attempts over the years to have this prayer abolished from the daily opening of parliament. One particular occasion I recall was in 1988 when the parliament was moving from the Old Parliament House to the new Parliament House. There was what was strong enough to be a movement to do away with the tradition of saying the Lord’s Prayer in the new Parliament House. However, it failed; the two major parties did not succumb to the pressure of the minorities.

I particularly recall a question, whilst we were still down at the Old Parliament House, to the then Leader of the Government in the Senate, John Button, on this very matter of abolishing the prayer. As he rose to answer the question there was silence in anticipation of his answer. The silence was broken by a witty interjection, ‘Remember who’s listening, John!’ Then he stood up and gave an emphatic ‘no’ to the abolition of the prayer
and sat down. Former Senator Button’s strength of leadership and his understanding of the gravity of the matter put paid to any move that it be abolished. Fast forward to 2010, and that same status and protection, given to the Lord’s Prayer in every other parliament prior to this one, is not the case in this 43rd Parliament.

I raise the issue now as enough time has elapsed for me to see and assess the new protocol of the Senate of saying the Lord’s Prayer with a welcome to country reading. I believe the intent of introducing the welcome to country reading has not worked and that, consequently, the respect for the Lord’s Prayer has been watered down. What has occurred is that the prayer is immediately followed by the welcome to country—virtually all in the same breath—and given the same reverence. In a sense, the welcome to country has been placed on the same plane as the Lord’s Prayer. This is something I do not believe the Indigenous people would even want to see.

The welcome to country is not prayer or a religious rite. Rather, it is a respectful acknowledgement of traditional owners. It ought to be distanced from the greater tradition and meaning of saying the Lord’s Prayer; however, the President is required to give the prayer and the welcome to country equivalent status. It certainly looks like that every morning, to the point that it is not out of place to say ‘Amen’ after the welcome to country.

Senator Crossin—Not if you know the meaning of ‘Amen’. Do you know what it means?

Senator McGauran—‘Amen’ is probably one of the most potent Christian words in the dictionary. The introduction of the welcome to country has been a product of the Greens forming a coalition with the now new Labor Party. In the past the Greens have been at the forefront of calling for the abolition of the Lord’s Prayer from the parliamentary procedure. If they had their way they would abolish the Lord’s Prayer yet keep the welcome to country. This is because the Greens are a notoriously atheistic party. The Greens have been able to achieve, in 109 years since Federation, what no other party or leader would ever allow: the diminishing of our Judaeo-Christian tradition of saying the Lord’s Prayer. This is a party pitched against our Judaeo-Christian foundations and, to this extent, they have won a small victory.

I believe the welcome to country ought to be taken out of the daily opening of the parliament and given another parliamentary slot. It is more appropriate that the acknowledgement is used at the opening of a new parliament, as is the case. Members would be only too aware of the ceremony held out in the forecourt before the opening of a new parliament which the Prime Minister, the Leader of the Opposition and others attend. Further, there is no objection when the option is taken up to acknowledge the traditional owners at major functions or events in the Great Hall.

The real point is that the welcome to country ought to be separate, and be seen to be separate, from the meaning or significance given to the Lord’s Prayer in the parliament. I seek a delinking of the two. I believe the great many Christian Aboriginal people would agree with me. They would see this procedure in the Senate and in the House of Representatives as nothing more than gesture politics at best and offensive at worst.

Mr John McCulloch OAM

Senator Moore (Queensland) (8.14 pm)—I am almost speechless from that last contribution, but I will struggle on. A few weeks ago a good friend of mine came to visit me in my office. His name is—I emphasise ‘is’—John McCulloch. He came to make
sure that I would not be upset when I found out that he was unwell. Three weeks later we lost John to pancreatic cancer, but the effort that he made to come and talk to his friends and make sure they were not upset is truly reflective of a great man. At his funeral service, which was so recent—unfortunately we were sitting, so I was not able to be there—it was said that John was a ‘friend to many’. In fact, one of his close friends called him the Tai Chi master because he was gentle and subtle, he believed and he was strong.

John was born in October 1938, so he had just made his 72nd birthday, and he celebrated the fact that he had managed to reach that milestone. He shared a good joke with a good friend of his and mine, Joan Kirner, and they laughed that they were very much the same age. It seems that that laughter continues, because you just know he is still around. The Premier, Anna Bligh, spoke about John in the Queensland parliament and talked about his history. She said that John was born in London in 1938 and moved to Australia with his parents when he was just 12 years old. He worked as a shop assistant at an old Brisbane firm called Bayards. He worked and managed to complete his senior at night school.

John was a special researcher who had a particular passion about history. He completed his own education while working, which shows the strength of the man, and then went on to work at the history department of the University of Queensland and encourage so many other people with his great love of ancient history, including a young student in the seventies—that was me—who went along and shared with him his knowledge of and passion for history, particularly that of women.

I say about my friend John McCulloch that he is the only man who I think could deserve the term ‘feminist’, because his passion, knowledge and desire to achieve equity were unsurpassed. John’s historical knowledge and skill in this area led him to work in the Parliamentary Library at the Queensland parliament. That is where Ms Bligh and many other parliamentarians got to know his passion and love for knowledge and particularly the history of parliament.

One of John’s major passions was the history of women and the vote, and in 1994-95, when we were leading up to the centenary of the vote for women in Queensland, he did a series of ‘Women in politics’ discussions and discussion papers. Out of that came a display in the Queensland parliament celebrating all the women who had been elected to the Queensland parliament. That work in 1995 led to a wonderful achievement—the publication of two volumes in 2000. These were The Suffragists, which was a story of the history of the right to vote in Queensland, and, second, The Legislators. In her foreword to these books the then Governor of Queensland, Quentin Bryce, said:

This scholarly book is a welcome and timely contribution to our knowledge and understanding of a significant development in Queensland history. John McCulloch’s extensive research brings us new information about the entry of women into politics in our state, giving a different view as we look back.

In John’s own words he says:

I wrote [these] book[s] from the perspective of a person who believes passionately in equal opportunity for all, and that the best possible legislation cannot be enacted until all our parliaments consist of approximately equal numbers of males and females … I realised that very little had been written on either women’s suffrage or women members of parliament in Queensland. Recorded Queensland history had focused almost exclusively on the actions of men with scant regard for the contribution of women, particularly prior to women’s enfranchisement in 1900. These circumstances highlighted the need for a book that would open the window on the struggle for
women's suffrage in Queensland and its aftermath. It would need to include detail about the right of women to stand for Parliament, how successful women were in winning election to parliament, the strategies that various political parties used to increase their numbers of women members and biographies of all the women elected. Such was the genesis of [my] books.

I think his two volumes, *The Suffragists* and *The Legislators*, are essential reading, and I hope they are essential reading across Queensland. John interviewed all the living ex-members of parliament up to that stage who identified as women. It is an exciting book, and it talks about the women who had been elected. I am very proud that at that time the last entry in John’s book was about a new senator for Queensland who had been elected in 2002. It makes me extraordinarily proud that I am in his book and his dedication at the front: ‘With eternal gratitude, John McCulloch.’

John is a genuine activist—I say ‘is’ because he is still with us in so many ways. He was a long-term and active member of the ALP. He worked in the ALP Indooroopilly branch on the letters that were sent from that branch to all levels of the ALP. I am sure that many premiers, prime ministers and leaders of various areas in our party remember letters from the Indooroopilly branch. He also worked with the Youth Hostels Association for more than 25 years of activism in every capacity, becoming a member in his 20s and even being a hostel manager for a short time in Scotland. He was the author of the original Queensland YHA constitution and also wrote an integrated constitution for the national organisation. He received the Order of Australia Medal in 2000 for his services to the Youth Hostels Association and wrote a history of the organisation called *Beds, Boots and Backpacks*. He was the YHA researcher for 17 years.

His other major passion was equity and homelessness, and he worked with the St Vincent de Paul Society in Brisbane and Queensland researching issues around homelessness, particularly in the case of women. He talked about the need for more services for women who had found themselves in this situation, again on the basis that our public policy had not effectively taken into account the issues and needs of women. At the funeral service it was said in his eulogy that his activism was lived. He was never confrontational but believed in the power of reason and the spoken and written word. Above all he was a great feminist and a believer in equality.

John had actually just completed his PhD and had submitted it for consideration, and we are hoping that that particular award will be granted to him—without him being there—in the new year. His topic of choice, quite understandably, was the history of Elizabeth Brentnall, who was a great woman in early Queensland history and was a leader in the Women’s Christian Temperance Union and also strong in the struggle to achieve the vote for women. He had covered her story and learnt about her in his research about the suffragette movement, known in Queensland and Australia as the suffragist movement. His knowledge and his commitment to ensuring that her story is known have brought to life so much of the history of women in the late 19th and early 20th centuries in Queensland. The PhD thesis was written with a view to future publication as a book, and many of us are hoping that it will be possible to publish it to add to the knowledge that we have of early women’s history in our state. There is way too little of it, and John fought his whole life to overcome that, so that book must be published.

