INTERNET

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the Senate and committee hearings are available at

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RADIO BROADCASTS

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FORTY-THIRD PARLIAMENT  
FIRST SESSION—FIRST PERIOD

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

Senate Officeholders

President—Senator Hon. John Joseph Hogg  
Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson  
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans  
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy  
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz  
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC  
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig  
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

Senate Party Leaders and Whips

Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans  
Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy  
Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz  
Deputy Leader of the Liberal Party of Australia—Senator Hon. George Henry Brandis SC  
Leader of the Nationals—Senator Barnaby Thomas Gerard Joyce  
Deputy Leader of the Nationals—Senator Fiona Nash  
Leader of the Australian Greens—Senator Robert James Brown  
Deputy Leader of the Australian Greens—Senator Christine Anne Milne  
Leader of the Family First Party—Senator Steve Fielding  
Chief Government Whip—Senator Anne McEwen  
Deputy Government Whips—Senators Carol Louise Brown and Helen Beatrice Polley  
Chief Opposition Whip—Senator Stephen Shane Parry  
Deputy Opposition Whips—Senators Judith Anne Adams and David Christopher Bushby  
The Nationals Whip—Senator John Reginald Williams  
Australian Greens Whip—Senator Rachel Mary Siewert  
Family First Party Whip—Senator Steve Fielding

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

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

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

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
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<tr>
<td>Prime Minister</td>
<td>Hon. Julia Gillard MP</td>
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<tr>
<td>Deputy Prime Minister and Treasurer</td>
<td>Hon. Wayne Swan MP</td>
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<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>Hon. Simon Crean MP</td>
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<td>Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate</td>
<td>Senator Hon. Chris Evans</td>
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<td>Minister for School Education, Early Childhood and Youth</td>
<td>Hon. Peter Garrett AM MP</td>
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<td>Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate</td>
<td>Senator Hon. Stephen Conroy</td>
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<td>Minister for Foreign Affairs</td>
<td>Hon. Kevin Rudd MP</td>
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<td>Minister for Trade</td>
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<td>Minister for Defence and Deputy Leader of the House</td>
<td>Hon. Stephen Smith MP</td>
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<td>Hon. Anthony Albanese MP</td>
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<td>Hon. Tony Burke MP</td>
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<td>Minister for Finance and Deregulation</td>
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<td>Minister for Innovation, Industry, Science and Research</td>
<td>Senator Hon. Kim Carr</td>
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<td>Attorney-General and Vice President of the Executive Council</td>
<td>Hon. Robert McClelland MP</td>
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<td>Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate</td>
<td>Senator Hon. Joe Ludwig</td>
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<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Martin Ferguson AM, MP</td>
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<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>Hon. Greg Combet AM, MP</td>
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[The above ministers constitute the cabinet]
GILLARD MINISTRY—continued

Minister for the Arts
Hon. Simon Crean MP

Minister for Social Inclusion
Hon. Tanya Plibersek MP

Minister for Privacy and Freedom of Information
Hon. Brendan O’Connor MP

Minister for Sport
Senator Hon. Mark Arbib

Special Minister of State for the Public Service and Integrity
Hon. Gary Gray AO, MP

Assistant Treasurer and Minister for Financial Services and
Superannuation
Hon. Bill Shorten MP

Minister for Employment Participation and Childcare
Hon. Kate Ellis MP

Minister for Indigenous Employment and Economic
Development
Senator Hon. Mark Arbib

Minister for Veterans’ Affairs and Minister for Defence Science
and Personnel
Hon. Warren Snowdon MP

Minister for Defence Materiel
Hon. Jason Clare MP

Minister for Indigenous Health
Hon. Warren Snowdon MP

Minister for Mental Health and Ageing
Hon. Mark Butler MP

Minister for the Status of Women
Hon. Kate Ellis MP

Minister for Social Housing and Homelessness
Senator Hon. Mark Arbib

Special Minister of State
Hon. Gary Gray AO, MP

Minister for Small Business
Senator Hon. Nick Sherry

Minister for Home Affairs and Minister for Justice
Hon. Brendan O’Connor MP

Minister for Human Services
Hon. Tanya Plibersek MP

Cabinet Secretary
Hon. Mark Dreyfus QC, MP

Parliamentary Secretary to the Prime Minister
Senator Hon. Kate Lundy

Parliamentary Secretary to the Treasurer
Hon. David Bradbury MP

Parliamentary Secretary for School Education and Workplace
Relations
Senator Hon. Jacinta Collins

Minister Assisting the Prime Minister on Digital Productivity
Senator Hon. Stephen Conroy

Parliamentary Secretary for Trade
Hon. Justine Elliot MP

Parliamentary Secretary for Pacific Island Affairs
Hon. Richard Marles MP

Parliamentary Secretary for Defence
Senator Hon. David Feeney

Parliamentary Secretary for Immigration and Citizenship
Senator Hon. Kate Lundy

Parliamentary Secretary for Infrastructure and Transport and
Parliamentary Secretary for Health and Ageing
Hon. Catherine King MP

Parliamentary Secretary for Disabilities and Carers
Senator Hon. Jan McLucas

Parliamentary Secretary for Community Services
Hon. Julie Collins MP

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

Minister Assisting on Deregulation
Senator Hon. Nick Sherry

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

Minister Assisting the Minister for Tourism
Senator Hon. Nick Sherry

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

Leader of the Opposition
Deputy Leader of the Opposition and Shadow Minister for
Foreign Affairs and Shadow Minister for Trade
Leader of the Nationals and Shadow Minister for
Infrastructure and Transport
Leader of the Opposition in the Senate and Shadow Minister
for Employment and Workplace Relations
Deputy Leader of the Opposition in the Senate and Shadow
Attorney-General and Shadow Minister for the Arts
Shadow Treasurer
Shadow Minister for Education, Apprenticeships and Training
and Manager of Opposition Business in the House
Shadow Minister for Indigenous Affairs and Deputy Leader of
the Nationals
Shadow Minister for Regional Development, Local
Government and Water and Leader of the Nationals in the
Senate
Shadow Minister for Finance, Deregulation and Debt
Reduction and Chairman, Coalition Policy Development
Committee
Shadow Minister for Energy and Resources
Shadow Minister for Defence
Shadow Minister for Communications and Broadband
Shadow Minister for Health and Ageing
Shadow Minister for Families, Housing and Human Services
Shadow Minister for Climate Action, Environment and
Heritage
Shadow Minister for Productivity and Population and Shadow
Minister for Immigration and Citizenship
Shadow Minister for Innovation, Industry and Science
Shadow Minister for Agriculture and Food Security
Shadow Minister for Small Business, Competition Policy and
Consumer Affairs

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

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<td>Shadow Minister for Employment Participation</td>
<td>Hon. Sussan Ley MP</td>
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<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
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<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services</td>
<td>Senator Mathias Cormann</td>
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<td>and Superannuation</td>
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<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>Hon. Sussan Ley MP</td>
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<td>Shadow Minister for Universities and Research</td>
<td>Senator Hon. Brett Mason</td>
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<td>Shadow Minister for Youth and Sport and Deputy Manager of Opposition</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Minister for COAG</td>
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<td>Shadow Minister for Defence Science, Technology and Personnel</td>
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Wednesday, 24 November 2010

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers and made an acknowledgement of country.

BUSINESS

Consideration of Legislation

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.31 am)—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:

- Education Services for Overseas Students Legislation Amendment Bill 2010
- Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010.

Senator NASH (New South Wales) (9.31 am)—I raise, for the Senate’s attention, the complete disarray the government are in regarding the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Bill 2010. The government have known since parliament resumed that this bill has been scheduled, but it is constantly being pushed down the list. It is yet another example of the complete disarray that the government are in is that they cannot get themselves organised enough to debate these bills at the appropriate time when they see a need. I would like the Senate to note that, while we will not be opposing the motion, three years after this government came to power this is yet another instance of the complete disarray and mess that this government are in. They have known about this piece of legislation. It should have been appropriately organised well before now and it is entirely inappropriate for the minister not to have this suitably arranged. The bill should necessarily be debated in reasonable time.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.33 am)—Senators sometimes try to make political points about the program. If they understood the program they would know that, having had an election, the cut-off period—which is a longstanding matter in this place and which has served its purpose to allow bills to be introduced and subsequently considered in the next sitting period—would be next year if we were to adhere to that. Because we had an election, to consider the bills that are essential in this sitting period, of course, we have to exempt them from the cut-off to allow them to be considered now. So it is not a case of pushing bills down the list; it is about allowing these bills to be considered during this period.

Sometimes it would be helpful, if people are going to make contributions in the Senate, for them to make them accurately and for them to understand the import of what they are putting. The exemption from the cut-off is a usual devise that ensures that the Senate can consider bills appropriately—it allows for time for them to consider bills—and that they be dealt with in the next session. In this instance we asked that this bill to be considered to be exempt from the cut-off for reasons such as I have provided—sensible reasons which allow this bill actually to be considered during this period. I am sure Senator Nash wants this bill to be considered during this period and I think that was in her submission. If we did not agree to this motion—by the opposition not supporting it, which I know they will not—it would effectively mean that it would go to next year and then not be considered. With all respect, her submission is both erroneous and misdirected.

Question agreed to.
BUDGET
Consideration by Estimates Committees
Meeting

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.35 am)—I seek leave to amend government business notice of motion No. 2 standing in my name.

Leave granted.

Senator LUDWIG—This is my mistake. I amend the notice by omitting paragraph (4)(a), and substituting:

“(4)(a) Tuesday, 22 March 2011 in respect of the 2010-11 additional estimates”

and move the motion as amended:

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

**2010-11 additional estimates:**
- Monday, 21 February and Tuesday, 22 February (Group A)
- Wednesday, 23 February and Thursday, 24 February (Group B).

**2011-2012 Budget estimates:**
- Monday, 23 May to Thursday, 26 May, and, if required, Friday, 27 May (Group A)
- Monday, 30 May to Thursday, 2 June, and, if required, Friday, 3 June (Group B)
- Monday, 17 October and Tuesday, 18 October (supplementary hearings—Group A)
- Wednesday, 19 October and Thursday, 20 October (supplementary hearings—Group B).

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

(3) That committees meet in the following groups:

**Group A:**
- Environment and Communications

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

(4) That the committees report to the Senate on the following dates:

(a) Tuesday, 22 March 2011 in respect of the 2010-11 additional estimates; and
(b) Tuesday, 21 June 2011 in respect of the 2011-12 Budget estimates.

This means that rather than the Senate report on 2 March, which is the week after additional estimates and clearly would not allow the usual amount of time given for departments to provide answers to questions on notice, this allows sufficient time for that to occur. It looks like a ‘2’ was missed out in the first instance, but I am not going to claim that. This amendment will allow sufficient time for answers to Senate questions on notice to be provided.

Question agreed to.

TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND CONSUMER SAFEGUARDS) BILL 2010
Second Reading

Debate resumed from 23 November, on motion by Senator Feeney:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (9.36 am)—We are dealing here with the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, a piece of legislation which is directly related to the government’s plan to see $43 billion spent on a National Broadband Net-
work which could well become the most gi-

normous white elephant in the history of

Australia. The government wants to see $43

billion spent on a National Broadband Net-

work without doing any sort of cost-benefit

analysis, without going through any proper

process to ensure the best way to deliver fast

and affordable broadband to the Australian

people. We are all in favour of fast and af-

fordable broadband for the Australian peo-

ple, but we are also very respectful of the

value of taxpayers’ money. Taxpayers have

to work hard to pay the taxes the government

collects from them, and if you have a gov-

erment that is trying, willy-nilly, to throw

money up against the wall, there is a job to

be done by the Australian Senate to properly

scrutinise the activities of that government.

Over the last three years we have seen an

enormous amount of government secrecy. It

was pretty bad when Kevin Rudd was Prime

Minister but, after this most recent election

when Labor nearly lost, we were promised

by the new Prime Minister, Ms Gillard, that

things would change. We were promised a

new era of openness and transparency, but

nothing of the sort has happened. Things

have gone from bad to worse when it comes

to government secrecy, and this government

is desperately trying to cover up stuff-up

after stuff-up after stuff-up. But one thing

has changed: in the last parliament the then

Minister for Finance and Deregulation, Lind-

say Tanner, was bragging that they would not

be pursuing a cost-benefit analysis before

committing $43 billion worth of taxpayers’
dollars. The new Minister for Finance and

Deregulation, Senator Wong, quite appropri-
ately has come to the view that there ought to

be a bit of scrutiny of the activities of the

Minister for Broadband, Communications

and the Digital Economy, Stephen Conroy.

Very appropriately, she has taken the view

that some scrutiny, some audit activities and

an independent review need to take place

before going ahead. If the government is

having second thoughts, if the minister for

finance is having second thoughts, on the

process related to the NBN so far, then the

parliament is entitled to have second

thoughts and we should delay further consid-
eration of this legislation until the independ-
ent review report and the business case for

the NBN have been shared with the Senate

and the Australian people.

Senator BOYCE (Queensland) (9.40
am)—I would like to follow on from the

comments that Senator Cormann has made

on the common sense that should be applied

to the Telecommunications Legislation

Amendment (Competition and Consumer

Safeguards) Bill 2010, to the business case

and to NBN Co. across the board. I do not

think we have seen common sense since

early 2009, when the then Prime Minister,

Kevin Rudd, announced as something of a

thought bubble that Australia was going to

have, amongst many other wonderful things

that no-one else had, the very best broadband

network in the world. I make the point that

the coalition is absolutely committed to mak-

ing fast and affordable broadband available

to all Australians, regardless of where they

live. It is just that we do not think NBN Co.

is the way to do it and we do not think that

this government has a clue as to whether this

is the way to do it. It is simply a horse that

they have got on which is galloping off, and

they cannot work out how to get off.

I note that the Australian people, many of

whom have rejected the opportunity, at great

cost, to be involved in the new broadband

system, have a lot more sense than this gov-

erment in this area. I quote from a letter to

the editor in the Australian today. It says:

I wonder if Senator Conroy would agree to tie his

parliamentary pension to the economic success or

otherwise of his National Broadband Network.
Heavens to Betsy; someone wants to actually hold the Minister for Broadband, Communications and the Digital Economy accountable for what he is doing but, no, the government certainly does not want to. I am also a bit concerned that apparently the Prime Minister now believes that Senator Conroy is not up to the job of negotiating this. She has had her own meetings with Senator Xenophon and Senator Fielding in a last-ditch, desperate attempt to convince them—without a business case, without signing documents that would have bound them to secrecy for seven years or whatever the last date was—to just trust her on this. Why on earth would anyone trust Senator Conroy or the Prime Minister on the NBN Co. issue?

The challenge here is to develop an affordable, effective broadband system, a fast broadband system that minimises expense to taxpayers and ensures that all Telstra shareholders are treated fairly and equally. We do not have the evidence for either before us know. We are told we can have the government’s response to the business case on 17 December. As I said in this place yesterday, we do not really care when we find out about the business case but we will not pass the legislation until we do, because we cannot analyse the cost-benefit to Australia. On every scale that is currently available to look at, there is no reason to believe that it has been done well. If you go back to the introduction of it, when it was a thought bubble with no business case, no plan, no strategy, developed by then Prime Minister Rudd and Senator Conroy, it was just a wish. If you keep looking, you see that the government is putting all of its bets on one technology—in fact, in a bizarre way, paying Telstra to replace Telstra’s own current technology in parts of regional Australia. What a bizarre proposal. Does this make you want to trust this government? Does this make you trust that they know what they are doing? It goes on and on. There is no cost-benefit analysis and, until there is, the Australian people, and certainly the coalition, cannot accept that this is the way to go.

We look at body after body which could have assessed this program for the government. There is the Productivity Commission. We are still saying: ask the Productivity Commission to look into it. The Productivity Commission are absolutely the right body to look into this. The government have referred dozens of other programs to the Productivity Commission to do an insightful and forensic analysis of the costs and benefits. Why not this one? Why will they not put this one to the Productivity Commission? Another body that could have looked at this proposal and given us a practical, thoughtful, experienced response to it is Infrastructure Australia and yet the costs and benefits of the biggest piece of infrastructure ever proposed in Australia are outside the remit of Infrastructure Australia.

All we want is to establish the facts and to allow an impartial body to assess whether this investment—just remember it is the largest investment of taxpayer funds ever—is a good idea. The business community along with the general community want a cost-benefit analysis of this National Broadband Network project. The ANZ chairman, John Morschel, has 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. Just remember we are talking about $43 billion here. The chairman of Wesfarmers, Bob Every, has said:

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 do not know if it—
‘it’ being the NBN—
will rank in priority.

This is the chairman of Wesfarmers, one of Australia’s biggest companies. He is not, as Senator Conroy would have us believe, crying out for faster broadband. It is just not happening. I think the most bizarre comment of all from the minister, Senator Conroy, is that it would be ‘too costly’ to have an inquiry by the Productivity Commission into NBN Co. How bizarre. What will it cost? Let’s pick a figure, say, $10 million. The Productivity Commission has said it has enough money in its current $36 million budget to do it. They could do it. That is fine.

We do not know, of course, how much the government has paid for its last little foray in having an analysis of the analysis in terms of having outside oversight of their business case, but we do know that they spent $25 million alone with McKinsey KPMG on an implementation study which, as has been worked out by one of my colleagues, was $46,000 a page. I think the Productivity Commission could probably bring it in at a slightly lower page rate than that. Yet we have a minister, who wants to spend $43 billion alone, telling us that it is too expensive to get the Productivity Commission to do a study of whether the $43 billion is being well spent, what the outcome will be, whether it is an effective use of taxpayers’ money and whether it will stand up in the future. No-one knows what will stand up in the future, but the Productivity Commission is the best possible organisation to ask about the implications of this project. They can factor in non-financials as well as the other potential benefits of spillovers.

As I said earlier, the coalition has absolutely no problem with fast, effective, affordable broadband. It is our policy to do this. It was our policy to do this in a sensible way. We did not want a Rolls Royce with bells and whistles. We were of the view that a Holden or perhaps a Ford would do the job but, certainly, an Australian made and sensible solution, not some sort of put all your eggs in one very, very expensive gold basket solution, which is what we have with Senator Conroy’s project. I would like to note that the Secretary to the Treasury, Ken Henry, in September last year said:

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 would be.

I continue to be very concerned that we have this massive spend on a new technology that may very well be completely out of date within 20 years, which is when the minister seems to think we should be progressing on this subject.

The coalition, of course, has some extraordinary concerns about the structure of NBN Co. We were the government that broke up what was a massive government owned monopoly, Telstra. Why on earth would we assist this government to establish a new and massively more expensive monopoly? The government are setting up a massive monopoly that is so anticompetitive that they have had to exempt it from the Trade Practices Act. Telstra will be contractually obliged not to compete with NBN Co. ‘Um, um, um,’ is all anyone can say to this. How bizarre! Telstra will not be providing telephone or broadband services across its HFC pay television cables, yet that is the only existing network in Australia capable of delivering 100 megabits—a network that passes almost 30 per cent of the nation’s households already. No, we will not go for a Holden solution which would use the infrastructure that currently exists where it exists and make sensible use of innovative and new
infrastructure where that would be an affordable and sensible solution. No, the government want to proceed on and on with their Rolls Royce.

The NBN is going to be an eight-year, $43 billion project. Surely that deserves a very rigorous cost-benefit analysis. The government and Minister Conroy were at pains numerous times yesterday to tell us about the three-year corporate plan and the 30-year business plan. I am very pleased that this group has a 30-year business plan. I would have been quite comfortable with a 10-year business plan, because of course the technologies that we will be using in 30 years are quite probably not known right now. The speed at which technology is moving forward in this area means that we simply do not know what will be the most affordable and effective means of establishing communication networks into the future.

The government, of course, would have us believe that there is a cost-benefit analysis and they have done it. We just want to see it. This may be very untrusting of us, but we would like to see this cost-benefit analysis. The government might say, ‘Just trust us.’ There is nothing that they have done to date that would make us think that we should do so. The project is being rushed through by the government in the way they rushed through the home insulation scheme, a disaster; the Green Loans scheme, a disaster; and the school halls scheme, the so-called Building the Education Revolution program, which was a waste of money in many, many areas. The taxpayers of Australia did not get value for money out of that program. They got bizarre outcomes where halls were pulled down to put up smaller halls and the like. There were schools with two halls but no library. No-one had any problem with expenditure to assist the development of schools in Australia, but once again this government, with their inability to implement and to understand business, have produced failure after failure after failure and simply wasted the money.

As the writer from Queensland said in that letter to the editor that I mentioned earlier, what about tying Senator Conroy’s pay to the losses or profits of NBN Co.? What about having a performance dividend? Let us look at that. If we tied former Environment Minister Garrett’s pay to the performance in the home insulation area and the Green Loans scheme, I suspect he would be paying us to let him work here now. If we looked at the wastage in the school halls scheme, I think the Prime Minister would certainly be earning about 50 per cent of what she earns now. They have not been successful.

We on this side will not agree to or acquiesce in this legislation without a cost-benefit analysis being done. Primarily this needs to be done by the Productivity Commission. Projects of this size and scale require the necessary oversight and consideration to see that they are being carried out in the most efficient and effective way. You would think that by now the government would recognise this. One does not mind if a new government learns by the odd mistake. It is when a new government has mistake after mistake after mistake and apparently learns nothing that we are in trouble.

This is, as I said earlier, the largest single investment in Australia’s history, and the government tell us it will make a fantastic contribution to the economic activity of Australia, but they have given us no examples and no tangible evidence of how they support this claim. Most of the applications and uses for the NBN that actually add to economic productivity are available on the ADSL2 broadband speeds that we have right now. Certainly let us look at using innovative technology to move to faster and faster communications in the future, but why
would you do it in such a way that you have no idea whether it will be overtaken by other technologies, what the effect of it will be and what the costs and benefits of it will be? The government simply do not know.

We cannot assume that the business case they have so secretly hidden away gives them joy, or they would have released it by now. They know how much pressure there is from the Australian taxpayer to find out whether this is a good spend or a bad spend, yet they continue to hide the business case away on the basis that they have to go through it with a black pen to make sure no commercial-in-confidence material comes out. I would have thought that, irrespective of its size, it could not take more than a week—and the government have now had more than two—to do a little black-out exercise on figures that you wish to remain commercial-in-confidence. The government know there is pressure for the release of this, and they are refusing to release it until after the legislation has been passed. The only assumption that I can come to, and one that the Australian taxpayers are increasingly coming to, is that the figures in the business case do not add up and do not provide costs and benefits that are worthwhile for Australia and Australians. Without that cost-benefit analysis, we are opposed.

Senator BRANDIS (Queensland) (10.00 am)—I think it is time in this debate to restate and to remind the government of a couple of basic constitutional principles. The first of those principles is this: that it is for the parliament to decide and approve the expenditure of public money. And when there is a very large expenditure of public money it is all the more important that the parliament be fully informed of the reasons for that expenditure so that the parliament can form a view as to whether it is a prudent and efficient use of public money.

In the case of the bill before the chamber at the moment, the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, we are discussing not merely the expenditure of a very large amount of public money; we are actually discussing the largest expenditure of public money on a single project in Australia’s history. Let me just say that again, because in all of the heat of this debate that point risks being lost: this is the largest expenditure of public money on any project in Australian history. Apart from expenditure on war this is the biggest single thing Australia has ever undertaken. It is the allocation of $43 billion, and that is assuming, by the way, that the government’s figures are reliable. There are many industry experts who say that that grossly understates the amount of public money that it will cost to build the NBN. But taking the government’s own figures as the basis of this discussion—taking them at their word—even on the government’s case this is the biggest single thing Australia has ever done in peace time.

So you would not think that it is an outrageous thing for the parliament to demand of the government that the business case stacks up? It is not an unusual thing for the parliament to demand of the government that it take the parliament, and through the parliament the Australian people, into its confidence about why this particular model was chosen and why this model should be preferred over the range of alternative models. And yet the government arrogantly and dismissively, with utter contempt for parliamentary process and democratic values, refuses so much as to consult the parliament about the business case and the economics for the largest single project in Australian history.

Let me remind you, Madam Acting Deputy President, of a second principle, and that is that it is the obligation of ministers to abide orders of this chamber. And yet the
minister responsible for this project, the Minister for Broadband, Communications and the Digital Economy, who is so clearly out of his depth that he is the laughing stock of the industry, was ordered on 17 November 2010 by this chamber to table in the chamber the National Broadband Network business plan and the government’s response to the McKinsey & Company and KPMG implementation study; the business plan being the fundamental document setting out why this particular proposal stacks up commercially and the government’s response to the McKinsey and KPMG implementation study being the government’s own appraisal of the expert assessment by those two professional firms of the way in which this vast project is to be implemented.

But this minister, showing open defiance and contempt for this chamber, has simply said, ‘Well, I refuse to abide the order of the Senate, because I think it is reasonable for the cabinet to consider these documents at greater length before I table them here.’ The minister’s opinion is irrelevant because this chamber, a chamber of which he is a senior member, has already expressed its opinion and it has made an order. A senator who is not prepared to abide an order of the Senate is unfit to be a senator.

The entire history of the development of the NBN has been a history of confusion, incompetence and concealment. The reason there is so much concealment is, I think, that the minister, who is plainly out of his depth, thinks he can try to protect from the critical gaze of the parliament the litany of incompetence for which he is responsible. When we in opposition put questions day in and day out to the minister, Senator Conroy, in relation to this, the most eloquent statement about the government’s handling of this matter is not to be heard in the minister’s attempts to obfuscate and filibuster answers to our questions. The most eloquent statement is to be seen in the mute, sullen and embarrassed silence of his colleagues as this out-of-his-depth minister—this lightweight minister—struggles unsuccessfully to get on top of this project.

The biggest thing that Australia has ever done in peacetime has been placed by this government in the hands of a man who has no business experience, limited intelligence and, frankly, lacks the maturity to deal with a matter of high public policy involving at least $43 billion of taxpayer’s money. Senator Conroy is like a kid with a great big train set. He is incapable of taking seriously the gravity of the responsibility with which he has been charged, and it is no wonder that the public, the markets and his own colleagues have lost confidence in his capacity to handle this.

I spoke a few moments ago about concealment. We know that the business plan was delivered to the government on 8 November: Monday, a fortnight ago. We know that it is a 400-page document. We expect that this 400-page document will contain a degree of technical material. We expect that it will contain some commercially confidential material. None of that is surprising but, Madam Acting Deputy President Fisher, I know you, like me—indeed, like Senator Johnston, sitting beside me—have been a legal practitioner in your earlier life. You know that a competent professional can get across a technical document so as to identify commercially confidential material. None of that is surprising but, Madam Acting Deputy President Fisher, I know you, like me—indeed, like Senator Johnston, sitting beside me—have been a legal practitioner in your earlier life. You know that a competent professional can get across a technical document so as to identify commercially confidential material and you know, as anybody who has practised in this field does, that that is an intellectually difficult task but it is not something that takes two weeks.

The senior public servants in Senator Conroy’s department who advise the government, I know from my time as a junior minister in the department in its earlier form, are some of the most excellent minds in the
country. It is not credible that it has taken more than two weeks for those people to have mastered the technical detail in a 400-page document and to have identified so as to redact any relevant commercially confidential information. It is a task that would take a skilled mind perhaps a couple of days of concentrated work — but not a fortnight. This claim of commercial confidentiality is a ruse. It is a pretext. It is a lie. It is not merely the business plan which this minister and this government, for fraudulent reason, seek to withhold from the scrutiny of the parliament before the parliament rises for the Christmas recess tomorrow.

We learned yesterday that, as well, the government has commissioned another study to examine the business plan itself. That is a study taken by Greenhill Caliburn, a very well known and respected corporate advisory firm. We in the opposition have obtained a copy of the service contract between the Department of Finance and Deregulation and Greenhill Caliburn. Before I go on to talk about what the service contract provides, let me just make the point which my friend Senator Cormann made yesterday in question time: isn’t it interesting that it was not the Department of Broadband, Communications and the Digital Economy that commissioned the Greenhill Caliburn report, but Senator Wong’s department, the Department of Finance and Deregulation?

As you know, Madam Acting Deputy President, it is the role of the Department of Finance and Deregulation to keep a close eye on the expenditure of public moneys, and plainly the department of finance had concerns about the business plan so that firm was retained to review it. More specifically, this is the work that Greenhill Caliburn has been asked to do in schedule 1 of their contract: to report on and review the 30-year business case and 2010-11 corporate plan, examining the robustness of key assumptions. Pausing there, Madam Acting Deputy President, as I am sure you know, that word ‘robustness’ is one of the great euphemisms in documents of this kind. Whenever you see a question about the robustness of financial assumptions, what that tells you in layman’s language is: do these figures look just a little bit rubbery? Do the assumptions look a bit dodgy? That is what robustness means in a document like this.

So the assumptions, the robustness of which are being reviewed, include the financial assumptions — in particular, revenues, capital expenditure, operating expenses, assets, liabilities and cash flows — and the operational assumptions, which include NBN Co.’s rollout plan, including market and/or technological capacity constraints that might be relevant — for example, construction, equipment and contracting. You only have to identify the key assumptions, the robustness of which have now been called into question by the department of finance, to appreciate that the very core and being and economic foundation of this business case has been called into question by the department of finance.

As well, Greenhill Caliburn has been asked to review the assumptions on rates of return and capital structure, including NBN Co.’s ability to access private sector debt and quantum; to examine and provide advice on NBN Co.'s assessment of risks and relevant mitigation strategies in the business case and the 2010-11 corporate plan; to provide an analysis of relevant options for key performance indicators, including financial and non-financial targets and ongoing monitoring arrangements for key risks arising from the business case and the corporate plan; to identify any other commercial matters, issues and risks materially relevant to the business case and the Commonwealth’s shareholding in NBN Co.; and, to the extent possible, to ap-
praise the findings of the NBN implementation study against NBN Co.’s key outputs.

What the finance department has mandated, quite properly, is an entire review of every key assumption of the NBN business case to see how robust it is, how dodgy it is, how rubbery the figures are and how tenuous the assumptions are. Yesterday, the shadow spokesman in the Senate on this area, Senator Birmingham, asked Minister Conroy whether the Greenhill Caliburn review would be published, would be made available to the public. After filibustering through the entire two minutes of his question, Senator Conroy at last came to the answer, ‘To complete my answer, Mr President,’ said he, ‘the answer is no.’

What an outrage it is that the parliament has concealed from it until after it rises a business plan. What an outrage that the pretext for concealment of the business plan from the parliament is the lie that it takes more than a fortnight to identify and redact commercially sensitive information in a 400-page document. But even more outrageous, even more incomprehensible is the fact that this minister has now told the Senate that the appraisal of the business plan—to put it in the vernacular, the document that tells us whether or not it stacks up—will not be released to the public.

Greenhill Caliburn are an independent adviser and are not a part of the government. The draft, by the way, was due yesterday and the final document is due by Friday. If the minister gets his way and Greenhill Caliburn come back with a report that says, ‘We have serious concerns about the accuracy of this assumption, the accuracy of this assessment of the rate of return and we have concerns about this particular scenario, which is one of the premises of the business case,’ the Australian people will never be told. The Australian people will never be told whether or not a business case, which has itself been concealed from the parliament, passes independent scrutiny by an independent corporate advisory firm. What a disgrace.

You wonder why Senator Stephen Conroy is a laughing stock in the industry. You wonder why the comment you most commonly hear among experienced people in this industry is that Senator Stephen Conroy has a cargo cult mentality about NBN Co. It is no wonder that his own colleagues have lost confidence in him and he is now increasingly a minister struggling and under pressure—the weakest link in the chain of a very weak government. It is no wonder that the Australian public themselves, $43 billion of whose wealth is in the hands of this incompetent, are concerned. They are increasingly concerned that, whether this is a good idea, whether it is a bad idea, whether the business case stacks up or whether it contains critical flaws, they will never be told because this government has decided to keep the truth from them.

Senator ABETZ (Tasmania) (10.20 am)—In summing up for the opposition on the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 second reading debate, I seek to make a few observations. The most obvious is to debunk the Labor lie—the refuge of those devoid of an argument in this place—that accuses us and the coalition of wrecking, of wanting to wreck broadband. The coalition has a proud and strong record of supporting broadband, but when we ask questions about the wisdom of the government’s particular approach we are lazily and immaturely labelled as wreckers by a government unable to engage on the issues. It seems to think that mere repetition of slogans is going to be a substitute for the evidence that we seek. We are deceptively told that the bill before us does not deal with the National Broadband Network. In fact, the bill does not
mention the National Broadband Network. No lesser authority than the Minister for Broadband, Communications and the Digital Economy himself told the Australian people that on national television—so the coalition’s contributions on this bill were irrelevant. NBN was not part of this debate and the bill that we are considering, so the Labor sloganeering went.

Unfortunately for the minister, unlike him some of us actually had creased the back, the spine of the bill. We actually opened the bill. We actually read the bill and, what is more, we did the same with the explanatory memorandum. What that exposed was that the minister himself had not creased the spine of the bill or the explanatory memorandum. It seems that it came as an absolute surprise to the minister on national TV when he was told by Senator Joyce that the bill did, and does, refer to the National Broadband Network and it does not only do so once or twice or five times or 10 times or even 50 times, but 62 times the NBN is referred to in the bill. Yet the minister was not aware of it. The minister did not know.

We have a choice, Madam Acting Deputy President Fisher: the minister either deliberately sought to deceive the Australian people or he simply had no idea that the NBN was referred to in the legislation. I will allow the minister to make the determination as to which it was. I confess I am one of the more charitable on this side of the chamber and therefore I am willing to punt on the latter. Why? Because the minister is ignorant. Question time after question time he has proven that for us. Indeed, if ignorance were a crime, then Senator Conroy would be convicted each and every time beyond reasonable doubt by an unanimous verdict. But in political terms this gross and negligent ignorance is in fact criminal. This is the minister in charge of the $43,000 million NBN rollout, and that $43,000 million comes to roughly $2,000 per man, woman and child in this country. It is all one huge taxpayer liability run by this minister.

By the government’s own appalling standards Minister Conroy is starting to break away from the pack in the ministerial incompetence stakes. The competition is fierce. There is Minister Garrett of pink batt fame; there is Minister Carr of ‘cash for clunkers’ fame; and indeed there is the Prime Minister herself with her Citizens Assembly for Climate Change, so Minister Conroy is competing in a very well pedigreed field in the 2010 ministerial incompetence stakes. But with this NBN and his TV gaffe, he is really is breaking from the field and developing an unassailable lead.

It would be all quite laughable if it were not so serious. When their incompetence is highlighted, the minister and his colleagues chant their hackneyed focus-group-tested slogan of ‘wrecker’, but in doing so they throw that silly slogan by implication at the OECD, respected economic commentators, respected industry doyens and respected industry players. It seems we are to believe that the OECD are all wrong and bow to the superior intellect and knowledge of the minister who does not even know what is in his own legislation. I do not think so.

Not only is the minister ignorant of the content of his own bill, it seems that his colleagues do not trust him either. That is why the minister, unbeknown, had to have the NBN business plan subjected to an independent assessment by the Minister for Finance and Deregulation. We welcome that assessment, but it will all be too late. The business plan of the NBN will be revealed but only after the parliament rises and after the government asks us to vote for this bill. Might I just divert here and say that, as I understood the minister’s response to a question this week, the actual assessment of the
business plan being undertaken by Greenhill will in fact not be made publicly available.

So what we have is a situation where, if I might say with respect, there is no business plan. No business plan ever says that things are not rosy in the garden and that you should not proceed. It is always written in hope with great faith that everything will go well. That is why, I must say, it was wise to seek that independent assessment. But of course that independent assessment now is not going to be made available to the parliament or the Australian people. What we as a coalition fear is that this minister will continue to try to control the levers of the NBN, its rollout and this legislation.

Need I remind anybody in the event there is any doubt that this bill does in fact deal with the NBN that the facts speak for themselves. Sure, the minister has not opened the bill to read it or the explanatory memorandum, but I would have thought that he may have bothered to read the second reading speech on this legislation by his colleague Mr Albanese in the other place. Had he done so, he would not have had to read far at all. Indeed, he would have had to go only to the second paragraph of the second reading speech. The second paragraph of Mr Albanese’s starts as follows:

The National Broadband Network will fundamentally transform the competitive dynamics of the communications sector in this country.

Of a nearly two-page speech, the NBN would be referred to—just on the first page—at least half a dozen times. It is peppered with references to the NBN, yet this minister goes on national TV and asserts, ‘the NBN is not mentioned in the bill; it does not refer to the NBN,’ when his own colleague in the other place has already spoken on the bill and says, ‘Yes it does.’

Let us remember that the legislation is called the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010. When Senator Conroy’s colleague in the other place talked about the ‘competitive dynamics of the communications sector in this country’, he was right on the money, right on target, as to what this bill deals with—the NBN.

Our questioning of this bill relates to our support of broadband and the health of the Australian economy. Labor somehow thinks that, because they have this grand vision of the National Broadband Network, there is no need for a cost-benefit analysis or for it to be placed under strict scrutiny. Let us not forget that this very same minister—Senator Conroy—went to the Australian people in 2007 claiming that he could do all these wonderful things with broadband for an investment by the Australian people of a bit over $4,000 million. It has now ballooned to 10 times that figure, to $43,000 million. I think a cost-benefit analysis is a very good idea, not only for a $4,000 million project but also for a $43,000 million project.

Let us remember Labor’s mindless mantra of ‘evidence based policy’. Remember that great line from the 2007 election? There is no business plan, no government response to the implementation plan, no analysis of the business plan—in fact, no evidence has been put before us other than this minister’s wholesale incompetence. Neither is the business plan being referred to the Productivity Commission. I would have thought anything with the initials ‘PC’ would have of necessity attracted the Labor Party, but they must have realised that on this occasion ‘PC’ did not stand for political correctness; it stood for something substantial—namely, a proper analysis by the Productivity Commission. As a result, when they hear the initials ‘PC’, Labor recoil in horror, because the idea of having scrutiny placed on anything is a matter of great concern to them.
The same government that provided this mantra on openness and transparency is now denying access unless senators—and only a few chosen ones—sign up to a seven-year non-disclosure agreement. Then, with a bit of pressure, it was brought down to a year, then a few weeks. I give full credit to Senator Xenophon for not signing up, and I trust other crossbenchers will not either. The duplicity in Labor’s mantra and then in their actions, I must say, is breathtaking.

We as a coalition have a raft of amendments for this bill, all of which will improve it significantly. The most significant to our mind is to refer the NBN to the Productivity Commission, and I understand an amendment that will be moved in the committee stage has been or is about to be circulated.

The case for the referral of the NBN to the Productivity Commission has been comprehensively made out, not by us in the coalition, not by the commentators and not by the industry players but by the minister himself through his incapacity to answer any question on the NBN over recent weeks. Indeed, the government itself has clearly lost confidence in the NBN business plan and the minister, and that is why it is now obtaining an independent assessment of the business plan.

Need I remind you that that business plan was prepared by the over 30 or 40—I forget the number now—executives engaged by the NBN Co., all of whom taxpayers are currently funding and who earn between $300,000 and $1.8 million per annum. Those are huge sums of money. These people were charged with developing the business plan which is now being subjected to review by another group of people for sums as yet undisclosed, I think. This cost is once again to be borne by the Australian taxpayer, and the Australian people will not be given that report either.

So, no matter which way we look at the NBN—up, down, in or out—it is a mess; hence, our reluctance to take the minister at face value in relation to his assurances about the NBN. Why should we take his assurances at face value—or at all—when he does not even know what is in his own legislation? The latest news is that the Prime Minister has inserted herself into the discussions with the crossbenchers. I think on balance I welcome that.

In her ministerial capacity, Ms Gillard was responsible for the Building the Education Revolution program, which we now know—courtesy of the leaked caucus minute in which Mr Rudd absolutely nailed Ms Gillard—was one of the great failures of the Rudd Labor government. She was responsible for the announcement at the last election of the cash-for-clunkers scheme. Remember that? We are running away from that one now. Remember the citizens’ assembly on climate change, her initiative? We are running away from that one now. We have a Prime Minister who has a whole host of failures in her previous portfolios and who is the architect of policy failures. With that great CV behind her, she has now inserted herself into this debate to try to assist this hapless minister. I have to say the prime ministerial insertion is to be welcomed, but only marginally.

We still have the unresolved question of who actually commissioned the Greenhill report. We are told that Senator Conroy and Senator Wong are the joint shareholder ministers, but—

Senator Conroy—Correct. You still haven’t even asked the right question.

Senator ABETZ—There we go. There is a churlish, immature interjection by the minister, saying, ‘You haven’t asked the right question,’ which confirms that the minister is deliberately obfuscating, not only to this
place but to the Australian people, because anybody who knows anything about joint ventures knows that one party of the joint venture can go away and seek independent advice as to whether to the joint venture is good, bad or indifferent for their particular interests, which may not necessarily marry up with the interests of the joint venture itself.

Senator Conroy—You’re too lazy to do your own research.

Senator ABETZ—The minister interjects, suggesting that we are too lazy to do our own research. What a hide! What a cheek! At least we creased the back of the bill. At least we creased the back of the explanatory memorandum. At least we know that the NBN is referred to in the bill 62 times.

Senator Lundy—You’re a genius!

Senator ABETZ—Senator Lundy quite rightly says that we on this side are geniuses, but if the capacity to read a bill makes you a genius what does it make the minister who has responsibility and carriage of this bill when he goes on national TV and says, ‘The bill does not refer to the NBN,’ when there are 62 separate references to the NBN in the bill? That is why we as a coalition have no faith in this minister. That is why we as a coalition have no faith in the rollout of the NBN as proposed by this government. That is why we have no faith in the $43,000 million liability that is about to be foisted on the Australian people and to be administered by this incompetent minister. If this minister knew what was actually in his legislation and the explanatory memorandum, we might have some more faith in him and the government and the proposal. At this stage, we do not.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (10.40 am)—I want to thank all the senators, including Senator Abetz—

Senator Abetz—Special thanks!

Senator CONROY—Special thanks—for their contribution to the debate on the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, which is so important to Australia’s current and future economic prosperity.

Senator Williams—Show us the business plan!

Senator CONROY—You have been opposing this bill since 12 months before you knew a business plan existed. Do not come in here and pretend you are remotely interested. You have been blocking this bill for 12 months, and now you have found a new excuse in your mind. Those opposite have been opposed to this bill for 12 months. You did not know a business plan existed the first time you opposed it.

Senator Williams interjecting—

Senator CONROY—Do not come in here and pretend that your position on this bill has anything to do with the business plan. You have been opposing it for 12 months. You only knew about the business plan two months ago. It is just the latest excuse.

The ACTING DEPUTY PRESIDENT (Senator Kroger)—Minister, address the chair, please.

Senator CONROY—Madam Acting Deputy President, I accept your admonishment. The measures put forward in this bill have been the subject of considerable discussion—for over 12 months, in fact. Many of the constructive comments received have led to changes being made to the current legislation to address concerns raised. The competition and consumer safeguards bill is a fundamental and historic micro-economic re-
form and is in Australia’s long-term national interests. The reforms are designed to reshape regulation in the telecommunications sector in the interests of consumers, business and the economy more broadly. Specifically, the proposed reforms: establish a framework for Telstra to progress its decision to structurally separate, including providing it with greater clarity around the undertaking of the process, which will allow Telstra to seek approval from its shareholders on a firm proposal to migrate its fixed line customers to the NBN; streamline the competition regime to provide more certain and quicker outcomes for telecommunications companies; and strengthen consumer safeguards to ensure service standards are maintained at a high level. Importantly, these reforms are supported by the overwhelming majority of the industry.

Implementing these reforms will address longstanding problems with the existing regime, which is failing consumers and businesses across the country and leading to less choice, poor customer service, lower quality services and higher prices for telecommunications services. Accordingly, passage of these reforms is a key priority for this government. Opposition senators have spent much time rallying around the NBN, pursuing their leader’s instructions to try to demolish the National Broadband Network. They fail to acknowledge that this bill is stand-alone legislation almost entirely relating to Telstra and does not go in any way to the role of the National Broadband Network Co. and its commercial structure. Nothing in this bill is relevant other than a deal between NBN Co. and Telstra. That is what this bill is about. Senator Abetz made great play of the fact that he had ‘creased the back’ of it; he should try understanding it rather than flicking the pages. A cost-benefit analysis has nothing to do with this bill. This bill is about reforming the existing regulatory regime, a regime that the entire industry accepts is broken. The matters that relate to the National Broadband Network in this bill are designed to give industry the legislative certainty to make a smooth transition to the NBN environment. They relate to Telstra’s structural separation.

The Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 provides a framework for arrangements for the migration of customer services from Telstra’s network to the National Broadband Network, which is the means by which structural separation of Telstra will be achieved. Let me repeat that for those opposite: the CCS bill provides a framework for arrangements for the migration of customer services from Telstra’s network to the National Broadband Network. Accordingly, there are references to the NBN Co. in the context of migration arrangements and the authorisation of the agreements for the purposes of the trade practices law. There are also references to the agreement reached with Telstra for NBN Co. to access Telstra’s facilities, but the bill is not about the operations, the structure or the ongoing processes of the National Broadband Network. It is not about the business case.

Structural reform of the industry will be implemented with the transition to the NBN in line with the government’s vision for a wholesale-only open-access network. Incentives will be created for Telstra and other telecommunications operators to transform the way they do business to become more innovative and customer focused. This bill creates a framework to deliver this important reform, but the bill also does much more than this.

During the National Broadband Network rollout, the existing telecommunications regulatory regime will remain important for delivering better and more affordable ser-
vices in the interests of Australian consumers and businesses. The bill is designed to re-shape that regime. The vast majority of industry submissions received by my department claimed that the regulatory framework is ineffective due to the ability of parties to engage in regulatory gaming—that is, litigious obstruction—aimed at delaying regulatory outcome. That is what has bedevilled this sector. For example, by mid-October 2010, 164 telecommunications access disputes had been notified since the commencement of the regime in 1997. Your regime is in place today, and it has led to 164 disputes. How does that compare to all the other utility sectors? Only four access disputes have been notified in other regulated sectors, so what is going on in the telco sector? Have there been 164 disputes for any of the other regulated utility sectors? Under the proposed changes to part XIC, the ACCC will set price and non-price terms of access for declared services and access determination to apply to all parties.

The bill will also remove the right to seek merits review of the ACCC’s regulatory decisions. This approach is being pursued to stop every regulatory and legal avenue available being used to frustrate regulatory outcomes and cause uncertainty to the industry. The bill’s providing the ACCC with the power to issue binding rules of conduct will allow the ACCC to take action immediately to address problems relating to the supply of declared services.

The overarching objective of the reforms to part XIC is to streamline regulatory processes and provide the industry with a greater degree of certainty in relation to regulatory outcomes. The certainty will encourage infrastructure investment. The reforms to part XIB will mean that the ACCC will no longer be required to consult with a party before issuing a competition notice. This is aimed at ensuring the ACCC can act swiftly when it believes anticompetitive conduct is occurring in the telecommunications market. The scope of part XIB will also be clarified to ensure that anticompetitive provisions apply to content services supplied by carriers or carriage service providers. This will prevent a dominant provider from using its power in one market to damage a competitor in another. These changes to the telecommunications access regime will underpin greater investments by giving all parties regulatory certainty.

The bill will also protect consumers by providing additional consumer safeguards in relation to specific telecommunications services and practices. In particular, the legislation provides: more stringent rules on Telstra’s supply of basic telephone service at specified standards, including connection and repair periods and reliability requirements; changes to address the decline of telephone companies’ compliance with the customer service guarantee, including introduction of new minimum performance benchmarks; and the ability of the minister to direct the Australian Communications and Media Authority to develop an industry standard where industry codes do not adequately deal with consumer issues.

Senator Birmingham has circulated opposition amendments to the legislation. Firstly, the opposition want to remove the provisions designed to exempt any agreement between Telstra and NBN Co. from the provisions of the Competition and Consumer Act on the grounds that such an agreement might allow anticompetitive outcomes. The opposition are quite deliberately failing to acknowledge the structural reforms to be delivered in the national interest. They also repeatedly make the claim that the agreement between Telstra and NBN Co. will not be subject to ACCC scrutiny, but that is absolutely false.
The CCS bill already includes provision in proposed section 577A for the ACCC to scrutinise and approve the competitive impacts of the agreement between Telstra and NBN Co. This agreement would need to be incorporated into the structural separation undertaking that Telstra lodges with the ACCC. To continue to claim, as Mr Turnbull does, as Senator Birmingham does and as almost all of those opposite do, that the ACCC has been removed from this bill is a falsehood and cannot be allowed to go unchallenged in this chamber. The bill authorises entering into the agreement and associated conduct for the purposes of trade practices law only if the ACCC accepts the undertaking. This removes any need for multiple authorisation inquiries while still ensuring appropriate scrutiny of the arrangements. The bill relies on the authorisation provisions in section 51 of the Competition and Consumer Act, and this is a well-established mechanism which has been used extensively by Australian governments. The ACCC website currently lists 80 separate pieces of Commonwealth, state and territory legislation where section 51 authorisations are in use.

Secondly, the opposition propose that certain ministerial instruments be subject to disallowance by parliament. The government’s strong view is that these instruments should not be disallowable because of the risk that disallowance would cause uncertainty for Telstra shareholders in their consideration of the Telstra-NBN Co. deal. The bill requires that certain instruments be in place to permit Telstra to lodge its SSU with the ACCC. Disallowance would threaten this outcome and could have the perverse effect of forcing Telstra to undertake functional separation even when its preferred option is structural separation.

Thirdly, the opposition call for the removal of the so-called ‘guns to Telstra’s head’ that deny it wireless spectrum and force it to divest itself of its interests in Foxtel unless it voluntarily agrees to separate. The so-called ‘guns to Telstra’s head’ have been removed. There is no longer an automatic prohibition on the acquisition of spectrum if Telstra does not structurally separate and divest itself of its interests in its cable network and Foxtel. The bill has been amended to give Telstra sufficient regulatory certainty to take to its shareholders a firm proposal to structurally separate by allowing Telstra to acquire specified bands of spectrum unless the minister determines otherwise in a legislative instrument. The bill does not require Telstra to divest itself of its interests in Foxtel but still provides a framework for Telstra to voluntarily divest itself of its interests in Foxtel and its hybrid fibre-coaxial cable network. In the event that Telstra did not proceed with structural separation, the minister could take into account Telstra’s ownership of Foxtel and its cable network in determining whether to use the powers in the bill to prevent Telstra from acquiring certain spectrum and in addressing Telstra’s powers in telecommunications markets.

Fourthly, the opposition want to subject ACCC decisions to merits review. This is despite the fact that in 2002, when they were in government, they repealed merits review for ACCC arbitration determinations because it was hindering the development of competition. It is the government’s view that the notional accountability benefits of merits review within the current system are strongly outweighed by the delays, regulatory uncertainty and outright gaming that have occurred.