With his great friend Mary Crawford, who was a member of the House of Representatives for many years, John developed a series
of information seminars and conferences on
the issue of women’s engagement in politics.
The Women in Parliament series began in the
early 2000s. The sixth of these conferences,
held on 5 November this year, just after we
lost John, was declared by co-convenor Mary
Crawford to be the last in the series. These
seminars will remain a testament to John’s
legacy of research, publication, advocacy
and friendship for women in policy and poli-
tics.

I particularly want to mention John’s life
partner, Gary Portley. Gary, you shared John
with us for so many years. You shared him
with the ALP—with branch meetings, with
fundraisers, with conferences—you shared
him with the women’s movement and you
shared him with so many academic activities.
We share your loss and we want to pass on
our concern and best wishes for you. Sharing
John meant that we knew a great man, a gen-
tle man, a man who made a real difference to
so many people. His work will continue to be
important for so many people, not just in
Queensland but in a very special way to
Queensland, because he was convinced that
the knowledge he shared would make all of
us greater. He put down a challenge for us
—
that we had something to which we must
aspire, that we had a right to be in politics
and that we had a right to do it well.

Press Gallery

Senator FAULKNER (New South
Wales) (8.24 pm)—Tonight I want to raise
concerns I have about unethical and inaccu-
rate journalism in press gallery coverage
of federal politics. I am, and always have been,
an advocate of an independent and diverse
press in all its forms. I accept that the media
holds parliamentarians accountable for their
actions; I accept that the media demands
high standards from us. But I also expect
journalists to observe their industry’s own
code of ethics established by the Australian
Journalists Association many years ago and
still enshrined in the principles of the Media,
Entertainment and Arts Alliance-Australian
Journalists Association code of ethics. Most
major news outlets in this country also have
their own codes. To my knowledge, none of
those codes undermines or diminishes the
principles that are contained in the MEAA-
AJA code of ethics. I want to quote two key
clauses in that code. Clause 1 states:
Report and interpret honestly , striving for accu-
racy, fairness and disclosure of all essential facts.
Do not suppress relevant available facts, or give
distorting emphasis. Do your utmost to give a fair
opportunity for reply.
Clause 3 states:
Aim to attribute information to its source. Where
a source seeks anonymity , do not agree without
first considering the source’s motives and any
alternative attributable source. Where confidences
are accepted, respect them in all circumstances.
The Melbourne Age code of conduct incor-
porates the MEAA-AJA code of ethics in its
entirety. The Sydney Morning Herald code of
ethics also incorporates the MEAA-AJA
code of ethics and includes 23 statements of
principle. Tonight I just want to highlight
two of those 23 statements. Firstly:
Herald staff will report and interpret honestly ,
striving for accuracy, fairness and disclosure of
all essential facts. They will not suppress or dis-
tort relevant facts. They will do their utmost to
offer the right of reply, and they will separate
comment from news.
Secondly:
Staff will seek to attribute information to its
source. They will always declare the use of pseu-
donyms in their work. They will seek to avoid
being compromised by a source and to use multi-
ple sources wherever possible. Where a source
seeks anonymity, the journalist shall first consider
the source’s motives and seek alternative attribut-
able sources. Quotes not attributed to a named
source will be used only with a section editor’s
approval. Where confidences are accepted the
journalist will respect and protect them in all appropriate circumstances.

I have drawn attention to these statements of supposed principle because of two newspaper articles which question my role in the recent federal election campaign. In an article headlined ‘Time for a bit of selective recall’, which was published in the Age newspaper on 2 October 2010, Tony Wright informs readers of how he remembers spending his school holidays ‘lying on hot sand, leaping in and out of the surf, reading Phantom and Superman comics and playing Monopoly and snakes and ladders’.

It is Mr Wright’s business, and that of the editor of his newspaper, if he chooses to titillate the readers of the Age with schoolboy fantasy and the fiction of schoolboy comics 40 years ago. Unfortunately, he did not stop there. He went on to talk a lot of nonsense about my involvement in the Labor election campaign. In pursuing his fantasies, he ignored his responsibility to check the accuracy of the rubbish he purported to be his impressions of my role.

On 7 November 2010, Paul Daley wrote in an article in the Sydney Morning Herald entitled ‘Labor searches for the meaning of strife’ that I was:

… regarded with widespread respect and deep affection as a Labor elder statesman …

Unfortunately, he did not stop there but, like Mr Wright, went on to wildly speculate about my role in the election campaign—yet at no time did he contact me or my office about the twaddle that he was writing. I do not doubt that Tony Wright and Paul Daley claim to be responsible and professional journalists. I just fear they have been conned by the same poisoned source, whom I will not name to protect the guilty. I will be interested to see if the journalists concerned insist that their newspapers publish my response to the Senate this evening.

Indigenous Affairs

Senator CROSSIN (Northern Territory) (8.32 pm)—There has been a lot of criticism levelled recently in this chamber at the government’s Close the Gap initiatives, including its national partnership agreements on remote Indigenous housing and remote service delivery. Tonight I would like to share some good-news stories to show that good things are happening as a result of these initiatives. Perhaps it is appropriate I follow Senator Faulkner, with his comments about the media. It is a shame that we have to stand up in this chamber to promote the good things that are happening in remote Indigenous communities rather than reading about them in our national newspapers or hearing about them elsewhere.

Under COAG’s National Partnership Agreement on Remote Service Delivery, 29 Indigenous communities across the country have been identified and prioritised for additional investment. This will improve access to government services for Aboriginal Australians living in remote communities. Under the Remote Service Delivery Strategy, all Australian governments have signed up to a concentrated and accelerated approach to tackling deep-seated disadvantage. Local communities are working with governments to develop implementation plans that are tailored to their specific priority needs.

Fifteen of these 29 communities are in the Northern Territory, and one of these is Gunbalanya, in Arnhem Land. Gunbalanya is about a 50-minute drive north of Jabiru, heading towards the coast. To get there you have to cross the famous Cahills Crossing, over the East Alligator River. On Wednesday 10 November I was pleased to visit Gunbalanya with Minister Macklin, the Northern Territory Minister for Indigenous Development, Malarndirri McCarthy, and the member for Lingiari, Minister Warren Snowdon.
The community of Gunbalanya is in west Arnhem Land, about 330 kilometres east of Darwin. It has a population of about 1,300 people, of which 93 per cent are Indigenous. The Indigenous population of Gunbalanya and its surrounding areas is projected to grow by nearly 40 per cent, to nearly 1,600, in 2026. The number of Indigenous people of workforce age, 15 to 64, will increase from 700 in 2006 to over 1,000 in 2026. The number of Indigenous people aged over 50 is expected to more than double, to 260, in this period. For people who might be listening on broadcast, if I stand in the middle of the Gunbalanya township, I can look one way and see the coast of Northern Australia and look another way and see the fantastic escarpment of Kakadu National Park. It is iconic country. These statistics present unique challenges in an area with no traditional labour market or economic base. Of course, Australian Bureau of Statistics figures notoriously undercount Indigenous populations, so we suspect the actual numbers are larger than the estimates.

A significant milestone in ensuring a secure and strong future for Gunbalanya was achieved during our visit in November, and it was the reason we went there. Gunbalanya became the first community in the Northern Territory to sign off on a work plan known as a local implementation plan, or LIP. I really want to highlight this tonight, and I hope I get to stand up and give 14 other speeches as each of the other implementation plans across the Territory are signed. This is a watershed moment for Indigenous communities in the Northern Territory. This is about all levels of government—Commonwealth, territory and local—signing implementation plans with communities to close the gap on Indigenous disadvantage. The implementation plans are developed as part of the national partnership. Each plan is worked out at the grassroots level, with the community itself at its core.

On the day, Malarndirri McCarthy captured the sentiment of the intent of the plan. This is a plan that is driven by the community. It is a plan of priorities in their community. They have identified the priorities and then listed in the order that they want them dealt with. Local, state and Commonwealth governments have signed on the dotted line to achieve it. They set out, for each community, agreed priorities, actions, responsibilities and commitments. They detail what services are required and how they will be delivered. Government agencies will commit to resources and timeframes to implement actions identified in the plan, with a particular focus on harnessing potential investment from other COAG national partnerships and agreements.

The plan is extremely comprehensive. It is 51 pages long, and I know that if interested people go to the Northern Territory government website they will find it. It says:

Transforming Gunbalanya will require a two-way commitment to change. This means:

- community members agree to take more personal responsibility and fully participate in the commitments of the Gunbalanya Local Implementation Plan, and

- governments agree to listen to the community and provide resources and planning to improve infrastructure, services and access service.

In the case of Gunbalanya, the community established the Arrguluk Reference Group to represent them in the local implementation planning process. Seven men and seven women were chosen, including several young people, from the three camps comprising Gunbalanya. I want to take the time to attempt to read their names tonight. My competency is in Gumatj rather than in the language at Gunbalanya, so I will provide Hansard with these names. With all due re-
spect, I hope I pronounce their names correctly. I do want to name them because I am incredibly proud of this community and the work that it has achieved. I am incredibly proud that we now have tangible evidence that the Close the Gap initiatives are becoming a reality for communities in the Northern Territory. It is a reality that they own, that they have developed and that they are going to drive. The Arrguluk Reference Group members were Andy Garmarradj, Wilfred Nawirridj, Isaiah Nagurrgurba, Kevin Buliwana, Otto Dann, Dallas Thompson, Joey Nganjmirra, Lois Nadjamerrre, June Nadjamerrre, Linda Codgen, Lorraine White, Donna Nadjamerrre, Gunbaladj Nabgeyo and Julie Narndal. I think they are worthy of having their names listed in the transcript of our federal parliament because they are true leaders—iconic leaders—in the Indigenous community in the Northern Territory and I think the whole country should recognise their leadership and the pathway they have taken in developing and signing the first local implementation plan in the Northern Territory. As I said, the plan was developed with the Indigenous engagement officer, the government business manager and the whole community working hand in hand with the Australian and Northern Territory governments.

Education, including early childhood education, is a key priority for the community. I think that in the plan the very first thing they want done is the building of a new family and early childcare centre. And we have committed to that. The community’s first priority is for all children to have access to early childhood education in the year immediately preceding primary school. They want to see a new families’ and children’s centre. They have identified very specific outcomes and allocated responsibilities for achieving them. For example, one outcome is that ‘babies are strong and healthy, have a good start in life and are prepared for school’. Actions to achieve this include actions where government has a lead role—for example, developing an education program—but, significantly, there are other actions for which the community itself has responsibility.

This is a very comprehensive, very wide ranging and, most importantly, very pragmatic document. It works out what is good for the community, how to achieve it and who is responsible. It sets clear time lines for achieving results. It is a gusty plan and the people of Gunbalanya are to be commended on having the foresight to be first community in the Northern Territory to achieve such a plan, which will hold governments to account as much as the community itself.

Wenlock River

Senator FURNER (Queensland) (8.42 pm)—For the second consecutive year I have made my now annual pilgrimage to Cape York in Far North Queensland. In particular I returned to the Steve Irwin Wildlife Reserve on the banks of the Wenlock River, which is around a 1½ hour four-wheel-drive trip north-east of the mining town Weipa. As a Queensland senator I always feel so grateful to visit this part of our beautiful country. I wonder sometimes whether other people would appreciate and respect these lands if they were afforded the same opportunity to visit what I consider to be ‘God’s country’.

Having accepted an invitation from Terri Irwin from Australia Zoo to be a visitor this year, I could not help reflecting on my experiences from last year. I had already experienced, on the muddy banks of the Wenlock River, the capture for research of an estuarine crocodile which was more than 10 feet long so my expectations focused on greater things. Maybe this year I would be involved in a croc jump of a monster reptile,
maybe discover some new endangered species with ranger Barry Lyons—who knows?

The first day, having checked the upstream croc traps and come up empty and having had no reports of trappings downstream we had an opportunity to venture to the Blue Bottle Springs. As I had previously experienced, I found the springs to be like a Garden of Eden with a variety of plant life to explore. This year provided a new experience with Terri, Bindi and Robert showing us the unique miniature pitcher plants along the way. Additionally, on the return journey Barry stopped the vehicle to check out a huge king brown on the dirt track.

The following morning we were presented first off with a trip downstream to check the traps. Like the day before, strangely we came up empty. Notwithstanding my disappointment, on the return journey upstream we saw many juvenile crocs and spotted the highlight of the day, a six- to seven-foot taipan swimming across the Wenlock River. These snakes are so rare that even one of the reptile handlers from the zoo has never seen one in the wild.

With not much action after lunch, I convinced Josh Lyons to take me wild pig shooting as the croc traps needed replenishment. These pests are so crafty they can scent you a mile off, and with that ability the large boar we spotted just near a muddy waterhole made its escape.

Later on that afternoon, another first for me occurred. A few hours before dusk, with the assistance of Josh Lyons, having caught several types of freshwater small baitfish, we were wetting a line in the Gibson waterhole not too far from the river. It did not take long before a beautiful sized barramundi was fighting for its release from my fishing rod, and it became our breakfast meal the following morning.

The following morning presented itself after we were awoken by the chorus of wild birds. After we consumed last night’s barra, sharing it with some others in the camp, it was time to pack and prepare for the road trip back to Weipa Airport. With a few hours left to spare, news came back from the downstream croc traps indicating that a big one had been caught. With little time, we headed down to the boats to check out this monster. It turned out this big fellow was a recapture, measuring around 14.5 feet in length. Just walking around the bag trap this fellow was in and listening to the somewhat prehistoric noises coming from this reptile made me wish I had just one more day on the reserve.

The Wenlock River owes its existence and ongoing sustainability to several perched bauxite springs, which not only provide for the river but also are responsible for rare fauna and flora. These springs provide a perennial freshwater flow for four kilometres—through an otherwise dry landscape—to the Wenlock River during the entire dry season. The springs provide a refuge for more than one per cent of the national population of vulnerable plants, like the unique pitcher plant, which are nationally listed as endangered. In addition to flora, the springs provide food and nesting habitat for the rare palm cockatoo, the endangered red goshawk, the vulnerable marbled frogmouth and the rare grey goshawk. Additionally, the Wenlock has the highest number of freshwater fish species of any Australian river, including the whiptail ray, freshwater sole and endangered sawfish.

On 4 June this year the Queensland state government’s declaration came into effect, making the Wenlock Basin Wild River a wild river under its state legislation. This declaration brings the total number of wild rivers declared in the cape to 10. Declaring the Wenlock Basin a wild river area creates a
rare opportunity to preserve the natural values of an unspoiled river system for our future generations, whilst allowing development activities and commercial enterprise to grow. This decision provides for 500-metre buffer zones to be enforced and for protection of the perched bauxite springs on the Steve Irwin Wildlife Reserve and a one-kilometre exclusion zone around the Wenlock River.

You would question why Tony Abbott is interfering in a state government’s decision when it is one of many upon which the Bligh Queensland government was elected. Tony Abbott’s private member’s bill is fraught with opposition from the traditional owners in the cape and from many Queenslanders I speak to throughout my travels. I understand he has been to some locations in the cape; however, I do not believe he has bothered to visit any of the wild rivers or talk to the traditional owners who live in those areas. Until he does he will be as ignorant as those who pretend to speak with some authority on this matter.

Despite the ignorance and myths created by uneducated persons, this decision will not impact on the growth of economic development opportunities for local communities. One example of this is the excellent work the federal Labor government has been doing with Indigenous rangers. The federal government’s Working on Country program has more than doubled from the original $90 million commitment under Caring for our Country to a $246 million investment in 2012-13 to provide employment for 680 Indigenous rangers. Of these, 71 rangers are employed on the cape.

David Claudie, an Indigenous ranger in the cape who supports the decision, said: ‘The Wenlock River basin holds significant cultural and spiritual value for its traditional owners. It features many important story places, sacred ceremonial grounds, totemic sites, and areas for rock carving and painting.’ David has built a new model of sustainable economic development based on traditional law and governance, conservation, collaboration, conservation, economy and unity. This includes proper Kaanju land management, ecotourism, sustainable harvest of plant products and organic meat production. The economic development through tourism and intellectual property on unique plants from the cape is enormous. This decision will ensure the growth will be sustainable so that all future development will have to occur in harmony with a healthy riverine environment and not negatively impact on the natural value of the river system.

So, despite the ignorance and myths created by those who choose to damage this great decision by the Queensland Labor government, you can still catch a barra, still travel down the beautiful Wenlock River, still hunt for feral pigs and still apply for mining—providing it does not attempt to damage this beautiful piece of wilderness. I cannot think of a more important matter than this issue and welcome the Queensland government’s initiative in protecting this piece of Queensland paradise.

**Video Game Classification**

*Senator Lundy* (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (8.50 pm)—I rise today to advocate for the introduction of an R18+ games classification to Australia in my capacity as senator for the ACT. This is not a decision to be made by the government; rather, it is a decision that requires agreement among the federal and state attorneys-general from around the nation. I urge them to support the introduction of this games classification for three key reasons. Firstly, it is worth noting that we already
have an R18+ classification for films. This classification is important as it gives parents clear guidance on what is appropriate for their children and teenagers. As a parent, I know there is peace of mind, when selecting films for my family’s enjoyment, in knowing that there is a robust classification system. The classification system informs my choices and helps me assess suitability and age appropriateness for my children. The absence of an R18+ computer games classification creates something of a grey area for parents. There is limited guidance for parents or young people, creating a risk where games are purchased that they are not suitable.

Computer games targeted specifically at adults are often moved into the Australian MA15 games classification, theoretically with some edits, and there is concern that young people—that is, under 18s—may be able to circumvent these modifications, gaining access to content which is not necessarily age appropriate. Currently retail store sales people have to advise parents that some MA15+ games are not suitable for under 18s, when it should be the classification system providing clear guidelines for parents as to what material is suitable for children and what material is not. It is my view that if such games were able to be classified R18+ in the first instance, then parents would have greater peace of mind that the games rated MA15 their children are playing are in fact age appropriate. Considering 95 per cent of children under 15 and 84 per cent of teenagers and adults between 16 and 25 years play computer and video games at some point, it is important that we ensure our games classification system is up to speed with other entertainment such as films and with other countries.