Furthermore, it is an inappropriate provision. Under paragraph 4.53 of the Administrative Review Council guidelines about what kinds of administrative decisions are suitable for merits review, decisions which
involve extensive public inquiries or consultations are not suitable for merits review. The ACCC access determinations, which involve extensive public consultations, fall into this category. Omitting merits review from the proposed arrangements reflects the majority of industry submissions on how best to improve the telecommunications access regime. This aspect was almost universally welcomed by non-Telstra industry participants when the original bill was introduced last year. If the ACCC makes an error of law or process when it makes an access determination, any party affected by the decision will be able to apply to the Federal Court for judicial review of the decision, just as they can now.

Finally, the opposition want to restore the requirement for procedural fairness. The requirement for the ACCC to accord procedural fairness will apply to all of the ACCC’s regulatory decisions under part XIC, except in relation to interim access determinations and binding rules of conduct. The salient point of introducing binding rules of conduct is to allow swift regulatory responses to urgent matters that may arise. According to procedural fairness would inevitably delay such actions—hardly a desirable outcome in matters where speed is of the essence. In reality, procedural fairness will not be absent for long in this circumstance. Within 30 days of making a binding rule of conduct, the ACCC will have to commence a public inquiry to vary the access determination to make a new access determination. Parties will be accorded procedural fairness in the public inquiry process. The opposition amendments are unnecessary and would serve only to complicate the proposed streamlining of the regulatory framework. I welcome Senator Ludlam’s indication of support for early passage of the bill.

The telecommunications industry states that it needs these reforms. The Chief Executive Officer of Telstra, David Thodey, has indicated his support for this bill:

On balance, we support the passage of the bill. We believe the interests of Telstra shareholders would be best served by the bill being passed this year so that a definitive agreement on our involvement in the NBN can be reached quickly.

In an example of unprecedented unity, seven telecommunications companies, the Australian Telecommunications Users Group and the Australian Communications Consumer Action Network—the peak body representing consumers—said in a joint letter to all senators on 18 February this year:

Australian consumers deserve and need these reforms, none more so than those in regional Australia.

The Australian telecommunications industry has been bedevilled by a failed market structure and poor competition, resulting in prices that are high by international standards. The bill represents a comprehensive and coherent set of measures to improve competition and consumer protections, and the failure of this legislation will be detrimental to the needs of all Australians.

So there it is—the choice is clear. You can have a bunch of wreckers who want to destroy the NBN because they believe it is their path to destroying the government—

Opposition senators interjecting—

Senator CONROY—You have been opposing this bill for 12 months, before you knew the business plan existed. (Time expired)

Question put:
That this bill be now read a second time.

The Senate divided. [11.05 am]

(The Acting Deputy President—Senator H Kroger)

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

Arbib, M.V.
Bishop, T.M.
Brown, C.L.
Carr, K.J.
Crossin, P.M.
Faulkner, J.P.
Fielding, S.
Furner, M.L.
Ludlam, S.
Lundy, K.A.
McEwen, A. *
Milne, C.
Polley, H.
Sherry, N.J.
Stephens, U.
Wong, P.
Xenophon, N.

Bilyk, C.L.
Brown, B.J.
Cameron, D.N.
Conroy, S.M.
Farrell, D.E.
Feeney, D.
Forshaw, M.G.
Hanson-Young, S.C.
Ludwig, J.W.
Marshall, G.
McLucas, J.E.
Moore, C.
Pratt, L.C.
Siewert, R.
Sterle, G.
Wortley, D.

NOES

Abetz, E.
Back, C.J.
Bernardi, C.
Boswell, R.L.D.
Brandis, G.H.
Coonan, H.L.
Fierravanti-Wells, C.
Fisher, M.J.
Humphries, G.
Kroger, H.
Mason, B.J.
Minchin, N.H.
Payne, M.A.
Ryan, S.M.
Troeth, J.M.
Williams, J.R.

Adams, J. *
Barnett, G.
Birmingham, S.
Boyece, S.
Cash, M.C.
Cormann, M.H.P.
Fifield, M.P.
Heffernan, W.
Johnston, D.
Macdonald, I.
McGauran, J.J.J.
Parry, S.
Ronaldson, M.
Scullion, N.G.
Trood, R.B.

PAIRS

Evans, C.V.
Collins, J.
Hogg, I.J.
Hutchins, S.P.
O’Brien, K.W.K.
Hurley, A.

Eggleston, A.
Ferguson, A.B.
Nash, F.
Joyce, B.
Bushby, D.C.
Colbeck, R.

* denotes teller

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator LUDLAM (Western Australia) (11.10 am)—by leave—I move Greens amendments (1) and (2) on sheet 7006 together:

(1) Clause 2, page 2 (before table item 1), insert:

1A. Schedule 1, The day after this Act receives the Royal Assent.

(2) Schedule 1, page 4 (before line 2), before Part 1, insert:

Part 1A—Objects

Telecommunications Act 1997

1A At the end of subsection 3(1)

Add:

; and (c) the availability of accessible and affordable carriage services that enhance the welfare of Australians.

These amendments are probably among the less controversial amendments that various people will be moving this afternoon. It is good, after 13 months of delay and waiting around, to finally be at the committee stage of the debate. These amendments effectively insert an object in the Telecommunications Act to remind law makers and the public what this act is for. The objects of the Telecommunications Act at the moment lack an explicit reference to the purpose of telecommunications markets, and over time competition has emerged as a proxy for the public good.

With due regard to the benefits of properly regulated competition, the Greens believe that the act should incorporate explicit principles of the rights of end users and not just assume that competition is always an effective proxy or an effective stand-in for end-user benefit.

The Telecommunications Act does not define the long-term interests of end users but, instead, refers to the definition in section 152AB of the Trade Practices Act, where promotion of the long-term interests of end users is achieved through meeting three objectives. The first is:
(c) the objective of promoting competition in markets for listed services;

The second is:

(d) the objective of achieving any-to-any connectivity in relation to carriage services that involve communication between end-users;

And the third is:

(e) the objective of encouraging the economically efficient use of, and the economically efficient investment in:

(i) the infrastructure by which listed services are supplied ... 

Surprisingly, the Telecommunications Act 1997 defines neither the long-term interests of end users nor any-to-any connectivity, despite the former being the main object of the act. Their leaving these definitions to the Trade Practices Act shows that the policymakers at the time clearly saw both overwhelmingly in terms of competition. The Greens do not think competition principles alone go anywhere near far enough in defining the public good, so we are seeking an explicit provision in the Telecommunications Act to spell it out. With those brief comments, I commend Greens amendments (1) and (2) on sheet to 7006 to the chamber.

Senator BIRMINGHAM (South Australia) (11.13 am)—I appreciate the Greens’ intent in moving these amendments to the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, which go to the objects of the Telecommunications Act, but the coalition will not be supporting these amendments. However, we think that the tone of the objects are important for the chamber to note and reflect on, because the tone very much goes to many of the things the coalition is arguing in the overall NBN debate.

I note that Senator Ludlam wants to insert in particular an object regarding ‘the availability of accessible and affordable carriage services that enhance the welfare of Australians’. Let us be very clear about ‘accessible and affordable carriage services’. Of course, that is what the opposition has argued from day one of this debate. The object behind our policies, the government’s policies and the Greens policies—it seems it is everyone’s object—is to provide the most accessible and affordable services. We, however, put a caveat on that: it should be at the lowest cost to the Australian taxpayer; it should be at the lowest cost base to provide those accessible and affordable services.

Regrettably, the path that the government is tracking will see it spending billions of Australian taxpayer dollars in a $43 billion scheme designed to produce some great political outcome for the government through which it can claim to have solved all the woes of the world before getting to the object. Politically it is miraculous, marvellous and wonderful, Minister, because you have been able to go to elections and offer nirvana to people. That is what you are really trying to do: offer them some great utopian nirvana. Practically, however, you are offering an overbuild and an overlay of structures across the country that will involve the waste of billions of dollars, and it will be done without providing real transparency to this parliament—the type of transparency this parliament should expect to see.

I am sure the intentions of Senator Ludlam and the Greens are sincere, but if we want to have accessible and affordable services provided at the lowest cost to the Australian taxpayer, putting an object into a bill will not provide it. What will provide it is a thorough, robust cost-benefit analysis of this NBN, a thorough, robust Productivity Commission inquiry. That will deliver a decent analysis of the best way to provide accessible and affordable services at the lowest cost to the Australian taxpayer. That is what we all want. That is what we all expect to see.
Unfortunately, the government is afraid of scrutiny of its NBN proposal, the type of scrutiny that the experts, the economic modellers, at the Productivity Commission can provide. They are the people who can provide robust and transparent analysis. The government is afraid to get that done. I do not know whether it is a matter of pride for Senator Conroy and the government that they are refusing the opposition’s requests or whether it is because it has come from the opposition. The national interest, the taxpayers’ interest, the billions of dollars that are on the line and the interests of the communications sector in Australia should come before Senator Conroy’s, the Prime Minister’s or the government’s pride. If they are going to pursue decent broadband policy they should be willing to give it a decent test, put it on the line, take it to the PC and give it the type of robust analysis that is necessary.

Senator Ludlum, I welcome the intent, but you are not going to get this outcome by inserting it into the objects of the bill. You are only going to achieve this outcome by testing the government’s assumptions, policies and alternatives. And there are alternatives to ensure that we get affordable, accessible broadband services provided to all Australians at the lowest cost. They focus on the areas of market failure, ensuring that builds do not overlay areas that already have effective fast broadband services and focus on the black-spot areas, the regional areas, that need a decent standard of broadband. Instead, we have a government that wants to build the same fibre connection across the entire country, destroying billions of dollars in existing assets in the process, to create a multibillion dollar government owned monopoly which it now concedes may be a government-owned monopoly indefinitely. This is thanks to agreements it has made with the Greens. Through all of that, the government is just refusing to accept that there should be some decent analysis of its policies. It is even hiding from the Australian people the types of documents that we should expect to have available to us, including all 76 senators in this place, for a real fair dinkum debate about the merits of this legislation and the merits of the government’s NBN policies.

The government will not release to us the business plan that I know Senator Xenophon is calling for so passionately. That business plan should be released. It should be made available to all senators in this place and Xenophon is right to fight for its release. We should be able to see the assumptions that have been put into it. I have no doubt that the business plan claims the NBN will be a great success. The business plan for the government’s NBN was written by the NBN Co. The business plan will claim the NBN to be a great success. But it is important to test the assumptions and pricing models that underpin it and to see the expected take-up rates. This will ensure that we have all of that information and evidence on the table for all 76 senators to consider.

Senator Xenophon should certainly hold out for the government to release that plan. He should certainly ensure the release of the analysis of that business plan that is being undertaken by other agencies or independent bodies that the government has commissioned. Senator Wong, at least, has commissioned them; we are still not clear whether Senator Conroy had any say in commissioning the analysis of the business plan. Senator Xenophon should ensure that those analyses are also provided, along with the business plan, to inform this debate.

Right now the government is asking all 76 senators to vote in the dark. That is why the opposition called a division on the second reading motion. For us it is important that all the information is there. For us it is important that there is some robust assessment of
whether this is the right path to go down, because this is the largest investment of funds in an infrastructure project in Australia’s history—$43 billion. It is a very significant investment and it is being done without the business case being made available and without the analysis of the business case being made available. More fundamentally, it is being done without any consideration, before all of this happens, of whether this is the right model or the right approach.

I can remember when Senator Conroy came into this chamber as a newly minted minister for broadband and communications. He used to tell us that fibre to the node, providing minimum speeds of 12 megabits per second, was the answer to all our woes and was what Australia needed to secure its economic future. Do you know what? That was not 10 or 20 years ago; it was three years ago, two years ago and even about 18 months ago. We were still on a fibre-to-the-node vision then, where 12 megabits per second was acceptable. That could have been done for $4.7 billion.

Today the government are telling us that it will cost $43 billion and that we need 100 megabits per second. How did they come up with those figures? We know that they came up with those figures on the back of a napkin on a RAAF VIP plane that Senator Conroy had to board with the then Prime Minister Rudd. We have had three years to the day of this Labor government mismanaging program after program. We have seen them try to put pink batts home insulation into Australian rooftops. Where did that get us? It got us loss of life, houses burning down, an industry decimated and a situation where we now have a government spending a billion dollars on a clean-up for its own program.

We have seen this government encourage thousands of Australians to set themselves up as home sustainability assessors in the Green Loans program. What happened there? They have basically all ended up unemployed. They have ended up without work. We have seen this government encourage the building of school halls across the country, in many instances at a gross cost. Of even more concern is the fact that many schools would far rather have seen the money spent on something more functional and useful but instead, because the Labor government knows best, they had to have a school hall!

So, if you want to know why the opposition is fighting hard to ensure there is decent analysis of the government’s NBN model and why we are fighting hard to ensure that there is transparency about all of the business cases and studies into your NBN model, I can tell you that it is because we know that you cannot be trusted to deliver. We know that the government has failed time and time again with every single policy area that it has tried to implement. We know that in all of these areas they have wasted billions of dollars, they have crippled industry, they have hurt households and they have left schools in the lurch. And the opposition are not going to let the government do it with $43 billion in an industry that is critical to Australia’s future.

The telecommunications sector is critical to our future as a country, but we have to get it right. We have to get the competition in this sector right. We have to get the innovation in this sector right. By picking a winning technology the government are not encouraging innovation. The government are doing the complete opposite of encouraging innovation. Instead, the government are picking a winner. They are picking one technology. They are saying everybody needs fibre rolled to their front door and hooked up to their house, and that will be the solution to all their woes.
Indeed, in the legislation that they are asking us to consider today they are potentially blocking and stifling one of Australia’s major companies, Telstra, from investing in future wireless opportunities. That is a key part of their legislation. The option is there for the minister to block Telstra from bidding for more spectrum that will make it possible for them to pursue further investments.

So we have this government picking winners, saying that it knows best, creating a new government owned monopoly, and doing it all at the whopping great cost of $43 billion. We are going to hold them to account every step of the way on this. The challenge for the government, as this debate progresses through the committee stage, is to inject a bit of transparency—to accept the demands of Senator Xenophon and to release the business case. We have been calling for it. Senator Cormann has, of course, ensured that other areas of analysis of that business case have been exposed. He and I will move a motion in this place later today that the Greenhill report be released as soon as it is provided to the government. All of these documents should be released if you believe in transparency, and you should accept the need for robust analysis of your proposal. It is a $43 billion proposal and it should have a decent cost-benefit analysis attached to it.

Even Senator Conroy has previously talked about the importance of cost-benefit analyses. The government’s own body, Infrastructure Australia, has talked about the importance of cost-benefit analyses, yet for the biggest project ever undertaken the government will not commit to a cost-benefit analysis. That simply says to us that they have something to hide, and that is why we will push the government to the brink on this issue. We will do that because it is very important that we ensure that such large sums of money in such an important industry receive the types of protection and wise decision-making that this government is so clearly incapable of.

I turn to Senator Ludlam’s amendment. I again say that the opposition will not be supporting it, because changing the objects of this bill will not deliver the robust analysis that we think is necessary. The challenge for the Greens, the crossbenchers and, most importantly, for the government—if they believe in having accessible and affordable services and if they want those services at the lowest cost to the Australian taxpayer—is to accept our demands. Get the Productivity Commission involved. Let us have that study. It need not hold anything up. It can be done by the end of May and then we will have something decent to debate in this place.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (11.28 am)—I am at a loss as to why the opposition are not supporting this amendment. Even Senator Birmingham, at the beginning of his comments, claimed that there is a universal objective here, which is the ‘availability of accessible and affordable carriage services that enhance the welfare of Australians’. The opposition are claiming that they want more. I will address their arguments, but there is absolutely no reason why the opposition could not support this amendment put forward by the Greens; it is a sentiment and object of this bill that there is complete understanding and support for.

The amendment goes to the very heart of the NBN policy, in many respects, and I would like to challenge the opposition on the fairly shallow rhetoric surrounding what they claim is the creation of a new government monopoly. Far from it. What we are talking about with the National Broadband Network is an open-access wholesale-only fibre-to-
the-premises network that addresses the issue of residual monopolies in the telecommunications market by structurally separating the wholesale and retail arms. This has the effect of removing the residual monopoly that existed at the retail level which was, as my Senate colleagues are well aware, perpetuated by the mishandling of telecommunications policy under the former government.

We saw for many years the former Howard government seek to perpetuate Telstra’s residual monopoly in the telecommunications market—for a very shallow political purpose. That was to ensure that their bottom line stayed healthy enough to take a public sale of Telstra’s shares, a privatisation, to the market. We know that the reason we got into a mess with telecommunications and had one of the highest prices for broadband in the OECD was this mishandling. The coalition were prepared to put their singular policy objective of maximising the return for the Telstra privatisation before the social and economic requirements of a nation heading into the 21st century, needing that economic infrastructure to build the industries and create the jobs of the future.

There is no more negligent approach to this area of policy—I make that point very strongly today. All senators, most of whom were not in the parliament when we had some of the most deplorable telecommunications policy under the former government, need to understand these facts. For them to come in here and talk about the National Broadband Network as somehow being the creation of a new monopoly means they have no appreciation of the recent history of telecommunications policy in this country. It exposes their lack of understanding about the structure of the telecommunications industry, the dynamic that exists between the wholesale and retail arms of the industry and how that dynamic rightly sits at the heart of the National Broadband Network policy and this bill.

As we on this side have been saying throughout the second reading debate and in many other debates, the National Broadband Network, and this bill, will fix the structure of the telecommunications industry and allow competition to thrive at the retail level. This is done by addressing the place that Telstra occupies in the market and acknowledging the arrangement that exists between NBN Co. and Telstra in relation to the structure of the market. Their lack of basic understanding has been further exposed as senator after senator from the opposition has come in here and continually resorted to shallow rhetoric about the creation of a new monopoly. I have said this many times—the NBN Co. and the structural model for telecommunications, as outlined in the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, resolve all of those problems.

I and many of my Senate colleagues on all sides of politics have been receiving complaints and hearing the frustrations of the citizens of Australia about internet services for well over a decade. I know that even before I was elected in 1996 there was significant frustration amongst consumers of internet services in both the residential market and the business market—in the small and the large business sector—because of Telstra’s exorbitant pricing of higher bandwidth products. Those of you who are as old as I am would probably remember the 64-kilobit ISDN connections for which Telstra charged corporate clients $30,000-plus a year. That is the residual monopoly, the exploitation of the market, that the National Broadband Network policy and the structural issues contained in this bill finally resolve.

This policy also creates the opportunity for a healthy service provider market to
thrive on the back of a suitably robust national fibre network. The opposition are fond of promoting the virtues of wireless broadband. They come in here and say that there is no proof that we need a fibre network. Well, the science on the technology is in, and it shows that what we need most is a wholesale fibre network, a National Broadband Network, that has the capacity to be future-proofed. That is about making an investment now in the technology that will see us through, as far as we can predict the future. That is pretty impressive. For the record, once again, the technology of the fibre network is so strong that you can upgrade it at either end to get more capacity. We know and the opposition knows that upgrading a national fibre network is about upgrading what is at the end of the fibre. This is the big investment and it will not require another bill.

It is also important to challenge the opposition's assertion that somehow we do not need to make this investment now, that we need to do more study. We do need to make this investment now—we know the market was incapable of doing so. The opposition is very conveniently forgetting the lengths that the government went to to test the market, to see if the market was capable of responding to the challenge of investing in a national fibre network. Let me remind everybody that the market failed. It failed for a range of reasons but, most of all, for the same reason it failed previously: the structure of the telecommunications market in Australia did not permit any of those companies to make an investment of the magnitude that would render it future-proof and serve the policy needs and objectives of the National Broadband Network policy. Just to be sure, this government tested the market. Through all of the investigations, and through my experience in telecommunications, it was pretty clear to me that the market was failing because we had the residual monopolist, Telstra, operating in the market and time and time again refusing to make investments in it.

Even the former government put the wood on Telstra to see what kind of investment they could pressure. And what did they come up with? A half-baked OPEL proposition that did not even stand up at the first test, which was how many people this network would reach. It fell over at that point. There was nothing under the former government that would satisfy the future-proof attributes of the National Broadband Network.

Senator Ian Macdonald—It would be up and running if that had gone ahead.

Senator Lundy—The other issue about OPEL is that the technology choices did not stack up. I think it was relatively easy to unpick.

Senator Macdonald, I am glad you are here, because you know as well as I do that the objective of the former government was at least to try to provide universal access. Yet we do not hear from this opposition the same sentiment. We hear platitudes and all we get is obfuscation and delay. All we get is a new excuse after the old. Right now we are hearing the call for the business case. I remind you all that, when this bill was introduced last year, there was another document being called for as a condition for the passage of this bill. So it does not matter what is being considered, or the imperative nature of it, the coalition will grasp on to whatever they can and use it as an excuse to delay.

My own feeling about the case for the National Broadband Network and this request for information about the business case is that we have effectively traversed these issues for well over a decade. We have had inquiry after inquiry—and not least the Senate Select Committee on the National Broadband Network established when the coalition had the majority of senators in this place,
which delivered no less than four formal reports to the Senate. They had their forum. Opposition senators had every opportunity through the course of the broadband select committee to call on all of the information, including, as they did, the implementation study, and they were able to ask questions of the publishers of the implementation study. At every step of the way, opposition senators had the chance to ask the questions, to call witnesses—pretty much whoever they liked. But still it is not good enough. When it comes to the crunch and after all of those inquiries—the inquiry into this bill, all the legislative and references committee inquiries, the select committee inquiries and the combined references and legislative committee inquiries; there have been so many—it is still not enough for the opposition.

We go full circle here. It comes back to the fact that they are just not interested in engaging on the substance of these bills and what it means to telecommunications industry structure and what it means to competition policy in generating a telecommunications sector that I think will be one of the most elegant regulatory structures in the world. Why? Because it has a wholesale-only open-access network that is completely independently regulated and, on top of that, a thriving competitive regime for retail service providers. The vertical cross-subsidisation that caused distortion in the market and allowed consumers of telecommunications services to endure far higher prices than they ever ought to has finally been resolved because of the National Broadband Network policy. Of that I am immensely proud.

I come back to the objective of the NBN. The Labor Party’s objective has always been to provide universal high-bandwidth broadband access to all Australians. Because we understand the depth and substance of telecommunications policy, we have gone to a model that identifies the necessary structural separation of operators in the market and acknowledges that you have to have an independent regulator governing the pricing on that wholesale-only open-access network. That is the model. I think the opposition have trouble stomaching it for the reasons Barnaby Joyce laid out very clearly for us in the chamber the other day. For the opposition, it does not matter how good the policy is. The opposition, we know, are opposing this very supportable amendment. The government are supporting the Greens amendment to insert in the objects:

(c) the availability of accessible and affordable carriage services that enhance the welfare of Australians.

It is a worthy objective, but the opposition cannot find it in themselves to even support that. Why? Because it is just about opposition for opposition’s sake. I know the opposition will be judged harshly by all Australians who are waiting on waiting lists to even get an ADSL service, who are on the end of the long tails out of town with a pair gain system that was designed in about 1963 and only get a line out of their area if not too many people on that pair gain system are on the phone at the same time. I know there are Australians who resent being pushed by Telstra on to an expensive mobile data service when they could have a National Broadband Network. (Time expired)

Senator IAN MACDONALD (Queensland) (11.43 am)—I want to address Senator Ludlam’s proposed amendments before the chamber. Before I do that, though, I want to, as the previous speaker has done, address some general remarks. I note in passing that the arrogance of this government can no better be exemplified than by the absence of the minister from this very crucial debate on telecommunications in our country. That is no reflection on Senator Lundy, who I have indicated on many occasions would, in my view, make a far better minister for broad-
I suspect that one of the reasons the current minister is not in the chamber is that he is running around the parliament shoring up his numbers to make sure he continues as minister—and well he should be worried. As each day passes, more and more people are questioning the sense of the Labor Party’s National Broadband Network proposal. As more and more scrutiny is directed towards Senator Conroy’s NBN, more and more people are concerned as to whether this network will be accessible and whether it will be affordable. But the fact that the minister cannot even bring himself to be present during this crucial debate is symptomatic of the arrogance not only of the minister but of the whole Gillard government. The arrogance of the Rudd and then Gillard government was clearly commented upon by electors at the election held in August when voters around Australia tossed out, for the first time in 80 years, a first-term government. It was only by some of the manipulation and backroom dealing for which the Labor Party is so renowned that Ms Gillard was able to cling onto the power and trappings of Prime Minister by making deals first of all with the Greens and then with a couple of Independents.

No-one was surprised that Ms Gillard would be able to negotiate a deal with the Greens because we know the Greens are always open to any proposition that might advance their ultra-left-wing view on the world, the view that says: ‘We will tell you what’s better for you. You as individuals in Australia don’t have any rights. How dare you think you might be able to make a decision on which form of broadband you require. We, the government—we, Big Brother—will tell you what is good for you.’ That is the philosophy of the old communist countries, you might recall, back in history where communism and communist dictators never thought individuals could make up their minds. They always thought that they, the government—that is, the Communist Party—knew what was best for everybody, so they had repressive regimes which told everybody that the government would decide what was best for people, what was best for individuals and their families. That is the same attitude, I have to say, that the Greens and their allies on the left of the Labor Party have: ‘Don’t leave it to the choice of individuals on what should be happening. We, the Greens, will tell all Australians what is best for them.’ That has been the approach in this whole debate about telecommunications.

Senator Conroy indicated that this bill, the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, has nothing to do with the NBN, in spite of it being clearly demonstrated that the NBN, the National Broadband Network, is mentioned 62 times in the bill. More importantly, contrary to what Senator Conroy said, if this bill does not go through, there is every likelihood that the whole NBN proposal will collapse because perhaps Telstra will have a rethink, perhaps Telstra will reject the $11 billion bribe that has been offered to it and perhaps Telstra will continue to build, as it has been doing for many years now, an alternative network made up of fibre, its existing copper and its HFC network. Perhaps Optus will say, ‘We could make a very, very fast broadband service to a lot of Australians out of our HFC service and we could probably do it at a cost of less than $43 billion to the taxpayer.’ In fact, I am quite certain that Optus and Telstra would be able to provide a very, very fast broadband service to a lot of Australians out of our HFC service and we could probably roll it out on the cost of less than $43 billion to the taxpayer.’
ticular passion, almost this ideology, of Senator Conroy.

I did indicate to Senator Conroy that I wanted some matters clarified in the committee stage of the bill, but his arrogance is clearly demonstrated when he is not even here to participate in the debate. The minister currently at the table, Senator Feeney, is a different one to the one who was here when I started my speech just eight minutes ago. With no disrespect to Senator Feeney, I have to say that at least Senator Lundy—who I thought was going to take this bill through in Senator Conroy’s absence—is, in my view, an expert on the subject. She is not always right, and we disagree on a lot of things, but she does understand it. I keep saying I think she would make a far better minister than the current one. I note that Senator Lundy is the Parliamentary Secretary to the Prime Minister and the Parliamentary Secretary for Immigration and Citizenship, yet here she was, I thought, taking through this very important bill. She has now left, perhaps to go and gather her numbers to try and get rid of Senator Conroy as the minister. Now we have here Senator Feeney—a lovely fellow, getting to be quite an expert in his ministerial field in defence, and very keen and enthusiastic in that area. But, Senator Feeney, I am somewhat surprised to think that the Minister for Broadband, Communications and the Digital Economy, who has been so passionate about this, is not to be seen anywhere.

Don’t tell me he is out doing another deal with the Greens and the Independents. Here he is—you are relieved, Senator Feeney. Senator Conroy, thank you for coming in. Oh, it was only a fleeting appearance.

Senator Feeney—We did but see him passing by!

Senator IAN MACDONALD—So we do know he is here. Let me see which door he is going to go through to try to drum up support for his position as he just flits through the chamber. Doesn’t that demonstrate the arrogance of this government, the absolute sheer arrogance of Senator Conroy and the whole government? The minister in this important debate cannot be here but, in a display of utmost arrogance and contempt, chooses to walk through the chamber to see some of his mates to try to get their votes. He has the arrogance to show the contempt he holds for the Senate by saying to the Senate, ‘Look, I’m here, but I can’t be bothered participating in this debate.’ That typifies the government, it typifies Senator Conroy and it typifies this whole proposal where you have a group of left-wing politicians, directed by the Greens, telling Australians what is best for them.

Sure, fibre to the home will be good, but copper has been okay and will continue to be okay for a long time. That is why NBN Co. is paying Telstra to keep its copper going in some places. The HFC would provide very fast broadband. We all want mobility, perhaps more than speed these days. Here I am talking in the chamber and I can operate my laptop and my mobile phone at the same time. Neither of them is connected to fibre to the home; they are working on wireless. Who knows what we are going to be able to do in five or six years time. Remember, it will be eight years before this system is in place.

I have diverted myself. I wanted to ask Senator Conroy some questions I gave him notice of during my speech in the second reading debate. I wanted him to put this to bed once and for all. We get all these Tasmanian senators speaking in this debate. They tell me what the internet service providers are charging customers. We heard it is from $49.95 to $89.95. That is great, we have heard a lot about that, but I keep saying to them, ‘Yes, but what are NBN Co. charging the service providers so they can charge the customers those prices?’ My understanding,
from questioning at estimates, is that what they are being charged by NBN Co. is absolutely zero, zilch, nothing; NBN Co. are giving it away for free. What sort of an arrangement is that? From what we have been able to find out—it is always very difficult to get information—NBN Co. have spent something like $100 million in Tasmania. What return are they getting on that $100 million investment? Absolutely zero, zilch, because they are giving it away for free. Worse than that, they are giving away another $300 per connection to get the box connected.

I indicated to Senator Conroy that I wanted to ask him in the committee stage if that is true. I am hoping, as an Australian, that he will say to me: ‘No, Senator Macdonald, you’re quite wrong and Mr Quigley was quite wrong when he gave you that information. No, we are getting a return on our investment.’ But he is not even here to answer the question. Senator Feeney now seems to have given up, he seems to be leaving, but it is good to see Senator Lundy has at least half returned to the debate. But I will have to wait until Senator Conroy deigns to lower himself to attend the chamber and be part of the debate before I can ask those questions. I will put them on notice again. I do want to know the answers.

I have digressed from the amendment moved by Senator Ludlam—but not really, because I have been talking about accessible and affordable carriage service. That is what Senator Ludlam is urging by way of this amendment to the objects, but clearly he is a bit misdirected. The figures I have been given are that, to join up to the NBN, it will cost the individual home owner between $3,000 and $7,000 just to get connected. If you do the simple math on the back of an envelope—$43 billion divided by the number of Australian families or Australian homes that use it; five million is a pretty generous conclusion—you will see that this will never be a commercial operation as we were told it would be in the first place.

This amendment talks about accessible services. We all know that seven per cent of Australians, many of whom I represent in Queensland and in my role as opposition spokesman for remote Australia, will never get access to this fibre-to-the-home service. We have never had the business case put before the Senate and a cost-benefit analysis done. We will never know if it is affordable because they will not give us the detail of the figures. But experts in the field have suggested that this NBN service will be anything but affordable to the majority of Australians.

Senator CAMERON (New South Wales) (11.58 am)—I rise to support the amendment to the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, moved by the Greens in relation to the availability and affordability of the NBN throughout this country. Senator Birmingham has called for a fair dinkum debate. If you listened to what Senator Macdonald has just gone through, that is anything but a fair dinkum debate. It is not really a debate to attack the minister for trying to achieve what the coalition failed to achieve for 10½ years—that is, a policy that can take this country forward into the new era of telecommunications.

What we see with the coalition is typical of them ever since they were defeated at the last election. We see them in wrecking mode. They are nothing more than wreckers. They want to wreck every positive government policy that comes before this parliament. That fact could not have been shown more clearly than it was in the Leader of the Opposition’s instruction of the former Leader of the Opposition, the member for Wentworth, Malcolm Turnbull, to demolish the NBN. So we know exactly where the coalition are coming from in this debate. It is not about
being constructive, it is not about the public interest and it is not about the future of this economy; it is simply about wrecking and about short-term political gain based on fearmongering and personal attacks against the minister, the only minister in the last decade who has managed to bring a policy position forward on this issue.

The coalition failed for 10½ years to have a policy for telecommunications in this country. If you look back over the 10½ years of coalition government, the coalition’s telecommunications policy was a three-line position: the three amigos in charge of Telstra. What a disaster that was. It was a disaster for the shareholders of Telstra and it was a disaster for providing decent broadband access to this community. That was the coalition’s position, a position of no capacity to deal with this issue. They put in place a management team at Telstra that did nothing except what the coalition are so good at—that is, wrecking and not making progress. There is quite clearly market failure in relation to this whole approach to broadband.

The Howard government continually had warnings about what they needed to do. There were reports about how they should deal with the emerging new technology, and yet they failed to deal with it—they did nothing. It was the same when we were facing the global financial crisis. The coalition’s view was that we should wait and see what happens. Senator Macdonald’s contribution—‘Just let us wait and see if the existing copper network will suffice to bring decent broadband to regional communities and to all the communities of Australia’—is similar to that view. It is an untenable position for the future. It is a position which really lays the coalition out for what they are. Senator Macdonald’s contribution simply exposes the coalition as the wreckers and Luddites that they are.

They really are the Liberal Luddites in relation to telecommunications policy. They will do anything to stop the new technology coming in. This is the technology of the future. This technology will drive our health systems, our productivity and our capacity to trade effectively with the rest of the world. It is about ensuring that we have a framework for the future that ensures our education system can match it with the best in the world, and yet the coalition—and the Luddites in the Liberal Party in particular—simply want to demolish this.

One of my duty electorates is New England. The local MP, in case I need to remind the coalition, is Tony Windsor.

**Senator Ian Macdonald**—Temporarily.

**Senator CAMERON**—It has been a long temporary situation up there, Senator Macdonald, that neither the Liberal Party nor the National Party could do anything about. Tony Windsor has shown more vision and capacity to understand the issues for New England than the coalition ever could. Prior to the election, I attended a number of BERs in New England. We were revolutionising the capacity for schoolchildren in New England to bring the best teachers into the classroom in real time, and not only the best teachers in the New England region, in New South Wales or nationally but also internationally. They can be brought into the classrooms to assist our education system and provide the best capacity to bring students forward into the future.

When you go to classrooms up in New England, it is clear. When you talk to the principals and teachers, you see that they are excited about having broadband in regional areas. They are excited about ensuring that their children and their pupils have the best opportunities. Tony Windsor is well aware of
those opportunities. Tony Windsor has the vision that the Liberal Party and the National Party do not have.

When you talk to the member for New England, Tony Windsor, about what is needed in New England, you find that what is needed is not just education but also health. The National Broadband Network will provide an opportunity for e-health. It will bring the best physicians face to face over the broadband network with the residents of New England—the residents of Tamworth and Armidale—who do not have the facilities that we have in the capital cities. It will give those people an opportunity to see directly and have the use of the best physicians in the country for diagnoses of their ills. That is something that the member for New England realises.

When you talk to business people in the New England region, they say that one of the real potential opportunities for them in the future is to have broadband, high-speed internet, access to build the jobs of the future in regional and country Australia. It should not be, as it has been under a coalition government, that if you happen to live in a metropolitan area you get the best broadband. You should have access in the regional areas. Businesses in New England, in Tamworth and in Armidale, tell me that if they had the capacity of a hundred megabits a second, they could create the businesses in New England that will ensure that rural and regional areas like Tamworth and Armidale grow for the future. That is the benefit of the broadband network.

After 10½-plus years of neglect and the incapacity to come up with a plan that could be delivered, the coalition paid a heavy price at the last election on this issue, because rural and regional Australia know exactly the lack of competence and the lack of capacity of the coalition to deliver them an equal opportunity and a fair go when it comes to access to broadband. They know that it was the Labor Party, it was this government, who set about delivering broadband right across this country. That is what will drive future jobs, that is what will drive future productivity and that is what will drive the health of rural and regional communities such as those communities in New England.

As the duty senator for New England, I want that region to have more capacity to compete not only with Sydney, Melbourne and the other big cities but also internationally. When you talk to businesses in rural and regional Australia, they tell you about the problems they have had over many years around not having access to broadband—not having access to the speeds that would allow them to submit tender documents to the cities and overseas when they are tendering for complex engineering contracts. They do not have that capacity. The National Broadband Network will provide the capacity for engineering workshops and engineering firms in regional and rural Australia to compete on a level playing field with engineering firms around the country, because they will be able to use the new software programs that are available to build the engineering designs that are needed to compete effectively internationally. They will have it there and they will be able to use those software programs to build their businesses and create employment in regional and rural areas.

Yet what do we hear from the National Party, who should be and claim to be the defenders of regional and rural Australia? When it comes to the two big questions that face regional and rural Australia—access to broadband and access to building the communities—the National Party along with their coalition partners, the Liberals, are saying: 'You should not have access to that. You should depend on the old copper network. You should depend on the decaying copper network.'
network. You should not have the same access as everyone else.’

On climate change, they do not want farmers in New England to have access to the computer technology that would allow them to analyse what is happening with the climate, how they could mitigate climate change and use the best computer software and technology to deal with that. The coalition have abandoned the regional and rural areas of this country, and they have abandoned them because they are Luddites. The Liberals are the Luddites of this parliament. They want to wreck the National Broadband Network. I just do not understand it. You would think, even on a basic, commonsense approach to the future of this nation, that they would say, ‘Yes, this is the way forward, as it has been seen to be the way forward in countries around the world.’ Those are countries that we must compete with in productivity, countries that we must compete with in providing health services to our constituents and countries that will move ahead if we do not adopt this new technology. The Luddites are in control, the wreckers are in control, the extremists are in control of the coalition and that is not in the national interest. (Time expired)

Senator BIRMINGHAM (South Australia) (12.13 pm)—I have listened very closely to the contributions from Senator Cameron and Senator Lundy. These are remarkable tactics we are seeing from the government at present. The Minister for Broadband, Communications and the Digital Economy is not in the chamber; he is clearly off wheeling, dealing and negotiating behind closed doors rather than taking part in the debate in this chamber about what is best for this country. The minister responsible for the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 is somewhere else. He is not in here contributing to the debate that is currently under way about his legislation and about a $43 billion program that would have a profound impact on the nation, a profound impact on a critical industry in Australia, a profound impact on the budget and a profound impact on Australian taxpayers from now into the future.

Senator Cameron talked a lot about vision. He built a lot of his case on the need for vision and on having vision. I have a vision too. I have a vision of responsible government. I have a vision of a government that takes carefully considered decisions. I have a vision of a government that has some consideration and concern for taxpayer dollars. I have a vision of a government that wants to stimulate competition and investment and a private sector in innovative industries. That is not the vision that I see when I look opposite.

Senator Feeney interjecting—

Senator BIRMINGHAM—What I see when I look opposite, Senator Feeney, is a government that has grand visions of ideas and no idea of how to implement them—no idea whatsoever. I see a government that grabs something, scribbles it down on the back of an envelope—$43 billion, 100 megabits per second, fibre to the home—and says: ‘Here we go. We’ve got a policy. Away we go. Now we’ve got no idea how we’re going to push this through. We don’t know whether it is the best thing to do. We’re not going to be responsible enough to test it all. We’re just going to charge ahead with this idea.’ That is not good enough. It is not good enough for Senator Conroy to get on a plane with Mr Rudd and say: ‘Our broadband policy that we took to the 2007 election—three years ago today—didn’t work. We couldn’t get it to stack up.’ Senator Conroy probably put more time and thought into his fibre-to-the-node 2007 election broadband policy than was put into the fibre-to-the-home
broadband policy that he switched to when the first one did not work.

So the vision I have is for government to be responsible and do the hard yards to build a case to justify whether their proposals stack up and make sense. The government are totally unwilling to do those hard yards. They talk about their vision for broadband, but they have done absolutely no analysis or assessment of what is the best way to actually deliver fast, competitive, affordable broadband services to all Australians with value for money for the taxpayer and maintaining competitiveness in the telecommunications sector. They have not done any of that analysis. They have just picked a plan that they think is a winner. That is all they have done—picked this $43 billion plan and said: ‘That’s what we’re going with. That’s what we’re charging ahead with.’ They have done absolutely no robust analysis.

As I said before, this amendment is well intentioned. It is important to remember that we are debating an amendment at present. I know the minister has gone missing, but this amendment from Senator Ludlam is well intentioned. It is about the desire for affordable and accessible services, and that is what we should all be trying to seek. But it is not just about affordable services to consumers; it is also about providing an affordable service for the taxpayer, which is what we as a parliament and you as a government should deliver: decent value for money for taxpayers, not just throwing good money after bad to build services over the top of services that already exist.

I again remind the chamber that this government only a couple of years ago thought that 12 megabits per second was a world-leading service that would deliver everything that could possibly be necessary into the future. It was only when they could not manage to get complying tenders that stacked up with what they wanted for their fibre-to-the-node policy that they abandoned that policy and suddenly came up with a trump card, saying, ‘Actually, 12 megabits per second, even though we advocated it for years, wasn’t good enough and now we’re going for 100 megabits per second.’ It was a double-or-nothing type strategy except that the speed was more than doubled; the speed they suddenly thought people needed was essentially multiplied by 10 times with no analysis to justify either that increase or the cost of the program. It took the cost from $4.7 billion to $43 billion with no analysis whatsoever.

Rather than Senator Conroy being off behind closed doors doing whatever wheeling and dealing he is doing at present with the Greens, Senator Xenophon or Senator Fielding—who have all vanished and are obviously all in the midst of these negotiations—why doesn’t the government just come in here and give Senator Xenophon and the opposition the business plan that the government received for NBN Co. more than two weeks ago, which we have been calling for over the last couple of weeks? For more than two weeks you have been sitting on this business plan. You have defied orders of the Senate to release it. You have defied requests from the opposition to release it. You have defied requests from the crossbenchers to release it.

Senator Xenophon has made that a key condition of his position on this legislation, and it is understandable that he would want to know what is in that business plan. I hope that Senator Xenophon stands by the many comments that he has made very strongly in these past few days about the importance of that business plan—that is, that we do not have a situation where half of the 76 senators in this place are expected to vote blindfolded without seeing the NBN business plan.
Senator Xenophon has made some very compelling arguments, and I hope he stands by those arguments and makes sure that he is not just given titbits of information in a closed-door briefing. I applaud him for the credibility that he has shown to date in refusing to sign confidentiality pacts with the government—confidentiality pacts that, like so many other parts of this government’s policy, shifted from having a seven-year requirement to having a three-month requirement to having a two-week requirement. Senator Xenophon refused to sign those deals, and I hope that he will be convinced not by titbits of backroom information but by the Minister for Broadband, Communications and the Digital Economy doing the right thing. The right thing would be for the minister to walk into this chamber and meet the orders of the Senate, which are to produce the business plan so that we can all look at the document and make this debate a far more informed debate than the one we would be able to have without the knowledge of the assumptions of NBN Co., the pricing of NBN Co., the take-up rate they expect and all the things that underpin this business plan. If the minister did that, we would be able to have a good, robust debate and to make sure that we were all informed.

The government should equally table the analyses of this business plan. Senator Conroy should make those available as soon as they are publicly known. I do not know what it is that the government is afraid of here, aside from the fact that the business plan might be able to be attacked—that there may be holes in it and that it may not live up to the many claims the government has made to date.

Most importantly, what Senator Conroy should do, when he finally graces us with his presence in this chamber for the committee stage of debate on his bill, is commit to a Productivity Commission inquiry into the NBN. He should charge the Productivity Commission with the task of investigating whether this is the best way to achieve accessible and affordable services for all Australians at the lowest possible cost to the Australian taxpayer in a way that preserves and enhances competition across the telco sector.

If Senator Conroy did all of those things, he would fundamentally change the dynamics of this debate. Instead of having to do his behind-closed-doors deals, which he is engaged in as we speak, he could change the fundamental parameters of this debate by walking in here, agreeing to the Productivity Commission inquiry, tabling the business plan and committing to make the analyses of the business plan available. It would be so easy. Yes, there is a raft of other amendments that the coalition, the Greens and Senator Xenophon want to debate, but these are the issues that keep coming up time and time again as the real stumbling blocks in the government’s pursuit of this. They are stumbling blocks because of that vision that we are on this side of the chamber have that governments should behave responsibly and be considerate, careful and thoughtful in how they spend taxpayer dollars.

That is far from what we see from this government, which has wasted billions of taxpayer dollars in its botched stimulus program activities around school halls and pink batts and others that I named before. It is because of the government’s track record of wasteful spending, jeopardising taxpayer dollars and jeopardising Australia’s future that, to be blunt, we do not trust them with a program of this magnitude.

At present, the best we have heard from the government as to why Australia should adopt this $43 billion NBN proposal is a ‘trust me’ stance. We have Senator Conroy coming in here and saying: ‘There are lots of
global studies that say broadband is a good thing. Trust us, this is the best one to apply.' That is all we have. ‘Trust me’ is not good enough. When it comes to the business case, we have assurances from the government that the Prime Minister, Ms Gillard, and the cabinet will go through the business case with a fine toothcomb. I have seen their fine toothcomb activities before. There has been debacle after debacle and policy failure after policy failure for three long years now. We are not about to just willingly allow the government to embark on another one, because this is not just some small policy; this is the largest infrastructure policy that this government or any government has ever undertaken—a $43 billion project.

Australians will be repaying the cost of this for many years to come if we get it wrong. That is why we need to get it right. That is why we need to ensure that whatever we do in the broadband space is the best possible policy outcome and will deliver fast, affordable broadband to all Australians, at the lowest cost to taxpayers, with a competitive industry. These are the things that we want to see—but I emphasise that there should be value for money for taxpayers.

Senator Cameron can talk all he wants about vision. A government with vision equally needs to be a responsible government, and this government is far from responsible. He talked a lot about having real policy. Real policy involves prioritising; it involves recognising that perhaps government cannot deliver utopia without enormous cost, as in this proposal, to Australians. That is why the opposition has championed real policy options that would target services to regional areas and black-spot areas. Indeed, if the OPEL project that Senator Macdonald referred to earlier had been continued with after the 2007 election, many regional areas of Australia would enjoy faster broadband services today. They would have enjoyed them a year ago; some would have enjoyed them two years ago. We would actually have had services on the ground, whereas instead we are now having this debate in this place because the government is preoccupied with a utopian, politically driven vision rather than actually being a responsible government.

The challenge is there, Senator Conroy. Walk into this chamber, table the business plan and commit to the Productivity Commission inquiry. You can change the dynamics of this debate—but it is up to you. Get out of the room where you are doing your backroom deals, come in here, front up and be open with the Australian people. That is what we want to see. That is what this chamber deserves. It is what all Australians deserve. That might just actually get us a decent, responsible, affordable outcome for future broadband policy.

Senator CAROL BROWN (Tasmania) (12.28 pm)—I rise to make a contribution to the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 during the committee stage of the bill. If the Liberal and National parties are serious about improving competition in the telecommunications market and delivering better services for their constituents, they need to support this legislation.

We heard from Senator Birmingham a lot of detail about the NBN and the reasons for their not supporting this legislation, but his contribution was largely not about this legis-
lation at all. The Liberal Party continue to link the NBN to this piece of legislation only for their own political reasons, only to do what Mr Abbott has asked them to do—that is, to demolish the NBN. Senator Joyce publicly confirmed that that is their job. They have confirmed that they believe that the NBN is the reason that we are in government—Senator Joyce has said that. The Minister for Broadband, Communications and the Digital Economy has said numerous times that the NBN Co. has provided a three-year corporate plan and a 30-year-business plan. As the minister said, the company submitted the plan on 8 November 2010 and the government is committed to releasing as much information as possible from the business plan. He also said that we will release the business plan in December.

This legislation will make significant amendments to the Telecommunications Act 1997, the Trade Practices Act 1974 and the Telecommunications (Consumer Protection and Service Standards) Act 1999. In this legislation we have before us the opportunity to implement a substantive regulatory reform package that will deliver a more efficient and effective telecommunications market with better and more appropriate consumer safeguards for Australian consumers. This bill reshapes the framework for Telstra to progress its decisions, including to separate, to allow Telstra to seek approval from its shareholders to migrate fixed line customers to the NBN. This bill will streamline our telecommunications sector and strengthen consumer safeguards to ensure service standards are maintained at a high level.

Overwhelmingly the majority of industry supports this legislative reform package. It is time to take action to address the longstanding problems with the existing telecommunications regime. For too long we have endured poor services at high prices and have faced numerous access disputes. It follows quite simply that passing these reforms is a key priority for this government, consumers, businesses and the broader economy. There seems to be genuine support for the separation of Telstra and I believe even those opposite cannot dispute the consumer benefits and enhanced safeguards.

Whilst those opposite continue to grandstand about the government’s expenditure on the National Broadband Network, they are stalling and thwarting any legislative progress before the end year for their own political ends regardless of the damage their tactics will have for consumers and businesses. Those opposite are denying consumer access to the safeguards that they deserve, they are causing greater uncertainty for Telstra shareholders and they are delaying much-needed reforms to the telecommunications sector. Their only aim is to stop us moving forward and to stop the Gillard government from progressing our legislative agenda.

These amendments provide the opportunity to overcome the vertically integrated, privately owned monopoly that Telstra enjoys in the Australian telecommunications industry. We have before us a package of fundamental reforms to existing telecommunications regulations in an attempt to rectify the anticompetitive nature of the industry. We are determined to address the mistakes of the past and to establish an effective and efficient regulatory framework for telecommunications.

The way forward that we have proposed is a mix of strong measures to open up the sector alongside the appropriate safeguards and incentives for consumers. This bill will reshape regulations for the telecommunications sector and will allow us to deliver better and fairer outcomes for Australian consumers and businesses. These reforms will allow the sector to smoothly transition to the NBN,
they will increase competition and they will improve consumer safeguards. I hope that those opposite will have a change of heart and do the right thing for Australians and the Australian economy by voting in support of this legislation.

This bill will provide more legislative and regulatory certainty for Telstra and its shareholders as it transitions into a retail company. Through these reforms it is possible to create a win-win situation for Telstra, its shareholders and Australian consumers and businesses. These legislative changes will deliver much needed benefits for consumers while simultaneously protecting consumer interests. By addressing Telstra’s integration across the fixed line, copper, cable and mobile platforms and by delivering a structural separation of Telstra, consumers stand to benefit from increased competition across the sector.

With the NBN Co. as a wholesale-only telecommunications provider with open access arrangements, the rollout of the NBN is already reshaping the competitive dynamics of the communications sector. Competition will only increase with the ongoing rollout of the NBN and with the separation of Telstra.

The industry has been calling for fundamental and historic microeconomic reform in telecommunications, and we are delivering this outcome in Australia’s long-term national interest. This bill will address the long-standing deficiencies in the regulation of the sector and it will also drive growth and productivity, regional development, social equity and innovation. We will have proper regulation of the wholesale company and we will have proper scrutiny from the ACCC.