Secondly, creating an R18+ classification for computer games is an opportunity to catch up with the rest of the world. This is a significant issue for this industry sector. We have a booming games sector in Australia and a growing market. For example, in 2008 we know 88 per cent of Australian households had a device for playing computer games and the Australian computer games industry is growing at an annualised rate of more than 15 per cent. The average age of people who play computer games is 30, illustrating the strength of the adult game market, with the sector’s turnover standing at over $1.3 billion in 2007, according to the Bond University report entitled Interactive Australia 2009.

Both the United States and United Kingdom have an R18+ games classification, which means games developers incur additional costs to modify their products for the local market to meet our MA15 classification. With many games originally developed for an adult audience, this represents an additional burden for our Australian games sector. As a result, many of these games are simply banned for sale or distribution in Australia and give rise to the temptation of overseas purchase or, even worse, illicit distribution in Australia. Given this sector is a rapidly growing export oriented part of our economy, it is important to remove unnecessary impediments to Australian games development companies, helping them to be globally competitive.

Finally, I have observed a groundswell of public support for the introduction of an R18+ games classification. It is coming from a diverse range of people, with support from parents and parental groups, ICT, telecommunications and related sector organisations as well as the expected gamer communities and computer games industry organisations. The Bond University research paper Interactive Australia 2009 also found that 91 per cent of Australians—gamers and non-gamers alike—support the introduction of an R18+ games classification.
On 14 December 2009, the Minister for Home Affairs, the Hon. Brendan O'Connor MP, released the discussion paper ‘Should the Australian National Classification Scheme include an R18+ classification category for computer games?’ According to the department’s website, the Commonwealth Attorney-General’s Department has received almost 60,000 submissions via email, fax and post, as well as from the retailer EB Games and from the organisation Grow Up Australia. About 98 per cent of these submissions were in support of the introduction of an R18+ games classification. The submissions and the consultation report can be found on the Attorney-General’s website under the games classification link.

One such supporter is in fact the Attorney-General of the ACT, Minister Simon Corbell, who will, by virtue of his position, be part of the decision-making process. He has placed his view on the public record and supports the introduction of an R18+ games classification, and I quote:

The ACT supports the introduction of an R18+ classification. This classification would ensure that games with adult content are sold only to adults and that the purchasers are fully aware of the content of the games. There is evidence that many people are purchasing games from overseas and over the internet, and because the games are not classified, they may have little or no information to enable them to determine whether this is something they truly want to view or use.

Madam Acting Deputy President, I seek leave to table a document. Whilst technically it does not conform to the format required by the Senate, it constitutes a petition, and states:

By signing this petition you believe that Australia should have an R18+ games classification for PC & video games.

Leave granted.

Senator LUNDY—In eight weeks 89,210 people from all over Australia signed the document in support of an R18+ games classification, and this number has been verified in an independent audit. This is one of the largest petitions submitted to the Australian Senate in the past 15 years, and I would like to acknowledge the efforts of Roland Kulen from PALGN and Robert Lukic from GAME for their hard work in coordinating this effort, as well as the many advocates for an R18+ games classification throughout Australia.

Australian Greens

Senator HUMPHRIES (Australian Capital Territory) (8.57 pm)—I seek leave to speak for 20 minutes.

Leave granted.

Senator HUMPHRIES—I want to speak tonight about the role of the Australian Greens in the recent election campaign with regard to education policies, specifically their policies for non-government schools. The Australian Greens are fond of portraying themselves as the people of principle in Australian politics. Listening to Greens members and senators and candidates at all levels, one senses a certain righteousness about their cause. Greens members and senators and candidates seem to believe they have a consistency of principle, a clarity of vision which sets them apart from representatives of the ‘old parties’, as they are fond of calling members of this chamber at the moment.

I have met a great many constituents and others who swallow this grand image of the purity and purpose of the Australian Greens hook, line and sinker. It is to those people I want to address a story about the way in which the Australian Greens handled this issue of non-government education during the recent federal election. The policy of the Greens on this is very specific. It could be found during the election campaign, as it can now, in their policy platform on their website. At paragraph 61 under the ‘Education’
heading it reads that the Australian Greens will:
… end the current arrangement for recurrent funding to non-government schools by no later than the end of 2010.
They say they will:
… implement a new model for recurrent funding to non-government schools based on the following:
and they list a number of principles. They then go on to say, in paragraph 65, that they will:
… support the maintenance of the total level of Commonwealth funding for private schools at 2003-04 levels (excluding that re-allocated under previous clauses), indexed for inflation.
They say, in paragraph 63, that they will:
… ensure that non-government schools in receipt of government funding:
do not discriminate in hiring of staff or selection of students;
have an admissions and expulsions policy similar to public schools including an obligation to enrol.
I want to draw to the attention of senators what that actually means. First of all, to return non-government schools to the level of Commonwealth funding that applied in 2003-04 represents a very substantial cut in funding. It is a cut of hundreds of millions of dollars annually. To further tie that funding to certain conditions places a very heavy onus on non-government schools. Saying, for example, that schools may 'not discriminate in hiring of staff or selection of students' means that schools with a religious bias are not able to say, 'We will only take students of that particular faith into our school.' Having an admissions policy similar to public schools means that schools that pride themselves on choosing students of a certain academic standard, for streaming of those students, is not possible under Greens education policy. This represents a very radical departure from government funding policy in Australia at the present time.

This policy caused a great deal of excitement in the ACT during the recent election, for obvious reasons. The ACT enjoys the highest rate of participation in non-government education of anywhere in the country. It fluctuates between 45 and nearly 50 per cent of the school population at various times, so it is a very high level of participation, and concerns were raised almost immediately when the issue of the Greens policy was brought to people's attention. When this policy was drawn to the attention of the public, during the last three weeks or so of the campaign, the Greens candidate defended the policy of her party. She said, 'The current mix is inequitable and needs to be reviewed and changed.' That was on about 4 August this year—about three weeks out from the election. On 5 August, something happened. There seems to have been some attack of panic in the Greens camp when they perhaps realised that, with such a high level of participation in non-government schooling in the ACT, this policy might not have been the best way of bringing in votes for the Greens candidate in a tight election. So an announcement was made by Senator Bob Brown, the leader of the Greens, and the ACT Greens candidate. The story in the Canberra Times reported:
The Greens will no longer shift any funding from private to government schools, saying the mining tax and a carbon tax will mean there are plenty of resources to boost the public system.
Senator Bob Brown is quoted as saying:
I won't be taking funding from the private school system to fund the public school system now that we have the mining tax alternative. It is a much better way to go.
The ACT Greens candidate said that no money would be taken out of any Canberra private schools. She was quoted as saying:
We believe because we have access to the resources now, we can afford to fund every part of the school system really well.

When I heard that, I was pleased and reassured for ACT schools that were no longer facing the axe; but, I must confess, I was a little bit disappointed that an issue of distinction between the Greens and Liberal Party had disappeared. However, the picture got a little bit less clear as the days went on. A few days later, another article appeared in the <i>Canberra Times</i>. It said:

Independent schools are calling on the Greens to clarify their private schools funding policy …

Ms Hatfield Dodds—
the Greens candidate—
challenged Senator Humphries yesterday to a debate on education policy.

She said the current school funding arrangements were inequitable and unfair, but could not be changed until the end of 2013 because of an agreement between the major parties.

What we have here seems to be a slight shift.
No longer are the Greens saying that they are opposed outright to the reduction in funding to non-government schools, but they are saying that these inequitable and unfair arrangements cannot be changed because of the position of the major parties. That is a slight shift from saying that they no longer intend to proceed with the policy but, fair enough, that is a position which at least has some understandable elements.

Later the same day, Ms Hatfield Dodds said in a radio interview:

Gary’s been out saying that the Greens are planning on ripping money out of the private school system. That’s not true. In fact, there will be no action on the inequitable and unfair funding, because both the Liberal Party and the Labor Party have put off the schools funding review.

It seems to be clear from this statement that the Greens actually do stand by their policy of changing what they call the ‘inequitable and unfair funding of non-government schools’ but they cannot implement the policy because the two old parties, the Liberal and Labor parties, have conspired to prevent any review of funding arrangements. This is all a little bit unclear. Do they support the policy as articulated on their website—a policy which had not changed despite Senator Brown saying that they no longer intended to take any money from non-government schools? Or do they intend to implement the policy but at some later date, under certain circumstances? This confusion was highlighted a few days later in an article in the <i>Sunday Age</i>. I quote from that article:

THE Australian Greens are internally fractured over their policy to remove millions of dollars in funding from private schools.

In an internal Greens email leaked to <i>The Sunday Age</i>, party leader Bob Brown’s senior adviser Prue Cameron complained on August 3 that the policy was making the federal election campaign more difficult.

Last night Senator Brown backed away from the policy to reduce private school funding to 2003-04 levels.

“That is our party’s policy. What we have argued, though, is that circumstances have changed since that policy setting was made a number of years ago,” he said.

“The mining tax … would mean we could put some billions of new money into the public sector and that would mean we don’t have to take $1000 per student from the private schools.”

His position appears to put him at odds with NSW Greens upper house member John Kaye, who said last night that the party’s “principled stand on education funding” had come under “intense attack from the very powerful private school lobby”.

Ms Cameron’s email, sent to the national election campaign committee of the most senior Greens campaigners around the country, said the Senate policy team was “spending an inordinate amount of time” defending the policy.
Her email attached a press release from a private school representative body in NSW complaining that the policy “punishes independent school students and parents”. But Dr Kaye hit back immediately, defending the “unique and principled stand” of the Greens and saying he was surprised at the Senate team’s attitude. The exchange suggests a wide divide within the party between idealists and pragmatists over education policy. Indeed, it does. We have here evidence that this strange jerking backwards and forwards in Greens education policy statements was a reflection of some tension inside the Greens on this question.

A few days later the situation was made even murkier. On Monday 16 August, Senator Bob Brown was interviewed for ABC News 24 by Virginia Trioli. She said:

… you actually had a much tighter and harsher policy plank in place for the last number of years, and that is to reduce private school funding to 2003 and 2004 levels. Now these days and these last few days you don’t believe that’s writ in stone anymore, do you?

Senator Bob Brown replied:

No that policy stands, I made that clear. If you read that news story you’ll find that that’s the case Virginia. So have a look at the detail there. We were told that the policy had changed and they would not be proceeding with the policy. Now Senator Brown says, ‘No, that policy stands.’ What is going on here? Ms Trioli persists:

But you also said in the last little while that circumstances have changed, so it’s not as necessary to pull away $1,000 per student as say it was, in order to achieve that reduction in private school funding to those levels.

Senator Bob Brown responded:

So circumstances have changed. We can’t pull away any money from that system because as I explained five minutes ago the government is not going to change the formula, nor is the opposition. Better still, better than both of them, the Greens will use the mining tax which we levy at 40 per cent to help give the public school system, where 70 per cent of children go, the funding boost that they need.

So here we have this further iteration of Greens policy. They apparently stand by the policy but they cannot implement a review of the funding because the major parties oppose that. But they can use a mining tax at a higher level than then being proposed by the government to fund more money for the public school system.

It does not take anybody a great deal of nous to realise there is an incredible contradiction in this. They cannot implement their policy on changing the funding arrangement because the major parties will not support that, but they have extra money to put into public schools in Australia—not apparently now at the expense of non-government education—because they support a raising of the level of the mining tax from 30 to 40 per cent on certain commodities: iron ore and coal. They have the money to do that because they want that higher tax, even though the major parties do not support that happening. How do they get their policy through when both parties oppose it on the mining tax but have to surrender their policy on funding non-government schools because both major parties oppose it? It simply does not make any sense.

The following day ABC online reported that Senator Hanson-Young denied that the Greens wanted to cut educational funding. The article also said:

The Association of Independent Schools of South Australia says that the Greens education policy would put at risk the financial viability of many non-government schools.
The association’s executive director, Garry Le Duff says the 96 non-government schools in South Australia would lose almost $75 million.

Incidentally, if this policy were to be implemented in the ACT, that figure would be $60 million annually. Will it be implemented or won’t it if the Greens have access to power? That simply is not clear.

A few days later at a public debate in the ACT, the Greens candidate insisted that no ACT non-government school would lose any funding. According to a journalist, he had been told by the candidate that the Greens would be changing their policy on the website very soon. This was two days before the federal election; they left it a little bit late to make any change. The policy had not changed before the election and, as of a few hours ago when I checked, the policy has still not changed. The Greens still stand for a massive reduction in funding for non-government education according to their website, and nothing that the Greens have said in the election period or since makes their position on this any clearer.

The Greens have said that they want to raise another $2 billion in the mining tax to fund their promises in public education. This was something Senator Brown said in the National Press Club on 17 August. It was the same day he flatly denied that there was any change in the Greens education policy with respect to non-government schools. The question that people in this country who use non-government education need to ask themselves is this: what will happen if the Greens do not succeed in increasing the mining tax and raising the extra $2 billion that they say they want to raise? It is certainly the policy of the coalition not to allow the tax to be raised to that level—in fact we oppose the tax at the level that is proposed by the government. But let us assume that the government does not deviate from its present position, which is to leave the tax at the rate presently announced by the government: what then for the Greens non-government education policy?

If the Greens do not have available to them the additional $2 billion generated by this mining tax, which nobody but them appears to support at that level, do they revert to the policy on their website which they variously defended and backed away from during the election campaign? If the Greens revert to that policy and have the balance of power in this place from 1 July next year, it is not scaremongering to suggest to people who use Australian non-government schools that their position is under great threat by virtue of the Greens policy, which would take hundreds of millions of dollars out of non-government education.

The Greens have said at other stages in the course of the debate that, because the major parties do not support their position, they cannot implement their policy. But in a whole series of areas during the recent election campaign the Greens announced that they would implement policy on the basis that they had the balance of power in the Senate, which they confidently declared before the election they would have—and that they will indeed have from 1 July next year—notwithstanding the fact that the major parties, the ‘old parties’ as they sometimes refer to us, are opposed to that position. So it is entirely reasonable to call on Senator Bob Brown and the Australian Greens to clarify precisely what the policy of the Australian Greens is on non-government education.

This policy has the potential to affect the position of millions of Australian families, and those that look to the decisions that will come out of the new paradigm in Australian politics are entitled to some clarity on those issues. Has, for example, the question of the funding of government and non-government schools come up in discussions between
Senator Brown and the Prime Minister? Those discussions, we understand through the agreement that has been published, are to be held on a weekly basis when the parliament is sitting. Has this been discussed? If so, have any proposals being floated? If so, has anything been suggested or agreed to in this context? I think we are entitled to know.

Non-government schools provide enormous diversity in our education system and a very rich educational product which many Australians choose to use. In these circumstances, Australians are entitled to know whether the product of a Greens-Labor alliance in the Senate gives them any cause for concern. Based on the published policy of the Greens on their website and on their confused and zigzagging policy approach during the election campaign, the question richly deserves to be asked and, I think, to be answered.

Renewable Energy

Senator BOSWELL (Queensland) (9.18 pm)—I seek leave to speak for 20 minutes.

Leave granted.

Senator BOSWELL—We are going on leave in a couple of days, and it is probably time that both the government and the coalition reviewed some of their policies on power. If the government does not review its policies on power, then power prices, which are already skyrocketing because of factors beyond our control, will go up even further because of factors that are within our control. Every dollar spent subsidising wind power is ultimately another unnecessary dollar on our power bills. We should be doing everything we can to reduce rather than to increase the rate of growth in power prices, but we are doing the opposite.

The government is attempting to engage in massive subsidisation of wind. The subsidy it is trying to implement is off the budget, but if it is successful it will be on consumers’ power bills. It works like this: the government has put an effective floor on the price of renewable energy certificates for the large-scale renewables sector, and it is a very high floor. If the liable identities who have to account for the government’s renewable energy target of 20 per cent by 2020 fall short, they will be hit with an effective 90 per cent penalty for every megawatt hour they fall short.

That is a bid to ensure that the generators of wind power not only get whatever the market rate is for power on the day but also have a renewable energy certificate worth up to $90. That is a fantastic subsidy and a magnet for investment. Depending on the power price at any given time, that figure is double—or perhaps even triple—the value of the product that is being generated, and it will ultimately end up on consumers’ power bills. The liable identities are the ones who will play up front, but in the end it will flow through, and it will be a big flow-through to industry and to householders.

It is estimated that around 40 per cent of the renewable energy target will come from wind farms. That means that the government is targeting about 18,000 gigawatt hours of wind. So far, the existing wind farms are capable of generating only around 1,700 gigawatt hours. That means that turbines capable of generating over 16,000 gigawatt hours will have to be built between now and 2020. There are plenty of people observing this industry who say that the government will have to be even more reliant than that on wind, and the cost of wind power under the government’s policy will be enormous because of a number of factors that drive the level of that subsidy and make wind such an expensive nonsense.

For example, AGL, in partnership with Meridian, is building one of the first industrial-scale wind farms in the country at Mac-
arthur in Victoria. It will have an installed capacity of 420 megawatts, and the companies say that the total cost will be around $1 billion. The construction cost will therefore be $2.4 million per megawatt—that is, about 2½ times the cost of the construction of either a gas generator or coal-fired generator.

The only way that ridiculously high construction costs can lead to profitability for investors is if there is a big public subsidy—and they are getting it. The industry expectation is that the renewable energy certificate price will quickly reach the default level set by the government. In today’s terms, that means wind energy will cost anywhere from around $110 to around $150 per megawatt hour, which is made up of the actual price achieved on the market for the power produced plus the REC price, which is the REC subsidy. Why would anyone in their right mind, given the other pressures on power prices, force householders to pay more than twice the going rate for power?