This legislation has been informed by the discussion paper on telecommunications reform which was released on the same day as the announcement of the National Broadband Network in April 2009. The 140 submissions to the discussion paper included all major telecommunications service providers, broadcasters, media companies, state and territory governments, the ACCC, disability and consumer groups, business organisations and unions. Their response was clear: across all of the submissions unanimous feedback, as we have heard in this chamber, was that the telecommunications industry is uncompetitive, it does not assist consumers and it does not assist businesses.

We have initiated fundamental reform to the telecommunications industry to address the high level of vertical integration amongst both Telstra’s wholesale and retail services. These changes come alongside the rollout of the NBN, one of the largest infrastructure nation-building projects of our time, a project which will drive Australia’s future productivity and growth. We must have the appropriate telecommunications regulation in place to ensure that the NBN is affordable and able to deliver high-quality services to businesses and consumers. The proposed changes to the telecommunications regulations have been praised by the Australian Competition and Consumer Commission, the ACCC, and the Chairman, Mr Graeme Samuel, has himself said that the public is best served by having a competitive telecommunications sector.

This legislation has widespread support across the telecommunications sector. We know that. We know that the 10 major industry groups that include the Australian Communications Consumer Action Network, the Competitive Carriers Coalition, iiNet, Internode, Macquarie Telecom, Netspace Networks, Primus Telecom, TransACT Communications, Vodafone Hutchison Australia and the Australian Telecommunications Users Group plead the case for passing this bill with signatories arguing that we need these comprehensive and coherent reforms to improve competition and consumer protection in Australia. These groups also emphasise
the need to deliver these reforms for consumers in regional Australia.

Australian consumers and businesses are calling out for reform, and it is frustrating that those opposite continue to oppose changes that are clearly in the best interests of the telecommunications sector and that are in the broader national interest. Through this legislation we are also making changes to consumer safeguards and protecting consumer access to affordable telecommunications services, because we know that for too long consumers have suffered as a result of regulatory gaming and litigious obstruction. We have endured 164 telecommunications access disputes since the commencement of the regime. Compared with other utility sectors there is a disproportionate amount in the telecommunications sector given that there have only been four access disputes across other regulated utility sectors.

This legislation sets up a more level playing field for consumers in the future. The ACCC will set the terms for access into the future, and this bill removes the right to seek the merits review of the ACCC’s decisions. The legislation retains and strengthens the universal service obligation, the USO. Telstra has the universal service provider as the universal service provider. That therefore must ensure all Australians have reasonable access on an equitable basis to standard telephone services, including payphones. The consumer service guarantee, CSG, will be bolstered through minimum performance benchmarks to require telephone companies to meet or exceed the CSG requirements. If the standards are not being met, those companies will incur civil penalties. There will be an additional priority assistance requirement for telephone companies. Through enhancing the powers of the Australian Communications and Media Authority to issue infringement notices, we will also have a more effective enforcement of our enhanced consumer safeguards.

We cannot let those opposite deny Australians better broadband and telecommunications services for their own political advantage. We know—we have heard it in the chamber before—that at the Melbourne communications conference Mr Turnbull, the shadow minister, said that if vertical integration was the problem structural functional separation of Telstra is the answer. We must now ask how, in spite of their own shadow minister’s comments, those opposite still will not support this legislation. Using the NBN as the only reason to object to a bill which breaks down the telecommunications monopoly is just another example of the delaying tactics of those opposite. We need to act now and deliver fundamental reform to the telecommunications industry, reform which will benefit both consumers and businesses in the future. These are substantive stand-alone reforms to the telecommunications industry. Nothing in this legislation concerns the NBN other than the agreement between NBN Co. and Telstra. The telecommunications reforms have nothing to do with the cost-benefit analysis of the NBN. The opposition know this and they are linking this bill with the NBN for their own advantage.

The Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill provides a framework for the migration of customer services from Telstra’s network to the NBN. This is the means by which the structural operation of Telstra may be achieved. This bill is not about the operations, structure or the ongoing processes of the NBN. It is about streamlining our telecommunications sector and strengthening consumer safeguards. It is about delivering better and fairer outcomes for Australian consumers and businesses in our broader community. The opposition need to be honest about the reason they are opposing this.
This bill is not about the NBN; it is all about the opposition’s strategy to delay, wreck and demolish—on the orders of their leader, Mr Abbott. We know and they know this bill is about competition and consumer safeguards—(Time expired)

Senator IAN MACDONALD (Queensland) (12.44 pm)—I want to return to the amendment before the chamber. I cannot understand the government’s position. They keep telling us they want to get this bill through and yet they bring in the ‘zombies’—to use Senator Cameron’s words, not mine, of course—to read 15-minute speeches that have nothing to do with the amendment before the chamber. I wanted to ask the mover of the amendment some questions but neither he nor the minister are here. The Greens and the Labor Party are treating this as an absolute farce. We are here to ask Senator Ludlam questions about his amendment and he did not even bother to turn up. He has not even been here. How serious can the Greens be with their amendments when they are not here to listen to what people say or to answer questions? No Green, no minister—what a farce.

Progress reported.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Kroger)—Order! It being 12.45 pm, I call on matters of public interest.

Euthanasia

Senator POLLEY (Tasmania) (12.45 pm)—I rise to speak today on my fundamental reasons for why I cannot support euthanasia. Today in the South Australian parliament there is legislation being presented and in my home state if Tasmania it was a little over 12 months ago that there were attempts to legislate there. We know that in recent times there has been a bill come before this place.

This is a very complex issue. It is complicated by a range of interpretations of what is meant by euthanasia; confusing inconsistent laws, which collectively do not provide a conclusion; Australia’s Constitution and the different relationships between states and territories and the Commonwealth; the need for appropriate palliative services to support dying people and their families in their homes, in hospices and even in hospitals; and strongly held beliefs and values of people who support or oppose euthanasia. To me the latter is the key issue in determining how I will vote on this issue. Those values and beliefs are what should define our laws—it should not be the reverse.

To clarify what I am talking about, I suggest that there are a range of issues for consideration: The Australian Human Rights and Equal Opportunity Commission states:

• involuntary euthanasia refers to the termination of life against the will of the person killed;
• non-voluntary euthanasia refers to the termination of life without the consent or opposition of the person killed;
• voluntary euthanasia refers to the termination of life at the request of the person being killed;
• active euthanasia refers to a positive contribution to the acceleration of death;
• passive euthanasia refers to the omission of steps which might otherwise sustain life.

The two issues which are important are that there is an active request of the person to be killed and that there is active intervention to accelerate that death. The first sentence of article 6(1) of the International Covenant on Civil and Political Rights states:

Every human being has the inherent right to life.

I will move on to what I consider the fundamental issue in this debate. On any bill it will be a conscious decision and I believe in what
was said at the American Catholic Bishops Conference:

As Catholic leaders and moral teachers, we believe that life is the most basic gift of a loving God—a gift over which we have stewardship but not absolute dominion. Our tradition, declaring a moral obligation to care for our own life and health and to seek such care from others, recognizes that we are not morally obligated to use all available medical procedures in every set of circumstances. But that tradition clearly and strongly affirms that as a responsible steward of life one must never directly intend to cause one’s own death, or the death of an innocent victim, by action or omission ...

We call on Catholics, and on all persons of good will, to reject proposals to legalize euthanasia.

These are not my words but they are ones that I clearly agree with and support. While these are only a few words, to me these words are the essence of the debate—life is sacred and we should not be actively aiming to end any life. I cannot emphasis this enough. To me this is the core of the issue.

The people who would support euthanasia tend to rely upon three common themes: the avoidance of suffering, the right to die and that voluntary euthanasia will not slip into involuntary euthanasia. Laws against euthanasia and assisted suicide are in place to prevent abuse and to protect people from unscrupulous doctors and others. They are not and never have been intended to make anyone suffer. I am reliably advised that nearly all pain can be eliminated and in the rare cases where it can not be eliminated, it can be substantially reduced. This is an area that all governments at a state and a Commonwealth level should be looking at to ensure that the best medicine to reduce pain is available in this country. Adequate pain control should be available to all people. Killing them is not the answer.

The issues associated with dying are much broader than just controlling pain. Care is not just about symptom management but must include counselling, social support, and pastoral care for the dying person and their carers and supporters. A recent article in the Australian newspaper by Margaret O’Connor, President of Palliative Care Australia stated:

In the palliative care settings of hospital, hospice and home the request for assisted suicide is rare. Palliative care needs to be available to people in their own homes, in hospices and in hospitals, day and night as the need may be and to be provided by a range of health care professionals to cater for all of the needs of the dying and their families. I have spoken in this place before about the importance of palliative care. A palliative care guide states: Under palliative care, doctors, nurses and other health professionals treat the symptoms and ease the pain of the terminally ill, making them more comfortable and helping them lead a dignified life until death. The goal is not to ‘cure’ the patient, but it’s also not to expressly hasten that person’s death. Dying is a normal part of life.

So, until there are adequate services to support all people who are dying, why are we even considering this option? Until that is the case, how can we know if there is truly a problem? I have no doubt this is the direction that a caring society should head. Admittedly, in a recent study released in the Economist magazine of the palliative care services in 40 countries, palliative care services in Australia rated highly. However, we are not immune from the effects that euthanasia would have on palliative care services.

There is another concern: the risk to the disadvantaged. I spoke last week in this place about elder abuse and how elder abuse can include involuntary euthanasia and the threat to our disadvantaged. We need to recognise that euthanasia is likely to be practised with the same social inequity and prejudice that affects the delivery of services throughout our society, including health care.
Those who are most vulnerable—the poor, minorities, the less educated and the less empowered—will continue their disadvantage. This is not to say that doctors are more prejudiced or influenced by race, class et cetera—only that they are not exempt from these either.

There is no right to die. Suicide, while a very unfortunate event, is not illegal, but that is not what is being asked for. What is being asked for is that another person be involved in killing the person making that request and that there be no repercussions for the assisting person. Assisted suicide is a halfway house and a stop on the way to other forms of direct euthanasia—for example, for incompetent patients by advance directives or suicide in the elderly. So too is voluntary euthanasia a halfway house to involuntary and non-voluntary euthanasia. If terminating life is a benefit, the reasoning goes, why should euthanasia be limited only to those who can give consent? Why then would we need to ask for consent?

I could talk about a whole range of issues about euthanasia and my own personal experiences with my mother a little over two years ago. She has cancer. She was already in very ill health, and she was confronted with having to have emergency surgery. The first doctor suggested to the family that it was not worthwhile and her chances were very slim. We sought a second opinion, and we were very fortunate, because the second doctor said, ‘If your mother wants to try then I think the hospital should perform the surgery.’ Of course, as a family we were most grateful for that, because we have been fortunate enough to have our mother with us for a further two years. My concern is: with the constant pressure on our health system into the future, if we had voluntary euthanasia, would my mother and our family have been given that opportunity to even attempt the emergency surgery? My mother was 82 at the time and, as I said, in ill health. Now, of course, she is bedridden and is undertaking palliative care. Yes, she is in extreme pain, but she is having palliative care. I believe that she is getting the best possible care available, and we are most grateful to those people who are caring for her. So, when people criticise me for my belief in not supporting voluntary euthanasia, I am not just speaking for my constituency back in Tasmania or for the people who send me the hundreds of emails I get on a weekly basis from around the country; I am talking about firsthand experience with the dilemma that our health system can sometimes confront us with.

You only need to look at two examples cited by Alex Schadenberg, the Executive Director of the Euthanasia Prevention Coalition Canada and chair of the Euthanasia Prevention Coalition International, who recently visited Tasmania to brief Tasmanian MPs and other interested parties. The most recent report from the government of the Netherlands indicated that in the five years between 2000 and 2005 there were 550 people euthanased without consent or request. When you have a poorly developed palliative care system, it is not surprising that Dutch doctors have been reported as saying, ‘Why should I worry about palliative care when I have euthanasia?’ Another study, published on 17 May 2010 in the Canadian Medical Association Journal, stated that 32 per cent of all euthanasia deaths in the Flanders region in Belgium are ‘without request or consent’.

There has been significant pressure on healthcare providers to contain costs. In my home state of Tasmania, the Minister for Health recently announced a reduction in funding for palliative care services in the north of the state. At the same time the Attorney General has foreshadowed, along with her Greens ministerial colleague, the introduction yet again of euthanasia legislation. A
coincidence? I do not think that is how people necessarily all see it in Tasmania.

However, much more worrying is the recent Standard and Poor's report *Global aging 2010: an irreversible truth*, reported in the Launceston Examiner on 13 October this year. I quote:

Age-related spending on health, pensions, and aged care is estimated to rise to 14.4 per cent of gross domestic product (GDP) in 2050 ... Without further reforms to address these mounting spending pressures, net general Government debt could increase to 71 per cent of GDP over the period ... The article goes on to say:

The global report forecast that Government debt associated with age-related spending could reach ... 300 per cent of GDP in ... 40 years in advanced economies if fresh measures were not introduced to address the issue.

Meanwhile we have many in the health professions concerned about the ethical implications for their practice and effects on the doctor-patient relationship.

Before I conclude, I would like to summarise. I cannot support the introduction of euthanasia, as I outlined from the very beginning. It is inherently wrong, and this is inescapable. The legislation—any legislation—cannot protect individuals. You cannot prevent the legal slippage, and despite the very clear warnings there is already evidence of this occurring. Combine this with the fears concerning future health funding and the many other practical issues. Finally, I say to those in the chamber and those that are listening to this broadcast that those of us who do not support euthanasia do understand what pain is about and that people want to ensure that their family members are well cared for and without pain. But I truly do not believe that assisted suicide or voluntary euthanasia is the way forward. Life is very precious. I am somebody who can speak from practical personal experience. When you have the opportunity to choose between life and death, it is a very natural thing to choose life, and we should do all we can to instil that value in our society.

**Big Government**

Senator BERNARDI (South Australia) (1.00 pm)—During this year’s Australian Grand Prix Mark Webber said this about Australia:

It’s a great country but we’ve got to be responsible for our actions and it’s certainly a … nanny state when it comes to what we can do.

... I think we’ve got to read an instruction book when we get out of bed—what we can do and what we can’t do ...

This may sound like an exaggeration to some people but there is a great deal of truth in what Mr Webber said.

Every year brings another raft of rules and regulations by governments seeking to tell individuals what they can and cannot do, and where they can or cannot do it. Often it can happen so gradually that we do not notice it before it is too late and we are left to struggle against increasing levels of government control and intervention, straining against a bureaucratic straitjacket that is tighter and tighter.

As a Liberal—like most Liberals—I champion personal responsibility. We believe that individuals are best-placed to know what is best for themselves and in the case of children I believe that parents are best placed to know what is best for their children—not the government. Of course, we have laws, regulations and police to keep us all safe and to ensure a stable and harmonious society. For example, we all wear seatbelts and we follow airport security procedures because the community agrees that as a whole these rules are beneficial and necessary for individuals and for the benefit of all. But there comes a point when we have to say, ‘Enough is
enough’. When government seeks more and more control over our lives—telling us what to eat, how fat we can be and what to do with our spare time—it is taking things too far. Increasingly, governments of all stripes right around the world seem to be saying, ‘We know what’s better for you than you do.’ Why should we, as individual citizens, be okay with that?

We see this nanny state manifest itself in many ways, but the current move to set further restrictions on gaming machines as specified by the Productivity Commission and the Gillard-Wilkie agreement is one example. In its report on gambling the Productivity Commission recommended that a full precommitment system be introduced in every state and territory to combat problem gambling. And the government, through the Gillard-Wilkie agreement, has committed to this. Full precommitment essentially means that players must be registered before they can actually play a gaming machine and that they have to have self-imposed limits set on their gambling. These can be spending limits or time limits. That means that people who wish to play gaming machines have to be registered or identified in some way—via a fingerprint, a smartcard or a similar sort of identification—in order simply to play a gaming machine. With a full precommitment system this would apply to all gaming machines, which means that anyone—even the person who just wanted to drop a dollar in after they have a drink at the bar—would need to be registered and effectively need a licence to play a legal product.

Moving beyond the questions of how or if this could actually be carried out effectively—there are natural concerns about privacy, how the details would be stored, how it would work for every machine and so on—it strikes me that this is a complete overkill. It implies that all people who play a gaming machine are irresponsible and cannot control their spending.

We have many programs and initiatives in place to help problem gamblers—self-exclusion and counselling, and there are specialist staff in many venues—that are targeted specifically to the needs of problem gamblers. Of course I believe that we should assist problem gamblers and help them with their problems; but to punish the whole and to restrict the freedoms of the whole to cope with the problems of a few is not the right way to go about it. It offends the most basic freedoms that we enjoy in Australia. Surely all of us can determine how we can spend our money on legal products and services without having to have government permission or approval. The suggestion that government should track and limit what legal goods and services a person may purchase with their own hard-earned money is, quite frankly, ridiculous. Yet that is what this government is proposing.

Some individuals will always struggle with compulsion and addiction. The answer to their problems is not to treat all Australians as being unable to control themselves. But this single policy agenda reflects the growing nanny state movement that is interfering more and more in every aspect of our lives. It is something that has increased since Labor has been in power. And I have to ask: what is next?

If we continue to allow government to get bigger and bigger and to continue to rule increasingly over our lives, what will be the next stage? In a few years, will we need a licence to purchase alcohol, or somehow register in order to buy a drink at a bar? In ten years, will there be a national database of cigarette purchasers to make sure you cannot buy more than your allocated allowance? Maybe in 15 years, you will have to go to the
Big Mac police and get a special permit, or you will need a licence to get fries with that.

Big government that is intent on protecting us from ourselves only ever creates bigger problems. And you will never see a government give up this control over people’s lives once it has got hold of it. Big government thrives on the rules, regulations and red tape that stem from the nanny state, so we need to stand against it now before it gets any worse. We need to make sure that individuals are accountable for the consequences of their own actions rather than making excuses for them. We need to empower people to be responsible for their actions rather than giving that up to government.

Unfortunately, it seems that in modern-day life children are the target of many of the nanny state proponents. For example, some Australian schools have banned cartwheels and handstands, removed the monkey bars and stopped children from playing sports like soccer during recess to accommodate some safety concerns. In Canada, a soccer league introduced a rule which stipulates that any team that wins a game by more than five goals will lose by default, claiming sportsmanship as the reason for putting such a ridiculous rule in place. In London, parents were faced with being reported to social services for daring to allow their children to cycle unsupervised one mile to their local school. In Queensland, teachers were encouraged to leave wrong answers blank when marking students’ work to avoid hurting the students’ confidence, and they were told not to use red pens when correcting tests as the colour was too aggressive.

I am a parent myself. I know all too well the desire to protect your children from harm and disappointment. But to go to such an extent, to wrap children in cotton wool and deny them the chance to live life, have fun and experience the necessary stumbles that come with it is not right. How else do children learn from their mistakes? How else do they learn about competition? How else do they learn to cope with winning and losing? Where is the motivation to improve and succeed? How else do they experience things for themselves and learn to cope with the outcomes? How is any of this going to prepare them for the competitive and often unfair world that we inhabit as adults? As much as we would like to, we cannot protect them completely from every minor struggle. It’s life; it is how we learn valuable lessons that we take into our adult lives.

Again I ask: what about leaving these lessons up to parents rather than having a bureaucrat behind a desk in London, in Sydney, in Queensland or anywhere else determine what is good for our children? It is just another example of the suffocating effect of the nanny state. Already employers have remarked to me that they have seen in some—not all, but some—of the younger generations of employees young people who have never been told what they need to improve, so they never expect to be corrected and they think they can automatically slide up the ladder without putting much effort in. In a speech before he became Prime Minister of England, David Cameron said:

…in the end, the state cannot do it all. In the end, the best regulation is self-regulation, not state regulation. That’s why the family comes first. That’s where we can really turn things around and start to repair our broken society.

I agree with Mr Cameron, but I go further: governments’ nanny state regulations actually adversely impact on society. They stifle the development of communities and can prevent people from taking part in those social activities that nurture and build harmonious societies.

I will give you an example. This year, in my home state of South Australia, volunteers organised a fundraiser for the Australians for
African kids charity. A private garden was the venue, volunteers provided food, tea and coffee, African musicians were booked to play and a local winery offered free wine tasting. It sounds like everything was sorted—but it was not. When the local council heard about the event, it proceeded to wrap this event up in a plethora of red tape. The council required of the event organisers an 18-page application form to get permission to have the event. One would ask: what about the rights of the property owners? But that did not matter to the council. They also needed a liquor licence, the names of all the people who made the food, the qualifications of the volunteers, a food business notification form, public liability requirements, an adequate number of portaloos and an inspection of the venue by an environmental health officer. What a way to dampen the goodwill and the good intentions of the organisers. I am not saying that we do not want people to be safe when they attend public events, but surely this is an example of going too far. And it does not make things easy for those who want to organise these events.

But that is not all. The long arm of the nanny state also extends into areas such as the beach. The Cottesloe Council, for example, is considering introducing an extra 60 clauses to its beach laws, taking the grand total of prohibited beach activities to over 100. Here are some of the proposed prohibited beach activities: kites and toy vehicles, the digging of holes, and umbrellas bigger than three metres. It is also proposed to require prior written consent for meetings of more than 10 people. Heaven forbid if you want to have a game of cricket on the beach anymore and you are walking along with nine of your mates, because the beach police could come and get you for it. Bit by bit, this nanny state nonsense is sucking the life out of society. It is stopping people from enjoying the very best that Australia has to offer, including celebrating the community spirit that makes our country a great place to live.

We trust governments to have laws in place to protect our security, but should this really extend to what we eat, what we drink and sometimes actually what we are allowed to think? My sentiments are supported by the majority of the Australian people. A Galaxy poll this year revealed that 55 per cent of Australians believe Australia has become a nanny state already, and 73 per cent believe that governments spend too much time and effort making rules and regulations on people’s daily lives rather than focusing on important issues like education, health and crime. What is the result of all of this? We are left with an over-regulated society, swimming in red tape and unnecessary rules and laws. We are left with a society where government bulldozes personal responsibility so that it can have increasing control over other aspects of our lives, where we have parents who think that the government is better at raising their children than they are, and where we have the unemployed who think it is actually the government’s responsibility to find them a job.

We are in danger of becoming a country where the government has a hand in everything that we do. Soon, I believe, we will not even be able to sneeze without a government bureaucrat charging us for carbon dioxide emissions.

Honourable senators interjecting—

Senator BERNARDI—You may laugh at that, but it is not a joke. It is on its way to happening, with a carbon card trial on Norfolk Island, funded by the government. Do we really want to end up like other nations such as, for example, Japan, where the government has imposed a waistline standard for its citizens, where people are examined annually to make sure that they are not too fat? Such interference, such extreme levels of
control, such disregard for personal responsibility and choice has no place in our country. CS Lewis said:

Of all tyrannies, a tyranny sincerely exercised for the good of its victim may be the most oppressive. ... The robber baron’s cruelty may sometimes sleep, his cupidity may at some point be satiated, but those who torment us for our own good will torment us without end, for they do so with the approval of their own conscience.

This is something that must be resisted—for the sake of personal freedoms and the freedoms that our country was founded upon.

Tasmania: Forestry

Senator MILNE (Tasmania) (1.14 pm)—I rise today to discuss the current state of the agreement that has been reached between the environmental groups and the forest industry groups in Tasmania on a set of principles designed to achieve the 100 per cent solution to the long-running conflict in Tasmania over native forest logging. Potentially, this is a great outcome for Tasmania. The Greens support this set of principles and support seeing the next six to 12 months being used to implement those principles, but it requires good faith from both sides for that to occur and it requires the Tasmanian and federal governments to work together to be able to implement those principles.

The potential for Tasmania to move forward by protecting its native forests and making sure it has a sustainable industry into the future is absolutely there. But I was alarmed yesterday when I saw the press release that came out from the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig, and Bryan Green, the Tasmanian Minister for Energy and Resources. I was alarmed for two reasons. Firstly, in providing the $22.4 million package for exit assistance and ongoing business support for Tasmanian forest contractors, the federal government said that the state government would manage the $5.4 million in business support for remaining contractors on behalf of the Commonwealth. I will return to that in a moment. That is handing over $5.4 million to Tasmania. Secondly, Minister Green, in a press release welcoming the Commonwealth commitment, said:

The effect of the market downturn and the global financial crisis has brought the entire contracting sector in Tasmania to its knees.

This just shows the level of denial that exists in the Tasmanian government. It has been obvious since 1992 that there would be no market for native forest wood chips by the end of the 1990s. That is why the Greens in the parliament were arguing all that time ago to get out of native forests and make the transition into downsizing the plantation estate. As a result, in the last 20 years in Tasmania, a vast amount of money has been spent by the taxpayers in propping up an industry that was always losing its markets. Over that period of time, we have increasingly seen plantation wood chips being mixed in with native forest wood chips to lift them to a standard that the Japanese would take. It has got to the point where there is a wall of high-quality and even-quality plantation timber on-stream around the world, and you cannot compete with mixed-standard native forest wood chips in that market.

Equally, it appears that Bryan Green, the Minister for Energy and Resources in Tasmania, does not understand that by 1993 plantations had overtaken native forests as a sawn-timber resource in Australia. ABARE has made that absolutely clear. The writing has been on the wall since the early 1990s that it was time to move out of native forests and get into a different resource. But no, we have had ideologues propping up native forest logging all these years using taxpayers’ dollars to do so and the result has been promises every time. When $650 million was promised you had people saying, ‘This will guarantee the jobs in the forest industry; this...
will guarantee long-term processing,’ et cet- 
era and it did nothing of the sort. How is it, after we have spent $650 million, we now have the industry on its knees? I would argue that it is because people like Minister Bryan Green continue to deny the realities of the global marketplace and continue to argue that the taxpayers should continue to put their hands in their pockets to prop up mis-

management.

I said the other issue was the Common-

wealth handing the money over to Tasmania. Nothing could be worse in the current sce-

nario, and that is because Forestry Tasmania has been the place where the Commonwealth grant funding from the last round, $250 mil-

lion from the Community Forest Agreement, was given to Tasmania and paid upfront. Forestry Tasmania has been managing that fund. Earlier this year, the Tasmanian Audi-

tor-General came out and made it very clear that Forestry Tasmania has been transferring Commonwealth grant money out of that fund and into its own operating expenses to use as cash reserves. That is disgraceful. I quote from the Auditor-General’s report. He says:

As its cash position has become tighter, Forestry has utilised the TCFA funds on a short term basis to meet operational requirements. Funds with-
drawn are replaced at a future date when cash from normal activities is available to do so. Man-
agement are aware that the money ‘withdrawn’ as at 30 June 2009 needs to be replaced and ex-
pended on TCFA specified activities and regularly manage the overall cash position of the organisation on this basis. In the absence of TCFA funds, Forestry would need the flexibility provided by a working overdraft account.

What has happened here is that it has no cash reserves. It cannot operate without taking Commonwealth grant funding meant to be expended for transitioning out of native for-
ests and old-growth forests and it is using it for its own resources, its own cash reserves. Why? Because it cannot borrow money. It got to the point earlier this year that the Treasury in Tasmania had to give them a let-
ter of comfort to keep operating. That is the organisation that the Commonwealth has just handed $5.4 million to, supposedly to help the contractors. When are we going to see the Commonwealth money returned to the account that it is meant to be in to do what the Community Forest Agreement was sup-

posed to be doing all these years? The fact is that Forestry Tasmania’s latest financial posi-
tion has just been released and it is in excess of $250 million in equity loss. Where is it going to get the money to pay the Commonwealth back to be able to spend on what the Commonwealth allocated the money for? It is this parliament that allocated the money. The minister cannot just decide tomorrow, ‘Oh yes, you can use that Commonwealth grant money for operational reserves.’ The parliament allocates the money and that is the basis on which it is paid to Tasmania. We have just given another $5½ million to Tas-

mania to be, in my view, completely mis-

managed by Forestry Tasmania.

At the very same time you have got For-

estry Tasmania in this position, suddenly out of Forestry Tasmania you have a new group formed. This new group has been set up as the staff of Forestry Tasmania. They have set themselves up as the People of Forestry Tas-

mania because they have concerns about the forest principles— as in, they do not support exiting native forest logging. How is this so? The Tasmanian government says that it sup-

ports these principles, so what is its forest agency doing to its government business en-
terprise in allowing a situation where its em-

ployees set up a group to undermine the for-
est principles that we are supposed to be de-

livering here?

And it is not just people in Forestry Tas-

mania undermining these principles; it is also in the government bureaucracy. You have people like Karen Vadasz, for example, who came from the Forest Industries Association
of Tasmania at the same time as Mark Addis, recruited by the then premier, Paul Lennon, across into the bureaucracy and into his office. When he became premier she was moved into Lara Giddings’s office—Lara Giddings was then the Minister for Infrastructure—and she has been there ever since as a direct one phone call away from the Forests Industries Association of Tasmania. And guess who is not enthusiastic about moving out of native forests—the Forest Industries Association of Tasmania.

At the same time as you have Bob Gordon, the head of Forestry Tasmania, supposedly supporting these principles, you have got the employees of the same organisation using the Forestry Tasmania logo as well—until they removed it yesterday, suddenly deciding that they needed to have a little bit of arm’s-length. So inside the very organisations that are supposed to be upholding these forest principles, you have groups of people actively undermining them.

These principles depend on the moratorium being declared on the high conservation value we get out of those forests and that moratorium should come into place at the same time as Commonwealth assistance is provided. But no, we now have money being spent and at the same time Forestry Tasmania is driving into the Styx. It has just built a new road into the Styx, into an area that it knows full well will be part of the moratorium. How provocative is that and how stupid? How much money are they still wasting when they know that this is going to stop? Their own government and their own organisation have committed to principles saying that the moratorium must be in place and they understand that the moratorium must be in place. But no, in one of the most highly sensitive areas where public awareness of the Styx is high right around the country, it drives in a new logging road, saying that it will log that coupe next year.

At the same time you have got Ta Ann, the Malaysian company that had set up in the north-west coast and in the south of Tasmania as well. It was a joint-venture with Forestry Tasmania and I am told that they are only paying $2 more than the woodchip royalty to have the timber delivered to their door. This means that Forestry Tasmania is subsidising them to the hilt, if that is the case.

Senator Bushby interjecting—

Senator MILNE—I would like to know, if that is the case and if Senator Bushby can inform me. I would appreciate knowing that. I would like on the public record for Forestry Tasmania to tell me exactly the extent of their subsidising of Ta Ann. When they are in debt up to their necks, how can they possibly be subsidising this particular operation?

I think that it is incumbent on the Commonwealth to recognise that the $250 million that it expended in 2005 to 2010 has, in large part, been wasted. Even the Commonwealth Auditor-General when he had a look at these grants pointed out how utterly disgraceful the Commonwealth oversight of the grants was during that period. It will shock people to learn that you could apply for a grant for second-hand equipment. As the person applying for the grant, you could nominate the sum you thought that machinery was worth and then you got the grant even though you did not specify the make of the machine, what year the machine was made or what condition the machine was in. All you had to say was, ‘I would like to buy that excavator and I estimate that it is worth X dollars.’ That was it. You were also supposed to say as part of these grants how many jobs you would secure and what sort of future there was for the enterprise—but how many jobs in particular were there was the key. On almost all of these grant funding approvals they did not meet compliance on the number of jobs.
So the point of my standing here today is to say: yes, I support the principles; I think that it is fantastic if we can reach an end to the conflict in Tasmania over native forest logging, and I absolutely support that. But I do not support Commonwealth money being expanded until such time as we have a moratorium in place on the high conservation value forests and, as the money is expended, it is overseen by the Commonwealth. Frankly, Forestry Tasmania’s record for the management of money and its current financial status is so appalling that you could not trust that the money you allocated would be spent for the purposes that it was allocated. The Commonwealth must take control of this process. The Commonwealth must put in place rigorous performance audits on any grant money that it provides. It must be able to track that and it must be transparent and open.

The Commonwealth needs to go back and see who it has given money to in the last five years and whether in fact that money was spent on what it was meant to be spent on before people apply for another round of grants to exit the industry. In some cases people applied for millions of dollars in 2006-07 for their contracting businesses. Now, when many of them are insolvent, is the Commonwealth in any position to retrieve some of that money, as it should be under its contractual obligations? Let us get the actual coverage of the finance right and let us get the moratorium in place, because if you hand over the money without the moratorium all that will happen is that you will see more logging, more conflict and more outrage as the partners to this agreement actively undermine it and defy the principle and the investment of faith in the process, because they never wanted to end native forest logging in the first place.

Building the Education Revolution Program

Senator FURNER (Queensland) (1.28 pm)—I rise today to commend the Labor government’s Building the Education Revolution and to highlight the profound impact its 24,000 projects are having on our nation’s schools. As a senator for Queensland I have had the opportunity to officially open a diverse range of BER projects, and the one thing which has stood out to me about these projects is their individuality. Each school which has been approved for a BER project has had their facilities built to their exact needs and specifications.

Chevallum State School on the Sunshine Coast had a kitchen incorporated into their multipurpose hall to enable the students to cook the food they grew in their Stephanie Alexander Kitchen Garden. Benowa State School on the Gold Coast had a dance studio with a full wall of mirrors and a ballet barre built into their new library, and community groups are able to hire out this facility. St Columban’s College in Caboolture has a new science and language centre, which has been named the Edmund Rice Centre. It has fully operational science labs and language classrooms with a kitchen to assist in preparing ethnic delights. Living Faith Lutheran Primary School at Murrumba Downs was able to expand its classrooms and become a triple-stream school. And the list goes on.

In fact, in the fortnight preceding this last period of sittings, I was fortunate to open six brand new halls or libraries from Bundaberg to the Gold Coast. These included Nambour Christian College, Emmanuel College, Northpine Christian College, Bundaberg Christian College, Saint Columbans and of course Narangba Valley High. As a Queensland government senator, these openings present a proud opportunity to officiate these events. Notwithstanding this privilege, I be-
come quite confused when you see the members for Longman, Fairfax and Hinkler pushing their way to the front for any photo opportunities. When visiting these schools and inspecting these facilities, anyone would understand why I do not know how anyone, especially those opposite, can say these learning centres and multipurpose halls and libraries are a waste of money. Their hypocrisy is so stark. Any investment in education is an investment in our children and they are our future. By providing 21st century facilities under the Building the Education Revolution program, we are giving them the best start in life and the best learning environment.

One such school which has maximised its BER funding is Narangba Valley State High School. The Longman high school received $1.97 million under the Science and Language Centres for 21st Century Secondary Schools to build its new language centre and a Zen garden. Narangba Valley State High School has been enriching its students’ academic lives through the art of languages and currently includes Japanese and French as part of the curriculum. To accompany these studies, the school has a new building with interactive whiteboards, computers and classrooms and a fantastic new garden thanks to the BER program. When I first walked into the Zen garden, it was hard to imagine that I was still in a school. With wooden bridges, pebbled water features, exotic plants and paper lanterns, I felt as though I was in an Asian garden.

Not only is this new facility aesthetically pleasing but it will also serve the wider community through providing a link between the local primary schools and the University of Queensland through language studies. At the official opening on Monday, 1 November, Principal Ross Mackay said:

This facility is a catalyst for a wonderful alliance between the primary schools of Burpengary, Jini-bara, Narangba Valley, Narangba and Burpengaivy Meadows. As a coalition of principals we will spearhead a seamless model of the learning of Japanese from mid Primary School right through to the end of year 12. This language learning centre, combined with immensely talented students, highly skilled teachers, supportive and involved parents, and the wonderful support of the University of Queensland and the Japanese consulate, we’ll ensure remarkable learning outcomes for our students.

The University of Queensland School of Languages and comparative culture studies will be working in partnership with Narangba Valley State High School to bridge the gap between learning languages in high school and tertiary institutions. Professor Mike Levy said at the opening:

Before visiting Narangba Valley State High School for the first time earlier this year, I really didn’t know what to expect. Coming from a well-resourced university environment like the University of Queensland, I had perhaps some of the pre-conceptions of a member of that institution, thinking perhaps that a Language Learning Centre in a high school environment would be somewhat low-key, without the benefits of truly state-of-the-art facilities, equipment and resources like a University. Well, did I have a surprise in store for me! As we can see all around us, the facilities and resources here are truly exceptional.

Truly exceptional is exactly how I would describe this facility and many others which have been built under the Labor government’s Building the Education Revolution program. Due to the prominence placed on the Japanese language at the school, the Consul General of Japan, Mr Makoto Hinei, also attended the official opening. Mr Hinei also praised the new language centre. He said:

It is my belief that this centre is so much more than a building with facilities. It is also an inspiration to the students to truly engage with Japanese, to immerse themselves in its culture and to discover our new passion for the language.

CHAMBER
In the last three weeks I have opened six different BER projects and each has been completely different from the one before.

Just two weeks ago I opened the new junior library and refurbished classrooms at Emmanuel College on the Gold Coast. What was once a car park is now a brand new grade 7 building and two buildings were joined together to expand the library and enable the juniors to have a separate space from the seniors. Principal Graham Leo said the school received ‘outstandingly good value’ out of the BER, and head of library and information resources, Deanne Pienaar, said it was ‘a glorious opportunity to accommodate learning needs’. What caught my eye about this school was the great use of space and natural lighting. The new classrooms have glass bi-fold doors that enable the entire classroom to be opened up. This allows the students to do art work outside. The new library has a skylight tunnel and even a reading deck. This school received a lot out of their $3.2 million by working with their architects and getting as much out of the funding as possible.

As a Queensland senator, I have been up and down the state opening these new facilities and I have heard nothing but praise for this federal government initiative. Many principals, P&C presidents and students have most genuinely asked that I bring back thanks to the Prime Minister, Julia Gillard, and Minister Chris Evans for this extraordinary program. To some people, this funding is just about bricks and mortar, but the BER goes deeper than that. While schools are getting new buildings, they are also receiving new opportunities—new opportunities to expand, new opportunities to learn and new opportunities to excel.

It is evident that the Labor government acted swiftly by implementing the $16.2 billion Building the Education Revolution program under the $42 billion Nation Building and Jobs Plan. The BER program provided $14.1 billion under the Primary Schools for the 21st Century—P21—element for 10,521 projects in 7,942 schools to build new libraries, multipurpose halls and classrooms and to refurbish existing facilities. Also, $821.8 million was allocated to the Science and Language Centres for 21st Secondary Schools element of the BER for 537 schools to refurbish or construct new science laboratories or language learning centres, and $1.28 billion was allocated to the National School Pride element to refurbish buildings, construct or upgrade fixed shade structures, covered outdoor learning areas and sporting facilities, as well as green upgrades, for 12,680 projects in 9,483 schools.

The Nation Building and Jobs Plan was implemented to stimulate our economy and ensure Australia did not go down the same path as the United States or other OECD nations. Without hesitation we implemented this plan and, without the support of the coalition, it was a success. We invested in infrastructure, roads, social housing, renewable energy, small business and defence housing. We even put stimulus payments into the hands of our working Australians. The coalition has done nothing but criticise the Nation Building and Jobs Plan from day one. I think they are envious because they were not able to come up with the idea themselves. They opposed this package, which kept our economy afloat and Australians in jobs. They have criticised our responsible spending daily, but they always forget to mention that our budget will be back in the black in 2012-13, three years ahead of schedule.

According to the 2010-11 Mid-Year Economic and Fiscal Outlook, which was released a few weeks ago, the financial future of this country looks extremely positive. It forecasts strong growth, falling unemployment and the fastest positive turnaround in
the budget in more than 40 years. Our unem-
ployment rate, which is currently 5.1 per
cent, is expected to drop to 4.5 per cent by
the June quarter in 2012. This shows our
fiscal position is positive. Compared to the
unemployment rate of the United States,
which is 9.6 per cent, and the Euro area,
where it is 10.1 per cent, our unemployment
rate is low. If the Labor government had not
taken swift action to stimulate our economy,
our prospects would be dire. Unemployment
would be high and 200,000 people would
have lost their jobs. Instead, this year
360,400 jobs were created. With 55,800 cre-
ated in September and 56,700 in August, this
is the biggest two-month increase in em-
ployment in 22 years.

Our stimulus projects not only provided
brand new or revitalised infrastructure but
also kept our construction industry going. At
a BER I went to a couple of weeks ago, I met
with two representatives of a company which
was saved by this initiative. They told me
they were getting no work apart from BERs
and that without these projects they would
have had to close their business. This com-
pany employs about 30 full-time staff and,
while that does not seem to be a huge num-
ber, that is 30 families who would have been
affected had it not been for the Building the
Education Revolution program.

If you do not want to accept my word on
that, I have some quotes from some of the
people at the openings. I will continue with
my contributions on this matter in this cham-
ber until this amazing project is exhausted.
Ross Mackay, Principal of Narangba Valley
State High School, said:

This is unbelievable. It provides an outstanding
opportunity to further enhance high quality learn-
ing outcomes for our students.

Anne Rebgetz, Principal of St Columban’s
College, said:

We wouldn’t have this building if it wasn’t for
that money, so it’s like a dream becoming a reality.

Tracy Egan, Principal of Lawnton State
School, said:

Investment in our schools is a wise investment for
the present and the future of our nation. I’d like to
acknowledge the $2.1 million from the Federal
Government. We are immensely proud of the
results and will see the difference in the way we
learn and teach.

There were also comments from Maris Ele-
ment, Principal of Pine Community School,
who said:

None of this could have taken place without the
support of the Commonwealth Government. The
program ... was a lifeline for small schools and
Pine Community School will always remember
the support we received and that none of this
would have been possible without that funding.

I was also fortunate enough to get some pho-
tographs. I mentioned this earlier in my
comments. They were photographs of mem-
ers from a variety of areas—in particular,
there was a photograph from Longman, with
the member standing with the principal and
the school captains, indicating how proud he
was to attend the opening of the Northpine
Christian College. It clearly demonstrates
that there are people whom the opposition
contradicts. The opposition says it does not
support the initiative, but there are members
out there in our communities going to these
events because they are obviously proud of
them as well. I have a heap of photographs
indicating that members support these open-
ings. They will continue to attend these
openings and will partake in photographic
opportunities.

Senator Mason—By memo!

Senator FURNER—You should be in
those photographs, Senator Mason. I think
you are disappointed that you are not. I am
really proud to stand here today as a senator
in a government which acted swiftly on this
initiative for the betterment of Australia. It is
a government which will keep the nation out of recession; a government which will keep people in jobs; a government that has invested in infrastructure for our future generations; a government that has revitalised our schools; a government which did what it had to do in a global financial crisis; and its strict spending discipline will ensure our budget is back in the black in 2012-13.

Community Sector Employees

Senator CASH (Western Australia) (1.43 pm)—I am rather bemused by Senator Furner’s glowing comments on the state of the economy in Australia and how well placed we are. The last time I checked, the state of the economy was the reason that the Labor government has done a backflip on its support for the ASU equal remuneration case that is currently before Fair Work Australia.

If anybody has been listening to talkback radio today or has actually bothered to read the newspapers, they would know that Labor’s backflip on its support for the ASU test case is now threatening to destroy the ALP’s relationship with the ASU. I have it on very good authority that an internal stoush has now arisen in the ranks of the union movement over the equal pay test case and that the ASU are white hot with anger. They are absolutely furious over Labor’s betrayal of them. There are now internal disputes between the ASU and the ACTU, and the union heavies involved in both of those unions, about just how hard they should push the Prime Minister on this issue. We on this side of the Senate often raise the issue of Labor’s spin over substance and the fact that Labor are happy to betray the workers and their principles if it means that they can hold on to power. Well, Labor’s rhetoric has well and truly caught up with them. I sympathise with the community sector employees and I say to them: you have every right to feel betrayed following the government’s submission to the test case. I say to Minister Chris Evans, who is now frantically putting out press releases justifying Labor’s position on the test case and demeaning all those who, like me, dare to criticise the Labor submission: all the press releases in the world will never detract from the ugly truth that the Labor Party of Australia have betrayed community sector employees. It is now a matter of record that the Australian Labor Party have dumped on their traditional...
supporters and that the unions are now furious with those in the Labor Party that they call turncoats. In fact, the unions have a very special word for those they call turncoats; they call them scabs. The unions must be looking at the government benches and wondering how a government with so many former union hacks as members and senators could turn its backs on them and betray them.

The Prime Minister of Australia admits her guilt. She admits that the government has betrayed low-paid community sector employees in the submission the government made to the ASU test case. If you go to the Prime Minister’s blog on the ALP website, this is what she says:

Yes, the Government has alerted FWA—
Fair Work Australia—
to the potential impact on the budget should a substantial wage increase be awarded.

In responding to that statement by the Prime Minister of Australia, community sector workers and their union are entitled to ask the Prime Minister why in 2009 she signed a heads of agreement with the ASU, pledging to support the ASU’s test case on pay equity for community sector employees, despite knowing at that time that the Labor government could never, ever afford to pay higher salaries if the ASU’s test case was successful. The ASU New South Wales Secretary, Sally McManus, made this statement about the government:

They signed the heads of agreement in full knowledge of what it would cost.

This exposes Labor’s hypocrisy and deception. Labor’s incompetence, ineptitude and negligent financial management was the same last year, in 2009, when the Prime Minister of Australia signed off on the heads of agreement, as it is now, when the Labor Party have been exposed because they had to put in their submission. Prime Minister Gillard knew last year the financial implications of supporting the test case, but she went ahead and signed the heads of agreement anyway because she knew at the time that she needed to get the support of those workers for the Labor Party. That was in the full knowledge that her government would never, ever honour their commitment, due to their financial incompetence. I say it again: the Prime Minister of Australia signed the agreement with the ASU, knowing full well that her signature on the document was worthless because her government would not in a million years be able to afford any pay rise that might actually flow from the test case.

To those on the other side who have been sent into this chamber in a desperate attempt to justify Labor’s position by saying that I and others have not read or perhaps did not understand the government’s submission, let me tell you what the ASU, community sector employees and I do understand. The Labor Party, in its submission, can dress it up with as much political rhetoric as it likes—

Senator Chris Evans—You’re going to support the claim, are you?

Senator CASH—but the truth in the submission—Senator Evans, you know it—is nicely summarised at point 11 of the executive summary. It says:

The government’s fiscal strategy—
I should give the government some credit; I thought they did not have a fiscal strategy—
will influence the government’s ability to support the sector in meeting additional wage costs.

In other words, Labor’s economic incompetence means that, despite throwing its support behind the ASU test case, they were never ever going to be in a position to fund any increase should Fair Work Australia award one. And I am not the only person who has this understanding.
Senator Chris Evans—You have no idea what you’re talking about.

Senator CASH—I am glad Senator Evans is here because Senator Evans has been on talkback radio. He has been criticising anyone who dares disagree—my goodness!—with the government’s position, by demeaning them and saying that clearly they do not have his intellectual capacity and that clearly they do not understand the submission that the government has given to Fair Work Australia.

Let us look at what ACOSS says in response to Senator Evans’s criticism. ACOSS’s chief executive, Cassandra Goldie, has responded that ACOSS has read the submission and that that has prompted ACOSS to accuse the government of backtracking. Community Employers WA is reported as saying the Gillard government has broken its election promise to the community sector and is in danger of seriously jeopardising the future of vital community services, which will disadvantage the community.

And the list goes on. Family Relationship Services Australia has also joined the voices expressing dismay at the government’s position, with Executive Director Samantha Page labelling the government’s submission as short-sighted. She says that, during the election campaign—forget about last year and 2009—there was a clear statement of support for the wage case and an acknowledgement that this would necessitate a review of federal government funding and that this is clearly not reflected in the government’s submission to Fair Work Australia.

Do you think the public believe the paltry excuses set out in the Prime Minister’s blog or in Minister Evans’s press releases about their submission to Fair Work Australia? Absolutely not. I went on line and had a look at the Prime Minister’s blog. The very first response to the blog is from an obvious Labor supporter—or, should I say, possibly now a former supporter of the Labor Party—who goes under the title of ‘LaborValues1’ and is from Redfern, New South Wales. Those on the other side will be glad the blogger is not from Victoria. It was posted yesterday at 4.23 pm.

Senator Mason—Read it out.

Senator CASH—I will. The blogger said: I don’t think anyone was under the illusion that having social justice and equity was free! Everyone knows you have to PAY to do the right thing. Unfortunately it sounds like the Labor Party has walked away from core Labor values when it has sent a submission saying equity will cost too much. Phase it in; don’t confirm to the world that you don’t stand for anything.

That was just the first blog. Then there was a response this morning, again from New South Wales. The government will be very happy, yet again, that it was not from Victoria. This response is from ‘Dragonfly from Wollongong’ who says:

Shame Gillard Shame—

Senator Chris Evans—Dragonfly! This is what you call research, is it?

Senator CASH—Are you mocking those people who blog on your site, Senator Evans? You are mocking everybody else; are you now mocking the people who bother to go onto your site and give you a bit of feedback? That is an absolute disgrace. I am telling you what this person said. You are the people who put the blog on the site—not me—in a desperate attempt to justify your position. The blogger said:

Shame Gillard Shame, or should that be sham?

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Order! Senator Cash, if you could direct your remarks through the chair that would be appreciated. I ask other senators to cease interjecting.

Senator CASH—I shall. The blogger said:
Shame Gillard Shame, or should that be sham? Who do you think voted you in, largely, in their misplaced view you might do something for them, female voters; predominately in the caring industries...

And then there is more. Then there is a statement from the Diversity Council of Australia, who said of Labor’s betrayal:

Unfortunately this progress—in reducing the gender pay gap—has been dealt a blow with the federal government withdrawing its support for the funding component of the ASU test case.

And then there are the further very telling comments from the ASU secretary Sally McManus, who has said of Labor’s backflip, of Labor’s act of treachery:

It goes to that deeper thing—what does the Labor Party stand for? If it doesn’t stand for equal pay what on earth does it stand for?

This is what the Labor Party stands for. It stands for betrayal, deceit, treachery and disloyalty when it comes to slamming those people in the community whom it says that it supports. Those opposite should all be hanging their heads in shame. I hope every one of you on that side stood up in caucus and told the Prime Minister that she had a problem, because if you did not you are all weak—(Time expired)

Montara Commission of Inquiry

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Minister Assisting the Minister for Tourism) (1.58 pm)—I understand it is just under two minutes before we commence question time. We would welcome, following on from Senator Cash’s speech, a question from the senator or others from the opposition on the matter that she was addressing. I am sure my colleague Senator Wong would welcome such a question and would return fire—literally, I suspect!