The fans of wind energy, and they obviously include the government, suggest it is a good idea because wind power is emissions free. Looked at simplistically, wind is emissions free—but that is only superficially true. Wind farms are not emissions free because wind is an intermittent and unreliable source of power. When the wind blows at just the right speed you generate power, but if it blows too hard or at less than a certain speed you do not. It if is not blowing at all, which is the case much of the time, you cannot generate power. Because it needs such particular conditions in which to operate, conditions that are just right, the rule of thumb around the world is that wind turbines will be producing power about 20 to 30 per cent of the time, relative to their installed capacity. This results in a capacity factor for wind of around 0.2 to 0.3 compared with a gas or coal fired plant, which can have a capacity factor closer 0.8. In other words, the annual power output of a 100-megawatt wind farm, measured in megawatt hours per year, is actually the output you would expect from a 40-megawatt coal or gas fired generator.

The cost of construction of that wind power is around $2.5 million per megawatt and the cost of the coal or gas fired capacity is around $1 million per megawatt, give or take a couple of hundred thousand dollars. In other words, you have to spend $250 million in upfront capital costs to get your 100 megawatts of installed capacity of wind, but you can get the same energy output by spending just $40 million to install 40 megawatts of coal or gas fired power.

That is just the beginning. With a coal or gas fired plant, you turn it on and it works—it generates power. When you want power, you simply fire up your generators. With wind farms, you are at the mercy of the wind. You do not know when the wind is going to blow; you therefore do not know when you are going to get power and when you are not. But when the wind blows you will have power whether you need it or not.

This unreliability means that you have to have highly reliable, conventional fossil fuel fired generators, either spinning or ready to fire up at a moment’s notice, to step in and take the place of wind farms. Grant King of Origin Energy has estimated that, to manage this intrinsic problem with wind and to plug that gap, we will need to have somewhere around 6,000 to 7,000 megawatts of conventional plant in the system over and above what we would otherwise need. There is a valid debate about the numbers that King has used but certainly not the principle. The debate around the numbers engages several factors. Firstly, currently, because of the doubt about the future pricing of carbon, major new baseload power generating capacity simply is not happening. Construction presently underway is largely open-cycle gas—
think of a big jet engine bolted to a slab. They are expensive to run and only really come into play when the power price goes through the roof at times of peak demand.

Because Australia’s energy consumption is becoming ever peakier, as more and more homes have air-conditioners in particular and because of the drought in construction of baseload plant, we are heading towards a situation where we are going to have a lot of peaking plant. Friends of wind suggest that this will reduce the need for specialist plant to balance wind, in the medium term at least—and they may be right. We might not need 6,000 or 7,000 megawatts, but even if it is 4,000 megawatts that will still be around $4 billion over the next decade or so that we would not otherwise have to spend. In any event, the emissions from running that plant to balance the intermittency of wind make a mockery of the suggestion that wind is going to lead to a significant emissions abatement—it will not. Whatever the wind proponents say, it is a universally held view that balancing wind in any system where it becomes a significant generator requires additional conventional fossil fuel based generators to balance it.

But even those two factors—the very high capital cost associated with building wind generators and the need for conventionally fired backup—are not the end of the story. Another additional cost in relation to wind is the effect of joining wind farms to the grid. They are often remote from the grid structure and, to date, they are often very small and all have to be connected to the grid. Keith Orchison, a former senior power executive in Australia of long and very distinguished standing, suggests the cost could be between $12 billion and $15 billion. Again, there is valid discussion around the numbers, but again the principle is not open to debate. As wind power expands we will have to join generators up to the grid, and that is going to involve a cost. In the final analysis, almost half the price of power reflects transmission and distribution costs.

There are three big factors around why wind is expensive. First, there is the high capital cost; second, there is the need for fossil fuel based backup power to keep the lights on when the wind drops or does not blow; third, there is the high cost of connecting remote and often small wind farms into the transmission infrastructure. Grant King says that the overbuild could be 6,000 to 7,000 megawatts, which, in round figures, is $6 billion to $7 billion. Keith Orchison says the additional transmission costs could be $12 billion to $15 billion. Combine those and, at the lower end, they are talking about additional spending of $18 billion and, at the top end, they are talking about an additional $22 billion. We require that sort of increase in our power bills like a hole in the head.

We are already facing massive pressures on our electricity prices. Some of them we can do nothing about—they are built in. For example, we cannot wind back the clock on the huge neglect with respect to transmission infrastructure, especially in New South Wales and Queensland where, under the guise of reform, there was a corporatisation of power entities. That process goes back to the days of national competition policy. Governments made their business operations perform more like the private sector. There were meant to be massive efficiencies and prices were meant to drop. The reality has been very different.

The New South Wales and Queensland governments, especially, simply used the disguise of reform to find a new source of revenue, in the form of dividends and income tax equivalents, loan guarantee fees and special dividends that they imposed on their corporatised businesses. That enabled them to go on spending like drunken sailors,
without having to put other taxes up. At the same time they baulked at what Fred Hilmer had in mind and maintained their price controls on power, especially on domestic power. State regulators controlled their investments in infrastructure to ensure that they did not threaten next year’s dividend to the government. Queensland still clings to those sorts of controls. The politicians in New South Wales devised IPART to get themselves at arm’s length from the unpopular decisions that had to come in that state—when they could see that the pressure could no longer be contained.

Similarly, there is nothing much we can do about another of the big drivers in what is now increasingly expected to be a doubling and even a tripling of power prices over the next few years, and that is the increase in the price of fuel. Demand is driving coal and gas prices towards world parity.

An issue we can control, at least for the foreseeable future, is a price on carbon. That is another factor that is clearly, inevitably, causing uncertainty in the whole arena. Generators are telling us that they cannot and will not commit to big new baseload projects, involving the expenditure of billions of dollars, without certainty about the future of a price on carbon. The simple fact is that nobody—and I mean nobody—can give that to certainty to them. It is clear that the world does not have the slightest idea about what is going to happen about a price on carbon. It is one thing to be convinced, as some are, that there will be a price—though many are not convinced—but just what it will be and when and how it will be applied is, as Donald Rumsfeld might say, known unknown. No public statement declaring certainty, no policy statement declaring certainty and no legislative declaration of certainty can be worth the paper it is written on, this side of a global agreement covering all major emitters—and that is obviously not something even on the medium-term horizon.

The only way the generators will get certainty is if this government makes yet another move that will push power prices up—if it is prepared to unilaterally put a price on carbon in Australia. Barring the clear possibility the government will do that, and destroy the economy in the process, Australia has few choices. If the private sector will not build power stations then someone has got to build them. We can build coal and gas fired power stations, as China is now doing, that are at the leading edge of technology for the sector. We can finally engage in the debate we have to have on nuclear power. We can dump roof-top solar, which is now totally discredited as a sensible way to reduce emissions. We, the coalition and the Labor Party, have to thoroughly investigate wind as an option before we tie our industry to an expensive way of generating power that will kill our industry and cost jobs for our children and their future.

**Defence, Science and Technology Organisation**

**Marriage**

Senator BARNETT (Tasmania) (9.34 pm)—I seek leave to speak for 20 minutes.

Leave granted.

Senator BARNETT—Initially tonight I wish to make a call for the government to commit wholeheartedly and immediately to the redevelopment of the Defence Science and Technology Organisation facility in Scottsdale, in north-east Tasmania. In making that call, I recognise that the government has only very recently cancelled the redevelopment of this facility. That is a great shame and a body blow to north-east Tasmania.

Just last week, as a result of a recent visit to the facility in Scottsdale, I was advised that the $12.6 million upgrade development...
had been cancelled. This had been approved and the go-ahead was given in May this year. The cancellation is, as I say, a body blow to the north east. The project, if it is to proceed, is now clearly set for significant delays. I call on the Minister for Defence Science and Personnel, Warren Snowdon, and his government—and Senator Feeney, if he has an involvement in this decision making—to exercise his power as a matter of urgency to ensure that this development proceeds.

I would like to know the reason for the cancellation of this tender process—as would members of the public, particularly the people in north-east Tasmania. What are the accuracies of these reports? What is the length of the expected delays? I wrote last week, on 18 November, to Minister Snowdon seeking a response, and to date I have not received one. I am advised that three tenders received were substantially above the $12.6 million allocated to the development and substantially above the $15 million threshold whereby the Joint Parliamentary Committee on Public Works needs to approve the development. If this is the case and is now cited as a reason for this tender process being cancelled, how was such poor planning allowed to occur in the first place?

I have been in touch with the Deputy Chair of the Joint Parliamentary Committee on Public Works, Senator Judith Troeth, and I thank her for her feedback that she will use whatever endeavours and efforts are possible to expedite this matter if it does come before the committee. I will ensure on behalf of the people of the north-east that every effort will be made to fast-track this development. I would like to know: will this require ministerial approval? I assume the answer is yes. When will that approval be sought? And is the minister on behalf of the government proceeding with obtaining that approval?

The facility in Scottsdale was established in 1954 and has long played an important role in providing appropriate rations for our front-line troops. It also provides excellent research outcomes and solutions for our Australian defence forces, wherever they are in Australia or overseas. It is a significant facility in the economy and community of north-east Tasmania, with some 15-odd jobs based in Scottsdale.

Senator Boswell—They have beautiful food.

Senator BARNETT—They do have beautiful food in the north-east, Senator Boswell, and I know you have been there and appreciate it very much indeed. This delay and uncertainty is yet another blow to the north-east, particularly noting the recent and impending job losses in the region.

I note also with concern a number of contracts on the AusTender website that have been awarded to a New Zealand company, Prepack, for ration packs for the Australian Defence Force. My initial investigations discovered contracts valued in the order of $16½ million over a number of years. Why are these products being sought from overseas to the further detriment of home-grown producers and facilities? What are the implications of these and similar contracts for the facility in Scottsdale? I have asked the minister to consider the merits of sourcing this produce directly from Scottsdale. Surely this facility at Scottsdale and other relevant facilities around Australia are strategic assets. To be obtaining ration packs and food from overseas when Tasmania, in particular, is meant to be the food bowl of this great country, Australia, is a great disappointment indeed. I think some explaining is required by the government.

I acknowledge the collaboration of the facility at Scottsdale with the University of Tasmania and the CSIRO with respect to
research and the importance of appropriate nutrition for our soldiers of whatever colour, shape and size across the globe and undertaking the work on behalf of our citizens. I wish to recommend a significant and further investment in both the research and production capacities of the Scottsdale facility, which would also provide additional jobs there. Now is the time to grow the capacities, with a new and fresh asset ready to use. I have briefed the mayor, Barry Jarvis, and his council and I know they are very supportive of this call. I have also written to Stuart Robert, our relevant shadow minister.

Today I have also written to Foreign Minister Kevin Rudd, who is responsible for our overseas aid program, and said that the additional capacity at Scottsdale may also be of use in Australia’s delivery of foreign aid as we continue to play our part in striving to achieve the Millennium Development Goals, which has bipartisan support. Ration packs and other foodstuffs developed with the latest technology to ensure maximum nutritional value should be part of our foreign aid provision from Australia, if they are not already. Those affected by natural disasters—such as those seen recently in Pakistan with the dreadful floods, or in Haiti with the earthquakes, or in Indonesia with the consequences of the volcano eruptions—would particularly benefit from ration packs of this kind. In any case, it is my view that the Scottsdale facility should be a key supplier of such aid, with parallel benefits for the Australian Defence Force and the Scottsdale community. I asked Minister Rudd to consider this proposal and indicated that I look forward to hearing from him. So I call on the government to recommit to the facility and to consider the calls I have made in my address to the Senate tonight.

There is a second matter I wish to raise. Tonight I stand in support of marriage. Marriage means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life. Although this definition was only formally inserted some years ago into the Marriage Act 1961, it is neither recent nor arbitrary. The definition is derived from the common law. The common law ultimately reflects the fundamentals of human biology and the deep interests of the community in regulating sexual relations between men and women in order to guarantee the best possible environment for raising children.

It was on 31 March 2004 that I drafted a letter to the then Prime Minister, John Howard. That letter was signed by some 30 coalition colleagues. The letter sought support to codify in legislation the current common-law definition of marriage, because up until then the Marriage Act 1961 did not include such definition. I will not go through all of the letter but in its conclusion I wrote the following:

Marriage is a bedrock institution worthy of protection. Marriage is an enduring institution, having been with us for thousands of years and across cultures and religion. It is a social institution which benefits the family members and society. It provides for stability in society. It specifically benefits the children and is designed to ensure their welfare is maximised. There should be no doubt about its definition.

I referred to the quote by Prime Minister John Howard at the time on the John Laws 2UE program on 8 March 2004 where he said:

I think there are certain benchmark institutions and arrangements in our society that you don’t muck around with, and children should be brought up ideally by a mother and a father who are married. That’s the ideal. I mean, I’m not saying people who are unmarried are incapable of being loving parents. Of course they are. I mean I believe in the maximum conditions of stability for people who have children.

That letter had the intended effect, and that was to ask the government to draft an
amendment to the Marriage Act to ensure that that definition was inserted. Subsequently, later in 2004, that was done with bipartisan support—with the support of the Labor Party—following the Marriage Forum in this parliament. That was hosted by the National Marriage Coalition together with the support of the Australian Christian Lobby—I noticed Lyle Shelton in the gallery here tonight and I acknowledge his great work, service and leadership for the ACL—and of the Australian Family Association and many others all around Australia. The Great Hall was booked out, with more than a thousand people there and hundreds more outside wanting to express their view that marriage should be defined as between a man and a woman. It had the desired effect: the definition was to be included.

Each element of the definition inserted into the Marriage Act 1961 on a bipartisan basis in 2004 is essential to its nature. That traditional definition includes these components:

… the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

Altering any of these components would radically alter the definition so that it could no longer be said that the changed definition was of the same thing. For example, removing the reference to the voluntary nature of marriage might accommodate those cultures in which marriage is a contract arranged by others into which a man and a woman are obliged or even coerced to enter, regardless of their own will on the matter. However, including coercive unions within the definition of marriage would alter the nature of marriage substantially. I note that the Attorney-General just yesterday launched a consultation into how to prevent coerced or servile marriages. There is no suggestion that we change the definition of marriages in Australia to accommodate cultures where coerced or servile marriages are acceptable.

Similarly, removing the requirement for exclusivity to accommodate polygamy would alter the nature of marriage. It is noteworthy that in the Marriage Equality Amendment Bill 2009, introduced by the Greens into the last parliament and decisively rejected by 45 votes to five in the Senate, the requirement for exclusivity in marriage was to be discarded.

Senator Boswell—What do you mean?

Senator BARNETT—They did not include it in their marriage bill, Senator Boswell. The requirement that marriage is to be between a man and a woman was also discarded. So this proposal was in line with many proposals for same-sex marriage that insist that the exclusivity of traditional marriage needs to be modified to accommodate the different mores of same-sex relationships.

What did the Senate Legal and Constitutional Affairs Legislation Committee report, and specifically my dissenting report, on that Greens bill in November 2009 say? It says that marriage between a man and a woman has ‘particular benefits to society’ that warrant recognition and protection. I quoted the Catholic Archdiocese of Sydney, which said:

It is a union that is publicly recognised and treated as special, distinguished from other types of relationships because of its unique capacity to generate children and to meet children’s deepest needs for the love and attachment of both their father and mother.

In my view, every child entering this world should have a reasonable expectation, all things being equal, of a mother and a father. I believe this strongly and deeply. Proponents of same-sex marriage have sought to underplay the importance of male and female role models in the upbringing of children and to discount the importance of children in any consideration of whether same-sex marriage should be sanctioned. They have sought in-
stead to argue that marriage is primarily about two people’s commitment to each other, and they ignore children’s rights. While I recognise that commitment is essential in a marriage relationship, the raising of children in the best possible environment can never be taken out of the equation. Accordingly, I quoted the Australian Christian Lobby in that report. They said:

Reducing marriage to a simple contract of consent and love between two people is a revisionist approach that has neither context nor legitimacy. It is a selfish, adult-centred approach that rejects the broader cultural significance of marriage and its centrality to children and society. It discards the significance of marriage as an important social good held by a shared community as a public commitment to family and the raising of children.

So I believe there is a clear public good associated with the marriage status quo. I am of the view that this public good should be recognised and strongly supported, and for that reason I support proposals that resource education programs for marriage and counselling for people seeking to marry or, indeed, in a marriage relationship. I certainly support whatever we can do to support marriage as an institution.

In that report I also quoted Cardinal George Pell, Catholic Archbishop of Sydney, who said:

It is not unjust discrimination against homosexual couples to uphold marriage as being between a man and a woman. Marriage and same-sex unions are essentially different realities. Justice, in fact, requires society to recognise and respect this difference.

I acknowledge the work in 2008 in which over 80 pieces of legislation were amended to remove any discrimination with respect to same-sex couples from our Commonwealth laws. That has bipartisan support and it went through the parliament accordingly.

I would like to also refer to a number of other points on this matter. What is being proposed by proponents of same-sex marriage is not mere finetuning of the definition of marriage but a full-on assault on one of its key elements: namely, that it involves the union of a man and a woman. To change the definition of marriage to encompass a union between any two persons would be effectively to abolish marriage in Australian law by replacing it with something quite different and alien. Recognising a right of two people of the same sex to marry would not expand the established right to marry but would redefine the legal meaning of marriage. Marriage has traditionally been given a highly respected and protected status in law precisely because it regulates the sexual relationship between men and women, the only sexual relationship that can result in the conception and birth of a child.

I want to refer to a recent opinion piece by Dr David van Gend, a very good article in the Courier Mail of Tuesday, 16 November, entitled ‘Same-sex marriage hurts kids’. He indicated in his article:

The gay marriage debate, at its heart, is not about the rights and needs of the adults, but of the child.

He said:

A child needs at least the chance of a mum and a dad in his or her life and same-sex marriage makes that impossible.