In the few seconds left I want to draw senators’ attention to the fact that my colleague in the other place Minister Ferguson, the Minister for Resources and Energy and Minister for Tourism, has today, at 12.30, released the report of the Montara Commission of Inquiry. At the same time, he released the draft government response to that report. The Montara Commission of Inquiry relates to the serious oil spill that occurred off the north-west coast of Australia and the report contains some 100 findings and 105 recommendations. (Time expired)

QUESTIONS WITHOUT NOTICE

Labor Government

Senator ABETZ (2.00 pm)—My question is to Senator Evans, representing the Prime Minister. I refer to the election of the Labor government three years ago on promises to deliver conservative economic management, cheaper petrol and groceries, stronger border protection, a National Broadband Network that would cost only $4.6 billion, a referendum to take over public hospitals, a million computers in schools, 36 GP superclinics, 2,650 trade training centres—one in every secondary school—and 260 childcare centres. Which, if any, of these promises does the government claim to have fully honoured?

Senator CHRIS EVANS—Thank you very much for the question, Senator Abetz—it saves my side asking it later on, so I appreciate it very much. The government stands very proud of its record in providing leadership to the Australian people in the core function of a government, which is to provide security and economic prosperity for its people. On both fronts, the government has achieved those objectives. We came to office with an ambitious agenda and we are delivering on that agenda.

Senator Abetz—Very ambitious—none of it is being delivered!
Senator CHRIS EVANS—Senator, we are ambitious for Australia. We do have high aspirations for Australia, and, after 12 years of do-nothing, achieve-nothing government, we actually think there is a need for reform, both in our economy and in our society. We have set about delivering on that agenda, but it is also true that the major challenge this government has faced is the onset of the global financial crisis. That is what has taken up the vast majority of the government’s efforts over the last couple of years. The most important thing Australians needed was strong economic leadership. They needed protection from the worst impacts of the global financial crisis. We delivered the leadership the country needed. We delivered the stimulus and other responses that allowed us to come out of the recession and the global financial crisis in better shape than virtually any other economy in the world. The Australian people understand that was one of our core requirements, and we delivered in spades. We protected Australian jobs and kept Australians working, which I think was a great achievement. We also ensured that the economy would now be growing at a very healthy rate with relatively low unemployment. Those are important deliverables that the government is very proud of. (Time expired)

Senator ABETZ—Mr President, I ask a supplementary question. When Mr Rudd met his unfortunate demise at the hands of Ms Gillard, she promised that her top priorities were to fix the mining tax, provide strong management of the nation’s borders and find a way forward on climate change. Does the minister admit that not one of these matters has been fixed since Ms Gillard became Prime Minister? Does this failure confirm that Labor is still lost and the government is still in a mess despite the change of leader?

Senator CHRIS EVANS—The senator may not like the fact that this government has been given the ability to govern this country as a result of the election result and the numbers provided in the Senate and the House of Representatives, but we are providing leadership and we are providing stable government. We are delivering on our election commitments, and we will continue to deliver on those election commitments. The government is methodically working through its agenda to deliver to the Australian people the commitments that we made. Central to that is delivering economic security, delivering jobs, delivering economic growth and delivering opportunities for young Australians. All of our efforts are designed to address those fundamental issues and to provide support so Australians can make the best of the opportunities arising from the strong economic growth we are experiencing. (Time expired)

Senator ABETZ—Mr President, I ask a further supplementary question. I refer to the minutes of the special caucus meeting called to depose Mr Rudd. Mr Rudd said the reason for Labor contemplating a leadership change was that ‘many people here are frightened’. Does the leaking of these minutes, together with Mr Swan’s questioning of Labor’s adoption of the fringe issues of the far Left, indicate that many in the government are still frightened that the government is lost?

Senator CHRIS EVANS—The Australian people share with the Labor Party a fear, that is true—a fear of the Liberal Party returning with its agenda of Work Choices. The reason the Australian people supported this government is that they do not want to return to the far Right politics that seek to undermine the wages and conditions of ordinary people in this country. That is where we get the ideological obsession of the Liberal Party. Australians were frightened because they did not want to see a return to those harsh, extreme laws that the opposition supported. The opposition may want to run away
from it now, but the Australian people understand that the moderates of the Liberal Party have long since been banished and the extremists continue to argue for policies that are totally unacceptable to the vast majority of Australians. *(Time expired)*

**Korean Peninsula**

**Senator MOORE** (2.06 pm)—My question is to the Leader of the Government in the Senate, Senator Evans. Can the minister advise the Senate on yesterday’s attack by North Korea on the Republic of Korea?

**Senator CHRI$ EVANS**—I thank Senator Moore for the question. The government is deeply concerned by yesterday’s artillery attack on the Republic of Korea. The Republic of Korea is, of course, a close friend and partner of Australia and has been for many years. As senators will be aware, yesterday afternoon North Korea shelled South Korean territory, killing two South Korean soldiers and injuring military personnel and civilians. The Australian government absolutely condemns this act of provocation. It is an act which breaches all international norms and obligations. It is a violation of the 1953 armistice agreement. The government also offers its condolences—and I am sure this is supported by all senators—to the people and nation of the Republic of Korea. Yesterday’s events follow the March attack by a North Korean submarine on a South Korean navy vessel that saw 46 lives lost. They also follow recent reports that North Korea is developing a sophisticated uranium enrichment program in defiance of UN Security Council resolutions. This series of events is obviously deeply troubling and threatens stability on the Korean peninsula and, more broadly, in North Asia.

In the face of these provocations the Republic of Korea has acted with restraint. We commend President Lee for his calm and capable leadership but, in such a tense and heavily armed environment, the risk of miscalculation and of escalation is ever present. The consequences of such miscalculation could be enormous to our friends in the Republic of Korea and, more broadly, for stability and prosperity in North Asia. I am sure all senators share the concern of the government. We condemn this act of provocation and call on North Korea to cease this sort of provocation.

**Senator MOORE**—Mr President, I ask a supplementary question. Can the minister advise the Senate of the government’s response to these very serious events?

**Senator CHRI$ EVANS**—As a nation that is deeply engaged economically and politically in North Asia, Australia has much at stake in these events. Members of the National Security Committee of cabinet met this morning and were briefed on the latest developments. The Australian government calls on North Korea to abide by international norms of behaviour and to cease its hostile acts. We call on North Korea to abide by the 1953 armistice agreement and we call on North Korea to make a genuine commitment to abandon its nuclear program. The Australian government is closely monitoring the situation, including reviewing travel advisories for the region. All Australians in South Korea should continue to monitor developments carefully through the local media and follow the advice of local authorities. The government will make further advice available as the situation develops.

**Senator MOORE**—Mr President, I ask a further supplementary question. Can the minister advise the Senate of the response of Australia’s international partners to events on the Korean peninsula?

**Senator CHRI$ EVANS**—The United Nations Secretary General has described yesterday’s events as one of the gravest incidents on the peninsula since the end of the
Korean War. Australia, through Foreign Minister Rudd, is in close consultation with our South Korean, Japanese and United States partners. The Republic of Korea, the United States, Japan and the European Union have all condemned the attack. We are urging China and others in the region and beyond to use their influence on North Korea to cease its acts of provocation. Australia’s view is that all nations must stand in condemnation of North Korea’s aggression and urge it to stop these hostile acts.

**Broadband**

Senator RYAN (2.10 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister categorically rule out that the draft Greenhill Caliburn report questions the financial viability of NBN Co.’s business plan?

Senator CONROY—Thank you.

Senator Brandis interjecting—

Senator CONROY—As I constantly say, I really wish I could smoke what you get to smoke at times, Senator Brandis!

The PRESIDENT—Senator Conroy, withdraw that.

Senator CONROY—I withdraw. The question of the Greenhill Caliburn report is a matter that is, as the good senator would know, a confidential contribution towards cabinet deliberations. It is a part of the documentation that goes towards cabinet deliberations. Even if I were remotely considering answering that, I am not in a position to. Those opposite for many years—11½ years that I was in this chamber—refused point-blank any suggestion that they should reveal material that actually went to the heart of cabinet discussions. To stand up on the opposite side and seek that sort of information just shows you that they continue to follow the orders of their leader, Mr Abbott, to demolish the NBN. You have been unsuccessful so far and you will continue to be unsuccessful. The Australian public are crying out for new health services, new education services and new sustainable energy policies, and those are going to be delivered by the National Broadband Network, despite the best efforts of those opposite.

Senator RYAN—Mr President, I ask a supplementary question. Given the minister would not answer the first question and rule that out, can the minister categorically rule out that the NBN business plan contains a direct or indirect reference suggesting that the technology options outlined in the NBN rollout are in some way insufficient?

Senator CONROY—Yet again the good senator has decided that he wants to seek information about confidential information for the deliberations of cabinet.

Opposition senators interjecting—

Senator CONROY—Those opposite can scream like banshees as long as they want. We are doing nothing more than following the standard procedure of all governments, including the government that was in power before us for 11½ years. Material that is necessary for the consideration of cabinet is not commented on, it is not speculated on and it is not revealed. That will be the ongoing practice of this government. The hypocrites on the opposite side—

The PRESIDENT—Senator Conroy, you need to withdraw that.

Senator CONROY—I did not realise that was unparliamentary. I withdraw unreservedly, Mr President. *(Time expired)*

Senator RYAN—Mr President, I ask a further supplementary question. In that case, can the minister confirm that he has received a draft copy of the Greenhill Caliburn report, and will the minister now state categorically that he is declaring this to be a cabinet docu-
ment and therefore exempt from any external consideration?

Senator CONROY—The question, again, asks me to speculate on a range of information that will be part of an ongoing—

Senator Brandis—Mr President, on a point of order: the question does not ask for any form of speculation, and if that is the way the minister understands the question then he has misunderstood the question. The question asks two things: firstly, whether or not a document has been received—that is a yes or no question—and, secondly, whether or not the minister is treating the document as a cabinet-in-confidence document. Those are the only two items of information sought by the question.

The PRESIDENT—There is no point of order. The minister is addressing the question. The minister has 42 seconds remaining to answer the question.

Senator CONROY—Unfortunately, Mr President, those opposite continue to be operating on an incorrect basis for their question.

Senator Brandis interjecting—

Senator CONROY—Call it what you want; it is actually incorrect. They still continue to make incorrect assertions based on incorrect information that they believe they have. So those opposite continue—

Opposition senators interjecting—

Senator CONROY—Those opposite continue to demonstrate they are interested in nothing more than demolishing the National Broadband Network.

Opposition senators interjecting—

Senator CONROY—Incorrect. Incorrect.

Kimberley Liquefied Natural Gas Precinct

Senator LUDLAM (2.16 pm)—My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities. Given that the Kimberley gas hub strategic assessment joint agreement between the federal and Western Australian governments states in its terms of reference that the site assessment should include an analysis of viable gas processing options outside the Kimberley, including locations that already have substantial industrial infrastructure, what work is the minister aware of that has been done to look at alternative sites? Have sites other than James Price Point in the Kimberley been subject to any meaningful technical or economic assessment?

Senator CONROY—The information I have, Senator Ludlam, is as follows. Following a site selection process in the Kimberley region, James Price Point was selected by the Western Australian government as the preferred site to undergo full assessment. It is the responsibility of the Western Australian government to ensure feasible alternatives outside the Kimberley region have been explored. I am advised that the James Price Point strategic assessment process is still at an early stage.

The Western Australian government is seeking approval to develop a liquefied natural gas precinct to process gas from the Browse Basin. We are working with the Western Australian government on an EPBC Act strategic assessment of this precinct. The strategic assessment process requires all potential environmental, heritage and social impacts to be fully assessed. Commonwealth concerns focus on impacts on protected species. Engagement with the Kimberley Land Council and traditional owners is another core component of the strategic assessment. Until all matters required by the terms of the strategic assessment have been appropriately investigated, the minister will not be in a position to make a decision on the plans to develop the precinct. A single LNG precinct is proposed to prevent piecemeal develop—
ment by individual companies and cumulative impacts from widespread industrialisation of the Kimberley coastline.

If there are any parts of your question I have missed, I will take those on notice and seek further information from the minister.

Senator LUDLAM—Mr President, I ask a supplementary question. I thank the minister for his answer. Given that at least three of the five Browse Basin LNG joint-venture partners—Shell, Chevron and BHP—have stated on the public record their preference for gas processing options outside the Kimberley and have expressed concern over attempts to force them to go to the Kimberley, will the minister remove the pre-emptive Browse retention lease conditions that are currently being imposed? If not, why not?

Senator CONROY—Thank you, Senator Ludlam. That is a very specific question. I probably should get a very specific answer for you on that—

Senator Abetz—Why start now?

Senator Sterle—It won’t be a forgery like yours. Ooh, see the look I got!

Government senators interjecting—

Senator CONROY—So I will take that on notice.

Senator LUDLAM—Mr President, I ask a further supplementary question. Minister, while you are taking matters on notice—

Government senators interjecting—

Senator Abetz—That’s what happens when you have lobotomies.

Government senators interjecting—

The PRESIDENT—Those on my right!

Senator LUDLAM—Can the minister perhaps identify whether he believes that the Commonwealth has no part at all in making sure that, under the strategic assessment, alternative sites are being evaluated? That was not clear from your answer to part 1 of my question. Can you tell us what the Commonwealth is doing to ensure that this assessment is being carried out and included in the strategic assessment report prior to release for public comment—so, the Commonwealth’s precise role in alternative site selection processes?

Senator CONROY—I have a little further information which I hope adds to that which you are seeking—and, again, if there is anything that I have not covered I will take that on notice and come back to you. This is a Western Australian government matter and, legally, the Commonwealth cannot intervene in this process. Engagement with stakeholders, including the Kimberley Land Council and traditional owners, is critical to the strategic assessment process. The strategic assessment requires that the minister consider whether traditional owners have given informed consent to the implementation of a plan for the LNG precinct, and the minister must also give careful consideration to potential impacts on Indigenous people and culture. If there is anything I have missed out, I will take that on notice for you, Senator Ludlam.

Broadband

Senator BARNETT (2.21 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. With respect to the rollout of the National Broadband Network, what is the benefit of fibre to the home?

Senator CONROY—I thank the senator for the question. To borrow a quote from Hugh Bradlow, the Chief Technology Officer at Telstra: ‘Fibre-to-the-home is the end-game; it is the most future proof technology available. It has a capacity that exceeds the other alternatives to deliver a whole range of applications that are restricted by the physical properties involved in a HFC network or a wireless network or a copper network.’ As
Larry Smarr, one of the founders of the internet and one of the more eminent people in this field, continually says: ‘We have reached the end of the copper era. We have reached the end of the usefulness of copper and it is time to move to the fibre future because fibre can deliver the capacity.’ It is not just a simple argument around download speeds; it is about delivering the capacity for upload as well. Copper has limitations in this area, wireless has limitations in this area and HFC has limitations in this area.

The benefit of fibre to the home over the other types of technologies that are currently available is that it does not have those same restrictions. In engineering terms there is a minute amount of degradation that moves along, but, in effect, if you pay for 100 megs download, you get 100 megs. If you pay for—

Senator BARNETT—Mr President, I ask a supplementary question. Given the minister’s answer, does he accept criticisms such as:

We are not proposing fibre to the home … that would be a more expensive proposition…

And:

… there is no point building something people cannot afford to use.

Senator CONROY—Twenty questions. Who said that, Mr President? I will put you out of your misery—

Opposition senators interjecting—

Senator CONROY—No these were questions I was asked when we were debating the fibre-to-the-node proposal. Those opposite have finally gone out and done some original research; they have not read that on the front page of the Australian. A gold star for those opposite because they have finally done some of their own original research. More information on the business plan is available today, including, as has been announced, that the capex for the build is $35.7 billion, not $43 billion—and more information— (Time expired)

Senator BARNETT—Whether that is an own goal remains to be seen. Mr President, I ask a further supplementary question. I draw the minister’s attention to his speech to the National Press Club on 21 March 2007. I have that speech and I am happy to table it if the Senate so desires. The senator seems to be the biggest critics of fibre to the home. Does this not prove that the minister either does not know what he is doing or has lost the confidence of the public, the market and the government?

Senator CONROY—As the good senator can see, I do remember that speech. We went through a tender process for the fibre-to-the-node proposal. We went through that and we found, on recommendation from the expert panel that was looking at the fibre-to-the-node proposal, that none of the tenders were value for money for taxpayers. That is what they said. So we took their advice. And then we took their further advice when they said to us, ‘Look, if you want to proceed with the National Broadband Network proposal, our recommendation to you is not that you build a fibre-to-the-node proposal but that you go for the fibre-to-the-home proposal.’ And now that we have been through all of the costings, the McKinsey report, the business plan—

(Time expired)

Economy

Senator STERLE (2.27 pm)—My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister inform the Senate about how the government has been assisting Australian workers and families with the cost of learning since coming to office? In particular, can the minister inform the Senate about how the government’s economic management has been helping Australians to find and remain in employment?
Senator WONG—I thank the good senator from Western Australia for the question. This is a government that understands that a strong economy is the foundation of prosperity, the foundation of fairness for Australian workers and Australian families. This is a government that understands that a strong economy enables opportunity and that we have to create prosperity in order for it to be shared. We also understand that part of strong and sensible economic management is sensible fiscal policy, which is why we have in place these strict fiscal rules that I have outlined previously.

A strong economy has enabled the government to deliver policies that benefit Australian workers and families since coming to office. We know that central to dealing with things such as cost-of-living pressures, which do exist, is as strong economy. And why is that, Mr President? It is because a strong economy means more jobs and better wages.

Let us look at what has happened when it comes to employment in this country since we were elected to government. This government has kept Australia out of recession. It has created more than 650,000 jobs since coming to office, with the unemployment rate at 5.4 per cent and participation rate at their highest levels. With unemployment in the United States and Europe at near or just over 10 per cent, that gives you some sense of the achievements of the government. This is a government that has also introduced better working conditions. We got rid of Work Choices and introduced the Fair Work Act, delivering more fairness to the workplace and a more balanced industrial relations system. We have introduced paid parental leave.

Senator STERLE—Mr President, I ask a supplementary question. Can the minister inform the Senate about the importance of fairness in developing policies that assist Australian workers and Australian families?

Senator WONG—A strong economy enables us to assist Australian families. It enables us to ensure that opportunity and prosperity can be fairly shared and, as I was saying in my first answer, some of the ways this government does this is by keeping Australia out of recession, keeping Australians in jobs and introducing a fair workplace relations system. We got rid of Work Choices, we introduced the Fair Work Act and we introduced paid parental leave. Paid parental leave is something many women, and men, in the labour movement have been fighting for for many years. It took a Labor government to introduce paid parental leave. As we approached an election, we had Mr Tony-Come-lately when it came to paid parental leave. But it took Labor people, the labour movement and a Labor government to deliver fully funded paid parental leave.

Senator STERLE—Mr President, I ask a further supplementary question. Can the minister inform the Senate whether she is aware of any alternative approaches to assisting working Australians and working families?

Senator WONG—When it comes to alternative policies and alternative approaches to assisting working families and working Australians, let me tell you: on that side of the chamber there are none. I rarely agree with Mr Ciobo, but I notice it was reported today that Mr Ciobo said that the opposition did only half the job when it defined itself by what it was opposed to. There are a lot of half men and women on that side of the chamber. They are half the men and half the women they ought to be. These are the people who pretend to be an alternative government, and all they can do is wreck, block and oppose. They have no alternative policies—
no policies around opportunities and fairness; just opposition. (Time expired)

Manufacturing

Senator COLBECK (2.32 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Can the minister advise the Senate why he has announced the formation of a strategy group for the food-processing industry when the Minister for Agriculture, Fisheries and Forestry is already putting together a group to develop a national food plan?

Senator CARR—I thank the senator for his question. I trust that the Senate is aware that, following the last election, I was given responsibility for food manufacturing. This is an area of responsibility that had under previous administrative arrangements been within the Department of Agriculture, Fisheries and Forestry. As a consequence of those changes, I have set about the development of a consultative mechanism to ensure that we get all the relevant players together to discuss the impediments and opportunities that exist for food manufacturing in Australia.

This is particularly important given that food manufacturing is our largest manufacturing sector. As a matter of urgency, a great deal more work needs to be done to encourage that sector to be more innovative and to take up more opportunities so we can produce better processes, increase investment, increase employment and increase exports.

The Innovation, Industry, Science and Research portfolio already provides substantial support for the food industry—including through policy development, through programs, through service delivery and through agencies such as the CSIRO—but a great deal more could be done to ensure that we provide the necessary support, through Enterprise Connect and other networks, to ensure the food-processing industry strategy group can focus attention on the industry assisting itself—(Time expired)

Senator COLBECK—Mr President, I ask a supplementary question. Does the minister agree with his colleague the Minister for Agriculture, Fisheries and Forestry, who said at the Australian Food and Grocery Council Conference three weeks ago:

For many years Canberra, both political and bureaucratic have thought of food in a siloed way which suits and reflects the way Government does business, but not the way business does business.

Isn’t the minister’s decision to form a second food industry group just another government silo?

Senator CARR—you will be surprised to hear that I agree with my colleague. Unlike the Liberal Party, we are actually committed to working together. You are committed to tearing each other apart.

This is an industry sector in Australia that requires additional attention. When the agriculture ministry was nominated by the National Party, the policy framework was all about farm processes. Beyond the farm gate was not an area of particular attention for previous coalition governments. We have to ensure that, given the importance of this sector to Australian manufacturing, further action is taken. This is particularly significant given the importance of Australian food exports—and we are a food-exporting nation so we have—(Time expired)

Senator COLBECK—Mr President, I ask a further supplementary question. When will the minister be releasing the terms of reference for this food group? Will he be releasing it after the date originally set for final report, as he did with the pulp and paper industry strategy group?

Senator CARR—the fact remains that the Department of Innovation, Industry, Science and Research has achieved a great deal
more than we ever saw achieved by the previous government in regard to the promotion of manufacturing in this country. Senator Colbeck mentioned the Pulp and Paper Industry Strategy Group, which for the first time in the history of this country brought together all the players in the pulp and paper industry. In regard to the food industry we will follow the same pattern, but that process will be engaged in after consultation with the industry so that we can ensure that all the players—all the stakeholders—get a chance to have their say and that we get a more innovative approach to the manufacturing of food in this country than we currently have and have historically seen. We want to ensure, for instance, that CSIRO—which alone has some 200 researchers working on food—is able to work more effectively with the investors, more effectively with workers and more effectively with the food companies in Australia. *(Time expired)*

**Australian Defence Force: Medical Officers**

*Senator FIELDING (2.38 pm)*—My question is to the Minister representing the Minister for Defence, Senator Evans. Is the government aware of the report by the ABC on Friday, 12 November that the Australian Defence Force needs to recruit an additional 200 medical officers because specialists have been leaving the Army and Navy in droves due to what one reservist doctor, Captain Julian Fidge, described as ‘poor treatment’? What is the government doing to address this important issue?

*Senator CHRIS EVANS*—I thank Senator Fielding for the question. I am not aware of the particular ABC report he refers to, so I do not have that context for his question. It is the case that, under successive governments, having high-quality medical personnel inside Defence and supporting defence personnel has been a priority. We have generally done very well in that regard and have attracted quality medical professionals. We have been very well served, as we have also been with the legal profession, through the reserve system in terms of medical professionals. So I think we have had great success in making sure that Australian defence personnel have been supported by first-class medical professionals and medical facilities. That has, in the past, been a strength of the ADF, and we have had many committed people, both permanent and reservists, who have provided those services.

The question from Senator Fielding refers to allegations of poor treatment, but in asking the question the senator did not specify what the poor treatment was in relation to, so I am not sure whether he was talking about poor physical treatment or service conditions. I am not clear what the senator is seeking from me, but I can say that we are very strongly supportive of high professional standards and very grateful for the service that our medical professionals inside the ADF provide to ADF personnel.

*Senator FIELDING*—My first question had to do with the issue of the shortage of doctors in the defence forces because of poor treatment of some of the doctors. Mr President, I ask a supplementary question. Can the government advise the chamber whether our troops are now at greater risk because the ADF has been forced to use less skilled contractors instead of ADF trained medical officers? Is the shortage of medical officers affecting what operations we can participate in overseas?

*Senator CHRIS EVANS*—I think the answer to the sorts of questions posed by Senator Fielding is, effectively, no. It is the case that we have some vacancies, as I understand it, for permanent medical officers, but this has not limited support to current operations or our international commitments. As the...
senator would appreciate, the priority of the ADF would be—and it would have been a priority of the previous government also—to ensure that those persons are fully supported. I understand there are currently more than 4,000 healthcare providers in Defence. The advice from Defence is that those numbers are sufficient to support the various operations, contingencies and activities, and there are currently 150 new medical personnel under training supported by the ADF. Obviously, like any other employer, Defence has to compete for highly skilled people, and there are currently some vacancies for permanent medical officers.

Senator FIELDING—Mr President, I ask a further supplementary question. Does the Australian Defence Force have plans to install a soldiers’ advocate to make sure that soldiers have an avenue to raise valid safety concerns without the risk of facing disciplinary action, which apparently happened in the case of the person who raised concerns about the shortage of medical officers?

Senator CHRIS EVANS—Certainly this government would absolutely support—and I am sure the previous government would also have supported—the right of any member of the ADF to raise any concerns regarding safety in the workplace or lack of support in that regard. In answer to the suggestion that someone who raised concerns about the number of medical staff would somehow then be discriminated against, I would be very concerned if that happened. I am sure that the Chief of the Defence Force, Angus Houston, would also be concerned, as would the minister. So, if there are particular cases where Senator Fielding thinks a member of the defence forces might have been discriminated against for raising legitimate health and safety concerns and the senator wanted to provide the details, I am sure the minister and the CDF would be very happy to follow those up.

Youth Allowance

Senator NASH (2.43 pm)—My question is to the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Evans. I refer to the minister’s letter of 16 November to the President of the Senate requesting that the President intervene to ensure that my private senator’s bill regarding the independent youth allowance criteria and the requirement for all regional students to be treated fairly not be debated. Indeed, the minister said to the President:

I would be grateful for your assistance … so that steps may be taken to ensure the Bill does not proceed.’

Is this not a clear case of the minister trying to deny justice to rural and regional students?

Senator CHRIS EVANS—I appreciate the question from the good senator because what she draws attention to of course is the government expressing the view that has been held by successive governments about initiation of money bills in the Senate. Succesive governments have received the same advice and have acted upon that advice. It is also the case that traditionally the Senate Clerk, both the previous one and I think the current one, has taken a different view about the role of the Senate in relation to money bills. But it has been the view of the previous government and this government that those money bills ought not be initiated in the Senate. I sought to provide that advice to the President regarding Senator Nash’s private member’s bill. I would advise the Senate that Senator Nash’s bill was referred to a Senate committee for inquiry in accordance with normal practice, despite her attempt to guillotine through the parliament in an hour her bill without any reference to a committee to try and sidestep the normal processes of the Senate in order to pursue a political stunt.
I would also remind the Senate that this bill sought to walk away from the political arrangement which the coalition entered into only some six months ago; that in fact Senator Nash sought to rat on that arrangement because it was now politically expedient to do so. The coalition not only sought to rat on the arrangement; they sought to overturn their long-term commitment to not abusing the processes of the Senate in dealing with bills. So I suspect Senator Nash ought to look at her own behaviour in dealing with this matter.

*Honourable senators interjecting—*

**The PRESIDENT**—If the chamber wishes to debate this issue, it can do so at the end of question time.

**Senator NASH**—Mr President, I ask a supplementary question. Unfortunately, we cannot debate it; he will not let us. Given the President’s reply to the minister’s letter, and I quote:

... it is quite inappropriate for you to ask me to take steps to ensure that a bill does not proceed on any basis—

isn’t this embarrassing for the minister to be so shown up as to his complete lack of understanding of proper Senate processes; and why is the minister going to such lengths to inappropriately interfere to stop the bill proceeding?

**Senator CHRIS EVANS**—Again, I thank the senator for her supplementary question. She is about two weeks late, but congratulations for getting there. One of the things that this does highlight is the independence of the Senate President, and I am sure all senators regard that as a good thing. Sometimes I do not agree with his rulings, but it does indicate the independence of the President. I think that is something that all senators support and it is a credit to the current President.

The suggestion by Senator Nash seeks to question a decision of the Senate. Senator Nash well knows that the decision to delay consideration of the bill while it was considered by a committee was a decision by this Senate. If Senator Nash does not like the outcome, she ought to just think about that. This matter came before the Senate—

**Senator Nash**—Mr President, on a point of order on relevance: the question is about the specific letter that the minister wrote to you. It does not in any way relate to the debate that ensued last week.

**The PRESIDENT**—There is no point of order. The minister has seven seconds remaining if he has anything further to add.

**Senator CHRIS EVANS**—Only that Senator Nash seems to be struggling. This bill is still before the parliament, and I think people ought to concentrate on the issues. *(Time expired)*

**Senator NASH**—Mr President, I ask a further supplementary question. Further to the minister’s answer to my first question talking about the Senate Clerk’s rulings, given the government has previously introduced a bill constitutionally equivalent to mine as advised by the Senate Clerk, will the minister explain why he was so desperate to deny justice to rural and regional students that he took the unprecedented step of writing to the President? Will the government now admit that they are treating regional students unfairly and immediately change the legislation to fix the significant problem being faced by regional students and their— *(Time expired)*

**Senator CHRIS EVANS**—Can I just remind Senator Nash that after great consideration, huge public debate and long negotiations, the Liberal-National Party coalition agreed with the government to pass this legislation, came in here, supported it, voted for it—all of them. And what happened? Within months before the start—

**Senator Mason**—We had an election.
Senator CHRIS EVANS—So your promises, Senator, don’t count after an election. Your word is worth nothing. Thank you very much, Senator Mason; I take the interjection.

The PRESIDENT—Senator Evans, just resume your seat. When we have silence on both sides, we will proceed.

Senator Mason interjecting—

The PRESIDENT—Senator Mason, the time for debating this issue is at the end of question time, and I am sure there will be a half hour there available to debate these issues.

Senator CHRIS EVANS—I appreciate Senator Mason’s interjection to indicate that the Liberal Party and the coalition’s word is worth nothing at all because time has lapsed. I make the point: this provision does not even come in until 1 January next year. They have ratted on the deal before it even started. They have a new low: their word is worth nothing. (Time expired)

Innovation

Senator MARSHALL (2.51 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. I refer to the 2010 world science report of the United Nations Educational, Scientific and Cultural Organisation, released this month. Can the minister inform the Senate what he has done since he came to office to address the decline in both industry competitiveness and government support for innovation, which the report notes occurred in the early 2000s? Can the minister inform the Senate on the progress of the significant reforms since 2007 alluded to in the report?

Senator CARR—I thank Senator Marshall for his very informed question. When our government came to office, we had to take on a rather sorry legacy: the legacy of 10 years of neglect under the Howard government. What is more, this sorry legacy was so aptly identified and highlighted by my literate, and now indignant, friend Senator Mason. Unfortunately, Senator Mason—and I know his frankness on this is to be commended—only revealed part of the story. The OECD helps us out a great deal on this matter, and, of course, we now know that UNESCO has joined us on this matter as well.

Under the Howard government, our universities, quite frankly, were simply under-funded. The R&D investment was stuck well below OECD averages and our position on the World Economic Forum index was in freefall. As a government, we were determined to reverse those trends. As far as we are concerned, innovation is not simply an optional extra. It is a key to ensuring that we have high-tech, high-skilled, high-wage jobs in this country. That is the sort of economy we want: a modern economy that ensures high-tech, high-skilled, high-wage jobs. We want to ensure that Australia is richer, we want to ensure that Australia is greener and we want to ensure that Australia is fairer. The policies that we are pursuing are about achieving that. We are about providing jobs, security and a better way of life for all Australians.

It is a tragedy that those opposite have felt it so necessary to obstruct and oppose these measures sight unseen, because their policies essentially are stuck in a different era. These are the great knuckle-draggers of modern—(Time expired)

Senator MARSHALL—Mr President, I ask a supplementary question. Can the minister inform the Senate what the new direction he has outlined means for science and research in Australia?

Senator CARR—Australian industry cannot move up the value chain without a world-class research sector. That is why, for example, we are providing $1.1 billion for
facilities and for equipment to support research in areas of Australia’s strength through the Super Science Initiative. What we are doing here is focusing on the technologies that will make our existing industries much more sustainable and support the growth in critical industries of the future.

We are about building an economy for the 21st century. We have put our universities on a sustainable funding formula. We have ensured that for the first time in years we are delivering an extra $2.6 billion for block grants through to indexation. We will provide $4.1 billion in infrastructure through the Education Investment Fund. We are about supporting the critical work of our public research agencies. That is why the CSIRO funding has jumped 18 per cent since we came to office. (Time expired)

Senator MARSHALL—Mr President, I ask a further supplementary question. Can the minister explain how the innovation agenda is transforming traditional manufacturing industries such as textiles, clothing and footwear?

Senator CARR—Senator Marshall, you are quite right to draw attention to these issues. Last week I drew the Senate’s attention to the success of the New Car Plan for a Greener Future. Thanks to that plan, the auto industry is making the investment it needs to be more sustainable and to tap into global markets.

Senator Ryan interjecting—

Senator CARR—I am sorry that you, Senator—particularly you, considering the state from which you come—regard this as a matter that you can laugh at. You think that the employment of hundreds of thousands of Australians in high-skilled, high-wage jobs in manufacturing is something to laugh at. Why don’t you go back and tell your constituents that. It is not just in cars; it is in food, textiles and building products. It is about creating the opportunities and supporting the business transformation right across the manufacturing sectors in this country. That is why we are ensuring that the textile, clothing and footwear sectors, which employ so many Australians, are able to do so with confidence into the future. (Time expired)

Broadband

Senator FISHER (2.57 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. The minister’s response tabled in the Senate yesterday fails to comply with the Senate order to produce the enterprise agreement principles signed and agreed with the ACTU and upon which the minister based his earlier reassurance to the Senate that there will not be a wages blow-out in the building of the NBN. Minister, have you ever seen or ever read the enterprise bargaining agreement principles you say have been signed and agreed with the ACTU?

Senator CONROY—Yet again a question based on a false assertion and a false premise—and, even worse, an attempt to imply things that I have said. Let me be very clear about this: the sorts of requests for information that Senator Fisher continues to make are unacceptable on the basis that all the other GBEs, be it Telstra or other GBEs, have never been required in the past to table this sort of information. You want to interfere with the running of the National Broadband Network for one reason and one reason only.

Senator Fisher—Mr President, I rise on a point of order relating to relevance. It was a simple question, Minister, and it needs a simple answer. Have you seen it? Have you read it?

The PRESIDENT—There is no point of order. The minister has one minute and 14 seconds remaining to answer the question.

Senator CONROY—Those opposite are, every single day, revealing their true agenda.
At least Senator Joyce has the courage to admit that he is interested in nothing more than destroying the NBN because he believes it will destroy the government—it is a path to government. Those opposite can keep pretending that they about transparency and they can keep pretending that they are about accountability, but what they are about is seeking to wreck the National Broadband Network. They have one agenda—it was given to them by their leader, Mr Abbott—and that is to go out and wreck the National Broadband Network.

Senator Brandis—Mr President, on a point of order: this spray at the opposition has no bearing whatever on the question. The minister was asked whether he had read a specified document. The point of order was taken by Senator Fisher before and you ruled that the minister had a substantial period of time left. The minister is now three-quarters of the way into his period of answering and he has not come close to the question. He has been neither directly nor indirectly relevant to it, and you should draw him to it.

The PRESIDENT—There is no point of order, but I do—

Opposition senators interjecting—

The PRESIDENT—Just let me finish. There have been a range of interjections that have been thrown about during the answer that is being given by the minister. I did draw the minister’s attention to the fact that he had a minute and 14 seconds remaining, at that stage, to answer the question. I draw the minister’s attention to the question. The minister has 36 seconds remaining.

Senator Conroy interjecting—

The PRESIDENT—The minister advises me that he has finished responding to the question.

Senator Brandis—Mr President, I rise on a point of order. If the minister refuses to answer the question, in these circumstances, you should uphold the point of order and rule that the minister is out of order.

Senator Chris Evans—On the point of order, Mr President: Senator Brandis may be disappointed but the minister gave his answer and sat down. And if you do not like it, well, I am sorry.

The PRESIDENT—The minister’s advice to me was that he had finished answering the question. I cannot take the answer beyond that.

Senator Fisher—Mr President, on a point of order: this minister can usually talk under wet cement—and there is plenty of that being poured around the NBN. The minister has failed to answer the question, and I will put it again.

The PRESIDENT—that is not a point of order, Senator Fisher. Do you have a supplementary question?

Senator FISHER—In that case, Mr President, I do have a supplementary question. Given that noncommittal answer, Minister, how could you and on what basis did you reassure the Senate that the ACTU signed and agreed EBA principles mean that there is no suggestion that there will be a wages blow-out in the build of the NBN?

Senator CONROY—it is a fact that an agreement has been reached, and those opposite are now making a simple assertion. It is not based on any factual basis at all. The NBN are in discussions with the sector. They are well aware of all of the pressures around the build. They are well aware of all of the issues to do with the construction. The good senator is simply making an assertion and trying to wrap it up as a question. An agreement has been signed. That is a factual thing. The rest of her question revolved around a simple assertion of what she believes.
Senator FISHER—Mr President, I ask a further supplementary question. Does the CEPU campaign for annual five per cent wage increases for workers building the NBN comply with the ACTU agreed principles? Will you table that document? At double the 2½ per cent wage increase used in the implementation study to underpin the $43 billion NBN, how is a five per cent per annum wages claim anything other than a wages blow-out in the order of 100 per cent?

Senator CONROY—The premise of the question is that a wage claim is a wage blow-out.

Senator Abetz—No, it’s not.

Senator CONROY—That is what she just said, and Hansard will bear me out. That is exactly what she just said.

The PRESIDENT—Order! It does not help to shout across the chamber during question time.

Opposition senators interjecting—

Senator Cameron—Workers want a wage rise—shock, horror! Bring back Work Choices then.

The PRESIDENT—Order, Senator Cameron!

Senator Fisher—On a point of order, Mr President: the minister seems hell bent on answering a question I have not asked. My question was: At double the 2½ per cent annual wage increase used in the implementation study to underpin the $43 billion NBN, how is the—

Opposition senators interjecting—

The PRESIDENT—There is no point of order.

Senator Fisher—five per cent wage increase anything other than a cost blow-out in the build of some 100 per cent? Will you table—

The PRESIDENT—There is no point of order. Senator Conroy, you have 46 seconds remaining to answer the question.

Senator CONROY—You do not get to reword your question after you have already asked it.

The PRESIDENT—Senator Conroy, just address the question.

Senator CONROY—Hansard will bear out exactly what Senator Fisher said. It is there for everyone to see. It is an assertion based on a false premise. It is a claim about something that may happen in the future. So I do not think I have much more to add than that than to wish my good friends on the opposite side a merry Christmas.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS Labor Government

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.06 pm)—I move:

That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans) to a question without notice asked by the Leader of the Opposition in the Senate (Senator Abetz) today relating to election commitments of the Gillard Government.

Isn’t it interesting: here we are down the track and it is the anniversary of having a Labor Party government, and what an absolutely roaring success the Labor Party government have been!

Let’s start with the war on obesity—and we could have a quick look around to see where Senator Carr has gone. Was the war on obesity a win, a draw or a loss? What is happening to the war on obesity? How are they going with the fat people? I was a bit worried
that they were going to catch up with me for a while! What is happening with the war on obesity? What about the war on homelessness—the poor old people out in the parks? Was that a win; was that a draw? How did we go with the war on homelessness?

Of course, we also had GroceryWatch. What a roaring success GroceryWatch was! We were going to ‘ease the squeeze’. What a farce! Now we have one of the highest food inflation rates in the Western world. I could go on all day. There was the war on obesity and the war on homelessness. There was the war on executive salaries. That one was a big win. That was a real success. There was the war on inflation and the war on capitalism. Of course, when those bellicose people are finished with wars, they have to start a few revolutions.

Senator Cash interjecting—

Senator JOYCE—I will get to Kevin Rudd in a second. First of all, we had the education revolution. Remember the toolbox for the 21st century? In the end, only half the kids got it at twice the price and 30 per cent missed out. That was like the first and second Punic War. Then we had the Building the Education Revolution—another revolution. How did that revolution go? Even Kevin Rudd, the former Prime Minister, leaked to the press that it was a complete and utter disaster. These jokers are running the country! If you have had wars and you have had revolutions, there is only one thing left: an assassination—and we got one of those, too. We do not know whether it was the real Julia or the pretend Julia, but Mr Mark Arbib definitely had a lot to do with it. We had the assassination when, of course, they knocked off—

The DEPUTY PRESIDENT—Order! Senator Joyce, it is about time you started referring to people by their proper titles.

Senator JOYCE—Senator Arbib was definitely behind that one. He admits to it. Paul Howes, the man who writes books about himself—

Senator Abetz—The manless face!

Senator JOYCE—Yes, the manless face! Paul Howes is the only man I know who has written more books than he has read. Of course, the people opposite therefore decided to change their leadership.

We must go to their managerial critique. The ceiling insulation program was a roaring success! All they had to do was get fluffy stuff into the ceilings for the rats and mice to urinate on, and they could not even do that without setting fire to 190 houses and resulting, tragically, in the deaths of four people, which is serious.

There were the $900 cheques. Of course, this was how they were going to reboot the global economy with the purchase of flat screens. That was another absolute stroke of genius. Then they claimed responsibility for saving us from the financial crisis. I thought it was demand from China—I really did. I thought it was the sale of iron ore at record prices, the sale of coal at record prices, the fact that during that period our dollar had depreciated by 30 per cent, the fact that real interest rates during that period had gone down, the fact that the 31 March shipping figures showed we had record export of wheat. But, no, it was not that; it was the $900 cheques, used in poker machines, put in bank accounts, used to buy electronic goods, used to go on holidays to New Zealand. Of course, we rebooted the global economy from South Korea. That is how it was supposed to have worked. That is how the $900 cheques worked.

Then we had the Carbon Pollution Reduction Scheme—the greatest moral challenge of our time. They were going to cool the planet from a room in Canberra. Of course
they could do it! Penny Wong was behind it. She was so driven by this that, when the greatest moral challenge—

The DEPUTY PRESIDENT—Order! You must refer to people by their proper titles.

Senator JOYCE—Senator Wong was so driven by the greatest moral challenge of our time that, when the challenge got a bit too challenging, she left and became the minister for finance. People like this are running the country. We got all that and we are currently $172.8 billion in gross debt. Our debt last week went up by $2.8 billion. In one week our debt has gone up by more than the government’s projected surplus in—whatever it is—2013. They managed to put more on the credit card in one week than they project the surplus will be in two or three years time. These people are running the country. They are running it into the ground. It is an absolute disaster. The Australian people will wake up to it, because now they want to build a telephone company. It is Pythonesque! (Time expired)

Senator MARSHALL (Victoria) (3.12 pm)—I think that contribution from Senator Joyce just demonstrates the coalition’s contempt for the Senate and its contempt for the Australian people. I do not know whether it is the fact that it is getting close to Christmas, but Senator Joyce came in here and did what can only be described as a Christmas comedy special. I suggest he ought to stick to talking about some serious policy issues, not come in with a silly little rant, trying to make fun of people, with no serious substance to be found in any of the debate. There was confected laughter and confected humour. I am not sure about the point he was trying to make, but he demonstrated to everybody who was listening to or watching that pathetic performance that he should not be taken seriously. Everybody on that side of the chamber—

Senator Joyce interjecting—

Senator MARSHALL—You will notice that he has not even stopped as he is walking out of the chamber. He is still doing his little comedy special. It demonstrates to everybody in this place and everybody who was listening—and I hope they were watching—why he should not be taken seriously in this place, and he represents the coalition! He is a senior member of their team and he comes in here and makes such a childish and pathetic contribution. There was no serious debate. Mr Deputy President, you might have cut him some slack if he came in here and said, ‘Look, it’s the second last day of sittings. It has been a long and hard year. Everyone is tired. I’m just going to make a five-minute contribution which is a bit of a joke.’ We could have sat back and had a bit of a laugh. But he did not do that; he actually attempted to put himself forward as a serious contributor to the policy debate in this country, and he has simply failed, as he has failed every other time. He has been sacked several times. He is a joke. His own party could not even tolerate him when he was the finance spokesman.

Senator Abetz—Nonsense.

Senator MARSHALL—Oh, I see! So he wasn’t sacked? He was not sacked! I think Senator Joyce actually went on the public record saying how disappointed he was. I think Senator Macdonald has gone on the public record saying some things about that time and how he worked very hard to ensure that you were sacked and replaced, Senator Joyce. But I am not surprised—I think it was a sensible and good decision—because, really, with that clown running around trying to represent—
The DEPUTY PRESIDENT—Order! Be very careful about what you are saying, Senator Marshall.

Senator MARSHALL—Yes, I am very careful. But they are words that were thrown around just yesterday. With Senator Joyce running around—

Senator Joyce interjecting—

Senator MARSHALL—I am trying to tell you something you do not know, Senator Joyce, and that is that you should take a very serious look at yourself and, if you are going to engage in serious policy debate in this place, you ought to treat this place with the respect it deserves and not laugh at the Australian people the way you have been. They are not as stupid as you just made out and as you treated them in that pathetic contribution—and pathetic it was. I am not surprised you are now finally walking out of the chamber. You should have walked out of the chamber before you even started to make that contribution, because it is really—

The DEPUTY PRESIDENT—Order! Senator Marshall, you will address your remarks through the chair.

Senator MARSHALL—Yes. I was just saying that Senator Joyce should have left the chamber before he even got up to make that contribution, because all he did was demonstrate that the people over on that side are devoid of any real policy position. He demonstrated the poverty of their position in every aspect of that. And I could see that some of them were embarrassed; they had their heads down. Senator Abetz, as normal, tries to do his bit with his confected laughter—

Senator Fifield—You have not said one word in defence of your own government.

Senator MARSHALL—I am responding, Senator Fifield, to the pathetic contribution of Senator Joyce, who made no contribution at all. I am responding to him. Apart from pointing out the poverty of his policy position—something that you obviously share and something that all of you over there share—it is a little bit difficult because there is no serious contribution to any debate. You simply get up there and do the Christmas comedy special, and I guess, in many respects, if you are going to do such a thing, Senator Joyce is a perfect candidate for it. So I am not surprised the tactics team led by Senator Abetz actually chose Senator Joyce to make that comedy contribution.

Senator Abetz—Look, I’ll take credit for it, but it’s not led by me.

Senator MARSHALL—Okay, then. Senator Abetz, thank you for acknowledging that you will take credit for it! I am not sure who leads it. Maybe Senator Joyce is actually on your tactics committee—no, no, that would be too scary to think about.

Senator Fifield—Senator Conroy’s on ours!

Senator MARSHALL—So we will not do that. We are in fact very proud of our record over the last three years. It speaks for itself, and I hope that senators on the other side who are going to make a contribution take this seriously.

Senator FIFIELD (Victoria)—Manager of Opposition Business in the Senate (3.17 pm)—As it is the third anniversary of the election of the Labor government, I think we are all entitled to get a little nostalgic as we look back. Mr Deputy President, I think we are all entitled to get a little nostalgic as we look back. Mr Deputy President, I think we are all entitled to get a little nostalgic as we look back. Mr Deputy President, I think we are all entitled to get a little nostalgic as we look back. Mr Deputy President, I think we are all entitled to get a little nostalgic as we look back. Mr Deputy President, I think we are all entitled to get a little nostalgic as we look back.
asked how Labor would do all this that it had promised, he replied, 'When we get in, we'll just change it all.' And Mr Garrett was a prophet: Labor did change it all, and they had good reasons for each of their decisions. There were really three reasons for each policy area: basic failure of policy and administrative competence, lack of political will or just good old-fashioned deceit.

Incompetence is actually the biggest category. With the school halls, there was billions wasted; roof insulation, four deaths, 207 fires and 250,000 dodgy jobs; border security, almost 10,000 illegal arrivals and 190 boats; computers in schools, a million promised and less than half delivered; Indigenous housing, hopelessly delayed; trade training centres program, with 2,650 promised, delayed; GP superclinics, 36 promised and four delivered; and the Green Loans scheme a debacle, with $275 million wasted.

Then there is the category of old-fashioned deceit, both the intention to never deliver and the lack of compunction about breaking commitments. There was the commitment to childcare expansion, with 260 centres promised, and staff, but 38 delivered. Then there was Fuelwatch, dumped—Labor knew they could not fix the petrol price; that was a fib. GroceryWatch, with $7 million wasted and 30 staff employed, was abandoned—another policy hoax. They said they would not means-test the baby bonus; they have done it. They said they would not means-test private health insurance rebates; they have tried to do it. Then there is the most laughable one of all, the new era of transparency: Operation Sunlight. Yet, when it comes to a $43 billion program, the NBN Co., is there a cost-benefit analysis? No. What about releasing the business case? No. There is no transparency, no 'new paradigm', just politics as usual.

For me the most condemning category for Labor is the absence of political will, or what is better known as good old-fashioned gutlessness. The ETS, the answer to the 'greatest moral challenge of our time', was dumped. Labor have a working majority in the other place and, after the middle of next year, with the Greens they will have a majority. Why don't they bring the ETS back? Bring it on. They cannot blame this side of the chamber anymore. They are without excuse for what they truly believe in.

There is also the matter of fiscal discipline. You will recall the former Prime Minister saying that he was often called a fiscal conservative. In fact, he said: … it's a badge I wear with pride.

This government has never delivered a surplus and it never will. With this government, there is no fiscal discipline, there are no tough decisions. Of all the savings the government have identified, half of them result from new taxes—increased revenue. Even when their profligacy is putting upward pressure on interest rates, they still cannot take a tough decision.

On the front page of the Australian today we see Wayne Swan saying that actually there is a path they are following: ‘ALP must steer clear of Greens, says Swan’. I would say to Mr Swan: it’s a bit late, sunshine; you have already had the civil ceremony. We all saw it. I am not being critical of the Greens. They could see a sucker coming and they took full advantage of it.

This government’s support is ebbing away. At the heart of this government is fear. We saw from the minutes of the last caucus meeting with Kevin Rudd as Prime Minister that what is driving the Labor government is fear of losing seats. There is no concern about bad policy or about betraying the Australian people. This government has not lost its way; it never found it. The government
stands for nothing and believes in nothing. This government will amount to nothing.

Senator STEPHENS (New South Wales) (3.22 pm)—I rise today to take note of the answers to questions, particularly those relating to the economic performance of the government. One would be challenged, I suppose, in considering the contributions to this debate this afternoon, to understand that, despite the rewriting of history that we have heard today in the chamber, three years of the Labor government has actually delivered some extraordinary reforms and some extraordinary outcomes. Senator Wong, addressing some of those issues today, made the point that, regardless of the challenges that we have in explaining and understanding the implications of surviving the GFC, that is what Australia did. Australia survived the GFC because of the work and the decisions of the Australian government to keep our economy strong and to protect jobs when, around the world, hundreds of thousands of people lost their jobs in the global recession. We even understand that we could have been looking at something like 200,000 Australians losing their jobs. That would have had a massive impact on our economy and on our society.

The work that we did in preventing that crisis from happening included the introduction of the bank guarantees and the introduction of the stimulus program, which created 50,000 projects around Australia—500 libraries, 400 halls, 360 classrooms in schools and 10,000 families being supported through the solar hot water rebate system. Think about what else we have done over the three years. We have avoided recession and we have lower debt and a lower deficit than any of the other major advanced economies. We have an unemployment rate that is the envy of the world—5.4 per cent at the moment. That unemployment rate is significantly lower than in most countries; in fact it is lower than all but one of the major advanced economies. We have created more than 375,000 jobs this year, and there are 650 more Australians in work today than when we took office three years ago, despite the impact of the GFC.

What else have we been doing? We recognised the cost-of-living pressures. A question about that was asked of the government today. We have reduced income taxes in the last three years. Significantly, someone on $30,000 a year now pays $750 less tax than in 2007-08, and someone on $50,000 pays $1,750 less tax than in 2007-08. We have lifted the low income tax offset to $1,500. We have provided an education tax refund for parents supporting kids getting back to school. For laptops, school textbooks and uniforms, eligible families can claim almost $400 to help support their children in primary school and almost $800 for each child in secondary school.

We have introduced First Home Saver Accounts and First Home Owner Boosts. We have looked at unfair mortgage exit fees and reinvestment in RMBSs to support competition. We have raised the childcare rebate. We have become the dominant funder in the health system. We have reformed the pension system. Those were significant reforms, increasing the pension by around $115 a fortnight for single pensioners and around $97 a fortnight for pension couples. We committed to returning the budget to surplus in 2012-13 and we are on track to do so.

These are the things that, as a Labor government, we have delivered. We have stayed true to our commitment to the Australian people. We have ensured that we will commit to a fair go and a fair sense of opportunity for all. In doing so, we will ensure that the legacy of our Labor government is a stronger economy, a stronger Australia, a stronger society, a more inclusive commu-
nity and a sense that those who are really struggling on the edge are going to be supported and be given a leg up. Our social inclusion strategy is a very powerful approach that ensures that everyone in Australia has the chance and the choice to have a job, to learn, to work, to engage and to have their voice heard. That is a very powerful legacy.

Senator McGauran (Victoria) (3.27 pm)—This week marks three years in office for Labor. Those in government usually take the opportunities available to them in all the different forums of the Senate to mark the occasion, but we have seen nothing of the sort from Labor. In fact, they seem to be avoiding the occasion. Only the previous speaker, who laboriously read from a script, has made any attempt to mark what Labor have done in the past three years. The government are so deep in the mire of their problems that they really do not want to know about their three years in government. They are not in the mood to celebrate, self-reflect or even offer some gratitude for the time they have had in government. It is a great privilege to be in government; it is the golden era of any parliamentarian, and they ought to treat it like that. Instead, they come in here with long faces. They are unhappy. The government is fracturing. We notice it from this side of the chamber.

I have taken the trouble to do a report card for the Labor government’s three years. Firstly, in their first three years they have had two prime ministers. If you liked Kevin Rudd you will certainly love Julia Gillard.

Secondly, according to that respected elder and great historian of the Labor Party, Senator Faulkner, you are a government with no courage. He said you have ‘more cunning than courage’ in leadership. Those were his words. According to the former Labor senator and respected powerbroker Senator Richardson, or Richo, you are a government with no agenda. Senator Carr has just walked in. When I mention Senator Richardson, he should shudder. Didn’t Richo do him over a few times? Senator Richardson said you are a government with no agenda.

You have had two Prime Ministers, you have no courage, you have no agenda and, to top it off, according to Senator Cameron you have no brains. He said that you are all ‘zombies’. He says you are a government with no brains. The ‘respected’ Senator Cameron—for the sake of argument, I will use that word—said:

They—meaning all of you on that side—
… are stifled in the caucus, they are stifled in the public … and so people see the Labor Party having no values and no vision on a whole range of issues and I think that must change …

It seems to be like having a political lobotomy.
That is his report card on you all after three years in government. You are a government with no trust—the Australian people told you that at the last election. You are the first government since Federation to lose its majority—the last one was in 1929. You will go down in the record books for that. The Australian people sent you that message because they did not trust you. You had hyped up all the things you were going to do in your first three years and you did not deliver. You are a government with no competence. In the three years of Labor, you have squandered the surplus and turned it into debt. You spent it on pink batts, Julia Gillard memorial halls and, worst of all, the $35 billion broadband network. You are a government with absolutely no ideas or direction. When you first came into government you set up some 80 reviews, and the new Prime Minister has done no better. She set up climate change committees and she has continued with those reviews. You have no direction. You are a government which, under the old Prime Minister and the new Prime Minister, has just wasted taxpayers’ money. Lastly, you have no control, because the Greens have the control. (Time expired)

Question agreed to.

NOTICES
Presentation

Senator Chris Evans to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to establish the National Vocational Education and Training Regulator, and for related purposes. National Vocational Education and Training Regulator Bill 2010.

Senator Chris Evans to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to deal with transitional matters arising from the enactment of the National Vocational Education and Training Regulator Act 2010, and for related purposes. National Vocational Education and Training Regulator (Transitional Provisions) Bill 2010.

Senator Joyce to move on the next day of sitting:
That the Senate—
(a) notes:
(i) the conflicting and confusing positions of the Labor Government in regards to the legal interpretation of the Water Act 2007,
(ii) that the Minister for Sustainability, Environment, Water, Population and Communities tabled legal advice from the Australian Government Solicitor in the House of Representatives on 25 October 2010 stating that, ‘The nature of the decision-making in relation to the Plan involves the application of broad concepts and there is therefore scope for the consideration of how economic, social and environmental outcomes should be optimised’,
(iii) that the Chairman of the Murray-Darling Basin Authority, Mr Mike Taylor, responded by stating that this advice disagrees with previous advice the Authority had received stating, ‘... clearly the advice we’d had to date had indicated that we were obliged to meet the requirements of adhering to international agreement, and ensuring that we met the environmental flows required to maintain and restore key environmental assets and key ecosystems, and that it was not subject to social and economic impacts’, and
(iv) that, in a statement on 26 October 2010, the Authority revealed that this advice had come from the Minister’s Department of Sustainability, Environment, Population and Communities, in close consultation with the Australian Government Solicitor for legal interpretation; and

(b) resolves that, to clear up the confusion on the legal interpretation, and the consequent effect that is having on the prospects
for jobs and investment in Basin communities, there be laid on the table by the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, no later than Monday, 13 December 2010, all of the advice that the Department of Sustainability, Environment, Population and Communities, the Murray-Darling Basin Authority, the Minister’s office and the Australian Government Solicitor have received or provided on this matter.

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

That the Senate—

(a) notes that:

(i) Christmas Day falls on a Saturday in 2010,

(ii) in some parts of Australia, notably Victoria, South Australia, the Northern Territory and the Australian Capital Territory, workers who are working on Christmas Day will not receive public holiday penalty rates,

(iii) the Tasmanian Parliament recently moved to ensure workers in Tasmania received fair compensation this Christmas, and

(iv) it is unjust for workers having to work on Christmas Day not to receive appropriate remuneration for having to sacrifice time with family and friends at Christmas; and

(b) calls on the Government to ensure a common standard across the country that public holiday penalty rates are paid to all workers who have to work on Christmas Day regardless of the day of the week Christmas falls on.

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

That the Senate notes after 3 years in Government, Labor has lost its way and failed to deliver on its commitments to the Australian people.

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

That the time for the presentation of the report of the Community Affairs Legislation Committee on the Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010 be extended to 16 June 2011.

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

That the following bill be introduced: A Bill for an Act to establish a process for assisting victims of overseas terrorist acts, and for related purposes, *Assisting Victims of Overseas Terrorism Bill 2010*.

**Senators Ludlam and Kroger** to move on the next day of sitting:

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 30 November 2011:

Procurement procedures for items identified in the Defence White Paper, *Defending Australia in the Asia Pacific Century: Force 2030*, and, in particular:

(a) assess the procurement procedures utilised for major defence capital projects currently underway or foreshadowed in the Defence White Paper, including the operations of the Capability Development Group and its relevant subcommittees;

(b) assess the timeline proposed for defence modernisation and procurement outlined in the Defence White Paper;

(c) assess proposals arising from the Defence accountability reviews, including the Mortimer Review, the Pappas Review and the McKinsey Report (2010), in regard to enhancing accountability and disclosure for defence procurement; and

(d) make recommendations for enhancing the availability of public information and parliamentary oversight and scrutiny of defence procurement in the context of guaranteed 3 per cent real growth in the Defence budget until 2017-18.
Senator Ludlam to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) there has been a long-running armed conflict in the Philippines since 1969,

(ii) both President Benigno Aquino III and the National Democratic Front of the Philippines have expressed the desire to resume the peace negotiations between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines which began in 1992 and were suspended in 2005,

(iii) President Aquino has taken a positive step by appointing a new negotiating panel headed by former human rights lawyer Alexander Padilla, and

(iv) the Royal Norwegian Government is the third party facilitator of these peace negotiations and is actively supporting the resumption of the peace negotiations;

(b) urges the immediate resumption of peace talks between the National Democratic Front of the Philippines and the Government of the Republic of the Philippines;

(c) recognises and supports the 12 October 2010 call of the Philippine Ecumenical Peace Platform, headed by the Most Reverend Deogracias S Igniguez Junior, for the resumption of the peace talks between the National Democratic Front of the Philippines and the Government of the Republic of the Philippines;

(d) encourages the Government of the Republic of the Philippines to take all measures necessary to ensure all agencies and arms of its administration, including the military and the police services, adhere to the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law signed between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines on 16 March 1998; and

(e) welcomes the opportunity for the peace negotiations between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines, encourages both parties to engage in a wholehearted effort to address the basic causes of the long-running conflict and expresses our sincere hopes for their success.

Senator Fisher to move on the next day of sitting:

That the Senate—

(a) notes that the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) has failed, by way of ministerial statement tabled on 23 November 2010, to provide the information required by the Senate by 22 November 2010 in relation to various documents relating to the National Broadband Network (NBN), including:

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

(ii) in respect of sites chosen for early rollout of the NBN:

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

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

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

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

(c) orders that, given the Government’s failure to produce the information required by the Senate within the specified timeframe, there be laid on the table by 24 December 2010, a report on the matter by the Information Commissioner, including a review of the adequacy of any grounds specified by the Government for its failure to produce the information and, if applicable, his arbitration on the release of the information.

Senator Carr to move on the next day of sitting:

That, on Thursday, 25 November 2010:

(a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;

(b) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;

(c) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 4.30 pm shall be government business only;

(d) divisions may take place after 4.30 pm;

(e) the question for the adjournment of the Senate shall be proposed after the Senate has fin-

nally considered the bills listed below, including any messages from the House of Representatives:

Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010
Tax Laws Amendment (Research and Development) Bill 2010 and Income Tax Rates Amendment (Research and Development) Bill 2010
Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2010
Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010; and

(f) if the Senate is sitting at 10.30 pm, the sitting of the Senate be suspended till 9 am on Friday, 26 November 2010.

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

That the Senate calls on the Government to request the Murray-Darling Basin Authority to agree to produce the modelling for the socio-economic impacts of the sustainable diversion limit scenarios of 5,000, 6,000 and 7,600 gigalitres of water to the basin.

Senator Bob Brown to move (contingent on business being called on):

That so much of the standing orders be suspended as would prevent the Broadcasting Legislation Amendment (Anti-Siphoning) Bill 2010 having precedence over all government business until determined.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.34 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:

Corporations Amendment (Sons of Gwalia) Bill 2010

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

Leave granted.

The statements read as follows—

CORPORATIONS AMENDMENT (SONS OF GWALIA) BILL 2010

Purpose of the Bill

The Bill gives effect to a decision of the Government announced by the Hon Chris Bowen MP, then Minister for Human Services; Minister for Financial Services, Superannuation and Corporate Law on 19 January 2010 to reverse the effect of the decision of the High Court in Sons of Gwalia v Margaretic (2007) 231 CLR 160.

The Bill provides that compensation claims for corporate misconduct made by shareholders against companies rank equally with other shareholder claims.

The Bill also addresses the ability of subordinated shareholder claimants to vote and receive reports to creditors, irrespective of whether they have a financial interest in the insolvency administration.

It also removes a restriction on some shareholders bringing compensation claims against companies.

The Bill also provides that subordinated shareholder claimants are bound by court approved compromises or arrangements entered into under Part 5.1 of the Corporations Act 2001 (Corporations Act) even if they do not have the opportunity to vote at the creditors meeting ordered by the Court.

The measures have been subject to stakeholder consultation and in some areas the Bill has been modified to take account of issues raised in consultations.

Reasons for urgency

The reforms introduced by this Bill will lead to: better outcomes for shareholders and creditors, reduced cost and increased availability of credit and increased efficiency of external administration.

FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL 2010

Purpose of the Bill

The Financial Framework Legislation Amendment Bill 2010 will:

Simplify the financial management framework and streamline internal Australian Government administration;

Repeal unused special appropriations and Special Accounts; and

Update, clarify and align other financial management, governance and reporting provisions.

Reasons for Urgency

The Financial Framework Legislation Amendment Bill 2010 would update the financial governance arrangements of the Australian Law Reform Commission, the Australian Institute of Criminology, the Criminology Research Council and the National Transport Commission. Passage of the legislation in the current session will provide the necessary certainty for the bodies to commence preparing their internal governance, operational, financial reporting systems ahead of their transfer date, scheduled for 1 July 2011.

It will also facilitate early preparation of regulations and delegations under the Bill that would streamline government administrative processes and reduce red tape.

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the names of Senators Fisher and Ludlam for today, proposing a reference to the Environment and Communications References Committee, postponed till 25 November 2010.
General business notice of motion no. 132 standing in the name of Senator Mason for today, relating to the consideration of legislation, postponed till 25 November 2010.

**CONDOLENCES**

Emeritus Professor Frank Fenner

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.35 pm)—I, and on behalf of Senators Mason, Milne and Siewert, move:

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.

Question agreed to.

**COMMITTEES**

Foreign Affairs, Defence and Trade References Committee

Reference

Senator JOHNSTON (Western Australia) (3.36 pm)—I move:

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.

Question agreed to.

FUTURE FOR TASMANIA'S FORESTS

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.36 pm)—I move:

That the Senate supports the agreement reached by logging industry representatives and non-government organisations on the future for Tasmania’s forests.

Senator COLBECK (Tasmania) (3.37 pm)—by leave—I note that this is a very, very sensitive issue, and it is really disappointing that the Greens seek to misrepresent what has occurred in Tasmania through the wording of this motion. I know that it is something that the Greens tend to do on a regular basis. I just want to put on the record what has occurred in Tasmania. I will read from the document that Senator Brown refers to, which is headed ‘Tasmanian forests statement of principles to lead to an agreement’. While the Greens might like to portray what has occurred in Tasmania as an agreement, there is no agreement at this point in time. There have been some negotiations, and one thing that the parties to those negotiations have said is that they would like to keep politics out of the process.

The opposition has respected the process. We have met with both sides of the discussion. We have met with the ENGOs and have spoken to contractors and industry organisations who are party to the agreement, and we have continued to keep in touch. In fact, we cautiously welcomed the agreement when it came out, although we did point out some inconsistencies. There are a number of inconsistencies in the agreement. Sorry, I
should not refer to it as an ‘agreement’; it is a ‘statement of principles to lead to an agreement’. We support that process. We have stayed alongside that process—as I said, we cautiously welcomed that process—but we do not seek to represent it for something that it isn’t. I think that is extremely important. There are a lot of sensitivities around the discussions. There are a lot of different interpretations of clauses within the document. It is not that the opposition do not support the process, but we will not be supporting Senator Brown’s motion. 

(Time expired)

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.39 pm)—by leave—The motion talks to:

... the agreement reached by logging industry representatives and non government organisations on the future for Tasmania’s forests.

That, of course, is an agreement on the principles. So it is exactly as Senator Colbeck stated. The motion is supporting that agreement that is signed off by the parties on both sides. I am surprised he is not going to support the motion. Having said that the parties would like to keep politics out of the process, the Liberals have cautiously welcomed the agreement. On the one hand they have welcomed the agreement and on the other hand, curiously, they are not going to support a very simple motion saying, ‘Well, let’s move that forward by getting support for it in the parliament.’ It needs that support. Senator Colbeck will be aware that there are attempts to undermine this historic agreement, which is going to be enormously—

Senator Colbeck—It needs support on both sides, Bob. You ought to say ‘on both sides’.

Senator BOB BROWN—I am sorry, Senator Colbeck, but there are attempts to undermine it by dissident elements in the logging industry.

Senator Colbeck—And the conservation movement—be honest.

Senator BOB BROWN—We need to be supporting it to move it forward. In the last week of parliament, with a summer break coming up, I think there is a lot of goodwill to have this agreement move forward. This motion is simply an effort to have that goodwill expressed by the parliament. It is very disappointing that, while it welcomes the agreement, the opposition is unable to bring itself to give support where it should be giving support.

Question put:

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

The Senate divided. [3.45 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes…………… 33
Noes…………… 33
Majority………. 0

AYES


NOES

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

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”;

(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.

Question agreed to.

HOME INSULATION SAFETY PROGRAM

FOIL INSULATION SAFETY PROGRAM

Order

Senator BIRMINGHAM (South Australia) (3.49 pm)—I move:

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.

Question agreed to.

HUMAN TRAFFICKING AND SLAVERY

Senator Barnett (Tasmania) (3.49 pm)—I move:

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.

Question agreed to.

VOLUNTEERS AND VOLUNTEER ORGANISATIONS

Senator Barnett (Tasmania) (3.50 pm)—I, and also on behalf of Senator Fifield, move:

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 underrecognised 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.

Question agreed to.

**SAKINEH MOHAMMADI-ASHTIANI**

Senator Barnett (Tasmania) (3.50 pm)—I seek leave to amend general business notice of motion No. 133 standing in my name and the name of Senator Bernardi by amending paragraph (c) to omit all words after ‘due process’.

Leave granted.

Senator Barnett—I, and also on behalf of Senator Bernardi, move the motion as amended:

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.

Question agreed to.

**COMMITTEES**

Corporations and Financial Services Committee

Meeting

Senator Boyce (Queensland) (3.51 pm)—I move:

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.

Question agreed to.

**PALLIATIVE CARE**

Senator Boyce (Queensland) (3.52 pm)—I move:

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.

Question agreed to.

**MASSACRE IN MAGUINDANAO PROVINCE**

Senator Wortley (South Australia) (3.52 pm)—I move:

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.

Question agreed to.

BROADBAND

Senator BIRMINGHAM (South Australia) (3.53 pm)—I, and also on behalf of Senator Cormann, move:

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.

Question put.

The Senate divided. [3.58 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes………….. 32

Noes………….. 32

Majority……… 0

AYES


NOES

Before I go to notice of motion No. 140, I seek leave to make a short statement on general business notice of motion No. 137, which we voted on and was about the production of documents.

Leave is granted for two minutes.

There were a number of reasons that I was not able to support this motion under the names of Senators Birmingham and Cormann. The main reason was that information in the report could be market sensitive if it were to be released before 29 November, the date on which the ACCC will hand down its determinations on the NBN Co.’s business case and points of access. I will be pleased to revisit this in the new year if Senators Cormann and Birmingham are so minded.

Global Carbon Budget

Senator Milne (Tasmania) (4.02 pm)—I move:

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.

Question put.

The Senate divided. [4.03 pm]

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

Ayes……….. 6
Noes……….. 50
Majority………. 44

AYES

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

NOES

Adams, J.  Back, C.J.
Barnett, G.  Bernardi, C.
Bilyk, C.L.  Birmingham, S.
Bishop, T.M.  Boswell, R.L.D.
Boyce, S.  Brown, C.L.
Cameron, D.N.  Carr, K.J.
Cash, M.C.  Colbeck, R.
Collins, J.  Courtney, S.M.
Coonan, H.L.  Crossin, P.M.
Farrell, D.E.  Feeney, D.
Ferguson, A.B.  Fielding, S.
Fierravanti-Wells, C.  Fifield, M.P.
Fisher, M.J.  Forshaw, M.G.
Furner, M.L.  Heffernan, W.
Johnston, D.  Joyce, B.
Kroger, H.  Ludwig, J.W.
As at 31 December 2009, the level of foreign investment in Australian agricultural land was valued at $1.897 billion. A quarter of that figure, some half a billion dollars, was in direct investment and the leading investor countries were the US, the UK, Japan, Netherlands, China and Singapore.

But while we know these broad figures, what we don’t know is the detail.

And it is concerning that we may be selling off our agricultural land, and have no way of knowing to whom.

Currently, a potential private foreign investor only needs to tell the Government it’s looking at buying land or an asset if the purchase price is over $231 million.

But $230 million would buy a fair share of prime producing land in South Australia’s Riverland … and the Government would never know.

According to media reports, the buy-up of Australian agricultural assets has become even more aggressive since the global food shortage of 2008. A recent report named China, South Korea, Japan, India, Saudi Arabia and the Gulf states as the buyers who have become most aggressive in their purchases.

These are countries that are looking to protect their own food security, and we cannot fault them for that.

But we have to acknowledge that our poor foreign investment standards put our own agricultural industry at risk.

In New Zealand, the Overseas Investment Act of 2005 established an Overseas Investment Office to oversee foreign investments.

It’s similar to the Foreign Investment Review Board here in Australia but I think we have a lot to learn from our neighbours across the Tasman.

Under the New Zealand regime, a foreign investor requires consent from the Government for an investment in rural land if it exceeds five hectares.

That is, New Zealand recognises that rural land is “special” and therefore there needs to be subject to serious consideration of any applications to purchase it by foreign entities.

There are even tighter restrictions if the land is near a conservation reserve or adjoins a foreshore.
We used to say “Australia rode on the sheep’s back” but now it seems we’re selling the wool, the sheep and the land.

But farm land is not our only concern.

Back in September, the Sydney Morning Herald had a front page story with the headline, ‘Thirsty foreigners soak up scarce water rights’.

The story went on to tell how international investors are becoming increasingly interested in our water market, given the value of the product and the lax investment rules.

This article made clear that foreign speculators had already bought billions of litres of water rights in Australia’s most strategic food producing areas, and are waiting to seek advantage from whatever fallout the final Murray-Darling Basin Plan will cause.

There is no denying that foreign investment is an important part of our economy.

But this legislation will prevent us from selling off our backyard before we realise what we’ve done and it’s too late.

This Bill will put into legislation a national interest test, which the Government currently uses as ‘Guidelines’ in its determinations but which needs to go further.

In New Zealand, legislation sets out specific criteria by which the Treasurer needs to consider applications of foreign investment and by applying these to potential investments in Australia it will enable greater scrutiny to be applied.

This Bill will also lower the threshold from $231 million to 5 hectares, so that any interest in Australian agricultural land greater than 5 hectares must be subject to application to the Treasurer.

This is to enable more potential foreign investment to come to the attention of the Treasurer so that they can make informed policy decisions about whether or not to approve the application.

The fact is we do not know enough about the current levels of foreign investment in Australia, particularly in agricultural land, and we do not have a mechanism to monitor it.

I am encouraged by the Government’s commitment to improve data in this area, announcing on Tuesday 23, November that it will seek information from the Australian Bureau of Statistics, the Rural Industries Research and Development Corporation and ABARE.

This Bill will require the online publication of applications of interest in Australian agricultural land, and for the status of these to be updated as the application proceeds.

This process, coupled with the retrospective data the Government will be compiling, will give us the information we need about the current state of play so that we can be informed to make good policy decisions for the future.

**PATENT AMENDMENT (HUMAN GENES AND BIOLOGICAL MATERIALS) BILL 2010**

First Reading

Senator HEFFERNAN (New South Wales) (4.10 pm)—I, and also on behalf of Senators Coonan, Xenophon and Siewert, move:

That this bill be now 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.

Question agreed to.

Senator HEFFERNAN (New South Wales) (4.10 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 HEFFERNAN (New South Wales) (4.10 pm)—I move:

That this bill be now read a second time.

I table an explanatory memorandum and seek leave to have the second reading speech incorporated in Hansard and to continue my remarks later.

Leave granted.

The speech read as follows—
It was a little over two years ago, on 16 October 2008, that I first rose to bring this important matter to the Senate’s attention. At the time I questioned the legality of a practice which had allowed Myriad Genetics and its exclusive Australian licensee, Genetic Technologies Limited, to monopolise human genes BRCA 1 and BRCA 2 – genes linked to breast and ovarian cancers. No one invented these genes. Yet, relying on four patents granted by IP Australia, on 8 July 2008, Genetic Technologies attempted to close down all public laboratory genetic breast and ovarian cancer gene testing when it sent a letter threatening to sue each of them for patent infringement. I said then and I say now that this “is a disgrace”.

The bedrock principle of patent law, and one that has stood for nearly 400 years, is that an inventor receives a patent monopoly for disclosing an invention and how to make it. This principle, however, has been for the past 30 years the subject of a legal trick played by clever patent attorneys. As a result isolated biological materials, that is, naturally occurring biological materials that have been removed from their natural environment, such as the human body, are no longer regarded as products of nature, but as inventions, the product of humankind. This legal hocus-pocus has apparently satisfied IP Australia, the sole regulator of intellectual property in this country. And without even having the legality of this legal trick tested in the Australian courts IP Australia has participated in the subversion of this principle. Consequently, naturally occurring but isolated, purified or synthetically made genes, proteins and other biological materials identical or substantially identical to such materials found in nature are presently the subject of patent monopolies in this country.

On 11 November 2008, a Senate Inquiry into the impact of gene patents on the healthcare system of this country was established. The Senate Standing Committee on Community Affairs was asked to inquire into the granting of patent monopolies in Australia over human and microbial genes and non-coding sequences, proteins and their derivatives and after two years, the Final Report is to be handed down tomorrow.

During its investigation the Committee heard from scientists at the Peter MacCallum Cancer Centre that their research into BRCA 1 and BRCA 2 diagnostics was retarded by two years and ended up costing three times as much because of the four Australian patents over the BRCA 1 and BRCA 2 genes.

Other eminent scientists such as Nobel laureate Prof Sir John Sulston, the director of the UK’s human genome project, and former Australian of the Year, Prof. Ian Frazer, the inventor of the cervical cancer vaccine, have come out publicly against the gene patents. Prof Frazer has said: “restricting the use of a gene sequence could delay the development and testing of truly inventive and practical uses of the gene and its protein product for diagnosis and therapy” and has recommended that “the law be amended to exclude gene sequences from the definition of patentable subject matter”. In other words, one of Australia’s leading scientific experts and himself an inventor of an important medical therapy has asked this Parliament to close what is, undoubtedly, an illegal loophole.

A simple amendment to s.18 of the Patents Act 1990 will close the loophole in the law which has facilitated the implementation of the errant practice and recalibrate Australia’s patent system so that it properly and sensibly balances the needs of the medical and scientific community with the need to promote research and development for true inventions. Now, unsurprisingly patent attorneys, IP Australia and AusBiotech, the representative association of the Australian biotechnology industry, disagree and they suggest that if this Bill is passed it will undermine the biotechnology industry, thereby reducing jobs and research and development. None of these arguments, however, pass muster but let me briefly answer some of the points which they make.

First they say: “No Gene Patents No Biotech Industry”:

The Bill will not prevent or reduce investment in the biotech industry. The Bill is very narrow and only seeks to clarify and apply existing patent law.

While biological materials which are found in nature are not inventions even if they are isolated, purified or synthetically made, processes or methods involved in their isolation, purification and synthesis are and so long as they also meet
the other patentability criteria of novelty, inventive step and have a practical application can be patented. Also, biotechnological inventions which make use of biological materials in such things as new and inventive diagnostics, medicines and treatments will continue to be afforded patent protection just as they are now.

This leaves the biotechnology industry considerable scope to patent true inventions.

In fact the biotechnology industry will enjoy reduced costs for undertaking R&D because once patents over, what are really nothing more than naturally occurring biological materials are rendered obsolete, it will be able to use those materials freely and without risk of patent litigation. This will make R&D simpler, less expensive, less risky and less time consuming.

So rather than reducing jobs and R&D in the biotechnology sector this Bill, if passed, will create more jobs and lead to more R&D in this country.

Next they say that The Bill will mean that Australian patent law will be Out Of Step Internationally:

This is a false proposition. Only the European Union has passed a law to make isolated biological materials capable of being inventions. Outside of the EU no other country has done so. In the United States a US Federal Court ruled in March this year that seven US patents granted to Myriad over the BRCA 1 and BRCA 2 genes were invalid under current US patent law because they were not inventions. More recently the US Department of Justice has filed an amicus brief (friend-of-the-court) in the appeal in that case stating that the “longstanding policy” which had been applied by the United States Patent Office over the grant of such patents was contrary to US patent law.

In fact, Australia is a leader in this debate not a follower. It is applying longstanding principles of patent law which have stood for nearly 400 years. Rather than being out-of-step this Bill reinforces this principle, a principle that has common roots with the patent laws of the United Kingdom (and its Commonwealth) and the United States.

Finally they say that The Bill Is Contravenes International Trade Agreements:

It must be understood that both the Agreement of Trade Related Aspects of Intellectual Property Law and the Australia-US Free Trade Agreement mandate that patents be granted only for inventions and only if those inventions are new, contain an inventive step and have a practical application. The word ‘invention’ in both of these agreements is undefined but that does not mean that anything can be the subject of a patent. Whatever the innovation it must be an invention. Biological materials which are identical or substantially identical to what exists in nature are not inventions. They are discoveries and therefore incapable of being inventions. The Bill merely seeks to apply the law as it is and this law is compliant with both of these agreements.

I would like to acknowledge my Senate colleagues for their input and assistance, special thanks to Dr Luigi Palombi, for his assistance, patience and tolerance in explaining this complex and technical issue to a farmer! Special thanks to Sarah Murdoch, Patron of the National Breast Cancer Foundation for her wonderful support and assistance.

I know many scientists and researchers, numerous stakeholders and organisations such as the Peter McCallum Cancer Centre in Melbourne, Cancer Voices Australia, the AMA, Prof Ian Frazer from Cancer Council Australia and many other stakeholder groups, too many to mention, will all benefit with this Bill. But more importantly this Bill will benefit the affordable well-being and have long term benefits for the human race regardless of social, economic and racial background.

MATTERS OF PUBLIC IMPORTANCE

Mental Health

The ACTING DEPUTY PRESIDENT

(Senator Marshall)—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 failure to properly fund mental health services, increasing pressure on public hospitals and emergency departments and leaving hundreds of thousands of Australian with mental health illnesses untreated.

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 ACTING 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 Fierravanti-Wells (New South Wales) (4.12 pm)—On the third anniversary of Labor coming to power, it is timely that we talk about mental health, because it has been one of the biggest failures of this government. There were two areas—mental health and ageing—in the Labor government’s grand hospital plans that were grossly neglected and omitted. I will comment on ageing at another time, but today’s matter of public importance is mental health.

I am pleased that the Senate is considering this today, because we are on the eve of a vote in the House tomorrow on an important motion on mental health. Here in the Senate we saw my motion on the subject of mental health passed on 26 October, and I am very pleased that that motion was supported by Senator Xenophon and Senator Fielding, both of whom I thank. Sadly, both Labor and the Greens opposed that motion despite their bleating about the need to take action on mental health.

Last week in Canberra the Australian of the Year, Professor Pat McGorry, told members and senators that the coalition’s motion on mental health should be supported. As I said, a vote on a motion on mental health is coming up tomorrow in the House and, despite Labor’s having voted against putting it to a vote last week and the Speaker’s having exercised his casting vote in favour of Labor, it is vitally important that that motion be passed tomorrow. This government must be counting the days until the game is changed so that there is an Australian of the Year who causes them less pain and puts them under less scrutiny.

I wish to pay tribute to Professor McGorry. He has been an outstanding Australian of the Year. He has brought attention to an issue that affects so many Australians and he has used his time to push this very important barrow, a barrow that can save our economy many millions of dollars in treating mental health before it grips a person into a lifelong spiral.

It is a false economy not to fund mental health properly as we will all pay through the cost of suicide and other mental health issues. Six Australians die from suicide every day. Costs related to mental health issues include the costs of policing, emergency hospital admissions, road accidents, unemployment, family dysfunction and other sad outcomes of mental health. As Professor Mendoza, the former chair of the government’s own National Advisory Council on Mental Health—who resigned so spectacularly in disgust at this government’s lack of action on mental health—said last week:

It is a moral imperative that we actually make the investment in mental health services and that there is parity in terms of access to care, to quality of care that people can expect if they have a mental health condition as we would all expect when we have a common physical health disorder.

At the moment those who have mental health problems really are getting a second- or third-rate health system. He continues that as a society—and I quote:

We would not tolerate young men having treatment rates of 13 per cent for testicular cancer ... yet that’s the rate of care for young men 16 to 24 in Australia for mental health problems.

This government has been well-informed—more informed than any other—about the state of mental health services in Australia. Since its election in 2007, major mental
health reforms have been identified through inquiries and commissions. On 25 February 2008, we had the National Health and Hospital Reform Commission; in its final report it contained 12 recommendations for reforming mental health. In September 2008, we had the Senate Standing Committee on Community Affairs; its report, *Towards recovery: mental health services in Australia*, contained 26 recommendations. On 24 June this year, we had the report of the Senate Community Affairs References Committee, titled *Hidden toll: suicide in Australia*. In November 2009, the National Advisory Council on Mental Health released a discussion paper titled *A mentally healthy future for all Australians*, containing seven priority areas with 22 program investments. So this government has been well informed.

What are we now seeing? Despite all this, this government is being true to form. After all the work that was done by the National Health and Hospital Reform Commission, the government had to go out and do its own further investigations. That is when we saw Dr Rudd and Nurse Roxon out in the hospitals with the white coats and the picture opportunities that could be then put on MyHealth and MyHospital websites.

**Senator Carol Brown**—Mr Acting Deputy President, on a point of order: can you remind the senator that she should use the correct titles of members in the other house.

**The ACTING DEPUTY PRESIDENT (Senator Marshall)**—Thank you, Senator Brown. That is quite correct, and I ask you, Senator Fierravanti-Wells to refer to members with proper respect.

**Senator FIERRAVANTI-WELLS**—Despite all this information, despite all these reviews, despite all these recommendations that have been put forward, despite the work that has been done by Professor McGorry, despite the work that has been done by Professor Mendoza, and despite the raft of information that is out there in the public arena calling on this government to act on this vitally important issue for Australians, Minister Butler is going out on his own tour. He is off to capital and regional centres to talk again. For goodness sake, Minister, stop and listen to what has already been said to you. This is just another way that this government fobs things off, just like it fobbed off aged care to the Productivity Commission and has not done anything for three or four years. Now we are seeing another instance of just fobbing things off. The minister is going off to consult again—just for the photo opportunities—and I am sure that we will be seeing the photos on some government website. It is not the lack of information that has paralysed the Rudd-Gillard government; it is the lack of guts to face a major health problem, and this government should be mightily ashamed of this.

What is the extent of this problem? Mental illness affects more Australians than almost all other health disorders; only cancer and heart disease impact more people. Almost half the population will experience a mental health disorder at some point in time. One in five Australians are waiting for this government to get off their backside and do something about mental health. Thirteen per cent of the total burden of disease in Australia is in mental health and only six per cent of the health budget is spent. A staggering 65 per cent of sufferers battle their disorder alone or only with the help of family. There is a prevalence of mental health in our young people. The coalition, with its $1.5 billion policy—which was the subject of a motion passed by this Senate, which hopefully will be passed by the lower house tomorrow—ought to shame this government into doing something about mental health. We all know that delay in accessing appropriate treatment
is damaging not only for young people but for people of all ages.

The coalition’s $1.5 billion plan for mental health is a follow-on to the $1.9 billion that was invested in mental health—the biggest ever and the first of its size—when Tony Abbott was minister for health. What did Labor do when they came to power? They have been cutting the budget of some of these programs that were so successful under the coalition. When I speak to mental health experts, whether it is the not-for-profits or the various organisations that operate in this sphere, they are all telling me the same thing. They are constantly complaining that this government is cutting funding to them in this vitally important area.

As I stated, mental health was omitted from the COAG grand plan. One only has to look at the evidence produced at the Senate inquiry that was so scathing about the government’s lack of action on mental health—whether it was the Royal College of Psychiatrists, Professor McGorry, the Mental Health Council of Australia or the Australian College of Mental Health Nurses. As Professor McGorry said, we have a hidden waiting list of Australians needing mental health services, including three-quarters of a million young Australians. They need help and they need it now.

Senator MOORE (Queensland) (4.22 pm)—It is important that we have a discussion about mental health in this place. I share the view that we need ongoing discussion and consideration of the very important issue of mental health. I do want to take issue with Senator Fierravanti-Wells, though. To begin her contribution by implying that our government has not given due respect or consideration to the wonderful work of the Australian of the Year, who was appointed this year by this government, was an unnecessary attack. Senator Fierravanti-Wells, through you, Mr Acting Deputy President. When it comes to disagreeing on politics, we absolutely do, but it is wrong to make that kind of implication about a man who has genuine respect. We acknowledge that his role is to keep the issue of mental health on the agenda and keep the debate strong and informed. No-one can question the important role that he has had for over 20 years. This engagement with Professor McGorry has not occurred just in the last year while he has had the title of Australian of the Year. It has been going on for over 20 years and probably longer. Those of us who have been involved in all of the Senate committee activities around mental health know that his work has been absolutely inspirational. The questions he raises and the points he makes are important and necessary in any discussion of public policy. I just thought I would make a quiet comment about that.

It disappoints me that, having had the opportunity to look at the very serious issues around mental health, the opposition has yet again come up with the standing order 75 approach of going for the cheap political shot rather than looking at the facts and building effective arguments. Oh, no, it is a chance for people to vent their spleen and talk about policy failures. In many ways—and I have said it before, Mr Acting Deputy President—it is a case of ‘my policy is bigger than your policy’. That cuts across the importance of these issues. There is no doubt that mental health is an important issue. The government has asserted that and committed to ensuring that, during its second term, it will be the major priority for the government. That is on record.

The largest single contribution in historical terms to the area of mental health was begun in 2006. However, in its response to the report of the Senate Select Committee on Mental Health and during the following reforms, the then Howard government—with
Mr Abbott as the Minister for Health and Ageing—never at any time acknowledged that the Senate committee report into mental health had impacted on the decisions they made. When you see the initiatives that emerged, obviously there was some awareness of the work that had been done for over 12 months by the committee, which was set up in good faith from all sides of this parliament. It was the first time that mental health was given the priority it should have had.

Towards the end of the then Liberal-National government, they brought forward a mental health package and COAG initiatives which are the basis of mental health policy in Australia to this day. The important element of the 2006 reform was to ensure that the COAG commitment was locked in, because mental health services in this country are shared between the Commonwealth government and state governments. As you well know, Mr Acting Deputy President Marshall, when you are talking about the provision of services, you need to lock in the COAG process so that the commitment is met. In this case that commitment was included in a range of areas of public policy and health policy in the 2006 period.

I want to remind people who are concerned about this issue that during the 11 years of the Howard Liberal-National government there was the same community pressure, the same outrage, around issues of mental health. Through you, Mr Acting Deputy President Marshall, regarding Senator Fierravanti-Wells’s arguments about what governments should do and the need to listen and be concerned, if you care to turn to any of the papers that were written during 2006-07 by the Mental Health Council of Australia and the Senate committee, you will see that the same issues were raised. The then government, a government that at that time had had 10 years to consider its policy, had not moved on mental health. We do acknowledge that the 2006 reforms began at that point—it was an important moment for our country. That government had about 12 months to work with it and then the new government came in. We are celebrating that today. This is the third anniversary of the new Labor government.

We hear this feigned outrage, for political purposes, by the opposition about the lack of movement on mental health. Look at the time frame. We need to move and develop effective policy, but to lay all the blame on a Labor government—to suggest it was all the fault of this government for not taking action quickly enough in that period—is just not accurate. It does not mean that there should not be action. We need to act and ensure that we take note of the information we have. Senator Fierravanti-Wells, through you, Mr Acting Deputy President: I agree with the fact that there is evidence about the need to act on mental health. No-one denies that. There is real evidence, though, that you must not respond to just one element of a very complex area. This has always been an issue for governments. This is an extraordinarily difficult area of health policy, because mental health affects so many people at every stage of their lives; it involves all kinds of age groups and needs. When you are considering a mental health response, it needs to be coordinated and it needs to address the needs of so many people in the community. At times, there tends to be a form of division or competition that sets up one form of need against others. That is exactly what this government is attempting to avoid.

I was pleased to hear the very strong arguments that were had during this year’s election campaign. Until this year, I had not heard debates around mental health in any election program. I think it is important that these issues are raised and policies are developed. But what we had leading up to the
last election and have had subsequently both in this place and in the House of Representa-
tives is an argument about a particular form of investment that should happen in mental health. I think it is good to have the argument, but the expenditure that has been so proudly put forward by the opposition in motions in this place and in the House of Representatives looks at one segment of mental health need and demands that that is funded immediately. That expenditure needs to be looked at within the whole complex need of health expenditure and policy.

What this government does not want is further debate and conflict about whose need is greatest. The way the political argument has been run has been that if we cut money from a number of areas, the money could be directed towards youth mental health, an extraordinarily important area and the basis of this motion. That certainly has not been widely debated by the opposition but, when you look at the election process, that was clearly in their funding program. The money that was going to be directed to youth mental health was going to be funded at the expense of a whole range of other health commitments made by the government. So immediately there is this issue of divide and change. That does not move us forward. That certainly does not let the government off the hook regarding the need to look at budgetary expenditure in the future and to look at the very real needs of the whole mental health area.

To actually say, ‘You must spend your money in this way and not spend it on other things,’ and create that division does not respond to the recommendations of the 2006 Senate select committee report on mental health or the subsequent reports we have done on the ongoing need in the area. We need a coordinated and well-resourced response to all the issues, and our government has started that. We need to do more. No-one has tried to hide from that point. When you hear the opposition rhetoric it is as though suddenly in 2007 all expenditure on mental health needs ceased. That is not true. I am not going to run through all the different elements of funding because that gets back to my statement about ‘mine is bigger than yours’. Basically what we need to do is ensure that we see what the needs are and listen across the board to the community—not just selectively pick the people with whom we wish to have discussions but talk across the board to the people who really know and who are always so willing to talk to govern-
ment.

We have put the first dedicated minister into this area. It was long overdue. Govern-
ments should have done this before, but now we have a dedicated Minister for Mental Health and Ageing in our government. That minister, Minister Butler, quite rightly is in-
forming himself on the key issues and listen-
ing to people. It is not some kind of ‘I’m going out there telling you what should hap-
pen’ tour; it is actually a genuine attempt to listen to people across the country—not just in capital cities; not just at set-up meetings—about their needs on mental health. That is an appropriate mechanism.

Senator Fierravanti-Wells concentrated on the photographic opportunities. I did take a quick glance at Fierravanti-Wells’s website and found that she is not averse to a photo opportunity herself. That is quite reasonable. I think everybody likes to be seen out doing their job. But it is a cheap shot to say that the only reason people listen to and work in the community is to get a flattering photograph. To begin with, they are not all that flattering. Also, you would not have any interaction if you were frightened that you could somehow be represented as taking an opportunistic approach rather than fulfilling a genuine need to consult.
As I have said, the need to have a response to mental health in our health policy and in our general policy is important. The way that this motion was phrased was once again saying that somehow the work in the hospital reform area was not effectively responding to people’s need in public health. That, again, is a real danger. By representing that mental health issues are not general health issues as well, you are dividing people and you are withdrawing need. The government’s position is that in order to reform the way the public hospital system operates and the way the management and the engagement of local communities will operate in the new health reform process, we must engage and involve mental health practitioners and consumers. We cannot have a silo approach that mental health is only to do with one segment of health and is not part of the whole health program.

Our reforms within the public hospital system and also within the regional process across the country are designed to have people’s health needs addressed. That includes—and must include—mental health. We want to develop a coordinated response which makes sure that mental health is part of the major health initiative—not somewhere off to the side, not somewhere where people are a little bit ashamed to identify that that is their area, but a core health issue.

The attempt to say that the hospital system is somehow a different issue to mental health needs is just not real. One element of our response to mental health is to ensure that the hospital system is appropriate and responsive to the needs—that when people need a bed in a hospital it will be available. One of the core aspects of the discussions we have had in the mental health area for many years is that the ‘medicalisation’ model—the hospital and medical response to these issues—is but one element of the needed response. People who know this area—consumers, carers and practitioners—must be involved in the discussions and involved in the response. Into the future, in the hospital reforms in the new Medicare Locals, the issues around mental health will be part of that—again, not a contest but a genuine response from all the community to the community’s needs.

We need to continue to have this discussion about mental health. All too rarely do we have the chance to gather and share knowledge and to listen to people like Patrick McGorry—who, when he is no longer the 2010 Australian of the Year, will continue to be important in any ongoing development of public policy around mental health. So we do not just have that small window of opportunity. I think the real value has been the way the community has listened and the way he has been available to get that message across.

The government is committed to ensuring that there is effective action on mental health. We maintained expenditure on core aspects through the first three years of the 2007 government and into the first year of the 2010 government. There is a commitment that we have to work across the board to look at a genuine response—and that will occur. But it will not be a divide, conquer and combat approach; it must be a coordinated response.

**Senator SIEWERT** (Western Australia) (4.37 pm)—I tend to agree with the essence of this debate, and that is that the Gillard government has failed to properly fund mental health services. While I agree with the fact that we have not been funding our mental health services adequately, I cannot support this particular motion, because of the antics of the opposition. The opposition put a motion to this chamber about one specific aspect of mental health. It does not take a comprehensive approach in addressing men-
tal health. As health spokesperson for the Greens, I have a particular passion for issues around mental health. I chaired the inquiry into suicide in Australia and that heightened my awareness around issues of mental health. I have consulted widely. I understand that our mental health services are significantly underfunded in this country.

The Senate has had two previous inquiries into mental health. One of the findings of those inquiries was that we need to have around 10 per cent of our health budget expenditure going to mental health. That puts Australia’s investment behind by about $5 billion a year for mental health. I am a realist and know that we are not going to catch up to that investment of $5 billion overnight. In fact, the Senate committee report on this said that you would need to phase in the investment over a five-year period. That has not happened. We are having this debate in the context of significantly underfunding our mental health investment.

I learnt many things in the consultation process. One of those things is the need for a comprehensive approach in dealing with mental health. I also learnt that early intervention is absolutely essential. Headspace and EPPIC—early intervention centres—are absolutely critical. The Greens fully support those centres, but they are not the solution to everything. They are not the silver bullet that we have been looking for. For example, there are younger people with mental health illness. Headspace says it deals with people between the ages of, say, 12 and 25. In reality, at the moment they are dealing with people between the ages of 18 and 25. So, for a start, those in their very early teenage years need some support. We need to invest in the primary school and early high school years. Of course, a lot of people in Australia over the age of 25 have mental health illness. We need to take a comprehensive approach. What we are saying is that those people will not get any additional services. We know they are missing out. I think it is the case that one in four people in Australia with a mental illness get some sort of support. What we are saying is that those people do not deserve any additional funding.

We know we need better primary health-care services. We need better access to GPs for mental health issues. We absolutely know that when people go into an emergency department, having attempted suicide or threatening to attempt suicide, they need to see someone with mental health expertise. We also know that in this country very few emergency departments have somebody with mental health experience on call 24 hours a day. Quite often people go to an emergency department and then go home either not treated or inadequately treated, and we know people attempt suicide after that. So we know that we need to invest in that area. We know that people coming out of psychiatric care, having been admitted to hospital, absolutely need to be followed up, and we know that people are not being followed up. We know that we need to invest in that area. We absolutely know that we need more step-up, step-down accommodation. We know that we need more mobile support services. We know that we need to invest more in dealing with mental health issues in Aboriginal communities, and that requires a significant level of investment.

The Liberals brought in a motion, which they admitted in this chamber was just their policy. Essentially, their policy was purely about early intervention. The Greens asked the Liberals to give us a costing so that we could look at whether they intended to spend virtually all future investment in headspace, but we did not receive that. When we wanted to amend the motion, there was no agreement. In this chamber I was told to look at Liberal Party policy. So, in other words, the opposition just tried to bulldoze through their
policy instead of taking a much more a cooperative approach and looking at how we can seriously address mental health in this country. We could take a more cooperative approach in this place, which is what the Senate has done in the past. We have taken a cross-party approach to mental health, which has been demonstrated by the good work that has been done through the Senate committee process. That has been thrown out to take a purely political approach so that they can—as Senator Moore said—get a few photos on websites, get a few media grabs around mental health and bash up the government and the Greens because we are taking a much more comprehensive approach.

Also, we have altered our approach. We suggested increasing the level of investment in early intervention as well as putting investment into primary health care, which we know is absolutely essential, and into emergency services, which we know is absolutely essential. We suggested a special commission for mental health because we believe this issue is so significant that it needs it. We took to the election the suggestion of putting in place a minister responsible for mental health, and we are glad the government picked that up. We think that is a very good step in the right direction. What we need to do now is see the government’s commitment to mental health. We need to see their investment. We agree with the opposition that we need to significantly increase investment in mental health. There is absolutely no disagreement there.

We do need to be very careful about where we increase that level of investment. We are not going to get the absolute level of investment that we need over the next 12 months or even the next two or three years, so we need to be constructing and focusing our investment on where it is going to meet need. We have absolutely no doubt that early intervention is critical, but we need to take a much broader approach. Yes, there has been a high-profile campaign about early intervention, and that is fantastic because it has focused the public’s attention on the need to address mental health issues. But we cannot invest just in early intervention. And do you know what? I have had so many emails, so many phone calls and so many personal visits where people have said: ‘Please don’t invest just in early intervention. Yes, that’s essential, but we need all these community services. We need community care services and we need better investment in rural and regional areas. If you focus just on early intervention, all those other people will not have their needs met.’ And we know what happens then; people get sicker. We know that homelessness can result from that. We know there are all sorts of consequences if we do not provide the services and support needed to support people through mental illness.

So my plea here to the government is: please invest in the level of resources we need. The Greens went to the election saying we needed an investment of at least $350 million a year. We actually agree with the opposition that it needs to be more, so we have said it should be $450 million a year—but not just on early intervention. We think you can have your cake and eat it too, which is why I beg the opposition to consider our amendments. The costings that have been put forward for the building of the number of headspace and EPIC centres it is estimated we need has to be phased in anyway, so we can phase in investment in headspace and EPIC—and there are other methods of early intervention besides headspace and EPIC. They are very good, but there are others. But we also need to invest in younger children and we need to invest in the over-25s. We can do that and invest in these other programs.
What I am really worried about is that if we just say ‘early intervention’, the government have a ticket to just go: ‘Yes, we’ve invested in mental health; we funded a few extra headspace and EPIC centres. That’s it, we’ve done mental health.’ And they will not have fixed mental health. So, please, let us take a coordinated, comprehensive approach to funding mental health and invest in the services that are desperately needed, not just early intervention. I do not want anyone thinking that we do not support early intervention, because we do. But it has to be part of a comprehensive approach to mental health funding, not a knee-jerk reaction because it is popular at the moment. We need a much more comprehensive approach, and the government need to fund that. We do agree with that part of the motion.