Of course, if you support same-sex marriage, you also automatically support gay adoption, and that is a concern; it is a matter that I certainly do not support. Dr van Gend said:

The “marriage” of two women would deprive an adopted boy of his role model for being a man, and the “marriage” of two men would deprive a growing girl of a mother to learn from and confide in.

He makes some other good points in his article.
I will now move on. At the Australian Christian Heritage Forum held on 6 and 7 August 2006 I said:
The consistent attack on the denigration of Australia’s Christian heritage, whether it be by the institution of marriage, the push for a valueless education system or the removal of Christmas carols and the nativity scene from schools and other places, it seems that at every juncture the Christian community and its leaders were defending.

Of course, the grassroots response in defence of marriage between a man and a woman received overwhelming community support and ultimately bipartisan parliamentary support, an excellent result—referring to the 2004 amendment. But I now want to throw out a clarion call, a call to action. You see, the Greens, with the support of Labor in the House of Representatives, have passed a motion and they want to get feedback from their local communities. I call on members of the public, members of the churches, members of families and members of communities right across this country to express your view. Labor at the moment is conflicted on this matter. There is a fight within the Labor Party for its very soul. There are people in this chamber who have a view that is contrary to my own—

Senator Boswell—And some would have a view that would match it.

Senator BARNETT—And there are some that have a view that matches my own. They know who they are. But that is a matter for the Labor Party. I noticed yesterday that the Northern Territory Labor Party indicated its support for gay marriage. There seems to be a fight for the very soul of the Labor Party, and that is happening as we speak. There have been some articles this week by Piers Ackerman and Christopher Pearson, who have highlighted in particular that the Greens tail seems to be wagging the Labor dog and the Greens hand is very firmly on the shoulder of the Labor government as we speak. I note that a Miranda Devine article this week was absolutely spot on in my view.

One of the consequences of remaking marriage to include gays is that it will be transformed from an institution centred on the well-being of children to one centred on the self-fulfilment of adults.

Marriage will become just another lifestyle choice, rather than a bedrock institution of our Judaeo-Christian society, providing the optimal chance for a child to thrive and grow up free of abuse.

But that belief, it seems, is not worthy of respect or protection. It deserves respect and protection and I call on the public to express their views accordingly.

(Time expired)

Senate adjourned at 9.54 pm

DOCUMENTS

Tabling

The following government documents were tabled:

Airservices Australia—Equity and diversity program 2007-10—Progress report for 2009-10.

ASC Pty Ltd—

Report for 2009-10.

Statement of corporate intent 2010 to 2013.

Australian Communications and Media Authority (ACMA)—Report on five years’ operation of Schedule 3A to the Telecommunications Act 1997, the submarine cable protection regime, dated September 2010.

Australian Government Solicitor—

Statement of corporate intent 2010-11.

Australian Postal Corporation (Australia Post)—

Equal employment opportunity program—Report for 2009-10.

Australian Rail Track Corporation Ltd (ARTC)—Statement of corporate intent 2010-11.


Defence Force Retirement and Death Benefits Authority (DFRDB)—Report for 2009-10—Corrigendum.

Defence Housing Australia—Statement of corporate intent 2010-11.


Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans’ Affairs—Report for 2009-10, including financial statements of the Defence Service Homes Insurance Scheme—Reprint.


Sydney Airport Demand Management Act 1997—Quarterly reports on the maximum movement limit for Sydney Airport for the periods—

1 April to 30 June 2010.
1 July to 30 September 2010.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Aboriginal Health Services

(Question No. 14)

Senator Siewert asked the Minister representing the Minister for Health and Ageing, upon notice, on 28 September 2010:

(1) Considering there is a $3.73 gap between what is paid for supply to a non-Indigenous client at an Approved Pharmacy ($6.42) and the amount paid for the same item to be supplied to a remote Aboriginal Health Service client ($2.69), what has been done to pay for the cost of dispensing Pharmaceutical Benefits Scheme (PBS) medicines at Aboriginal Health Services.

(2) (a) How much was allocated to the ‘Support Allowance’ being paid by the PBS to pharmacies supplying PBS medicines to remote Aboriginal Health Services using the section 100 (National Health Act 1953) special arrangements over the 5 year duration of the Fourth Community Pharmacy Agreement; and (b) how was this distributed between the states and territories.

(3) Can the payments made to individual Aboriginal Health Services be identified; if not, why not, considering payments made to Approved Pharmacies by Medicare Australia are based on work reports submitted by those pharmacies.

(4) Are statistics for drug usage available under the section 100 arrangements; if not, why not.

(5) Why, when in some places 30 per cent of the clients of Aboriginal Medical Services are non-Aboriginal, are these clients not allowed to be included in the statistics for the service or funding applications.

(6) Why are Aboriginal Medical Services in Geraldton, Perth and Bunbury (i.e. under the 26th parallel) not included in section 100 arrangements.

(7) Why are Geraldton Aboriginal Medical Service doctors not fully funded when all doctors in Kimberley-based Aboriginal Medical Services are.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) Pharmacists are paid a lower handling fee for each Pharmaceutical Benefits Scheme (PBS) medicine supplied to remote area Aboriginal health services (AHS) than the dispensing fee they would receive under the PBS for dispensing a prescription at the pharmacy, as medicines are supplied to Aboriginal health services by pharmacists in bulk, rather than for individual patients. However, additional allowances are available to pharmacists under the Community Pharmacy Agreement to support visits by pharmacists to these remote area Aboriginal health services to assist them in managing medicines for their patients. The quantum of these allowances is dependent on the size of the health service, number of outstation clinics, and travel costs.

(2) (a) Expenditure under the Fourth Community Pharmacy Agreement (2005-2010) for the section 100 Pharmacist Support Allowance program was $6.78m. (b) A breakdown by state and territory is not available. While the allowance payments are made to specific pharmacies, which can be described by their state or territory location, each pharmacy may provide support services under the program to a number of Aboriginal health services, located in different states. In addition, some Aboriginal health services, particularly in Central Australia, provide healthcare services to clinics across at least two state/territory borders.
(3) Payments for the allowances are made to pharmacies, not AHS. While it is possible to calculate the payments made to a pharmacy for services provided to an individual AHS, these details are not published given their commercial-in-confidence nature.

(4) Yes. However, this information is not publicly available as it may identify individual patients (where an AHS has few patients), and reveal revenue information for individual pharmacies. Applications to access this data are assessed by the Department of Health and Ageing. Release of this information requires compliance with the National Health Act 1953 and the Privacy Act 1988, dealing with third party and privacy information.

(5) The Office for Aboriginal and Torres Strait Islander Health (OATSIH) includes all clients of OATSIH funded services for service statistics, such as for reporting in the OATSIH Services Reporting questionnaire, and also reports by Indigenous status. For example, in 2008-09, 191 OATSIH funded Indigenous primary health care services provided 2.1 million episodes of primary health care and of these, 82% were provided to Aboriginal or Torres Strait Islander clients, 12% were provided to Non-Indigenous clients, and for the remaining 5% the Indigenous status of the clients was unknown. As some individuals may have been clients at more than one service, this count may overstate the total number of clients for all services.

(6) The Remote Aboriginal Health Service Program is a special arrangement under section 100 of the National Health Act 1953. The eligibility criteria include the following criterion:

- The clinic, or other health care facility, operated by the AHS from which pharmaceuticals are supplied to patients must be in a remote zone as defined in the Rural, Remote and Metropolitan Areas Classification 1991 Census Edition

Geraldton, Perth and Bunbury are not eligible to be included in the section 100 arrangements as they are not located in a designated remote area. Perth is located in zone 1 (Major Cities); and Bunbury and Geraldton are located in zone 4 (Inner Regional). However, Aboriginal Health Services operating clinics in a remote area (zone 6 or zone 7) may be approved to provide services through this program. This approval would only apply to the clinic located in the remote area. The Aboriginal Health Service in Geraldton has such an approval.

(7) The assertion that all doctors in Kimberley-based Aboriginal Medical Services are fully funded is not correct. The funding arrangements for Aboriginal Medical Services (or Aboriginal Community Controlled Health Organisations) in the Kimberley are the same as those for all other Aboriginal Medical Services, in that funding from OATSIH is a broad based contribution to the overall cost of providing a comprehensive primary health care service. OATSIH funding is not provided for the employment of a specific number of a specific type of employee. This applies in equal measure to clinical staff such as Doctors, Nurses and Aboriginal Health Workers and administration staff such as receptionists and bookkeepers.

Doctors salaries are the responsibility of the Board of the Aboriginal Community Controlled Health Organisation and sources of funding also include the West Australian State Government and Australian Government programs such as Medicare, and where eligible, the Practice Incentives Program and the General Practice Immunisation Incentives Scheme.

Aboriginal Community Controlled Health Organisations can also be flexible in the use of additional Medicare income to pay General Practitioner (GP) salaries. For example, allowing doctors to retain a proportion of the Medicare income they generate in addition to a base salary. This may also encourage GPs to bill Medicare for more of the services they provide.