Senator BOYCE (Queensland) (4.47 pm)—I think it is quite fitting that we are having this matter of public importance debate on mental health today. It is the same day on which we earlier moved a motion supporting and celebrating the work of the volunteers of Australia—recognising that International Volunteer Day will be on 5 December this year—because volunteers are often the people who have kept our mental health system functioning, for years and years. I would like to recognise the work of not just the higher profile people, such as Professor McGorry and Professor John Mendoza, and the many other people who are paid, such as those within the Mental Health Council of Australia and those in the member organisations of the Queensland Alliance, but also the thousands and thousands of volunteers. Many of them have been parents and carers, and have toiled for years and years, sometimes actually being opposed by their state governments over the sort of care and assistance that they wanted to have delivered to their spouses, their children and their siblings. It has been very hard work for many of them.

I think the first glimmer of hope that that group experienced was through the policies of the Howard government, when we funded the Personal Helpers and Mentors Scheme, PHaMs, and when we funded GPs to develop mental health management plans for patients who require them. That was the first glimmer of hope. I think the appointment of Professor Pat McGorry as Australian of the Year provided yet another glimmer of hope. Hopes were certainly raised that, finally, mental health was on the agenda and that, given Professor McGorry had been appointed to that position under a Labor government, Labor were serious about doing something about the mental health situation.

Unfortunately, earlier this year we had the resignation of Professor John Mendoza from the National Advisory Council on Mental Health—Minister Roxon’s advisory council. In another context, Professor Mendoza has talked of governments ‘low in courage’. I do not think I would be verballing Professor Mendoza in any way by saying that the reason he quit that job was that he found the Labor government ‘low in courage’ in terms of developing and genuinely supporting mental health funding. What we saw instead was artifice. They talk the talk, but that is the end of it from this Labor government. I guess we should not have been surprised, but the hopes of thousands and thousands of professionals, volunteers and carers in this sector were cruelly dashed, in my view.

Senator Siewert earlier talked about the Greens being in favour of early intervention but not just early intervention in this area. Could I turn that around and say that the coalition agree completely. We are in favour of not just early intervention. However, it is our funding of programs that has given the government their ability to boast about the
spending that they have put into the area. For instance, it is very interesting that they boast about how much they have spent, compared to the Howard government—of course, they pick the figures that suit them—but the fact is that every one of the mental health programs that are currently funded by this government is an initiative or funding commitment from the Howard government. There is only $43½ million that they have put into ideas and thoughts for themselves over their life as a Labor government.

So it is appalling that the government would attempt to use the figures to suggest that somehow we have not supported a broad funding of this complex area and the many other areas that need to be funded. They have been funded. The two programs that I mentioned earlier—the PHaMS program and the program through GPs—are not aimed at any particular age group; they are aimed to help all people.

I must admit I was somewhat bemused by Senator Moore’s suggestion that people on this side might have been feigning outrage or making cheap political shots on this subject. I would like to suggest that when she talked about this motion and tried to distil it down to some sort of political act her views were wrong. This motion is not informed just by the views of the coalition; it is informed by the views of many others in the mental health area, who make the point over and over again—it is in the motion—that younger Australians between 16 and 24 bear the brunt of mental illness, with the prevalence of problems declining with age. Early and targeted treatment will allow many people to overcome mental illness or lower the incidence of progression or relapse.

Despite what they say, the government have cut services to mental health. There has been $5.5 billion extra in mental health spending from all governments since the national action plan was brought in—the biggest ever boost to mental health. But if you look for the new money and new areas of spending from this government you will find that they do not exist. This is where we need money to be spent.

The view has been put that somehow this is about hogging all the money for early intervention in mental health, as though somehow it is sucking money out of the system. Yes, that view has been put by a number of people. That view gets put because there is so little funding and so much unmet need in this area that people are jealous and scrabbling around over a few crumbs that the government might want to scatter about to keep them quiet.

We are talking here about putting new funding into early intervention—we are not talking about taking money out of existing programs to do it—to support the area that will best allow us to deal as quickly as possible with the problems of mental health. No one denies that for decades mental health was under funded, but it is not a situation that we want to return to. It is up to this government to do something to prove that they are going to spend some money rather than keep it for an action plan that is not action at all.

Senator CAROL BROWN (Tasmania) (4.56 pm)—I want to begin my contribution today by supporting Senator Moore’s comments in the debate and by reaffirming that the Gillard government is committed to facing the challenges of mental health in Australia. Our Prime Minister has stated that mental health is an important second-term agenda and that this government is committed to addressing the mental health needs of the Australian community.

We are in the process of implementing the single biggest reform to the health and hospital system in Australia that the country has
seen since Medicare. As part of our investments in the National Health and Hospitals Network, the Labor government is investing $1.6 billion to provide 1,300 sub-acute beds around the country, which will help to provide more mental health beds.

Through our health reforms, the Gillard government is building the foundations of the health system, on which we can build better health services for Australians, including better mental health services. We are committed to providing better access to GP and primary care services, and better coordination of service delivery to ensure that people with mental illness do not fall through the gaps. These investments are effectively a down payment to address the immediate service gaps in mental health as we move towards providing greater funding and policy leadership for community mental health services over time.

Our process of enduring reform is long overdue, particularly after those opposite had carriage of Australia’s health and hospital system for the better part of a decade. This government’s reform agenda acknowledges that the challenges we face in mental health are complex and require a coordinated and careful balance of services. This government’s response to mental illness will span across the age and illness spectrum. Contrary to what those opposite assert, we are working towards an integrated and connected mental health service that will meet the present and future needs of our community.

If we define and set the scope of the challenge before us it will make this debate a little clearer. We know that mental health has a profound impact on the community, with one in six Australians experiencing mental illness in any given year, and one in three Australians experiencing mental illness at some point in their lifetime. That is 3.8 million Australians who will experience mental health in any given year. Of those 3.8 million Australians, we know that around 14 per cent, or 3.1 million, are affected by mild to moderate disorders. We know that one in forty Australians will experience severe mental illness and a third of those experience it as a chronic condition throughout their life.

We are taking steps to ensure that people are able to access services and treatment according to their needs. For people who may be experiencing symptoms, we are implementing early intervention strategies to prevent those initial symptoms manifesting into more serious and longer-lasting problems. For Australians suffering common and/or mild to moderate disorders the challenge before us is to improve levels of access and treatment to ensure that those disorders do not become severe. For those affected by severe and persistent illness, sometimes for the duration of their lives, the challenge before us is to improve the quality and coordination of different programs that people rely upon. For our children and our young people, we are focusing on teaching resilience and promoting problem-solving skills. For special needs groups in our community, like our young people and Indigenous people, we are working to improve our service design. This government is committed to ensuring that our mental health services are accessible and appropriate for our needs.

This government appointed the first minister for mental health, the Minister for Mental Health and Ageing, the Hon. Mark Butler, thereby giving mental health a special focus within the ministry and affirming our commitment to addressing the mental health needs of the Australian community. Minister Butler has spent considerable time meeting with experts and service providers, including Professor McGorry, to seek their views about gaps in priorities for addressing Australia’s present and ongoing mental health needs. In December the minister will start travelling...
around the country to talk directly to con-
sumers and carers and to hear their stories
and experiences firsthand. These consulta-
tions will inform future strategies to better
integrate the support services for those with
mental illness with other services, including
housing, education and employment. This
government is fostering a more inclusive
Australia. We are committed to listening to
those suffering from mental illness, and to
those who are caring for our friends, families
and colleagues with mental illness, to deliver
the most appropriate support.

Whilst the minister is undertaking his na-
tional consultation, we are simultaneously
investing in mental-health-specific programs.
Funding for these programs, including In-
digenous programs, over the next four years
will almost triple—from $516 million in the
four years to 2007-08 to $1.4 billion. We
have included funding that we announced
during this year’s election campaign as a part
of the national tackling suicide package,
which contains $274 million in funding over
four years. This funding will redouble our
efforts in suicide prevention, focus on the
most at-risk groups and take practical action
in suicide hot spots. The tackling suicide
policy builds on the $176 million of funding
announced in the 2010 budget to improve
our mental health system and address imme-
diate gaps.

Whilst the government is still drafting a
formal response to the recommendations of
the recent Senate inquiry, I am pleased that
Minister Butler has welcomed the recom-
mandations in the report The hidden toll:
suicide in Australia. He said:

For example, the structural reforms being intro-
duced under the new National Health and Hospi-
tals Network will lay a foundation for further
reform of the mental health sector.

I note, from the red, that we will be receiving
that official response from the government
today. I look forward to reading it. Minister
Butler also affirmed that the government has
already taken action on a number of fronts to
tackle the problem of suicide. One such
measure includes the government’s commit-
ment to roll out an additional 30 headspace
centres across Australia and flexible care
packages to support people with severe men-
tal illness. I am particularly pleased that in
Hobart, in my home state of Tasmania, we
are on track to receive a fully operational
headspace facility by 2011. The expansion of
these services affirms our commitment to
early intervention and to providing additional
support for our children and young people.

This government is delivering on its
commitment to improve the health and well-
being of all Australians. We have already
seen this government make a $450 million
new investment in mental health in the last
12 months. This is all happening, as I have
mentioned, in addition to the structural re-
forms to the national health and hospitals
network. These reforms lay the foundation
for further reform of the mental health sector.
They include better planning, management
and coordination of local services based on
local needs; more hospital and subacute
beds, more doctors and nurses and a stronger
primary care network; and a 21st century e-
health system. Medicare Locals will work to
improve local integration and referral path-
ways and care coordination of Common-
wealth and other mental health services. The
federal government is taking full funding
responsibility for primary care outpatient
services, supporting mental health services in
community settings. All of these steps are
reducing cost-shifting to our hospitals.

Those opposite still want to criticise and
condemn us as we try to clean up their mis-
takes whilst planning and investing in our
nation’s future health needs. I find it disap-
pointing that those opposite would seek to
condemn our response to mental health when
the Howard government did not move on mental health for 10 years and, as Senator Moore has stated in her contribution in this debate, it was only in 2006 that the Howard government moved on the issue in any real way. Their now leader, Mr Abbott, as the Minister for Health and Ageing under the former Howard government, oversaw a $1 billion cut from public hospitals around the country—enough to provide 1,000 hospital beds—capped GP training places at 600 per— (Time expired)

Senator COONAN (New South Wales) (5.06 pm)—I am very pleased to make a short contribution on this matter of public importance—the Gillard government’s abject failure to properly fund mental health services. It is a shameful situation that the government has let funding for mental health services deteriorate to such an extent that we have to resort to motions of this kind in an attempt to get the government to face up to its responsibilities.

With mental illness affecting more Australians than almost all other health disorders, ranking only behind cancer and heart disease in prevalence; with 45 per cent of the nation’s populace experiencing a mental health disorder at some point in life; and with younger Australians aged between 16 and 24 being the most vulnerable, the need for a properly funded national mental health strategy is an urgent problem that must be addressed. The Gillard government’s paralysis when it comes to dealing with this urgent matter is, unfortunately, all too familiar. Their inability to focus on priorities and implement much-needed reforms is the hallmark of a government that has lost its way. This is a problem crying out for immediate help today, not at some time in the distant future with the now Minister for Mental Health and Ageing still walking around the country trying to consult with people when we know what the problem is and we know what the problem is now.

The fact that the government is clinging so desperately, for example, to its determination to spend $37 billion or $49 billion or whatever the right figure is on a broadband network at the expense of delivering better health and education says it all. It is blindly obvious that universal fast broadband can be delivered to every Australian far more economically and efficiently than the NBN, yet the government ploughs on, terrified it has nothing to show for three wasted years—and it certainly has nothing to show on mental health.

The tragedy of this policy drift by the Gillard government is plain for all to see. We all know that, between 1995-96 and 2002-03, expenditure on mental health by the Howard government—and I was very proud to be part of that executive—increased by 53 per cent from $792 million to $1.2 billion. They are real dollars. The coalition really gets the importance of funding for mental health. In 2006 the Howard government made the biggest single investment in mental health, with $1.9 billion over five years. Of course, during the recent election campaign, the coalition, after wide consultation, announced mental health policy proposals amounting to $1.5 billion.

In stark contrast, the Labor government’s actions and record are best described as cost-cutting and dismal. They include cuts to the Mental Health Nurse Incentive Program—from $191 million to just $63 million—and cuts to Better Access, removing occupational therapists and social workers from the program. Inexplicably, this government reduced funding to rural and remote services when all the evidence shows that, all too often, suicide, depression and despair lurk in rural communities, where mental illness is often undiagnosed and untreated.
In the Rudd-Gillard government’s national health and hospital reform plan, much touted in this afternoon’s contributions from the other side, mental health was completely overlooked, amounting to less than two per cent of the total reforms. We know that one of the consequences of all these cuts was the resignation of the chair of the National Advisory Council on Mental Health, Professor John Mendoza, who wrote in frustration:

... it is now abundantly clear that there is no vision or commitment from the Rudd Government to mental health.

Damning words indeed. There is some provision in the COAG health reform agreement. However, it is not enacted. So we must ask the question: why not? Yet again this Green-Gillard government is all talk and no action. The government has lost control of any sense of responsible direction on mental health. It is clear from the minutes of Kevin Rudd’s sign-off speech to the party room that the government acknowledges the waste and mismanagement under the $16.2 billion Building the Education Revolution program—administered, of course, by Ms Gillard. Just imagine if just some of the funds wasted and thrown away on useless make-work schemes had been invested in the mental health of this nation. That really would be a revolution to be proud of.

The coalition, on the other hand, promised in the lead-up to the recent election to commit $1.5 billion to mental health. That spend was comprehensive and endorsed by many prominent Australians involved in the field of mental health. Earlier speakers have outlined what that provides—a minimum of 90 headspace centres nationally, early psychosis and prevention intervention centres and early psychosis prevention that would add another 800 acute and subacute beds. The coalition’s plans, not surprisingly, received widespread acclaim and recognition, with Professor Pat McGorry—the Australian of the Year and an expert in mental health—saying:

... this policy would save lives—
I hope you are listening over there!—
ensure young lives are not stunted or derailed, and stem the tide of Australians with untreated mental illnesses flowing to our emergency departments, onto our streets and into our prisons.

The government is simply drifting into an abyss in failing to address mental health. This failure to act on mental health is a national disgrace. It is a comprehensive failure of leadership and political will. The government should stand condemned for miserably failing in its obligation to recognise and deliver on this urgent national priority to underpin the mental health of all Australians.

The ACTING DEPUTY PRESIDENT (Senator Fisher)—Order! The time for consideration of the matter of public importance has expired.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator COONAN (New South Wales) (5.13 pm)—I present the 10th report of 2010 of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No.10 of 2010, dated 24 November 2010.

Ordered that the report be printed.

Senator COONAN—I move:

That the Senate take note of the report.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—
Alert Digest No. 10 and Tenth Report of 2010
24 November 2010
In tabling the Committee’s Alert Digest No. 10 of 2010 and its Tenth Report of 2010 I draw the Senate’s attention to the Committee’s comments
on the Tobacco Advertising Prohibition Amendment Bill 2010.

This Bill seeks to bring restrictions on tobacco advertising and promotion on the internet into line with restrictions in other media and at other retail points of sale.

The Bill will make it an offence to advertise tobacco products on the internet and in other electronic media such as mobile phones or computers unless the advertising complies with other applicable legislation.

The new offence will apply to advertisements published before the commencement of the Act if the advertisement is accessible to the public after the provisions come into force. This means that the offence will operate retrospectively.

The Scrutiny of Bills Committee is troubled by retrospection when it could have a detrimental effect on any person. In this case the Committee is concerned that the retrospective operation of the offence means that a person could unknowingly breach the new offence provision.

The Committee acknowledges the justification for the approach outlined in the explanatory memorandum. This includes that the retrospective aspect of the offence is necessary to avoid undermining the object of the Bill and that it is intended that it commence 6 months after the Act is passed to allow time for previously published tobacco advertisements to be removed.

However, the Committee is concerned to limit the likelihood of any inadvertent breaches and will seek information from the Minister about this, including about steps that will be taken to inform those who will be affected by the new law if it is passed.

In relation to its Tenth Report, the Committee has again received a considerable number of timely and comprehensive responses to issues raised in previous Alert Digests. Several Bills contain issues of potential concern under Standing Order 24 and I draw the Senate’s attention to the Committee’s comments in relation to them.

I commend Alert Digest No. 10 of 2010 and the Tenth Report of 2010 to the Senate.

Question agreed to.

Finance and Public Administration References Committee Report

Senator BUSHBY (Tasmania) (5.14 pm)—On behalf of Senator Fifield, I present the report of the Finance and Public Administration References Committee on matters referred to the committee during the previous parliament, together with submissions received by the committee.

Ordered that the report be adopted.

Community Affairs References Committee Report

Senator SIEWERT (Western Australia) (5.14 pm)—I present the report of the Community Affairs References Committee on consumer access to pharmaceutical benefits, together with a submission received by the committee.

Ordered that the report be printed.

Senator SIEWERT—I move:

That the Senate take note of the report.

This issue was referred to the Community Affairs References Committee on 25 November last year—so almost a year ago. We were asked to look at consumer access to pharmaceutical benefits and the creation of new therapeutic groups through the Pharmaceutical Benefits Scheme, or PBS, and we were asked to look at a range of issues.

We were very busy—the Community Affairs References Committee is a very busy committee—and in June this year we sought an extension to the reporting date of 26 August. Of course, there was another event happening around that time, so everybody was rather busy and we did not get a chance to complete the report. We sought a referral from the chamber, after the election so that we could subsequently report, because we thought this was an important issue.
During the inquiry, the main issues raised were around consultation, interchangeability of medicines, exemption from payments of therapeutic group premiums, and the cabinet consideration threshold for higher cost medicines. The committee has made recommendations on each of these issues.

On the consultation issues, concerns were raised regarding the lack of consultation undertaken by the government in the creation of the four new therapeutic groups announced in the 2009 budget and also in the 2009-10 Mid-Year Economic and Fiscal Outlook. The four therapeutic groups were high potency statins and drugs to treat depression, osteoporosis and Paget’s disease.

The committee was concerned about the lack of consultation with consumers, and we have recommended that the government examine ways that there can be greater engagement with consumers in the decisions to create new therapeutic groups. Of course, this is a bit of a moot point now. I should add that the committee has done a lot of PBS work recently, and that is a bit of a moot point in terms of new therapeutic groups because of the passing of the PBS legislation this week.

On interchangeability of medicines, there was quite a discussion. As to the interchangeability of medicines in a therapeutic group, we had quite a bit of discussion. We think it is an important issue, particularly as to the lack of definition around interchangeability on an individual patient basis. In response, the committee has recommended that:

… the Pharmaceutical Benefits Advisory Committee:
- develop agreed principles of what constitutes “interchangeable on an individual patient basis”;
- develop criteria by which the “interchangeability” of a medicine will be determined; and
- publish both the agreed principles and criteria.

We then looked at the exemption from the payment of therapeutic group premiums. The committee was concerned by evidence from doctors indicating that they were not aware that they were able to request an exemption from payment of a therapeutic group premium on behalf of their patients. This did concern the committee quite a bit, and we have recommended that the Department of Health and Ageing provide regular and ongoing education and information to prescribers to ensure that they are aware of the exemptions and the process for seeking these exemptions on behalf of patients. This is a very important point for patients.

The issue of the threshold for cabinet consideration of high-cost medicines was considered as well. During the inquiry, the innovative pharmaceutical industry and consumer groups called for the threshold for cabinet consideration for high-cost medicines to be increased, because it had not been increased for a significant period of time. The point here is that they can get held up in cabinet for up to nine months. So that was raised as an issue. It was not that we thought that cabinet should not look at these high-cost medicines; it was the time consideration for medicines that are not so high in cost because the threshold has not been increased for a while. So the committee has recommended that the threshold be annually indexed so it is keeping pace with the CPI.

Those are the key recommendations of the committee. I urge the Senate to look at the
recommendations and I urge the government to take them on board. I commend the report to the Senate.

Senator MOORE (Queensland) (5.20 pm)—I just want to add some brief comments in support of the Community Affairs References Committee report on consumer access to pharmaceutical benefits. The core message that came out of this is that there is real value in the PBS and the scheme is valued. In fact, all the contributors—and there were over 30 who gave their time and effort to contribute to our committee hearings—stressed the importance of the PBS system. They all said that it was an important system and needed to be cherished and maintained. The important aspect, though, is that it is a dynamic system and needs to be reviewed. It needs to evolve constantly in response to the ever-growing need for people to have effective access to medicines in our country. As to the core messages, Senator Siewert has gone through the recommendations, and I too draw them to the attention of the chamber and the government. I just want to concentrate on the one that looked at more engagement of consumer groups.

One of the things that consistently happens in this area is that we talk about the need to consult and engage with consumers. That is a fine and noble principle but, in reality, it does not happen effectively. At best, at times, it seems token. But when we actually have these discussions we see that the consumer groups take the health system in this country extraordinarily seriously. They value it. They discuss it. They care about it. And no-one knows more about how it impacts on people than those people who use the system. So we did have evidence from the consumer network, and they talked about their willingness to be involved. Certainly, governments, over many years, have consulted with them in a way by having discussions and, when policy changes occur, some meetings with them. But our committee, based on many years of committee hearings, believes that there has to be a stronger, more effective way for consumers to be engaged in policy development and implementation. That was a core element of the evidence that we received and it is also a recommendation.

In the area of pharmaceuticals, as Senator Siewert said, there has been considerable debate in this place over the past few weeks on key legislative changes to the Pharmaceutical Benefits Scheme, and that will continue because the scheme, as I said, is dynamic. At the same time as we were having the hearings into this particular inquiry, movement was taking place on post-budget initiatives and that gave a certain focus for many of the people who were contributing to the committee. That was important to our deliberations to see how the department in particular interacted with all of the various groups who had a need to be involved in effective consultation and not just the exchange of information, although that in itself is important. Sometimes there are even questions about how effectively information is exchanged. But the true meaning of consultation is the effective exchange of information with the chance to have engagement in possible change or improvement.

That will not always be possible, particularly when you are talking about budget decisions. But the principle remains: if we are going to get the best system in this country—and we spoke about that with the previous legislation—we need to identify those people who have the knowledge and the interest. We need to value their knowledge and engage them in discussion because they are the people who will best know how policy should be developed and what the impact will be. At this stage I just want to reinforce the importance of this reference, reinforce the importance of the Pharmaceutical Benefits Scheme and say: please have a look at the work that
was done by the committee. I acknowledge
the work of the secretariat, who work with
impossible time frames to meet the require-
mements of this place. This is another valuable
piece of work which should be important to
further discussions of our system.

Senator BOYCE (Queensland) (5.24
pm)—I also would like to speak briefly on
this report. As has been already pointed out
by other members of the committee, the re-
port was somewhat overtaken as a reference
by the development of legislation by this
government and by the signing of a memo-
randum of understanding between the inno-
vative pharmaceuticals organisation Medi-
cines Australia and the Department of Health
and Ageing. We have legislation, as was said,
which was passed this week; but, unfortu-
nately, in the view of the coalition, other
items definitely needed to be covered there.

The resolve of the committee in the end
was to highlight the recommendations which
we felt added new material and new ideas to
the development of the PBS in the future. I
would like to look at a couple of things that
we did not highlight quite so much because
we understood towards the end of this in-
quiry that there was a memorandum of un-
derstanding that would overtake and, hope-
fully, resolve some of the issues that were
raised with us. One of those was the length
of time that cabinet took to approve medi-
cines. If the government takes up our rec-
ommendation on indexing from $10 million
up to the necessary figure the value of the
PBS high-cost medicines that need to go to
cabinet then this will assist the scheme.

But it is not just about high-cost medi-
cines; it is also about the time that this takes.
I would like to point out to the Senate that
Medicines Australia said that, in their view,
the cabinet process generally added six to 12
months to the listing time. Given that Aus-
tralians are already waiting three years for a
medicine to appear on the PBS, that process
needs to be looked at. This is a view that the
coalition would very strongly support. Three
to four years for a medication to be listed on
the PBS is not reasonable if it is required
medicine, yet this is exactly what is happen-
ing right now.

The other side of this was the memo-
randum of understanding itself, which overtook
this report in some ways. Unfortunately, the
memorandum of understanding was only
between the government and Medicines Aus-
tralia. We have strongly recommended that
they need to involve the other stakeholders—
the consumers, the wholesalers and the Ge-
neric Medicines Industry Association.

The Generic Medicines Industry Associa-
tion has pointed out that one of the key con-
sequences of PBS reform is the reduction of
generic medicines prices. This is good for the
PBS and good for the Australian taxpayer,
but not if it means these industries go off-
shore. The generic medicines sector plays a
crucial role, the GMiA informed us, in deliv-
ering affordable medicines to the Australian
public after the market exclusivity period of
originated medicines has expired. The com-
ercial viability of the generic medicines
sector is driven by volume. A government
policy that reduces the PBS list price of ge-
eric medicines in the absence of volume
drivers significantly risks undermining the
viability of the generic medicines sector, the
association told us.

Nothing has changed in that area; nothing
that the government has done and nothing in
the legislation that was unfortunately passed
in this chamber this week will change that.
We will be watching carefully to see whether
the government can process applications
more speedily through cabinet. We will also
be watching for the unintended conse-
quences, which I suspect are almost inevita-
ble, for the generic medicines industry and
its supply in Australia. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Public Works Committee

Report

Senator TROETH (Victoria) (5.29 pm)—On behalf of the Parliamentary Standing Committee on Public Works, I present report No. 4 of 2010, Referrals made in October 2010. I move:

That the Senate take note of the report.

This is the first report of the new parliament and the Public Works Committee has worked hard to ensure that the proposals to which I speak, originally referred during the last parliament, were dealt with as quickly and efficiently as possible. The committee has also fully implemented its new manual of procedures which includes greater scrutiny of the confidential costings of each project.

This report addresses three works, in New South Wales and South Australia, with a total estimated cost of $155 million. In every case the committee has recommended the House of Representatives agree to the works proceeding. The works are: the proposed HMAS Penguin and Pittwater Annexe redevelopment in Mosman and Clareville, New South Wales, by the Department of Defence, at an estimated cost of $63.3 million; the proposed development and construction of housing for Defence at Largs North—also known as Bayriver—in Port Adelaide, South Australia, by Defence Housing Australia, at an estimated cost of $38.2 million; and the proposed integrated fit-out of the new leased premises for the Australian Taxation Office at 12-26 Franklin Street, Adelaide, South Australia, by the Australian Taxation Office, at an estimated cost of $54.2 million.

The HMAS Penguin redevelopment deals with a substantial proposal that will update a number of very old facilities. When we undertook the site inspection we could see that the works were needed. The Royal Australian Navy Dive School has made do with very limited space and ageing buildings and we fully support the purpose-designed accommodation for the school. We are particularly concerned about the current accommodation for the Submarine and Underwater Medicine Unit, which is entirely unsuitable and totally inadequate for its purpose. We certainly support those proposed new facilities.

In Adelaide, we looked at Defence Housing Australia, which has proposed the development of vacant land for housing, including the construction of some houses for members of the Australian Defence Force. In the report, we make particular reference to a small amount of contaminated land that remains on-site and we recommend that DHA fully remediate this small area of land as part of the project.

We have an ongoing interest in the provision of accessible housing by Defence Housing Australia and we are delighted that DHA has undertaken to build its future homes to the silver level under the new livable housing design guidelines. This will ensure that the houses are flexible and capable of easy adaptation to the needs of residents of all ages and abilities. We commend DHA for taking this important decision.

Lastly, we looked at the new fit-out for the entire Adelaide CBD staff of the Australian Taxation Office. This project will provide the ATO with a single location. The ATO is consolidating a number of properties in Australian capital cities and these new projects benefit the staff as well as the organisation. We are also pleased to see that, despite these consolidations, the ATO will not be reducing its presence in regional and rural Australia.
I thank all senators and members for their work in relation to these inquiries and I commend the report to the Senate.

Question agreed to.

MINISTERIAL STATEMENTS
Montara Commission of Inquiry

Senator ARBIB (New South Wales—Minister for Indigenous Employment and Economic Development, Minister for Sport and Minister for Social Housing and Homelessness) (5.33 pm)—On behalf of the Minister for Resources and Energy, I table a ministerial statement on the Montara Commission of Inquiry, together with the report of the Montara Commission of Inquiry and the government’s draft response to this report.

Senator SIEWERT (Western Australia) (5.34 pm)—by leave—I could not let this opportunity to take note of the ministerial statement on the Montara Commission of Inquiry pass because I have been waiting for 18 months for this report on the results of the inquiry. The Montara spill occurred on 21 August and it is now the end of November. I am very pleased that this report has finally been tabled along with the government’s response. The report has been available only for the last couple of hours, so I have not been able to read every page, but I have had a look at a significant part of it. It looks to be a very good and very thorough report. It confirms a lot of the issues that we thought about at the time.

I draw the attention of the Senate to a number of issues in this report. One is that the report clearly identifies the company, PTTPEP Australasia (Ashmore Cartier) Pty Ltd, as responsible for the spill in that the company were found to be not adhering to their own compliance monitoring programs and well operation plans in addition to not complying with the regulatory process. In their response, the government highlighted that they were not satisfied with just asking the company to show cause why they should not only have their leases cancelled for the Montara field but also have their leases cancelled for their other operations. The important point is that this company, over the last 18 months, has been allowed to acquire other leases in Australian waters and continue their operations, with the government knowing full well, from the company’s own submissions to the inquiry and the transcript of evidence from the inquiry, that there were issues. There were obviously issues with this company, yet they were allowed to continue their operations and acquire leases. The government has acknowledged that there will be changes to the legislation—and I will get onto that in a minute—but we will be looking at making a change to the legislation to enable a government to choose not to grant leases to companies where there are significant question marks over their ability to manage oilfields and when they may have caused a significant accident like this. We will be pursuing that.

We do support the government’s response. Minister Ferguson had said that they will be pursuing the establishment of a single regulator. We think that is a good approach but the success of such an approach will hang on a number of things. We think the approach of separating the regulator from those who are granting oil and gas leases is a good principle to start with, but it will hang on whether the body is adequately resourced to (a) enable them to get the best expertise possible, because they need the expertise to look at the companies’ operations; and (b) to adequately audit compliance, because that was a major failing in this process. Not only did the company fail but the NT government and the department failed to adequately enforce regulations. It was almost a tick and flick exercise. They did not enforce oil and gas regulations. They did not enforce compliance, and the government talks a great deal
about that, so we will be pursuing those changes. We will be looking at the 2011-12 budget to make sure that the organisation is adequately resourced in the budget, because that is going to be crucial to its operations.

One of the other key areas that the committee of inquiry looked into is the area of environmental impacts. I have to say here that everything that environment groups and the Greens were saying at the time about the problems with the environment and the lack of coordination are basically talked about in this report. There was a failure for proper coordination across government agencies when it came to looking at the environmental issues, and there was a failure to share information. There was no one person responsible. The report talks about the lack of monitoring. The point here is that we will actually never ever really know the full environmental impact of the spill, because insufficient baseline monitoring was done by the company in the first place, which the NT government allowed; they did not require better environmental baseline assessment of the environment. Secondly, no monitoring was done from the start of the spill. I also point out that no monitoring was done on the subsurface water—in other words, on the impact of the dispersants and the dispersed oil on the marine environment. This week the company put out a study saying, ‘We’ve used computer modelling,’ to say it did not have an impact. They did not have monitoring done so we do not know. We do not know how many marine species were affected. We do not know what impact the oil spill and the dispersants had on coral spawning, which was occurring at the time, and commercial fish species—and a number were commercial species. That needs never to happen again.

The commission’s report also touches, although not extensively, on the oil that went into Indonesian waters, and the minister touched on it in the ministerial statement. The report said that, yes, oil did go into the Indonesian waters. I must point out that we know that too, because the commission of inquiry confirmed that the oil sample I sent in, which I received from Indonesian fishers, indicated that it was Montara oil. In the ministerial statement the minister said that it is now up to the Indonesian government and the company to deal with it. I beg to differ. It was Australia that regulated this oilwell. We agreed that our failure to properly make sure the company did their job properly and to audit compliance contributed to this spill, which ended up impacting on Indonesian fishers. I believe Australia has a moral responsibility to show leadership here and to ensure that these fishers are compensated. I do not know what the full impact has been. I do not know whether anybody has ascertained that yet, and that is a problem. These are subsistence fishers who rely on this area for their livelihood and to feed their families. They are the ones who immediately bore the brunt of this spill, because they had to stop fishing. I think, and the Greens think, that the Australian government should be facilitating an outcome for these Indonesian fishers. It was our regulatory process that contributed to its failure, so we need to ensure that those fishers are adequately compensated if there is a problem.

There are clearly some significant issues that will need to be followed up from this report. There are over 100 findings and 100 recommendations. The commission of inquiry have done a good job in picking up these issues. We now need the government to pick up on all the recommendations. As I said, we support the announcements the government has made in terms of the regulatory response and in setting up an independent single regulator. We need to ensure its independence. We need to ensure we fix up the environmental legislation side of things and
change our practices. This was not mentioned extensively in the ministerial statement. Some of the issues have been mentioned but not as comprehensively as I would have liked. We will be pursuing this with government. We will be pursuing changes to the environmental protection act to ensure that this sort of problem does not happen again.

On the other key point, I clearly point out the need to have the polluter pay. In other words the company is responsible for all the clean-up, all the remediation and all the monitoring. That should not be, as is the situation at the moment, a reliance on the goodwill of the company to pay it. Under the legislation they do not have to pay it. The legislation needs to be changed to ensure that the concept of polluter pays is enshrined in legislation so government does not have to rely on the goodwill of the company that caused the problem in the first place. The company may see it as a PR exercise but we do not want to rely on that. We need to make sure that the company pays for the full cost of the clean-up, for the full cost of remediation and for ongoing monitoring. We will be pursuing these recommendations with government. I know government knows that. I am very pleased that the government has finally tabled this response, nearly 18 months after this disaster started. As I said, we will never know the full impact that this spill has had on our marine environment. I hope we do not see a similar spill in the future.

The last thing I would like to point out is that, no matter how good regulation is, you cannot guarantee that you will never have a spill. That is why we need to complement good oil and gas regulation with marine protected areas. There are some areas that are just so special you cannot risk them, so we need to make sure that everybody is also aware that we need to have a comprehensive set of marine protected areas around Australia to ensure that our really special marine environments, our really special marine biodiversity, are protected so they are never at risk of a spill, because we can never guarantee 100 per cent that a spill will not happen, no matter how good our regulations.

Question agreed to.

Community Affairs References Committee Report: Government Response

Senator ARBIB (New South Wales—Minister for Indigenous Employment and Economic Development, Minister for Sport and Minister for Social Housing and Homelessness) (5.44 pm)—I present the government’s response to the report of the Senate Community Affairs References Committee on its inquiry into suicide in Australia.

Senator SIEWERT (Western Australia) (5.44 pm)—I seek leave to take note of the government response to the Senate Standing Committee on Community Affairs report entitled The hidden toll: suicide in Australia.

Leave granted.

Senator SIEWERT—I move:

That the Senate take note of the document.

I am pleased to be able to take note of the government’s response and I congratulate the government and Minister Butler for meeting the three-month time line in responding to a committee inquiry report. I think it is probably the first time that I can remember in the 5½ years I have been here that the government has responded within the deadline of three months, so I would particularly congratulate the government for that and I would like to note a couple of really important issues. Having said that, however, I will note that we were not given the usual period to review this. I have literally had this response for about 10 minutes. I am sure that other speakers following me will also be seeking leave to continue their remarks so that we can go through this in a bit more detail.
I will point out a few of the key areas that the government has responded to. One of the key things that kicked this inquiry off was the fact that we do not know the real impact of suicide in Australia. We know that the figures are not correct. The official figures are around 1,800 suicides in Australia a year. We know that this is underreported and it is more likely that somewhere over 2,000 deaths are attributable to suicide. We also know that in Aboriginal communities deaths as a result of suicide are proportionately higher than in non-Aboriginal communities.

One of the key areas of recommendation we as a committee focused on at the front of our inquiry was this issue around the statistics, because it is so critical. Of course, any suicide is too many and there was some notion in the community that the number of people taking their own lives was decreasing, because the statistics were not showing the true numbers on suicides. We need to get a good understanding of the statistics because we need to be looking at whether we need to be increasing our investment in suicide prevention. Our inquiry clearly showed that the statistics are not showing the true numbers. I am pleased to say, in my quick look at the response, that the government has agreed with most of our recommendations around improving statistical collection and working with the states to improve coronial responses and approaches to suicide. In some states unless there is an inquest they do not actually report the cause of death and that is very important if we are going to address the high rates of suicide in Australia.

The government also notes in its response that its package that it announced during the election campaign—the $274 million for mental health and suicide prevention—is, as I understand the government’s response, a key plank of its response to the committee inquiry. While at the time I did welcome the $274 million—and I still do welcome it—we are looking for more. The previous debate that we had in this chamber, for example, indicates that we need to significantly increase our level of investment in mental health. One of the recommendations of the committee inquiry was increasing investment in mental health, so we need to be doing that. One of the other areas of recommendation was a doubling of investment in the Suicide Prevention Strategy and the government has increased investment in the strategy, but there are still some key areas in which we need investment, so we will be continuing to pursue that.

The other area that I am particularly pleased about—as I said I have not had the chance to go through all of our recommendations yet—is Indigenous suicide. One of our recommendations was that under the Suicide Prevention Strategy there be a specific strategy to address Indigenous suicide. The government, I am really pleased to say, has taken that recommendation up. It is particularly important because, as I noted in this chamber last week, there have been a number of suicides in northern Australia and I understand in other places as well recently and that needs to be urgently addressed.

I note that the government has said that it is setting up a consultation process early in 2011 to coordinate recommended appropriate mental health and wellbeing approaches for Aboriginal and Torres Strait Islander communities and I understand that will link into how some of the $274 million is spent in addressing Aboriginal suicides. I cannot say how pleased I am that the government has taken up that recommendation and will invest some of that $274 million in Aboriginal communities. As has been identified through estimates, only $8.1 million of the $274 million is actually going to be spent in this financial year. My plea there is that we need to get investment on the ground in some of these communities as soon as possible be-
cause we know through this report that there are significant differences in Aboriginal communities relating to people taking their own lives. There are more what are called ‘clusters’. I should preference that with saying that a high number of the recent deaths have been young people. We know through the evidence presented to us that there are a significant number of what are called ‘copy-cat’ suicides in Aboriginal communities and so there needs to be a lot of really intense postvention. That needs to be driven by the community in addressing community needs. I implore the government to get investment going on that as soon as possible.

One of the other areas that we focused on was other high-risk groups such as men and members of the LGBTI community and I notice that the government has addressed that through the strategy. I will look at that in more detail as I can. One of the other areas that we addressed was the need for awareness raising of the issue but the issue that is always struggled with is in trying not to glamorise suicide. What we recommended was that there needs to be a five-year long-term investment in awareness raising, but that research needs to be done to look at how we invest in that to get the best quality outcome.

So I am going to be pursuing that through the recommendations and ensuring that that recommendation is pursued. I will look at it through the current investment but, of course, continue to pursue the government over a higher level of investment for mental health, because we cannot get away from the fact that, when we are addressing issues around suicide, we absolutely have to address issues around mental health.

As I said, I congratulate the government for its comprehensive response in a timely manner. I am not saying I am totally satisfied with it yet, because I have not had a chance to read it all, but I have certainly read some of the key areas now. I think it is a very significant step in the right direction. I am particularly pleased about the response on a specific Aboriginal and Torres Strait Islander strategy, and I will continue to follow up with the government on that issue, but the message is also: ‘You’ve invested $274 million. That’s great. You’ve addressed some of our recommendations. We will continue to pursue investment in these other recommendations.’

Senator MOORE (Queensland) (5.53 pm)—I will speak briefly, because I believe that this particular report will now be on the agenda for a number of months with people wanting to be engaged on this topic. But today it gives me great pride to be able to say that our government has responded within the time frame for responses. I want to echo Senator Siewert’s comments on that. I have not been here that long—not as long as you, Mr Acting Deputy President McGauran—but I do not remember a community affairs committee report ever having a response within the agreed time frame before. I do not think it is something that happens very often, but when it does happen it should be noted.

The report has 42 recommendations. Community affairs committee reports do tend to have multiple recommendations, but in this process I have been through them briefly and will have to do a lot more work to see where all the responses are in it. But all the recommendations have been picked up by the government. The ones that need more work are clearly identified in the listing at the back, so it is quite an easy format. I want to acknowledge the format used in this report. The government notes issues that need considerably more work, and it acknowledges that that needs to happen. So when people are reading the report they can look at the special recommendation about which they feel most strongly. If it says ‘the
government notes’ then it is up to all of us to ensure that the government notes it and takes future action. The ones I particularly want to note, though, are ones where action is going to happen. It happens so often that when you work closely on an issue like this one, which has such incredible personal pain related to the topic, you become deeply engaged in the people’s lives and their families, and that again happened in our committee. Senator Siewert touched on many of the same issues that I want to briefly reinforce now.

After that passionate statement about how personally and deeply you get involved with the people, the first comment I am going to make is about statistics, which often do not have such a personal link. But, in terms of data collection and knowledge, statistics must be effectively acknowledged, identified and useful. Certainly, in this particular discussion, a great deal of effort was put into the committee’s submissions around concern with the way statistics were maintained in this area in Australia. The fact is that the way suicides are identified and classified and the responsibility for ensuring that the national database is accurate vary from state to state. Different people are involved. There was a standard issue that there was a lack of real knowledge and also resourcing at the state level. So certainly one of the key aspects of this was to have that on record and to take the information that had been collected by specialist agencies through the wonderful Suicide Prevention Australia network, on whom we relied so greatly in this whole inquiry for their professional knowledge and understanding and also for their personal support—because, for many of us involved in this particular inquiry, at times it was very difficult as we were learning of individual cases, the causes, the lack of knowledge and the sheer waste and loss which are caused in this community by the issues around suicide.

We relied on the personal and professional knowledge of Suicide Prevention Australia. They have had a special working group in place now for a couple of years looking specifically at the issues around data and statistics. They brought that knowledge to our committee, and it has now been taken up by the government in relation to the fact that it needs to be on the COAG agenda for the ministerial grouping that has this responsibility across the country. So that will happen. We as a Senate need to maintain the interest to ensure that it does happen and that we come back and revisit this topic, which we have had a reputation for doing over the last few years. It is one thing to establish a committee, to make recommendations and to have government responses, and we have all of that in this case, but the other thing is to keep a very strong watching brief on it to ensure that it does not slip off the agenda. As I am sure you have seen, Mr Acting Deputy President, once something is actually completed there is a tendency in government to take it as a tick and move on to the next priority. That cannot happen in this case, because the need will continue. Certainly I think those areas around statistics and data collection need to have that constant scrutiny to ensure that we maintain the watch.

Senator Siewert mentioned the issues around Indigenous need, and certainly that was a major concern for all of us, and I will take that up at another time in a longer contribution. But I do want to look at the issues of research, because one of the things that we talked about was the need for effective and publicly shared research in this area. Certainly there is a specific recommendation looking at the issues of research and the need for professional knowledge in the area. I have mentioned Suicide Prevention Australia. I also want to mention Griffith University in Brisbane, where I have visited and spoken with the people who work with Professor
Diego De Leo up there. They have such knowledge in this area. They also continue to research international best practice and international literature and put that information into the public awareness so that, if you are interested in issues around suicide, you have a central base on which to rely. Then it is up to you whether you wish to take more knowledge. That particular service needs to be maintained. You know that in this place there is no such thing as a guaranteed funding mechanism but, in terms of where we go from this process, we have to have that effective database of information. We have to encourage professional research in the area so that we understand the issues. There are so many and they are so complex, but in the end it comes down to people who are lost and troubled. So we have to provide the best possible support for them and provide effective research. I note that this week the National Health and Medical Research Council grants were handed out, and I know mental health research received a number of those grants, so in that way there has been acknowledgement of the need and moving to the future, but that needs to be maintained.

I only wanted to make a few comments this afternoon, because there are more senators and a limited time, but this issue cannot be taken off the agenda. We have the committee report, a resource that should be used into the future. We now have the government response. We need to keep that pressure on government to ensure that the initial response continues. We have seen significant financial involvement in this area of suicide already, but that is the first step. These programs are over four to five years. We need to ensure that they are evaluated effectively. I can say as a member of this committee that there were 42 recommendations. They are all important, and we need to continue the commitment.

Senator FIERRAVANTI-WELLS (New South Wales) (6.00 pm)—I have just received a copy of the report and obviously have not had the opportunity to read it. I will just make some general observations and then seek leave to continue my remarks later.

Of course, suicide and suicide prevention are vitally important. As I said in the earlier matters of public importance debate, it is a false economy not to fund mental health properly because we ultimately all pay for that through the cost of suicide. I quoted figures showing six Australians a day die from suicide, and that is only the statistics that we know. Society ultimately pays for it through costs for policing, emergency hospital admissions, road accidents, unemployment, family dysfunction and other sad outcomes of mental illness.

My criticism of the government and its lack of action on mental health was shared by so many experts at the last federal election. When the government announced its $277 million spending in suicide prevention it was criticised, not because this was money that was not vitally needed in suicide prevention but because this was the sum total of what the government did for mental health. This was the only announcement in relation to mental health by the government, and that was done during the election campaign. Whilst it was welcomed, the scathing criticism of this government was directed towards the fact that it was the sum total. I can remind the Senate of comments that were made by Professor Mendoza, attacking the government’s announcement as just being mere tokenism. That was only one of the rather scathing comments that were made.

Regrettably, the issue before us today and what we discussed in matters of public importance highlights that suicide is vitally important and funding towards suicide prevention is vitally important. But that is not the
sum total of mental illness and the spending that needs to happen for mental illness in this country.

Mental illness affects more Australians, as I said earlier, than other health disorders; only cancer and heart disease impact more people. Almost half our population experiences some form of mental disorder. Recent studies show that in any given year one in five Australians will experience some form of mental illness. As I said, suicides are a portion of this, but where you have mental health being 13 per cent of the total burden of disease in Australia and only six per cent of the health budget you do see the need, and you do see why people like Professor McGorry, Professor Mendoza and so many other experts in this field have been so critical of the government for its lack of attention to mental illness.

We know that delays in accessing appropriate treatment and early intervention are not only damaging to young people but to people suffering from mental illness across the spectrum, and that social and family relationships suffer. In employment, secondary problems such as substance abuse, behavioural problems and the illness itself may become more deeply entrenched. Most people with mental illness in Australia have little access to appropriate professional care and, of course, if left untreated they become increasingly unwell. Then you have the vicious cycle of revolving door presentation at hospital emergency departments, confrontations with authorities, substance and alcohol abuse and homelessness. That all adds to the cost pressures in health care and also to the detrimental outcomes for sufferers.

As I said in the earlier debate, criticism of the government has been very much in relation to its inaction. I want to focus on this because the government missed its opportunity. The coalition has been very critical of the hospital grand plan. Indeed, we believe that monies should be better spent to assist mental health in this country—$1.5 billion was our policy. Money should not be pumped into needless state and territory bureaucracies, which is what the government’s grand hospital plan is all about. That money also builds on the single biggest investment in mental health, which was undertaken by the previous coalition government. It committed $1.9 billion over a five-year period for services not only for people with mental illness but also for their families and their carers.

Through that program we saw increased packages and increased access to psychiatrists, psychologists, GP mental health nurses and other health professionals. We saw the Better Access initiative, which this government attacked. It was not until the coalition, social workers and occupational therapists thumped the table and really made a big song and dance about what the government was doing that suddenly the Minister for Health and Ageing, Minister Roxon, had to do another government backflip and reverse her decision. That has been typical; we saw that initiative and we saw the day-to-day living program cut back by this government.

I hear Senator Moore and her colleagues come in here and attack me because I am being critical and political. Senator Moore, I am doing that because the government has failed. We sat through the COAG health reform inquiries and we heard expert after expert in the mental health area castigate the government in the most scathing of terms for its lack of action in mental health.

Certainly, the spending in relation to suicide prevention was welcomed; but, in the words of Professor Mendoza, it is just tokenism and it goes nowhere near the spending that is vitally necessary in this country to help with the one in five Australians—and,
indeed, a staggering 65 per cent of sufferers—who battle their disorder alone or with the help of their families only. Indeed, Professor McGorry told the COAG health inquiry of the hidden waiting list of Australians desperately in need of mental health services, including three-quarters of a million young Australians. He was focusing on the expanded funding of headspace and EPIC programs, which of course are the focus of the coalition’s policy and were the focus of the motion that was passed by the Senate on 26 October. I hope that the motion will also be passed tomorrow in the other place.

The reality is that, sadly, Labor’s gross failure in mental health has been evidenced by the scathing criticism of so many people, including Professor McGorry; Professor John Mendoza, the former chair of the national advisory council who resigned in utter disgust at this government’s lack of inaction; and the Mental Health Council of Australia. To quote Professor Mendoza after resigning from his position on the advisory council:

It is now abundantly clear that there is no vision or commitment from the Rudd Government to mental health.

That came from the former chair of the National Advisory Council on Mental Health. I seek leave to continue my remarks.

Leave granted; debate adjourned.

DELEGATION REPORTS

Australian Parliamentary Delegation to the 122nd Inter-Parliamentary Union Assembly Bangkok, Thailand and Bilateral Visit to the People’s Republic of China

Senator TROETH (Victoria) (6.09 pm)—by leave—I present the report of the Australian parliamentary delegation to the 122nd Inter-parliamentary Union Assembly in Thailand and a bilateral visit to the People’s Republic of China, which took place from 25 March to 11 April 2010. I seek leave to move a motion to take note of the document.

Leave granted.

Senator TROETH—I move:

That the Senate take note of the document.

This delegation spent some five or six days in Thailand and then moved on to a bilateral visit to the Republic of China. It was led by the Speaker of the House, Mr Jenkins, and me as deputy leader. Other delegates were Ms Jill Hall, the Hon. Roger Price, Mr Patrick Secker—and you, Mr Acting Deputy President McGauran, also joined the delegation while we were in Thailand.

The opportunities were for regional cooperation, economic development, nuclear non-proliferation disarmament and environmental protection, and all of these issues were fully discussed at the meeting in Bangkok. These assemblies are held twice a year and we had 124 parliaments represented in Bangkok. In the general debate, Mr Jenkins spoke about the efforts to achieve reconciliation with Australia’s Indigenous people. I chaired a drafting committee on the acceleration of achievements of the Millennium Development Goals which was later adopted by consensus. Mr Jenkins also spoke on nuclear security. Ms Hall spoke on strengthening our national health programs and gave examples of Australia’s efforts to support the implementation of Millennium Development Goals 4 and 5.

Many other activities of the IPU were noted and discussed, and the delegation attended meetings of the two geopolitical groups in which we participate: the Asia-Pacific group and the 12 Plus group. There is consideration of making the interparliamentary union a treaty-making group, and that is an ongoing consideration, with Australia and some other countries, particularly former Commonwealth countries, having reservations about this idea as well as concerns
about the IPU focusing on this issue to the
detriment of others.

The delegation also had meetings with
speakers of the Thai and Korean parliaments,
with delegations from Indonesia and Viet-
nam and with a member of parliament from
Afghanistan. Arrangements were also made
at that conference for a follow-up regional
meeting in New Zealand to increase the in-
volvement of Pacific Island parliaments in
the IPU. That was subsequently held on 9
and 10 August 2010, with me and Mr Price
attending. An outcomes document with 13
action ideas was adopted unanimously at that
meeting and I look forward to progress being
made.

The delegation left Bangkok on 1 April
against the background of the escalating red
shirt violence, which reached a crescendo
some weeks after we left, with the actual
hotel and conference area where the confer-
ence was held being subsequently attacked
by the red shirts and burnt out. I understand
that it has been demolished and an entirely
new complex will have to be built.

In China, we made visits to major cities
and regional areas. Again, the main aims of
the delegation were to further develop rela-
tions between the Australian parliament and
the National People’s Congress of the Peo-
ple’s Republic of China, as a memorandum
of understanding has recently been signed
between the two parliaments. We also
wanted to gain an understanding of recent
political, social and economic developments
in China and their relevance to Australia and
the Asia-Pacific region. We also hoped to
enhance bilateral relations between our two
countries. We visited Hong Kong; Macau,
which is undergoing redevelopment in fam-
ily tourism; and Guangzhou, which has 110
million people, 12 per cent of China’s eco-
nomic output and 30 per cent of its exports.

We also went to the autonomous region of
Ningxia, which is in the far north-west of the
country and contains some 6.2 million peo-
ple. Many people in that area have been relo-
cated from very poor regions of China so
that they can make a new life in specially
built housing and whole new economic de-
velopments. It was indeed strange to see
multilane highways, built for the future, with
not one car on them except for ours, and
huge ornamental lakes with little cabanas
around them, which will no doubt cater for
the leisure time of the population when they
have ceased their undoubtedly very hard
work.

We visited a horticulture park, which
again is a recent development, and it con-
tains areas for research, production, invest-
ment, education and tourism. We also looked
at the cultural diversity of this province. It
has a high level of the religion of Islam in it.
We visited two mosques and an Islamic insti-
tute and I understand that in that region, with
its 6.2 million people, there are over 3,000
mosques. So it is a very diverse region.

We then went on to Beijing, where we had
more parliamentary dialogue. All indications
are that the bilateral relationship between
Australia and China is growing strongly.
There will always be some differences of
opinion, but effective cooperation and con-
sultation should be the words for the future.
We want to increase trade between the two
countries and not just in raw materials and
natural resources. We look to make progress
in the free trade agreement and we were as-
sured that there is a firm political will in
China to achieve it. We intend to strengthen
the parliamentary dialogue and exchange
ideas on defence and water management. We
also had meetings with representatives of
Australian business and government repre-
sentatives. There is an increasing opportunity
for Australian companies with environment
qualifications and know-how, because that is one of the growth industries in China.

In Shanghai, we took a look at the excellent Australian exhibition at the world expo, which made me very proud to be an Australian. It had very high quality materials and was built to a very high level of environmental efficiency. We also visited the Bao Steel Corporation. It is the second largest steel production plant in the world, with an annual production of 25 million tonnes of steel. Part of that is exported through the new deep-water port that we visited which handles nine million container units a year. It is obvious that there is a need for Australian policy and decision making to be in tune with this absolute explosion of the Chinese desire to be involved with its near Asian neighbours.

I would like to thank Mr Andres Lompe, who accompanied the delegation. I would like to thank the Parliament of Thailand. The Chinese hospitality which provided such a comprehensive program for us was very much appreciated as was the support provided by the Australian embassy and our consulates in Thailand and China. We also had an officer from DFAT, Mr Eric Van Der Waal with us at the delegation at the IPU.

I would like to make particular mention of someone who was not on this trip: Mr Neil Bessell, who unfortunately died earlier this year. I have been on something like four of these delegations, and Mr Bessell was an integral part of those delegations. Not only did he see that every detail was catered for; he also looked after us extremely well on every occasion. No question was too silly to ask from the point of view of the delegation members; Neil always answered questions in every way that we could have wanted. Like many other members of the Senate, I mourn his passing and I would like to say how much he was missed on that delegation and how very fondly he will be remembered by all those senators and members who have been on IPU delegations.

Question agreed to.

COMMITTEES

Reports: Government Responses

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (6.19 pm)—I present the government’s response to the President’s report of 24 June 2010 on government responses outstanding to parliamentary committee reports, and seek leave to have the document incorporated in Hansard.

The document read as follows—

GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS

RESPONSES TO THE SCHEDULE TABLED BY THE PRESIDENT OF THE SENATE ON 24 JUNE 2010

Circulated by the Leader of the Government in the Senate

Senator the Hon Chris Evans
24 November 2010

A CERTAIN MARITIME INCIDENT (Senate Select)

Report on a Certain Maritime Incident

The government response is being considered and will be tabled in due course.

AGRICULTURAL AND RELATED INDUSTRIES (Senate Select)

Pricing and supply arrangements in the Australian and global fertiliser market—Final report

The government response is being considered and will be tabled in due course.

AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY (Joint Statutory)

Operation of the Law Enforcement Integrity Commissioner Act 2006—Interim report

The government response was tabled on the 13 October 2010
CLIMATE POLICY (Senate Select)

Report

The Government responded to the proposals embodied in the Committee’s recommendations during consideration of the CPRS legislation in Parliament from May to December 2009. The Government has now convened the Multi-Party Climate Change Committee to consider a carbon price more broadly. The issues raised in the Report can be considered in that context.

COMMUNITY AFFAIRS LEGISLATION

National registration and accreditation scheme for doctors and other health workers

The government response is being considered and will be tabled in due course.


Recommendations in this report were dealt with during the debate of the bills. No formal response required.


Recommendations in this report were dealt with during the debate of the bills. No formal response required.

Health Practitioner Regulation (Consequential Amendments) Bill 2010 [Provisions]

Recommendations in this report were dealt with during the debate of the bill. No formal response required.

COMMUNITY AFFAIRS REFERENCES

Hear us: Inquiry into hearing health in Australia

The government response is being considered and will be tabled in due course.

CORPORATIONS AND FINANCIAL SERVICES (Joint Statutory)

Review of the Managed Investments Act 1998

The government response is being considered and will be tabled in due course.

Inquiry into Regulation 7.1.29 in Corporations Amendment Regulations 2003 (No. 3), Statutory Rules 2003 No. 85

The government is currently in discussion with the Committee.

Corporations Amendment Regulations 7.1.29A, 7.1.35A and 7.1.40(h)

The government is currently in discussion with the Committee.

Corporate responsibility: Managing risk and creating value

The government is currently in discussion with the Committee.

The structure and operation of the superannuation industry

The government response is being considered and will be tabled in due course.

Better shareholders – better company – Shareholder engagement and participation in Australia

The government is currently in discussion with the Committee.

Inquiry into aspects of agribusiness managed investment schemes

The government response is being considered and will be tabled in due course.

Inquiry into financial products and services in Australia

The government response was given in the form of a Ministerial Statement titled Future of Financial Advice by the Minister for Financial Services, Superannuation and Corporate Law in the House on the 23 June 2010 and then tabled in the Senate on the 24 June 2010.
Statutory oversight of the Australian Securities and Investments Commission
The government is currently in discussion with the Committee.

**ECONOMICS LEGISLATION**

Food Standards Amendment (Truth in Labelling Laws) Bill 2009
The government response is being considered and will be tabled in due course.

Recommendations in this report were dealt with during the debate of the bill. No formal response required

Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2009
Recommendations in this report will be dealt with during the debate of the bill. No formal response required

Trade Practices Amendment (Australian Consumer Law) Bill (No. 2) 2010 [Provisions]
Recommendations in this report were dealt with during the debate of the bill. No formal response required

Recommendations in this report will be dealt with during the debate of the bill. No formal response required

**ECONOMICS REFERENCES**

Consenting adults deficits and household debt – links between Australia’s current account deficit, the demand for imported goods and household debt
The government response is being considered and will be tabled in due course.

Employee share schemes
The government response is being considered and will be tabled in due course.

Foreign investment by state-owned entities
The government response is being considered and will be tabled in due course.

Government measures to address confidence concerns in the financial sector – The Financial Claims Scheme and the Guarantee Scheme for Large Deposits and Wholesale Funding
The government response is being considered and will be tabled in due course.

Report on bank mergers
The government response is being considered and will be tabled in due course.

GROCERYchoice website
The government response is being considered and will be tabled in due course.

Milking it for all it’s worth—competition and pricing in the Australian dairy industry
The government response is being considered and will be tabled in due course.

**ECONOMICS STANDING**

Exposure draft of the legislation to implement the Carbon Pollution Scheme
The Government responded to the proposals embodied in the Committee’s recommendations during consideration of the CPRS legislation in Parliament from May to December 2009. The Government has now convened the Multi-Party Climate Change Committee to consider a carbon price more broadly and the CPRS legislation is not being progressed.

**EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES**

Provisions of childcare
The government response is being considered and will be tabled in due course.

Welfare of international students
The government response is being considered and will be tabled in due course.

**ELECTORAL MATTERS (Joint Standing)**

Civics and electoral education
The government response is being considered and will be tabled in due course.

Implications of the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 (NSW) for the conduct of Commonwealth elections
The government response is being considered and will be tabled in due course.

Report on the 2007 federal election—Events in the division of Lindsay—Review of penalty provisions in the Commonwealth Electoral Act 1918

The government response is being considered and will be tabled in due course.

ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION

Do Not Call Register Legislation Amendment Bill 2009

Recommendations in this report were dealt with during the debate of the bill. No further response required.


Recommendations in this report were dealt with during the debate of the bill. No further response required.

Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010 [Provisions]

Recommendations in this report were dealt with during the debate of the bills. No further response required.


Recommendations in this report were dealt with during the debate of the bills. No further response required.

ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES

Forestry and mining operations on the Tiwi Islands

The government response is being considered and will be tabled in due course.

The impacts of mining in the Murray-Darling Basin

The government response is being considered and will be tabled in due course.

ENVIRONMENT, COMMUNICATIONS AND THE ARTS STANDING

The operation of the Environment Protection and Biodiversity Conservation Act 1999 – First report

The government response is being considered and will be tabled in due course.

The operation of the Environment Protection and Biodiversity Conservation Act 1999 – Second and final report

The government response is being considered and will be tabled in due course.

The reporting of sports news and the emergence of digital media

The government response is being considered and will be tabled in due course.

ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES

Living with a salinity – a report on progress: the extent and economic impact of salinity in Australia

The government response is being considered and will be tabled in due course.

About time! Women in sport and recreation in Australia

The government response is being considered and will be tabled in due course.

ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS STANDING

Conserving Australia–Australia’s national parks, conservation reserves and marine protected areas

The government response is being considered and will be tabled in due course.

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION

Plebiscite for an Australian Republic Bill 2008

The government response is being considered and will be tabled in due course.

Annual reports (No.2 of 2009)

The government response is being considered and will be tabled in due course.

Recommendations in this report were dealt with during the debate of the bills. No further response required.

**FINANCE AND PUBLIC ADMINISTRATION REFERENCES**

Staff employed under Members of Parliament (Staff) Act 1984
The government response is being considered and will be tabled in due course.

Government advertising and accountability
The government response is being considered and will be tabled in due course.

Native vegetation laws, greenhouse gas abatement and climate change measures
The government response is being considered and will be tabled in due course.

**FINANCE AND PUBLIC ADMINISTRATION STANDING**

Annual reports (No. 1 of 2008)
The government response is being considered and will be tabled in due course.

Annual reports (No. 2 of 2008)
The government response is being considered and will be tabled in due course.

Annual report (No. 1 of 2009)
The government response is being considered and will be tabled in due course.

Residential and community aged care in Australia
The government response is being considered and will be tabled in due course.

**FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES**

Economic challenges facing Papua New Guinea and the island states of the southwest Pacific—Volume 1
The government response is being prepared to the recommendations in Volume 1 and 2. The consolidated response will be tabled in due course.

Security challenges facing Papua New Guinea and the island states of the southwest Pacific—Volume II
The government response is being prepared to the recommendations in Volume 1 and 2. The consolidated response will be tabled in due course.

Report on Parliamentary Privilege—possible interference in the work of the committee—Inquiry into matters relating to events on HMAS Success
The government response is being considered and will be tabled in due course.

**FUEL AND ENERGY (Senate Select)**

The CPRS: Economic cost without environmental benefit—Interim report
The Government responded to the proposals embodied in the Committee’s recommendations during consideration of the CPRS legislation in Parliament from May to December 2009. The Government has now convened the Multi-Party Climate Change Committee to consider a carbon price more broadly. The issues raised in the Interim Report can be considered in that context.

**INTELLIGENCE AND SECURITY (JOINT)**

Annual report of committee activities 2008-2009
The government response is being considered and will be tabled in due course.

Review of administration and expenditure: No. 8—Australian intelligence agencies
The government response is being considered and will be tabled in due course.

**LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION**

Marriage Equality Amendment Bill 2009
The Committee recommended the Bill not be passed.
The government response is being considered and will be tabled in due course.

Immigration detention in Australia – Community-based alternatives to detention – Second report of the inquiry into immigration detention
The government response is being considered and will be tabled in due course.

Immigration detention in Australia – Facilities, services and transparency – third report of the inquiry into immigration detention
The government response is being considered and will be tabled in due course.

Enabling Australia—Inquiry into the migration treatment of disability
The government response is being considered and will be tabled in due course.

MINISTERIAL DISCRETION IN MIGRATION MATTERS (Senate Select) Report
The government response is being considered and will be tabled in due course.

NATIONAL BROADBAND NETWORK (Senate Select)
Another fork in the road to national broadband – Second interim report
The government response is being considered and will be tabled in due course.

Third report
The government response is being considered and will be tabled in due course.

Fourth interim report
The government response is being considered and will be tabled in due course.

Final report
The government response is being considered and will be tabled in due course.

NATIONAL CAPITAL AND EXTERNAL TERRITORIES (Joint Standing)
Inquiry into the changing economic environment in the Indian Ocean Territories
The government response is being considered and will be tabled in due course.

Recommendations in this report are expected to be dealt with during the debate of the bill. No formal response required.

**PUBLIC ACCOUNTS AND AUDIT (Joint Statutory)**

Report 412—Audit reports reviewed during the 41st Parliament

The government response is being considered and will be tabled in due course.


The government response is being considered and will be tabled in due course.


The government response is being considered and will be tabled in due course.


The Minister for Defence Materiel and Science responded directly to the Chair of the Committee on 23 June 2010. No further response required.

Report 417—Review of Auditor-General’s reports tabled between February 2009 and September 2009

The government response is being considered and will be tabled in due course.

**PUBLIC WORKS (Joint Standing)**

Report 5/2009—Referral made May to June 2009—Fitout and external works, ANZAC Park West, Parks, ACT—Fitout of Tuggeranong Office Park, Greenway, ACT

The government response is being considered and will be tabled in due course.


The government response is being considered and will be tabled in due course.


The government response is being considered and will be tabled in due course.

**REGIONAL AND REMOTE INDIGENOUS COMMUNITIES (Senate Select)**

Third report

The government response is being considered and will be tabled in due course.

Fourth report 2010

The government response is being considered and will be tabled in due course.

**RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES**

Irabi wheat debt – repayments for wheat growers

The government response is being considered and will be tabled in due course.

Implications for the long-term sustainable management of the Murray-Darling Basin system— Final report

The government response is being considered and will be tabled in due course.

Import risk analysis (IRA) for the importation of Cavendish bananas from the Philippines— Final report

The government response is being considered and will be tabled in due course.

Meat marketing – Final report

The government response is being considered and will be tabled in due course.

Investment of Commonwealth and State funds in public passenger transport infrastructure and services

The government response is being considered and will be tabled in due course.

Management of the removal of the rebate for AQIS export certification functions

The government response is being considered and will be tabled in due course.

Rural and regional access to secondary and tertiary education opportunities
The government response is being considered and will be tabled in due course.

Natural resource management and conservation challenges

The government response is being considered and will be tabled in due course.

The possible impacts and consequences for public health, trade and agriculture of the Government’s decision to relax import restrictions on beef—First report

The government response is being considered and will be tabled in due course.

The possible impacts and consequences for public health, trade and agriculture of the Government’s decision to relax import restrictions on beef—Final report

The government response is being considered and will be tabled in due course.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT STANDING

Australia’s future oil supply and alternative transport fuels—Final report

The government response is being considered and will be tabled in due course.

Meat marketing—Interim report

The government response is being considered and will be tabled in due course.

Climate change and the Australian agricultural sector—Final report

The government response is being considered and will be tabled in due course.

STATE GOVERNMENT FINANCIAL MANAGEMENT (Senate Select)

Report

The government response is being considered and will be tabled in due course.

TREATIES (Joint Standing)


The government response was tabled on 4 February 2010. The Committee requires no further response to the outstanding recommendations.

Report 99 – Treaties tabled on 3 December 2008 and 3 February 2009

The government response is being considered and will be tabled in due course.

Report 100 – Treaties tabled on 25 June 2008 (2)

The government response is being considered and will be tabled in due course.

Report 102 – Treaties tabled on 12 and 16 March 2009

The response was provided directly to the Chair of the Committee. No further response required.

Report 107 – Treaties tabled on 20 August (2) and 15 September 2009

The government response is being considered and will be tabled in due course.

Report 110—Treaties tabled on 18, 25 (2) and 26 November 2009 and 2 (2) February 2010

The government response is being considered and will be tabled in due course.

Report 111—Treaties tabled on 25 November 2009 (3), 4 and 24 February 2010

The government response is being considered and will be tabled in due course.

COMMITTEES

Education, Employment and Workplace Relations References Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator McGauran)—The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (6.20 pm)—by leave—I move:

That Senator Cormann be discharged from and Senator Boyce be appointed to the Education, Employment and Workplace Relations References Committee, and Senator Cormann be appointed as a participating member of the committee.

Question agreed to.
HUMAN RIGHTS (PARLIAMENTARY SCRUTINY) BILL 2010

HUMAN RIGHTS (PARLIAMENTARY SCRUTINY) (CONSEQUENTIAL PROVISIONS) BILL 2010

NATIONAL BROADCASTING LEGISLATION AMENDMENT BILL 2010

First Reading

Bills received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (6.21 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have one of the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (6.21 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—

Human Rights (Parliamentary Scrutiny) Bill 2010


The changes in the Framework are aimed at enhancing understanding of and respect for human rights in Australia and ensuring appropriate recognition of human rights issues in legislative and policy development.

This Bill contains two important measures that are designed to improve parliamentary scrutiny of new laws for consistency with Australia’s human rights obligations and to encourage early and ongoing consideration of human rights issues in policy and legislative development.

The Government believes that Australia can, and should, live up to its obligations under these treaties. Not simply because this is the right thing to do but because the principles contained in those documents provide a protection against unwarranted, unjustified or arbitrary interference of the fundamental rights enjoyed by all individuals irrespective of their colour, background or social status.

Essentially the implementation of these two measures—statements of compatibility on human rights and a new Joint Parliamentary Committee on Human Rights establish a dialogue between the Executive, the Parliament and ultimately the citizens they represent.

First, the requirement of a statement of compatibility on human rights will establish between the Executive and the Parliament whereby members and Senators will be able to consider the impact of proposed legislations on the citizens they represent.

And in turn, the new Parliamentary Committee will establish a dialogue between the Parliament and its citizens whereby the members of the Committee can canvass the views of the public, including affected groups, as to how they will be affected by proposed legislation.

In that sense, these measures incrementally advance the concept of participatory democracy by providing additional means for citizens to have input into the legislative process.

In terms of how these measures will operate in practice, it is appropriate to provide a brief overview of these measures.

Joint Parliamentary Committee on Human Rights
The first of these measures is to establish a new Joint Parliamentary Committee on Human Rights. The reference point for the Committee will be the rights and freedoms recognised or declared by the seven core United Nations human rights treaties as they apply to Australia. The treaties are:

- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child, and
- Convention on the Rights of Persons with Disabilities.

The Committee will examine and report to Parliament on compatibility of Bills and legislative instruments with Australia’s human rights obligations under these seven human rights treaties. It will also be able to examine existing legislation and conduct broad inquiries into matters relating to human rights referred to it by the Attorney-General.

**Statements of Compatibility**

The Bill also introduces a requirement for statements assessing compatibility with human rights to accompany all new Bills and disallowable legislative instruments.

When Parliament comes to consider bills and legislative instruments, statements of compatibility will alert Parliament to the relevant human rights considerations and will inform Parliamentary debate.

Where appropriate, statements may justify restrictions or limitations on rights where such restrictions are in the interests of other individuals or society more generally as permitted by the human rights treaties.

A statement of compatibility and a report of the Joint Committee on Human Rights, will not be binding on a court or tribunal.

However, as with other explanatory materials, courts may refer to a statement of compatibility or a report of the Committee to assist in ascertaining the meaning of provisions in a statute where the meaning is unclear or ambiguous.

**Conclusion**

The measures in this Bill will deliver improved policies and laws in the future by encouraging early and ongoing consideration of human rights issues in the policy and law-making process and informing Parliamentary debate on human rights issues.

This Bill contributes to enhancing community confidence that our laws reflect our human rights obligations.

Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010


The Commonwealth has a comprehensive and extensive framework for independent review of administrative decisions.

The Administrative Review Council is an independent body established to review and inquire into the Commonwealth administrative law system and recommend improvements that might be made to the system.

The proposed amendments will ensure an appropriate human rights perspective is integrated in the views of the Administrative Review Council by including the President of the Australian Human Rights Commission as an ex-officio member of the Council.

In addition, the proposed amendments will integrate statements of compatibility into existing procedures for tabling legislative instruments.

This package of reforms, along with the other changes in the Framework, will inform Parliamentary consideration of human rights and enhance the understanding of and respect for human rights in Australia.
National Broadcasting Legislation Amendment Bill 2010

The purpose of the National Broadcasting Legislation Amendment Bill 2010 is to amend the Australian Broadcasting Corporation Act 1983 (ABC Act) and Special Broadcasting Service Act 1991 (SBS Act). The amendments would also reinstate the ABC staff-elected Director.

This Bill fulfils two important and longstanding commitments by the Labor Party. We undertook in our National Platform in 2007 to end political interference in the ABC by introducing a new transparent and democratic board appointment process in which non-executive Directors are appointed on the basis of merit. We promised to deal with SBS Board appointments in the same way, and to restore the staff-elected director on the ABC Board.

The intention of these amendments is to achieve better long term outcomes for both Boards and consequently improve governance in our national broadcasters.

Merit-based appointment of non-executive Directors

ABC and SBS Board appointments have previously been made by the Governor-General on the recommendation of the Government of the day, in accordance with provisions in the ABC and SBS Acts. While these Acts specify generic criteria against which candidates are to be assessed prior to appointment, they establish no formal process for appointments and do not require any degree of transparency in relation to how candidates are selected.

In practice this lack of due process has resulted in long-running concerns that ABC and, to a lesser extent, SBS Board appointments have been politically motivated. Commentators have also raised concerns that perceived political appointments have diminished the level of expertise which particular Board members can bring to bear on the range of complex technological and financial issues facing the national broadcasters.

In order to address the perceived lack of transparency and to ensure the best candidates are available, the Government has developed a new appointment process whereby an independent panel will conduct a merit-based selection process for non-executive Directors to the ABC and SBS Boards and provide advice to the Government on suitable appointments.

Guidelines were released in October 2008 outlining the new process, with appointments being made in March 2009 and June 2010. The merit-based selection process takes the politics out of the appointment process and puts the focus where it should be, on getting the best candidates for the Boards.

The amendments will formalise this new merit-based appointment process in the legislation of both broadcasters and ensure it is used consistently to fill all future non-executive Director vacancies. The legislation is also drafted to ensure that the Nomination Panel conducts its selection process at arms-length from the Government of the day.

Features of the new process include:

- The assessment of applicants’ claims will be undertaken by an independent Nomination Panel established at arm’s length from the Government.
- Vacancies will be widely advertised, at a minimum in the national press and/or in major State and Territory newspapers, and the website of the Department of Broadband, Communications and the Digital Economy.
- The assessment of candidates will be made against a core set of published selection criteria which may be supplemented by additional criteria where appropriate for specific positions, for example to address particular skill gaps.
- The Nomination Panel will provide a report to the Minister with a short-list of at least three candidates for each vacant position.
- The Minister will select a candidate from the short-list and will write to the Governor-General recommending the appointment as required under the ABC and SBS Acts.
- In accordance with the Government’s election commitment, the appointment of current or former politicians or senior political staff will be prohibited.
In addition, where the vacancy is that of the Chair of the ABC Board, the Prime Minister would select the preferred candidate in consultation with the Minister. The Prime Minister would then confer with Cabinet and once Cabinet approval was granted, the Prime Minister would consult with the Leader of the Opposition before making a recommendation to the Governor-General.

The legislation provides for the Nomination Panel to be appointed by the Secretary of the Department of the Prime Minister and Cabinet and sets out processes for its operation. The Nomination Panel is independent and the legislation states it is not subject to direction by the Government.

While the Minister (or in the case of the Chair of the ABC Board, the Prime Minister) may select a candidate who has not been recommended by the Nomination Panel, they are required to table a statement of reasons in both Houses of Parliament within 15 sitting days of the announcement of the appointment. This is consistent with the principle of Ministerial Responsibility whereby the ultimate responsibility for government appointments is with the relevant Minister.

The new legislation will provide increased certainty for the Boards regarding appointments and tenure. It will strengthen the process and entrench clear rules of appointment and security of tenure for the Nomination Panel. It will set out how they function and underscore the independence of the Panel from Government.

Staff-elected Director on ABC Board
Prior to 2006, the ABC Act provided for the inclusion of a staff-elected Director on the Board. The staff-elected Director plays an important role in enhancing the ABC’s independence by providing the Board with a unique and important insight into ABC operations. The staff-elected Director will often be the only individual with the expertise to question the advice coming to the Board from the ABC’s Executive.

The staff-elected Director has the same duties, rights and responsibilities as all other non-executive Directors. Like any other ABC director, the staff-elected Director’s primary duty is to act in the best interests of the Corporation. The only difference between the staff-elected Director and other ABC directors is their means of appointment.

There is nothing in the present Act or amendment that says the duties of the staff-elected Director are different to those of the other non-executive directors on the Board.

It is the responsibility of the Board to ensure that all Directors are aware of their primary duty to act in the interest of the Corporation as a whole. This point was made by the Australian National Audit Office in 1999 when it noted in its discussion paper about corporate governance that a written code of conduct, approved by the Board, setting out ethical and behavioural expectations for both directors and employees was a “better practice” governance principle for the Board of a Commonwealth authority or company.

Conclusion
The measures in this Bill deliver on the Government’s election commitments to introduce a new merit-based appointment process for the ABC and SBS Boards and to restore the position of staff-elected Director on the ABC Board. They will increase the transparency and democratic accountability of the ABC and SBS Boards and will strengthen our national broadcasters and assist in ensuring they continue to provide Australians with high quality broadcasting services, free from political interference.

Ordered that further consideration of the second reading of these bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

Ordered that the National Broadcasting Legislation Amendment Bill 2010 be listed on the Notice Paper as a separate order of the day.

Principles and better practices: corporate governance in Commonwealth authorities and companies: discussion paper/Australian National Audit Office. Canberra, 1999
FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE BUDGET MEASURES) BILL 2010

Bill received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (6.22 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) (6.23 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—

Today I am reintroducing a Bill to the House that returns the Child Care Rebate annual cap to $7500 per child per year and pauses indexation of the annual cap for four years until 30 June 2014 in order to generate $86.3 million that will be specifically re-directed to support the Government’s quest to increase the quality of child care and early education across Australia.

Although we know that many child care centres across Australia are doing well, the National Childcare Accreditation Council’s latest report shows that sadly, too many child care centres are failing to meet basic safety, hygiene, educational and wellbeing standards.

For instance, of the 1,129 centres that received an accreditation decision between 1st January and 30th June, 30 per cent had failed to ensure that toileting and nappy changing procedures were consistent with advice from recognised health authorities, and 32 per cent had failed to ensure that potentially dangerous products, plants and objects were inaccessible to children.

These figures demonstrate just how important it is to support our hard working and dedicated early education and child care workers to do the job they do best and to lift the quality of child care and early education across Australia.

This amendment will produce $86.3 million over the next four years to be invested in delivering the Government’s National Quality Framework in partnership with the states and territories.

Our $273.7 million investment in the National Quality Framework endorsed by COAG will improve educator to child ratios so that each child gets more individual time and attention.

It will introduce educator qualification requirements so educators are better able to lead activities that inspire youngsters and help them learn and develop.

And deliver a new ratings system so parents know the quality of care on offer and can make informed choices, and will reduce regulation burden so services only have to deal with one regulator.

Crucially this measure will also help fund our $59.4 million investment in improving the quality of 142 budget based funded early childhood services located in rural and remote Australia that provide care to some of Australia’s most vulnerable children.

We are doing this because the Government believes that the 800,000 Australian families who place their children in care each week deserve to know that they are safe and in a happy and stimulating learning environment.

In contrast the leader of the Opposition wants to put the National Quality Standard on hold indefinitely and also said he would scrap the rating system that will shine a light on child care in Australia.

While the Opposition may be content to sit back while too many child care centres across the country are failing to meet basic safety, hygiene, educational and wellbeing standards, this Government believes we can and must do better when it comes to the safety, wellbeing and early learning of our children.

When it comes to investing in early childhood education and care, Federal Labor’s record is
clear. We are investing $17.1 billion over the next four years – that is almost $10 billion more than that provided in the last four years of the former Coalition Government.

And our record on helping families meet the costs of child care stands head and shoulders above those opposite. Overall, we are providing $14.4 billion to help 800,000 Australian families annually with the cost of child care, through Child Care Benefit and the Child Care Rebate. This includes $8.4 billion over four years to 2013–14 to reduce child care fees under the Child Care Benefit and $6 billion to assist working families with out-of-pocket child care expenses under the Child Care Rebate.

We have already delivered greater assistance to families by delivering on our 2007 election commitment to increase the Child Care Rebate from 30 to 50 per cent of out-of-pocket costs from a maximum of $4354 to $7500 per child per year. ABS statistics show that when Federal Labor delivered on our commitment to increase Child Care Rebate to 50 percent, costs fell to parents by 20 percent.

We increased the frequency of payments to families from yearly to quarterly, so families would not have to wait until the end of each year to receive assistance with their child care fees.

And from 1 July 2011 we will pay the Child Care Rebate fortnightly – so families get the assistance they need when they need it. We will move to introduce enabling legislation to ensure that we are able to commence paying the rebate from this time. Work is already underway to implement this important change to the delivery of the rebate that will positively impact all families using approved child care.

An overwhelming 97% of families using child care will not have their payment effected by these measures. And less than 1 per cent of families using child care who earn less than $100,000 a year will be impacted in 2010-11. In order to reach the cap most families would need to be placing their child in care for 10 to 12 hours a day for more than four days a week – at average fee levels. The average use of child care in Australia is much lower with most parents using child care around two and a half days a week. And by 2013-14, it is estimated that the average Child Care Rebate claim will be $2300 – well under the cap of $7500.

These measures will not affect the vast majority of Australian families, but they will fund essential improvements to the quality of care in Australia – from which 800,000 families will benefit. And they will also help bring the Budget back into surplus three years early.

The Australian Government is committed to improving the affordability, accessibility and quality of child care in Australia.

Our quality reform agenda is unashamedly ambitious. That is what parents expect from us. And through our quality reforms, that is what we will deliver.

Debate (on motion by Senator Feeney) adjourned.

FAMILY LAW AMENDMENT (VALIDATION OF CERTAIN PARENTING ORDERS AND OTHER MEASURES) BILL 2010
HEALTH INSURANCE AMENDMENT (PATHOLOGY REQUESTS) BILL 2010

First Reading

Bills received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (6.23 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (6.24 pm)—I table a revised explanatory memo-
The speech reads as follows—

Family Law Amendment (Validation of Certain Parenting Orders and Other Measures) Bill 2010

The Bill responds to the High Court of Australia’s decision in MRR v GR [2010] HCA 4 which casts doubt on certain parenting orders made under the Family Law Act 1975.

The High Court, in MRR v GR, held that a court has no power under the Family Law Act, where parents are to have equal shared parental responsibility for their child, to make an order that the child spend equal time with each parent, unless it has first found, under section 65DAA of the Act, that it is reasonably practicable for the child to spend equal time with each parent.

The Bill has two purposes.

First, it ensures that parenting arrangements under orders affected by the High Court decision continue to have effect. Second, it streamlines procedures for orders made in the future providing for parents to equal shared parental responsibility for their child.

Creation of statutory rights and liabilities in relation to parenting orders

The first purpose is achieved by the Bill creating new statutory rights and liabilities for parents who have, on or after 1 July 2006, obtained orders, on an interim or final basis, that were made without meeting certain of the requirements under section 65DAA of the Family Law Act.

The approach taken under the Bill differs depending on whether or not the order was made with the consent of all the parties to the proceedings.

For an order made without that consent, the Bill creates rights and liabilities, where the child’s parents are to have equal shared parental responsibility, if the court or Family Court Judicial Registrar making the order did not consider the reasonableness practicability of the child spending equal time, or substantial and significant time, with each parent. These requirements arise under paragraph (b) of subsection 65DAA(1), and paragraph (d) of subsection 65DAA(2), of the Act respectively.

To avoid cost and complexity for parents who have agreed on parenting arrangements for their children, orders made with the consent of all the parties to proceedings are treated differently.

For orders made with that consent, the Bill creates rights and liabilities, where the child’s parents are to have equal shared parental responsibility, if the court or the Family Court Judicial Registrar or the Family Court or Federal Magistrates Court Registrar making the order did not consider the matters set out in subsections 65DAA(1) and (2) of the Family Law Act.

These matters are, first, whether it is in the child’s best interests to spend equal time, or substantial and significant time, with each parent, secondly, whether those arrangements would be reasonably practicable and, finally, whether an order for the child to spend equal time, or substantial and significant time, with each parent should be made.

The requirement, when deciding to make a particular parenting order under the Family Law Act, to regard the best interests of the child as the paramount consideration, remains.

The rights and liabilities created by the Bill are declared to be the same, and always to have been the same, as if the court had considered the relevant matters under section 65DAA of the Family Law Act before making the order.

Further, any act or thing done, or omitted to be done, in relation to the rights and liabilities created by the Bill will have the same effect and consequences, and are taken to have always have had the same effect and consequences, as if done, or omitted to be done, in relation to a parenting order made under the Family Law Act. Past acts validated will include any civil enforcement action taken to secure compliance with the order, including the imposition of sanctions under Division 13A of Part VII of the Act.

The approach taken by the Bill is based on a similar approach upheld by the High Court in R v Humby; ex parte Rooney (1973) 129 CLR 231.
To ensure that people’s rights are protected, the Bill does a number of things.

The new rights and liabilities are exercisable and enforceable, and are to be regarded as always having been exercisable and enforceable, in the same way as if they were rights or liabilities arising under a parenting order made under the Act.

Courts are given powers to deal with the new statutory rights and liabilities including a power to vary, revoke, set aside, revive or suspend them. Appeal rights (including rights of review), including rights in relation to orders made without power, are preserved by the Bill. These rights apply as though the original orders had been parenting orders under the Family Law Act.

Parents will be able to apply to a court for fresh parenting orders where arrangements under orders made in contested proceedings are not reasonably practicable.

Finally, the Bill will not validate or confirm any purported conviction of a person of an offence by a court on the basis that a parenting order was a valid order.

These measures will provide certainty for families by removing doubt about the status of the rights and liabilities attaching to parenting orders that may be affected by the High Court’s decision.

Consent orders in future proceedings
The second purpose of the Bill is to amend the Family Law Act to provide that courts, in future proceedings, may, but are not required to, consider the matters set out in subsections 65DAA(1) and (2) of that Act before making an order, with the consent of all the parties to the proceedings, providing for parents to have equal shared parental responsibility for their child.

This amendment will ensure that appropriate weight is given to parenting arrangements agreed by parents.

It reflects the position taken under the Family Law Act, since 1996, in relation to whether or not the court, when deciding whether to make a parenting order with consent, needs to consider each of the matters, currently set out in subsections 60CC(2) and (3) of the Act, in determining what is in the child’s best interests.

Health Insurance Amendment (Pathology Requests) Bill 2010

The Health Insurance Amendment (Pathology Requests) Bill 2010 will improve patient choice of pathology services, and encourage providers to compete on price and quality of service.

Currently the Health Insurance Act 1973 requires that, in most cases, in order for a Medicare benefit to be payable for a pathology service rendered by or on behalf of an approved pathology practitioner, a request for the service must be made to that particular pathology practitioner or the approved pathology authority at which they work. This means that a patient is effectively required to take a completed request form to the approved pathology practitioner or authority named on the form. This restriction does not apply to other diagnostic services that attract Medicare benefits.

This Bill removes this restriction so that, while there will still be a legislative requirement for a request for a pathology service to be made, there will no longer be a requirement that the request be made to a particular approved pathology practitioner or authority. This legislative change will allow patients to take a pathology request to an approved pathology practitioner or authority of their choice and will encourage pathology providers to compete on price and convenience for patients.

The Government supports a patient’s right to choose their pathology provider, just as they are entitled to choose their own GP or any other medical practitioner.

Medical practitioners who request pathology services will still be free to make recommendations to patients about which pathology provider they feel is best suited to their needs. Feedback from requesters has shown that there are often valid clinical reasons for recommending a particular pathology provider over another. The Government recognizes the importance of the doctor patient relationship and will continue to encourage medical practitioners to discuss with patients options for all aspects of their treatment, including pathology services.

In the case of diagnostic imaging requests, patients already have the option of taking their request form to any provider, not just the one
named on the request form. These changes to the Health Insurance Act merely bring the arrangements for pathology requests in line with those for other diagnostic services.

The Senate Community Affairs Legislation Committee reviewed the Bill with regard to any potential impact on medical practice and in May 2010 recommended to the Senate that it be passed in its current form.

The amendments will take effect from the day after Royal Assent.

The Government will also make changes to relevant regulations prior to twelve months after the date of commencement to require that requests for pathology services include a clear and understandable statement, which is obviously positioned, making patients aware that requests can be taken to any approved pathology practitioner or authority.

Pathology providers will be able to continue to produce ‘branded’ request forms (that include the company logo and address) and to provide these to requesting medical practitioners. These may include a list of the locations of that provider’s collection centres. They will, however, be required from twelve months after the date of commencement to include on their request forms a clear and understandable statement, which is obviously positioned, making patients aware that these forms can be taken to any approved pathology practitioner or approved pathology authority.

Options for the wording of this statement was one of a range of implementation issues discussed with requesters, providers and consumers of pathology services as part of the stakeholder consultation process conducted by my Department.

Informed patient choice is a key element of quality health care. This amendment will ensure that patients have a right to choose their pathology provider and are made aware of that fact, leading to increased competition and service among providers.

Debate (on motion by Senator Feeney) adjourned.

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

**NATIONAL MEASUREMENT AMENDMENT BILL 2010**

**Returned from the House of Representatives**

Message received from the House of Representatives returning the bill without amendment.

**NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS SCHEME) BILL 2010**

**Assent**

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

**BUSINESS**

**Rearrangement**

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (6.25 pm)—I seek leave to move a motion to vary the hours of meeting and routine of business for today.

Leave not granted.

Senator LUDWIG—I move pursuant to contingent notice of motion No. 2, on behalf of Senator Evans:

That so much of the standing orders be suspended as would prevent Senator Evans moving a motion to vary the hours of meeting and routine of business for today.

That so much of the standing orders be suspended as would prevent Senator Evans moving a motion to vary the hours of meeting and routine of business for today.

The government is keen to ensure that the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010 is progressed. A number of speeches on the second reading of this bill have been delivered today, and the bill has been in committee for some time now. Given that we are now at the end of a sitting period, after which we will go into recess for Christmas, it is imperative that we allow sufficient time for this bill to be dealt with. It is clear that there are a number of amendments that still...
need to be dealt with, and this motion will give us an opportunity to allow the bill to be considered by the Committee of the Whole.

In support of the motion, and in explanation for the urgency of dealing with this bill tonight, I say that in previous periods before the expiration of a sitting period additional hours have usually been provided for to ensure that the business of the Senate is completed before we go to a Christmas break; however, this time the opposition have unfortunately taken a view that favours not providing additional hours. That is no criticism of the opposition; I am merely pointing out that the opposition have maintained that position. That means that, unless we take every opportunity to ensure that we deal with this bill in a sensible way, we will not have sufficient time to allow proper debate on the bill.

The motion for the rearrangement of the hours of the Senate will ensure that all senators can participate in the debate this evening. It is proposed that we have a 30-minute meal break between seven and 7.30 and then continue until 10.30 to allow the committee stage of the bill to be progressed. If this business is not concluded by then, we can return tomorrow and consider seeking additional hours and, hopefully, the opposition will allow us additional hours for the matter to be concluded. However, we remain hopeful that consideration of the bill will be concluded tonight within the hours that I have outlined.

Overall this year, 45 per cent to 53 per cent of the Senate’s time has been taken up by government business, whereas in this sitting period it has dropped significantly to 40 per cent. Additional time has been taken up by the opposition in considering a range of urgency motions and matters of public importance, meaning that proper time for consideration of bills has been curtailed by the actions of the opposition, who have not allowed sufficient time for bills to be debated. Therefore, it is necessary to take this step—which is not unusual at this time—to allow additional hours to be provided for.

What we also detect from those opposite is an unwillingness to sit the additional time to ensure that there is proper debate in relation to these bills. The opposition have taken a position which seems to be one of—I will not say filibuster but it borders on filibustering the Senate to ensure that legislation that this government does want dealt with is not dealt with. Be that as it may, it is important that we do allow sufficient time this evening for this debate to be progressed.

In drawing to the conclusion of the available time that I have to argue this—I draw the Senate’s attention to the reality that we have had a debate nearly every day on a matter of public importance. It has moved from something of the order of five to 13 per cent of the sitting period to something of the order of 38 per cent. The opposition have taken a view, it appears, to reduce the amount of government time available for debate. They argue about insufficient weeks and at the same time they reduce the number of hours available for government time to deal with debates within that. It is a poor—

Senator FIFIELD (Victoria)—Manager of Opposition Business in the Senate (6.31 pm)—The motion which Senator Ludwig sought to move is entirely predictable. We could have predicted at the start of the year, given the number of sitting weeks that the government scheduled, that there would not be adequate time for the government to deal with their own business and that they would mount that argument.

The fact is that the government, despite the fact they did not allocate sufficient sitting weeks for the year, has a very thin legislative program. We noted after the election that the
legislative program as presented did not have anything of great substance. Despite the huffing and the puffing at the election and the desperation to form government, it quickly emerged that this government was not putting forward a serious legislative program.

About the only substantive item on the government’s agenda is the telecommunications legislation, which has occupied much of this week. It has occupied much of this week for the very simple reason that there is the best part of $42 billion of taxpayers’ money—and possibly more—in question. We saw the summary today of the business case released by the government, which makes clear that there could well be more taxpayers’ money at stake. The reason why we are spending so much time, as is appropriate for this quantum of taxpayers’ dollars, is that the government have failed to provide basic information such as the full business case. The government has failed to refer the NBN to the Productivity Commission for independent analysis. We in the opposition are doing our job. We are applying scrutiny, we are critiquing what is put forward, but we are doing it with our hands tied behind our back because basic information has not been provided.

As indicated, the opposition is not supportive of additional hours. They should not be necessary. The onus is on the government to manage their program and their agenda within the weeks and hours which have been scheduled. However, we are realists on this side. We understand that the Independents and minor parties with the government will combine to see additional hours. We recognise that that is going to happen, and that is okay because on this side we have a lot to say about the NBN. We have a lot to say about the telco legislation, so we are very happy to continue debating, to continue talking to amendments on Friday and on Saturday. We are very happy to do that.

It should not be necessary to sit additional hours. This government has consistently failed to manage their limited and thin agenda in this place, but we recognise the reality of the numbers in this chamber and that it is almost inevitable that there will be additional hours. But that is fine because we want to apply scrutiny. The government should have given us adequate information but, in the absence of that, we will continue to seek it. We will continue to ask for it. We will continue to mount the case that this legislation can only properly be examined when we have not just a summary of the business case for the NBN but the full business case. This legislation should contain a provision that NBN Co. be referred to the Productivity Commission for a cost-benefit analysis.

We can talk about that. We can explore that. We can examine that. If there is any remaining time tonight we can do that. We are happy to do that Friday. We are happy to do that Saturday. I know that is not the government’s intention. They just want to quickly whip through this as fast as they possibly can. They want to seek an extension of hours and hope to exhaust this side of the chamber. They will not exhaust this side of the chamber. This side of the chamber will continue to do its job to examine, to probe, to critique, and we are happy to do that for every hour that this chamber ultimately decides should occur.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (6.36 pm)—It was not all that long ago that I was down by the Franklin River defending a law that one should not lurk, loiter or secrete oneself. Now it is the Liberals who are talking about lurking and loitering, at least until Saturday, as I heard from that contribution. We are dealing with a motion to sit tonight,
but Senator Fifield says that the opposition will oppose that and would prefer to talk this out through Friday and Saturday, when we are not scheduled to sit. The opposition evidently want to extend the sitting through to Saturday, but let me make this clear: the legislation before the Senate should be responsibly dealt with. I, for one, am happy to sit here until Christmas Eve if that is necessary—I have done that before; there is no problem. What we do need is a modicum of common sense in dealing with this and some other pieces of legislation tonight, tomorrow and potentially tomorrow night so that the legislation on the slate can be intelligently resolved and we can reasonably head off to what all senators know is still a busy schedule for us after sittings finish. The government is spoiling for an amendment to the hours. I think this is a reasonable proposition. I move that the question be now put.

A division having been called and bells being rung—

Senator Abetz—Madam Acting Deputy President, I raise a point of order. I understand that a senator cannot move that the question be put in circumstances where they have spoken to the motion. It is quite clear that that is what Senator Bob Brown did. He took the opportunity to speak at some length and then moved that the question be put. Is that allowable under the standing orders?

The ACTING DEPUTY PRESIDENT (Senator Troeth)—The question now before the chair is that the question now be put. That was Senator Conroy’s motion and that is the motion before the chair. There has been a division called on that motion and that is why the bells are ringing.

Senator Faulkner—I took the point of order, Madam Acting Deputy President, because it was described as the substantive suspension motion.

The ACTING DEPUTY PRESIDENT—I understand that. I was wrong to do that and I have now ruled accordingly.

The Senate divided. [6.47 pm]

(The Acting Deputy President—Senator JM Troeth)

Ayes.............. 30
Noes.............. 27
Majority........... 3

AYES

Arbib, M.V. Bilyk, C.L.
Bishop, T.M. Brown, B.J.
Brown, C.L. Carr, K.J.
Collins, J. Crossin, P.M.
Farrell, D.E. Faulkner, J.P.
Feeney, D. Fielding, S.
Forshaw, M.G. Furner, M.L.
Hanson-Young, S.C. Ludlam, S.
Ludwig, J.W. Lundy, K.A.
Marshall, G. McEwen, A. *
McLucas, J.E. Milne, C.
Moore, C. Polley, H.
Pratt, L.C. Sherry, N.J.
We are now moving to the substantive motion.

Senator Abetz—On a point of order, Madam Acting Deputy President: given the hour of the day being 6.50 pm, do we move on to government documents?

The ACTING DEPUTY PRESIDENT—The question is before the chair, Senator Abetz, and I will need to put that to the chamber.

Senator Abetz—Didn’t we just have a vote on it?

The ACTING DEPUTY PRESIDENT—No, the division that we have just had was on the subject that the question now be put. That was resolved in the affirmative. The question now is that the motion moved by Senator Ludwig be agreed to.

Question put.

The Senate divided. [6.53 pm]

(30 Ayes) (28 Noes)

Ayes……….. 30
Noes……….. 28
Majority…….. 2

AYES

Arib, M.V. Bilyk, C.L.
Bishop, T.M. Brown, B.J.
Brown, C.L. Carr, K.J.
Collins, J. Crossin, P.M.
Farrell, D.E. Faulkner, J.P.
Feeney, D. Fielding, S.
Forshaw, M.G. Furner, M.L.
Hanson-Young, S.C. Ludlam, S.
Ludwig, J.W. Lundy, K.A.
Marshall, G. McEwen, A.*
McLucas, J.E. Milne, C.
Moore, C. Polley, H.
Pratt, L.C. Sherry, N.J.
Siewert, R. Stephens, U.
Wortley, D. Xenophon, N.

NOES

Abetz, E. Adams, J.
Back, C.J. Barnett, G.
Birmingham, S. Boswell, R.L.D.
Boyce, S. Brandis, G.H.
Bushby, D.C. Cash, M.C.
Colbeck, R. Fierravanti-Wells, C.
Fifield, M.P. Fisher, M.J.
Humphries, G. Johnston, D.
Joyce, B. Kroger, H.
Mason, B.J. McGauran, J.J.J.
Minchin, N.H. Nash, F.
Parry, S.* Ryan, S.M.
Scullion, N.G. Troeth, J.M.
Williams, J.R.

* denotes teller

Question agreed to.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (6.56 pm)—I move:

That a motion to vary the hours of meeting and routine of business for today may be moved immediately and have precedence over all other business today till determined.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (6.56 pm)—The coalition does not support this motion. This is a government that has been out of
control with its agenda and out of control with its minister in relation to the matter that it wants to discuss. Now, as a result of last-minute deals having been done with certain Independents, where they have been given documentation which is farcical in the extreme and without any robust assessment of that summary documentation, we can advise those on the other side that if we do sit longer hours there will be very forensic examination for a lengthy period of time on the matters that are part and parcel of the legislation before us.

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! There should be far less noise in the chamber while Senator Abetz is on his feet.

Senator ABETZ—As I was saying before those opposite tried to drown me out, this is a government that is out of control. It has lost control of its agenda. Indeed, we had the spectacle of the Labor Party insisting that we discuss all manner of things because they did not have any genuine legislation to go ahead. Now, as the parliament is about to rise, they have all of a sudden discovered that they might be able to squeak through some legislation, and they have already voted for the gag. This is the new paradigm that the Greens signed up to with the Labor-Green alliance: there would be transparency; there would be no motions to gag debate. But that is exactly what the Greens tried to do. When they could not do it, their lapdogs in the Labor Party did it for them. The Labor-Green alliance is well and truly on foot.

The bizarre thing is that this motion to extend the sitting hours today is being moved and supported by the Australian Greens, who had the audacity to come in here and move a motion that calls today Go Home On Time Day. What absolute nonsense. What absolute hypocrisy. But, with the Australian Greens, consistency has never been their strong suit. They will say one thing and then immediately do the exact opposite—

Honourable senators interjecting—

Senator ABETZ—And that is what the Australian Labor Party have signed up to—

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order!

Senator ABETZ—in making this Green-Labor alliance.

The ACTING DEPUTY PRESIDENT—Order! Senator Abetz, resume your seat, please. There is far too much audible noise in the chamber and it is impossible for any speakers to be heard. I would ask senators to have conversations outside the chamber or maintain a reasonable level of silence in the chamber. Senator Abetz.

Senator ABETZ—What a wonderful spectacle! I am not sure who is giving instructions to whom over there—whether it is Senator Arbib, the queenmaker, or Senator Bob Brown giving the other instructions. But it is quite clear that the Labor-Green alliance—unfortunately, aided and abetted by the crossbenches—have voted for a gag. That was not supposed to happen in this new paradigm. How long has it taken the Australian Labor Party and the Greens to sell out on all those high and mighty words? As we have seen so often and as we know in this place, just because it is Labor Party rhetoric, just because it is Green rhetoric and, with great respect to my friends on the crossbenches, just because it is their rhetoric, does not mean that they will deliver.

Let it be noted—and I am sorry to say this—that Senator Xenophon and Senator Fielding both voted for the gag. They both voted for the gag. Do not give us any more hypocrisy at the doors or at press conferences, suggesting that you are concerned
about every parliamentarian being allowed to ventilate their particular point of view on an issue and that everybody should be allowed to enter a debate and put their point of view. By your actions today, by your vote this evening, you have shown that that means nothing. It was just a stunt to try to justify why the Greens sided with the Labor Party, and certain other Independents in the other place. They joined with the Labor Party to form government, but the Labor Party treat the Independents in the other place with contempt. They have broken their word to the Independents in the other place. Senator Bob Brown and the other Greens, those great champions of free speech who always believe that everybody ought to be allowed to have their say in this place, have voted to apply the gag.

Of course, this is a gag motion in the context of the Labor Party gagging the release of information to this parliament. They are not allowing information to be put before us in relation to the business plan, the government response to the implementation study and, most importantly of all—the Greenhill analysis of the NBN business plan. Senator Conroy—You still haven’t got it right. It’s amazing.

Senator ABETZ—Senator Conroy has the audacity to interject, saying he still has not got it right. This is the man who was humiliated on national TV when he asserted that this legislation did not deal with the NBN, only to be shown by Senator Joyce that the legislation referred to the NBN not once, not twice, not a dozen times, not 50 times but 62 times. And he has the audacity to interject. I suggest you crease the backbone of the bill, crease the backbone of the explanatory memorandum and actually read what you are seeking to put before the parliament before you make those very silly interjections.

Back to the matter in hand. This is now an attempt by the Greens and Labor to have the parliament sit longer. They are willing to apply a gag to force through this place legislation that clearly has not been adequately prepared. The minister himself is not adequately prepared. We have legislation that the minister does not understand, does not comprehend, and we as a Senate have still been denied the business plan. We have been given a summary, 36 pages of it. Some of those pages only have one line on them, so when you start condensing it you will find that the summary of the business plan is in fact less than 36 pages long.

What that summary of the business plan tells us is that the business plan is ‘robust’. It is robust! It reminds me of my days in the Court of Petty Sessions, when the police prosecutor would get up every time and say, ‘We have a strong prima facie case, Your Worship.’ I never once heard a prosecutor acknowledge that the police did not have a strong prima facie case. Similarly, can you imagine a business plan that states ‘we don’t think this is a robust business plan’? Can you imagine a business plan that does not paint a rosy picture of the future? That is what business plans are all about. They are designed to convince people that ‘this is a good idea’. And, because the government themselves question that assertion, they got Greenhill Caliburn to do a robust assessment of the assertion that the business plan is robust. Surely that should have sounded alarm bells, especially for Senators Fielding and Xenophon. But, no, they do not need the Greenhill Caliburn assessment; they are just willing to accept that the NBN says they have a robust business plan. It is a matter of concern that now we are going to be forced to debate and, potentially, vote on this matter without that vital information.

Labor and the Greens have done a deal; they are now in an alliance where all the
promises they made to the Australian people go out the window. Remember, on the day before the last election there was a solemn promise: there will be no price on carbon. The Greens simply twisted the arm of Ms Gillard and now they are looking at a price on carbon. And, with the same cynicism, the deal that the Greens, Labor and others did for a new paradigm—for the functioning of the parliament, where everybody would get their say—has similarly been thrown out the window this evening by vote of the crossbenchers, the Greens and Labor, just because it happens to suit them.

What was also thrown out the window tonight was going home on time. In a wonderful display of inconsistency and hypocrisy—a display of rhetoric not matching action—the Greens, on the day that they claim should be designated as Go Home on Time Day, have voted for the gag to ensure that we do not get home on time today. I just love the inconsistency of the Greens! I just wish our friends in the media would report it a bit more often to expose this sort of hypocrisy and cant. That is why I congratulate the Liberal Party and the coalition in Victoria for ensuring that the Greens are put last. The people of Victoria should not be subjected to the sort of hypocrisy and cant that the federal parliament is currently being subjected to, courtesy of the Labor Party and the Australian Greens.

If we are to believe the Australian Labor Party—and the facts speak for themselves on this—we are considering the biggest infrastructure project ever funded by an Australian government. It is worth $43,000 million—approximately $2,000 per man, woman and child in Australia—all to be funded, ultimately, by debt. The money will be borrowed. We were not given the business plan; we are given a sanitized version of it. We do not know what the government’s response to the implementation study is. We do not have the analysis of the business plan but we are being told that we need to vote on it before the parliament rises.

Why wasn’t this legislation brought on much earlier? Why wasn’t this legislation considered earlier? The reason is that the government has lost control of its own agenda. The Australian Greens are dictating what happens and what the government can and cannot do. The government have become prisoners of the Greens. Indeed, it is a very sorry sight when some 30 Labor senators become the pawns of five Green senators. The Australian Greens, in breach of standing orders, tried to move that the motion be put. They had complete disregard for the forms of this place in their ambition to be the ones to move the gag motion. They were not even relying on the Labor Party to move the gag. They wanted the notoriety. None other than the Leader of the Australian Greens wanted the notoriety. He wanted to be in Hansard as having moved the gag.

He is in Hansard, albeit in breach of the forms of this chamber. That is why the hapless Deputy Leader of the Government in the Senate, the minister for communications—the minister who has not even read his own legislation—has been forced to move the gag motion as Senator Brown’s lap-dog. What a pathetic sight it is to see a once-proud Labor Party reduced to becoming the lap-dogs of the Australian Greens in this place! The blue-collar workers of this country will be horrified. Australian Greens supporters would also be horrified to see the Leader of the Australian Greens move a gag motion in this place which flies in the face of everything he has asserted and everything he has claimed to the Australian people about the way he and the Australian Greens believe that the parliament ought be run.

We know that economic management is not the strong suit of the Australian Greens.
It does not really worry them whether it costs $4 thousand million, $40 thousand million or $43 thousand million; they are not concerned about the economic viability or any cost-benefit analysis of the National Broadband Network, as proposed. They are not concerned about having that submitted to the Productivity Commission for a robust analysis, because that has never been the strong suit of the Australian Greens.

But I thought one of their strong suits was parliamentary democracy—free debate in this place and an absolute abhorrence for the gag motion. Well, tonight we have seen them exposed. They have been exposed by themselves, because the Leader of the Greens did not even know the forms of this place. He moved the gag motion after he had spoken. Isn’t that so typical of the Australian Greens, especially its leader? ‘After I have spoken,’ he says, ‘after I have vented everything I wanted to say, then it is appropriate for me to move the gag.’ The standing orders protect this place against that sort of hypocrisy, thank goodness. That is why Senator Brown was unable to continue with moving that gag. But, as I said before, the lap-dog Senator Conroy came in to take his place.

This matter is a signature indication of how the Senate will operate after 1 July next year, when—and I say this with great respect—Senator Fielding will no longer be with us and Senator Xenophon will no longer be as important in the equation of numbers in this place. So we are seeing how Labor and the Greens will run this show with complete disregard for the rights of individual senators. It is a matter of concern. It would fly in the face of their solemn promise to the Australian people.

We in the coalition believe that there should not have been a gag motion this evening. There has been. Those that voted for it will wear it. Further, we do not believe that there should have been an extension of hours on this, the Greens-designated Go Home On Time Day—what hypocrisy! And they do this straight-faced. That is one thing you have to give the Greens. They can be so hypocritical and two-faced, they can speak out of both sides of their mouths, they can speak with a forked tongue and keep a straight face, apart from Senator Milne. I think the foolish position that the Greens have got themselves into is finally dawning on her.

Senator Brown still sits there, as he always does, like the Easter Island statue, with no expression on his face. I am sure, with great seriousness, he will get up and tell us that there is no contradiction in saying we should go home on time today and then moving an extension of hours. It will be wonderful to witness the contortions. Who knows—Senator Brown, even this late in his parliamentary career, may well win a prize for parliamentary gymnastics before we rise. This use of the Senate to try and force through a motion on going home on time and then voting to do the exact opposite on the very same day is absolutely contradictory. I would have found it humiliating, but the Leader of the Australian Greens does this with a straight face, as if there were no contradiction in his position. But, of course, this is the man who calls for renewable energy and then does not support hydro power. He says he believes in natural products, but he does not believe in a sustainable forest industry. So the hypocrisy, the cant and the duplicity go on each and every day. Today he has been caught out himself with the nonsense of having moved the gag motion.

The Greens may well think that they can get out of this by tiring the opposition. I say to them: they have another think coming. We see the NBN project, costing Australians $43 billion, as a matter of grave moment in the life of this parliament, worthy of very de-
talled consideration. The legislation which helps establish the NBN, which we are considering now—it is on the Notice Paper now—is vitally important to the future economic wellbeing of our country, and we will examine it by comma, by semicolon and by clause to ensure that the Australian people are not short sold like they were by the crossbenchers and the Australian Greens in rushing through pink batts, the green loans scandal, and the Building the Education Revolution scandal. They were all rushed through on the pretext that the government had to get its agenda through and somehow it was within our economic interests.

The disasters are there for all to see. The Greens and crossbenchers are supporting another. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Senator Brown.

Senator Bob Brown—Madam—

The ACTING DEPUTY PRESIDENT—Order! Senator Fifield.

Senator Fifield—Madam Acting Deputy President, I call your attention to the state of the chamber.

The ACTING DEPUTY PRESIDENT—The state of the chamber appears to be deficient; we need a quorum. (Quorum formed)

The ACTING DEPUTY PRESIDENT—Order! It being 7.20 pm, I propose the question that the Senate do now adjourn.

Senator Bob Brown—Madam Acting Deputy President, I rise on a point of order. It is not 7.20 pm; I move that the question now be put.

The ACTING DEPUTY PRESIDENT—I am sorry, Senator Brown. It is now 7.20 and I propose the question that the Senate do now adjourn.

Senator Bob Brown—On a point of order, Madam Acting Deputy President—

The ACTING DEPUTY PRESIDENT—It is 7.21 now, Senator Brown.

Senator Bob Brown—On a point of order, I rose to my feet before 7.20 and put the question before 7.20 that the question now be put—

The ACTING DEPUTY PRESIDENT—Order! Senator Brown, Senator Fifield called attention to the state of the chamber before 7.20. By the time we had a quorum and you rose to your feet it was 7.21, which is after the time that the Senate needs to propose the adjournment. Pursuant to standing orders, I have to put the question that the Senate do now adjourn.

Senator Bob Brown—Madam Acting Deputy President, on a point of order: I have not finished yet.

The ACTING DEPUTY PRESIDENT—I have ruled on the point of order.

Senator Bob Brown—I put a different point of order: I ask that you seek the President’s ruling on the fact that I was called by you before the call for the quorum.

The DEPUTY PRESIDENT—I will check that, Senator Brown, but the time will show that it was 7.21 pm.

Senator Bob Brown—Thank you.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! It being after 7.20 pm, I propose the question:

That the Senate do now adjourn.

Broadband

Senator BILYK (Tasmania) (7.22 pm)—It gave me great pleasure to recently officially open the Broadband for Seniors kiosk in Huonville in southern Tasmania. The small town of Huonville is the gateway to the Huon Valley and the far south, the southernmost regions of Tasmania, and access to broadband is of the utmost importance to
these communities. Tonight I would like to talk a little bit about the Broadband for Seniors initiative and the benefits it is delivering for social inclusion in Australia. I would like to talk about the benefits of the Broadband for Seniors program for Huonville and the benefits of the National Broadband Network and its importance for Australia’s economy, social enterprise and the delivery of government services.

Broadband for Seniors, or BFS, is part of a wider Australian government initiative called Making Ends Meet—Plan for Older Australians, People with Disabilities and Carers. It provides free access to computers, broadband services and training to older Australians. The Gillard Labor government committed $5 million a year over three years to develop and implement the BFS initiative. The initiative is being delivered by the Department of Families, Housing, Community Services and Indigenous Affairs, in partnership with a consortium made up of NEC Australia, Adult Learning Australia, the Australian Seniors Computer Clubs Association and the University of the Third Age, or U3A Online.

The Gillard government’s $15 million investment will deliver 2,000 BFS kiosks to organisations that support seniors. These kiosks are aimed at people aged 50 years and over who have never had the opportunity to learn how to operate a computer or explore the internet. I am sure a number of other senators will probably agree that defining a senior as someone over the age of 50 is a little too generous—not that I would want to begrudge anyone else in their fifties benefitting from this initiative. This program is a great way for community groups to increase their assets, as the kiosks are gifted to the hosting organisations and become their property. In turn, these organisations must use the kiosks exclusively for the BFS project until the end of June 2011.

So why target seniors? The Australian Bureau of Statistics conducts a regular survey of computer and internet use in Australia. In 2008-09, only 50 per cent of Australians aged 65 and over had access to a computer at home. This compares with over 90 per cent of Australians aged 15 to 45. In the same year, 46 per cent of Australians aged 55 years and over—or less than half—accessed the internet. For Australians aged 65 years and over, this figure was only 31 per cent, or less than a third. This compares to over 90 per cent of Australians aged under 35.

There are many reasons why older people are not as enthusiastic as the rest of the population in using computer technology and accessing the internet. Those who have not grown up with the technology can find it intimidating, especially if they have not taken the initiative to learn how to use it. They may also adopt the attitude of: ‘Well, I’ve got by fine without it for most of my life, so why bother now?’ without fully appreciating the benefits that the technology can bring to their lives. The availability and performance of the technology can also be a barrier, especially in remote areas.

To the Tasmanian government’s credit, they embarked on a program over a decade ago of establishing a network of online access centres which is now providing computer and broadband access to Tasmanians at 66 sites across the state. With the BFS initiative, this access is broadened even further in Tasmania for people over the age of 50. It is important to encourage seniors to use computers, to gain skills and confidence in the technology, and to give them access to broadband, because computers are a great tool for social inclusion.

It is timely to mention this, given that this week, 20 to 28 November, is Social Inclusion Week. The theme of Social Inclusion Week is ‘Get Involved. Get Connected!’
Much of social inclusion is about connectedness because it is about access to the lines of communication that connect us to a broader society. Broadband, as we all know, is a great connector. It helps connect us to friends and it helps connect us to family. While almost everyone can communicate by telephone, it can be an expensive option for people on low incomes, such as age pensioners, so technologies such as email and Skype can be handy alternatives. Broadband also helps us to connect to government services, and this is especially important for people in remote communities who have to drive long distances to visit the shopfront of a government service. Of course, even connection to private services is an important enabler for social inclusion, as online access dramatically increases the range of goods and services we can purchase, and this can be very empowering for consumers looking for a competitive service.

I will say a bit about the Huonville kiosk. As I said, I had the privilege of launching Australia’s southernmost BFS kiosk in the recently developed Huon Valley Police and Community Youth Club. I might just mention as an aside that the Huon Valley PCYC is a fantastic asset for a regional community. The Australian government, I am pleased to say, contributed $950,000 for its construction. Since its opening in September last year, the Huon Valley PCYC has become a focal point for a great deal of community activity, providing a wide range of sporting and meeting facilities—and now computer facilities. As a focal point for community activity, it lends itself well to being a good location for a BFS kiosk.

The Huonville BFS kiosk has been established by a not-for-profit community group called Continuing Education and Training Committee for the Huon Inc., or CETCH. CETCH was established to provide low-cost computer use, internet access and basic training courses for people in the Huon Valley. In the Huon Valley, geographic isolation is a major issue for many residents. That in turn can lead to social isolation and a lack of access to government, business and community services. In connecting communities there is only so much government can do to provide face-to-face access to government services and to put in place infrastructure and public transport to break down the transport barriers. While these initiatives are all very important in promoting social inclusion for isolated communities, technology is also a great leveller.

CETCH well understands the importance of information and communications technology in improving access to friends and family, government and community services, as they have been delivering computer courses to Huon Valley residents for a long time. They provide an invaluable service for people living in the Huon Valley and, with their BFS kiosk, will be able to improve their facilities dramatically and establish a permanent home in the Huon Valley PCYC.

Through their kiosk, CETCH will provide training to people 50 years of age and over in basic functions such as using Internet Explorer, Gmail and WordPad. These applications are the bare essentials for giving those with basic levels of IT literacy the chance to communicate with friends and family and to engage with government and business services online. I would like to congratulate the president of CETCH, Kevin Parkinson, on this initiative and the difference it is making to the lives of seniors in the Huon Valley.

As of 16 November 2010 there were 1,512 BFS kiosks established around Australia, including 62 in my home state of Tasmania. At the conclusion of the BFS, the efforts of CETCH in creating the Huonville kiosk will have been replicated 2,000 times over, in towns and cities across the country. They are
being rolled out in community centres and neighbourhood houses, RSL clubs, retirement villages and various other venues.

While the BFS initiative is an important one for Australian seniors, especially in remote communities, it is clear—at least to those on this side of the chamber—that the best way to give seniors access to decent broadband is to roll out the NBN. Unfortunately, it seems the federal opposition will never understand the importance of broadband to seniors, to remote communities or to a social inclusion agenda, because they continue to oppose the NBN and offer a second-rate broadband policy in its place.

I look forward to a time when residents of the Huon Valley and other remote communities can—rather than having to walk down to their local community centre or RSL club and access a computer with a 1.5 megabit per second connection—actually access through their own home a 100 megabit per second optic fibre connection or 12 megabit per second wireless connection. We will deliver this, despite the coalition’s attempts to ‘demolish’ the NBN. And when people of all ages across Australia are benefitting from this project—at home, in cafes and in schools and hospitals—history will judge the coalition harshly for their opposition to this nation-building project.

Gingin Gravity Precinct
Square Kilometre Array

Senator BACK (Western Australia) (7.32 pm)—I rise this evening to share with the Senate two very exciting projects: one under way in Western Australia now, the other one to be developed should we be successful. I am speaking of the Square Kilometre Array or SKA which, when constructed, will be the biggest science experiment in the history of the world. Western Australia is one of two places in the world, the other being South Africa, which are bidding for this 19-country, international megascience project. But the first project about which I wish to speak occurs at Gingin, some 70 kilometres north of Perth, and that is a project associated with gravity waves.

Gravity is one of the four fundamental forces of nature. It is the force which structures the universe. It creates the galaxies, stars and planets. It switches on nuclear furnaces in stars and brings light and life to the universe. In fact, gravity shapes space and alters time. But it is still shrouded in mystery, and its secrets are only now starting to be uncovered.

We see the universe out there—and soon we will be able to hear it. As part of this vision, the Gingin gravity precinct, 70 kilometres north of Perth, has been established. It houses Australia’s International Gravitational Observatory project and a public education centre which enables maximum public benefit from the research being undertaken. This is essential in the Southern Hemisphere as our node of a worldwide gravitational wave telescope, of which there five around the world. The setting is particularly important. Gingin, for those who do not know it, is in an isolated area ideal for the sorts of sensitive experiments that are necessary.

In other words, we can see far into the universe now with telescopes; it will not be long before we will overcome the deafness that we currently experience. It will give us a new dimension, a completely new spectrum—a sense that we have never before imagined. It was back in 1886 that electromagnetic waves spawned a dramatic and unforeseen revolution. This 21st century will be the century of gravity waves. Detection of gravity waves requires a worldwide array of observatories, all linked by internet. It is critical that, here in Australia, we have the southern arm of that coverage.
You might ask—as well you might, because often it is—‘Is this just pure science for the purpose of science?’ The answer is no. There are significant practical and economic benefits to Australia—spill-offs of this science. Radar oscillators, for example, will allow commercial aircraft to better identify air turbulence faster and be able to avoid it in commercial air traffic. Secondly, the same oscillators will allow radar to detect stealth bombers, which, currently, of course, we cannot. Thirdly, gravity gradiometers, as they are called, are used in mineral exploration: aircraft can pass over the land and, passing over ore bodies, detect them, using gravity effects. You would understand the enormous significance of that as an international service to have. Fourthly, our physicists have developed and now patented a land based device able to accurately monitor coastal ocean waves. This device can measure the growth of potentially life-threatening swells. This not only saves the need for expensive buoys. We would all understand the impact of tsunamis, especially in this region of the world. Fifthly, gravity wave research has allowed the establishment of the only clock in the world stable enough to allow atomic clocks to reach their ultimate precision. And on it goes—GPS navigational systems will be revolutionised by this technology; even a greenhouse-gas-minimizing air conditioning concept has been developed.

Co-located at the Gingin gravity precinct is the Gingin Observatory and the Gravity Discovery Centre. The whole concept of that, of course, is to encourage the public interpretive process so that young people, especially, can become engaged and involved in, and gain an understanding of, space science and astronomy.

This centre allows the public to participate and share in the excitement of discovery. It is a great initiative not only for our state but for Australia. WA happens to be a very good place, as many are in Australia, for stargazing. I know Tasmania and the centre of Australia are tremendous. We have great benefits when it comes to searching the stars. Astronomers worldwide recognise the superior part of the Milky Way Galaxy is best visible in the Southern Hemisphere. We are fortunate in Perth. Because we are isolated, our night skies have the least amount of light and the least amount of pollution or dust anywhere in the world. This is best experienced on the darkest of nights. This capacity to be able to provide an environment which is relatively free of dust and the like is diminishing around the world, and that is giving Australia an international reputation in the world of astronomy in which our state and this country are fast becoming world leaders.

The observatory houses the largest telescope in Australia, which is available for public access, and is renowned for having some of the darkest and best facilities. It was only on 8 November that the telescope, known as the Zadko telescope, happened to be in the right place to spot a cosmic explosion called a gamma ray burst. That took place billions of years ago. The technology is such that without any human intervention the telescope was able to robotically move in the direction of the burst as a result of a signal from a NASA space satellite. The instrument was able to spot and record a flare that lasted only a few seconds but which had its origin billions of years ago. This is an incredible world in which we exist. That telescope is linked to others—one in Chile, one in France—and they are all seamlessly engaged.

In the time available to me I want to move to the Square Kilometre Array, which I mentioned when I commenced this discussion. This is a $2.5 billion project run collaboratively with 19 countries around the world and in Western Australia, well east of the town of Geraldton, is one of the two loca-
tions. And we would hope, with the amount of effort, the amount of work, the brilliance of the scientists and some of the features to which I will refer, that we will be successful in this particular project. As I have mentioned it is regarded as the most ambitious international science project ever devised. It will be able to look back to the dawn of time and to observe the first stars and the most distant galaxies. It is not one single instrument but it is many thousands of antenna all linked together to form one giant array, with possibly 3,000 dishes all with 15-metre diameters.

In October 2006 it was announced that we and South Africa would be the two countries that would compete—and by ‘we’ I mean Australasia because it is an Australia-New Zealand project. We think that we will be able to deliver the best science and the best non-science benefits to the world. Why? It is an incredibly quiet site due to low population density. The area is known as the Shire of Murchison. For those of you who may or may not know the area, it is north of a town called Mount Magnet, a mining area, and as a result of enthusiastic cooperation at all levels of government—local, state and federal—they have already been able to put into place processes to ensure that well beyond the 50-year life of the project we will be able to maintain that quietness. Some of you may have heard of the proposed Oakajee project, a port project north of Geraldton. Already the proposed railway out to the mines has in fact had its proposed route changed so that it will be sufficiently far from the SKA so as to not interfere in it. We can offer a large tract of flat land at low cost. As I said, we have in the one country—that is, across Australia—and then extending to the New Zealand, somewhere between three thousand and 5½ thousand kilometres of area for stations right across Australasia. This is very important for resolution. The existing infrastructure is already in place. We already have a backhaul line from Geraldton to Perth, and CSIRO is very actively involved. As time permits, over time it is my intention to keep the Senate informed of the progress of this project.

Water Safety

Senator CAROL BROWN (Tasmania) (7.42 pm)—I rise tonight to make a short contribution about the need for greater awareness about water safety in Australia, particularly the prevention of child drowning. As summer fast approaches and we flock to the beaches and to backyard pools, it is a good time to reopen the public dialogue around water safety to highlight what we can all do to eliminate child drowning both in our own home and among our friends, families and neighbours. First and foremost, we need to recognise that water safety is an issue for all of us everywhere at any time and throughout any season, not just in summer and not just at the beach or in the pool.

The issues of child drowning and general water safety do not receive anywhere near as much attention as they should given the frequency of deaths and injuries related to drowning. To put this debate into context, I refer to a study conducted by Mitchell and others published in 2010 in the journal Injury Prevention. The Mitchell study compared drowning death and hospital morbidity data to gauge the ‘population-risk and person-time risk’ of drowning deaths in Australia. Significantly, with the appropriate adjustments made to the data to accommodate for the amount of time we are exposed to water, the researchers calculated that our risk of drowning was 200 times higher than the risk of a traffic fatality. I will repeat that: the risk of drowning is 200 times higher than the risk of a traffic fatality.

My concern is that we are infinitely more aware of road safety than we are about water safety and I hope to do my part to revive the public dialogue around this issue. I also hope...
that some of you will leave this place and do what you can to build awareness and to continue to build awareness in your communities about water safety and to preserve the precious lives of our children. As recently as last week we heard media reports about the number of child deaths from drowning. This year, sadly, the number of people drowning in Australia increased for the second year in a row and is higher than at any time in the past seven years.

There were 314 drowning deaths in Australian waterways between 1 July 2009 and 30 June 2010. This is a four per cent increase on last year’s figures. My concern, which I am sharing with you today, is that unless we do what we can to raise awareness about water safety, this number may again increase instead of decrease.

We know that children under five years of age are the most vulnerable members of our community. On average, over the last decade, a child under five years of age has drowned every week in Australia. For every drowning death, a further three children are admitted to hospital as a result of an immersion incident. It follows that we must have a heightened awareness of the need to protect and promote the safety of our children, especially in and around water.

Child drowning is preventable, particularly for children under five years of age. There are direct actions that we as parents, family members, friends and neighbours can take to ensure that we eliminate the risk of child drowning, and I will touch on these shortly. Within our broader community we can all be more aware of water safety and be more risk-averse. We should speak out if we see an unsafe fence and keep a watchful eye on our kids.

In our schools we need to ensure that our children have timely access to learn-to-swim programs at no cost-burden to our families. We need to ensure that all our children have some basic and safe water exposure and familiarisation. Headlines circulating around the country as recently as last week claimed that one in five of our kids do not know how to swim. This is a particularly alarming statistic and one which we need to give due attention to. I know that in my home state of Tasmania there are water safety programs in our schools. This is something that I hope is mirrored around the country.

Furthermore, whilst promoting awareness about the issue of water safety, we must also have regard to support for children who have suffered hypoxic brain and other related injuries as a result of near drowning, given that injuries related to immersion incidents are almost more common than child drowning. Recently the Water Safety Industry in Hobart launched new ‘keep watch’ material for families, schools and the broader community. These materials focus on the basic steps that we can take as individuals to promote water safety and to prevent child drowning.

The steps are as simple as: supervising your child or children when they are on, in or near water; restricting our children’s access to water by ensuring that we have appropriate fencing around pools or water features; emptying the water out of buckets and baths and providing safe playing areas; understanding the limitations of children around water; and being informed parents, aunts, uncles, sisters, brothers, friends and neighbours to ensure the safety of children in any aquatic environment. Finally, we can all ensure that we know resuscitation techniques and possess the basic skills needed to react effectively and successfully in an emergency.

As I have said, measures to promote water safety and to prevent child drowning should come at no cost-burden to families. Sadly, in Australia the death toll from drowning is only part of the picture. As I have stated,
hundreds of Australian young children are admitted to hospital following a near drowning. Of those admitted to hospital, some will suffer a hypoxic brain injury due to lack of oxygen that will result in disabilities for life. Many children with hypoxic brain injuries will need services and treatments to support them throughout their lives.

The Samuel Morris Foundation was established in March 2007 and is the only charity in Australia supporting children disabled by near drowning. The foundation’s aim is to prevent future drowning deaths and disabilities by raising awareness of water safety measures, providing equipment for the care and protection of our kids around water and supporting research into the prevention and treatment of hypoxic brain injuries. I am honoured to be a part of the Samuel Morris Foundation. It is reassuring that the Samuel Morris foundation are doing all they can to support families and to raise water safety awareness.

As I have said previously, and as those dedicated to water safety know, there is no magic bullet to drowning prevention and no one thing in isolation will prevent a child from drowning. But we need to follow four key steps—which I illustrated earlier. I will repeat them: supervision of children, correctly installed and maintained fences, water familiarisation and knowing CPR.

I want to reiterate the point I made at the start of my contribution. A lack of awareness of water safety, particularly in relation to our children, is an issue that can bring tragedy to anyone, anywhere and at any time. We can all play a role in promoting better water safety and eliminating child drowning. I urge you all to embark on your own community education campaign, both within your electorate and in your own home state, to promote water safety.

It is as easy as ensuring that your backyard pool, your water feature, the dam on the farm or the bath—wherever there is water and a potential risk of drowning or injury—do not pose a risk. You can take very simple and basic precautions to mitigate against that risk. Keeping this issue in the forefront of our minds is important. Keeping watch and being vigilant is the key to eliminating child drowning and preventing near drowning and hypoxic injuries.

**Senate adjourned at 7.50 pm**

**DOCUMENTS Tabling**

The following government documents were tabled:

- Anglo-Australian Telescope Board—Anglo-Australian Observatory (AAO)—Report for 2009-10 [Final report].
- Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2010.
- IIF Investments Pty Limited and IIF Foundation Pty Limited—Reports for 2009-10.
- Safe Work Australia—Report for the period 1 November 2009 to 30 June 2010.

Treaties—

Bilateral—Text, together with national interest analysis and annexure—


Multilateral—

Explanatory statements 2010—


No. 6—Amendments to the Plant Protection Agreement for the Asia and Pacific Region adopted in November 1999 by the FAO Council.


Text, together with national interest analysis and annexure—


QUESTIONS ON NOTICE

The following answers to questions were circulated:

Banking

(Question No. 56)

Senator Johnston asked the Minister representing the Minister for Financial Services and Superannuation, upon notice, on 28 September 2010:

Can details be provided as to which legislative regime recovery procedures, as applicable to banks, are administered and regulated.

Senator Sherry—The Minister for Financial Services and Superannuation has provided the following answer to the honourable senator’s question:

Banks are subject to a number of different legislative requirements when they seek to recover unpaid debts from borrowers. The principal Acts regulating their conduct are:

1. The National Consumer Credit Protection Act 2009 is a Commonwealth statute that regulates banks where the credit was provided for personal, domestic or household use. Schedule 1 to this Act is the National Credit Code, which sets out a number of different requirements in relation to enforcement action. These include obligations on lenders to send a borrower a default notice before commencing court action (section 83), and an obligation not to recover enforcement expenses in excess of those reasonably incurred by the lender (section 107).

2. Where the debt is secured by a mortgage over real property, enforcement action must also comply with relevant State and Territory legislation. This legislation will allow for the registration of interests by the bank over real property of the borrower, specify that a mortgagee can only take action following default by the mortgagee, and may introduce other procedural requirements that need to be satisfied.

3. State and Territory legislation will also regulate enforcement action through the courts (noting that debt recovery action is almost invariably commenced in non-Commonwealth courts). These rules are particularly relevant to service of the court documents, in that they require the lender to give notice of the legal action to the borrower either personally, or in some other way as directed by the court.

Defence: Staffing

(Question No. 86)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 28 September 2010:

For the period 1 January to 30 June 2010, what was the average cost in recruiting each new uniformed person into each of the service areas (i.e. Army, Navy and Air Force).

Senator Chris Evans—The Minister for Defence Science and Personnel has provided the following answer to the honourable senator’s question:

The simple average cost per recruit for the period 1 January to 30 June 2010 was $16,098 per recruit across Navy, Army and Air Force. Please see Key Points 6 and 7.

This is a simple average based on the total expenditure by Defence Force Recruiting in the period 1 January to 30 June 2010 ($90.814m) divided by the total number of uniformed personnel recruited to the Australian Defence Force through Defence Force Recruiting in this period (5,641).
While ceremonial activities and community based activities have an indirect benefit to recruitment, they are not classified as direct recruitment costs and as such are not included in these costs.

**Defence: Staffing**

(Question No. 87)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 28 September 2010:

For the period 1 January to 30 June 2010, what was the total expenditure spent on recruiting?

Senator Chris Evans—The Minister for Defence Science and Personnel has provided the following answer to the honourable senator’s question:

The total direct expenditure by Defence Force Recruiting on recruitment into the Australian Defence Force in the period 1 January to 30 June 2010 was $90.814m. While ceremonial activities and community based activities have an indirect benefit to recruitment, they are not classified as direct recruitment costs and as such are not included in these costs.

**Defence: Staffing**

(Question No. 88)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 28 September 2010:

For the period 1 January to 30 June 2010, how much was paid to the Australian Defence Force prime recruiting agency for the provision of services.

Senator Chris Evans—The Minister for Defence Science and Personnel has provided the following answer to the honourable senator’s question:

The total amount paid to the Chandler Macleod Group and to Manpower Services (Australia) for the provision of Australian Defence Force recruiting services in the period 1 January to 30 June 2010 was $53.482m.

**Tasmanian Community Forest Agreement**

(Question No. 170)

Senator Milne asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 October 2010:

Given that the Tasmanian Community Forest Agreement (TCFA) Progress report for 2005-06 (the TCFA progress report) states at clause 55, ‘The Commonwealth established and administers the Country Sawmillers Assistance Program (TCSAP) in consultation with Tasmania…The Tasmanian Government has provided specific grants to Britton Bros (Smithton) and Corinna Timbers (Somerset) to assist these mills adjust to the loss of special timbers resource from the areas reserved in the Agreement in north-west Tasmania. The grants are assisting the retooling and upgrade of the Smithton mill and installation of new kiln drying facilities at the Somerset mill to enable the mills to utilise a different log resource mix’, however Table 1 of the TCFA shows that the Australian Government allocated $4 million to this program and the Tasmanian Government allocated no funds and given that the following items occur in the full list of disbursements of funds under the Tasmanian Forest Industry Development Program provided in response to a question taken on notice (CC 10) during the 2009 supplementary budget estimates hearing of the Rural and Regional Affairs and Transport Legislation Committee:
2168  SENATE  Wednesday, 24 November 2010

Grantee   Grant title                                                                 Final disbursements (ex GST)
----------  -----------------------------------------------------------------------------  --------------------------
Britton Timbers  Act of Grace payment to assist the company to meet tax liabilities on special compensation grants that they received from the Tasmanian Government to compensate them for the loss of logging areas reserved under the TCFA.  $850,000.00
Corinna Timbers  Act of Grace payment to assist the company to meet tax liabilities on special compensation grants that they received from the Tasmanian Government to compensate them for the loss of logging areas reserved under the TCFA.  $73,719.80

(1) Since the Tasmanian Government allocated no funds to the Tasmanian Country Sawmills Assistance Program (TCSAP), under which these grants are reported:

(a) did these funds come from the Commonwealth funding for this program; if not, why are these grants included under the TCSAP and where did the funds come from; and

(b) what was the value of each grant to the two companies, Britton Bros and Corinna Timbers.

(2) What is the relationship between the payments to Britton Timbers and Corinna Timbers by the Tasmanian Government mentioned in clause 55 of the TCFA progress report, and those in the document provided in answer to CC 10 and referred to in the table extract above.

(3) Why are these payments recorded in the Tasmanian Forest Industry Development Program (TFIDP) in the document provided in answer to CC 10, and in TCSAP in the TCFA progress report.

(4) Why are these payments referred to as ‘Act of Grace’ payments under TFIDP in the document provided in answer to CC10, and as payments assisting ‘the retooling and upgrade of the Smithton mill’ (Britton Timbers) and ‘installation of new kiln drying facilities at the Somerset mill’ (Corinna Timbers) in the TCFA progress report.

(5) What was the precise definition of an ‘Act of Grace’ payment.

(6) What was the justification for allocating these funds under the TFIDP.

(7) Under what criteria of the application requirements of the TFIDP were these ‘Act of Grace’ payments made to Britton Bros and Corinna Timbers.

(8) According to the document provided in answer to CC 10, Corinna Timbers received

(a) no other grants under TFIDP or TCSAP;

(b) what other funds did Corinna Timbers receive for the installation of new kiln drying facilities at the Somerset mill; and from what source.

(9) According to the document provided in answer to CC 10, under TFIDP Britton Timbers received an additional $717 308.30 for ‘Purchase & installation of new equipment for dry mill facilities including reconditioner, kilns, docker, dust extraction system, LOSP treatment plant, semi automatic racking machine and forklift truck’:

(a) what was the relation between this payment and the grant from the Tasmanian Government for assisting ‘the retooling and upgrade of the Smithton mill’ in the TCFA progress report;

(b) what was the total amount of grants from all sources to Britton Timbers from the TCFA; and

(c) what was the source and amount of each grant.

(10) Why were the ‘Act of Grace’ payments under TFIDP made only to Britton Timbers and Corinna Timbers and not to any other grantees, given the purpose of the TFIDP.

(11) Why did Britton Timbers and Corinna Timbers, and only these companies, receive ‘special compensation grants’ from the Tasmanian Government, and in each case, what was the value of these grants.

QUESTIONS ON NOTICE
(12) From what Tasmanian Government program were these ‘special compensation grants’ paid.

(13) (a) Why did these ‘special compensation grants’ attract tax liabilities; and (b) what was the tax rate on these ‘special compensation grants’.

(14) Why was the tax liability on these ‘special compensation grants’ paid by the Tasmanian Government considered to be a charge on a program (TFIDP) funded solely by the Australian Government.

Senator Ludwig—The answer to the honourable senator’s question is as follows:

(1) (a) Clause 55 of the TCFA progress report covers both TCSAP and special species. Britton Brothers and Corinna Timbers received $2.85 million and $0.35 million respectively as a result of new reserves established under the TCFA and the loss of special species. These grants referred to were funded by the Tasmanian Government for retooling and upgrading to a new log resource mix.

As the grants were paid by the Tasmanian Government, the companies were not eligible for the 30 per cent additional payment made by the Australian Government under the TFIDP, TSIDP and TCSAP to offset tax liabilities incurred from grant payments. The then Parliamentary Secretary to the Minister for Finance and Administration approved Act of Grace payments to Britton Brothers and Corinna Timbers to offset the tax impact of the grants.

The Act of Grace payments were made from the TFIDP which was the TCFA program with available funding and they were therefore reported in table 1 of the answer to Question on Notice (CC 10) taken during the 2009 supplementary budget estimates.

The Tasmanian Government payments to Britton Brothers and Corinna Timbers were reported under clause 55 of the TCFA Progress Report to demonstrate assistance to special species timber mills, not as grants to country sawmills. (b) See the answer to (1) (a) above.

(2) See the answer to (1) (a) above.

(3) See the answer to (1) (a) above.

(4) See the answer to (1) (a) above. CC10 and the TCFA program report refer to separate payments.

(5) The ‘Act of Grace’ payments were made pursuant to section 33 of the Financial Management and Accountability Act 1997. These payments are discretionary and can be made under special circumstances:

• the action or inaction of the Australian Government has directly resulted in a loss; or
• the application of Commonwealth legislation or policy has caused an unintentional or inequitable outcome; or
• there is some other relevant anomaly or moral imperative.

(6) See answer to (1) (a) above.

(7) See answer to (5) above.

(8) (a) See answer to (1) (a) above. (b) See answer to (1) (a) above.

(9) (a) The Australian Government TFIDP grant of $717 308.30 (includes 30 per cent additional payment) was used by Britton Brothers to upgrade Smithton mill facilities to reduce operating costs and increase value adding. The TCFA progress report refers to the separate $2.85 million grant made by the Tasmanian Government to assist retool and upgrade the Britton Brothers Smithton mill to adjust to a loss of special timbers resource. (b) Britton Brothers trading as Britton Timbers received $4 417 308.30 from the Tasmanian and Australian Governments collectively under the TCFA.
(c)—

<table>
<thead>
<tr>
<th>Grant Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tasmanian Government grant</td>
<td>$2,850,000.00</td>
</tr>
<tr>
<td>Australian Government Act of Grace</td>
<td>$850,000.00</td>
</tr>
<tr>
<td>Australian Government TFIDP grant and 30 per cent additional payment</td>
<td>$717,308.30</td>
</tr>
</tbody>
</table>

(10) No other companies received specific grants from the Tasmanian Government to adjust to a loss in special timbers resource.

(11) See answer to (1) (a) above.

(12) This is a question for the Tasmanian Government.

(13) (a) The Australian Taxation Office regarded the grants as comprising assessable income for income tax purposes. (b) The amounts of the act of grace payments approved for Britton Timbers and Corinna Timbers were based on advice from the Australian Taxation Office about the applicable tax rates for these businesses, reflecting their corporate structures. In view of confidentiality considerations, it would not be appropriate to provide more specific details in relation to the affairs of individual tax payers.

(14) See answer to (1) (a) above.

**Tasmanian Forest Industry Development and Assistance Programs**

(Question No. 171)

Senator Milne asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 October 2010:

Given that clause 4.71 of the Australian National Audit Office report no. 26 of 2007-08, Tasmanian Forest Industry Development and Assistance Programs (the report), refers to grants under the three programs for second hand equipment: For each program:

1. (a) How many grants were made for second hand equipment 5 to 10 years old; and (b) to which grantees were these grants paid, and in each case:
   (i) what was the value of the grant,
   (ii) what equipment was purchased with the help of the grant, and
   (iii) what proof of purchase was provided.

2. (a) How many grants were made for second hand equipment more than 10 years old; and (b) to which grantees were these grants paid, and in each case:
   (i) what was the value of the grant,
   (ii) what equipment was purchased with the help of the grant, and
   (iii) what proof of purchase was provided.

3. (a) How many grants were made for second hand equipment for which the department had no record of the year or model of the equipment funded; and (b) to which grantees were these grants paid, and in each case:
   (i) what was the value of the grant,
   (ii) what equipment was purchased with the help of the grant, and
   (iii) what proof of purchase was provided.
**Senator Ludwig**—The answer to the honourable senator’s question is as follows:

(1) (a) 12. (b) (i-iii) See table below:

<table>
<thead>
<tr>
<th>Grantee</th>
<th>Grant Value (ex GST and 30 per cent additional claims)</th>
<th>Equipment Purchased</th>
<th>Proof of purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffalo Valley Logging Pty Ltd</td>
<td>$50 000.00</td>
<td>Second hand 1998 feller buncher</td>
<td>Supplier invoice, audit statement and finance statement</td>
</tr>
<tr>
<td>CJR Excavators Pty Ltd</td>
<td>$39 450.00</td>
<td>Second hand 2001 excavator</td>
<td>Supplier invoice, bank statement and audit statement</td>
</tr>
<tr>
<td>D.M. &amp; S.J. Iles Pty Ltd</td>
<td>$37 050.00</td>
<td>Second hand 2000 grapple skidder</td>
<td>Supplier invoice, bank statement and audit statement</td>
</tr>
<tr>
<td>Eastern Tiers Logging Pty Ltd</td>
<td>$50 000.00</td>
<td>Second hand 2002 skidder</td>
<td>Supplier invoice, finance statement and audit statement</td>
</tr>
<tr>
<td>GM Harvesting Pty Ltd</td>
<td>$42 000.00</td>
<td>Second hand 2000 processing head</td>
<td>Supplier invoice, bank statement and audit statement</td>
</tr>
<tr>
<td>KJ &amp; B Mahnken Pty Ltd</td>
<td>$36 000.00</td>
<td>Second hand 1998 excavator and 2000 harvesting head</td>
<td>Supplier invoice, supplier receipt and audit statement</td>
</tr>
<tr>
<td>Les Walkden Enterprises Pty Ltd</td>
<td>$62 500.00</td>
<td>Second hand 2000 excavator</td>
<td>Supplier invoice and audit statement</td>
</tr>
<tr>
<td>Mathews Timber Pty Ltd</td>
<td>$18 750.00</td>
<td>Second hand 2001 sawing equipment</td>
<td>Supplier invoice and audit statement</td>
</tr>
<tr>
<td>Mechanised Logging Pty Ltd</td>
<td>$28 500.00</td>
<td>Second hand 1999 excavator</td>
<td>Supplier invoice and audit statement</td>
</tr>
<tr>
<td>North West Softwoods Pty Ltd</td>
<td>$25 750.00</td>
<td>Second hand 2001 excavator</td>
<td>Supplier invoice, finance statement and audit statement</td>
</tr>
<tr>
<td>Select Logging Pty Ltd TFI 24</td>
<td>$27 500.00</td>
<td>Second hand 2000 excavator</td>
<td>Supplier invoice, finance statement and audit statement</td>
</tr>
<tr>
<td>Tas Mechanical Harvesting Pty Ltd</td>
<td>$77 500.00</td>
<td>Second hand 2001 skidder</td>
<td>Supplier invoice, and audit statement</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$495 000.00</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) (a) 6. (b) (i-iii) See table below:

<table>
<thead>
<tr>
<th>Grantee</th>
<th>Grant Value (ex GST and 30 per cent additional claims)</th>
<th>Equipment Purchased</th>
<th>Proof of purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen Brittain Pty Ltd</td>
<td>$11 250.00</td>
<td>Second hand 1985 John Deere skidder</td>
<td>Supplier invoice, bank statement and audit statement</td>
</tr>
<tr>
<td>Buffalo Valley Logging Pty Ltd</td>
<td>$120 750.00</td>
<td>Second hand 1995 excavator</td>
<td>Hire purchase agreement and audit statement</td>
</tr>
<tr>
<td>KJ &amp; B Mahnken Pty Ltd</td>
<td>$16 175.00</td>
<td>Second hand 1994 excavator</td>
<td>Supplier invoice, supplier receipt and audit statement</td>
</tr>
<tr>
<td>North West Softwoods Pty Ltd</td>
<td>$11 250.00</td>
<td>Second hand 1995 excavator</td>
<td>Supplier invoice, finance statement and audit statement</td>
</tr>
<tr>
<td>Select Logging Pty Ltd</td>
<td>$30 000.00</td>
<td>Second hand 1993 skidder</td>
<td>Supplier invoice, finance statement and audit statement</td>
</tr>
</tbody>
</table>
Grantee | Grant Value (ex GST and 30 per cent additional claims) | Equipment Purchased | Proof of purchase
--- | --- | --- | ---
**Tasmanian Timbers Pty Ltd** | $17,500.00 | Second hand 1994 moulder | Supplier invoice, finance statement and audit statement
**Total** | $206,925.00 | |

(3) (a) 15. (b) (i-iii) See answer to table below:

<table>
<thead>
<tr>
<th>Grantee</th>
<th>Grant Value (ex GST and 30 per cent additional claims)</th>
<th>Equipment Purchased</th>
<th>Proof of purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bakes Sawmill Pty Ltd</td>
<td>$27,500.00</td>
<td>Second hand planer/moulder and grinder</td>
<td>Supplier invoice and audit statement</td>
</tr>
<tr>
<td>G and W Harvesting Pty Ltd</td>
<td>$44,809.00</td>
<td>Second hand skidder, excavator and refurbished chipper</td>
<td>Supplier invoice and audit statement</td>
</tr>
<tr>
<td>Gondwana Forest Products</td>
<td>$14,772.50</td>
<td>Second hand truck forwarder</td>
<td>Supplier invoice and audit statement</td>
</tr>
<tr>
<td>Howells Logging Pty Ltd</td>
<td>$54,000.00</td>
<td>Rosin falling head and second hand Kobelco SK330 excavator</td>
<td>Supplier invoice and audit statement</td>
</tr>
<tr>
<td>Huon Valley Timbers Pty Ltd</td>
<td>$28,340.91</td>
<td>Second hand multi rip saw, kiln and housing</td>
<td>Supplier invoice, bank statement for saw and statutory declaration for kiln and housing and audit statement</td>
</tr>
<tr>
<td>ITC Ltd</td>
<td>$160,625.00</td>
<td>Refurbished Gibson Headrig</td>
<td>Supplier invoice and audit statement</td>
</tr>
<tr>
<td>KJ &amp; B Mahnen Pty</td>
<td>$69,325.00</td>
<td>Second hand excavators and log loader</td>
<td>Supplier invoice, supplier receipt and audit statement</td>
</tr>
<tr>
<td>K-Mac Forestry Systems Pty Ltd</td>
<td>$128,920.00</td>
<td>Second hand excavators</td>
<td>Supplier invoices, finance statements and audit statement</td>
</tr>
<tr>
<td>Maclaine Enterprises Pty Ltd</td>
<td>$20,562.50</td>
<td>Second hand end matcher and second hand docking saw</td>
<td>Supplier invoice, bank statement and audit statement</td>
</tr>
<tr>
<td>Mathews Timber Pty</td>
<td>$44,250.00</td>
<td>Second hand headrig</td>
<td>Supplier invoice and audit statement</td>
</tr>
<tr>
<td>MC Cartage Enterprise Pty Ltd</td>
<td>$50,000.00</td>
<td>Second hand excavators</td>
<td>Supplier invoice and audit statement</td>
</tr>
<tr>
<td>North West Softwoods Pty Ltd</td>
<td>$87,500.00</td>
<td>Second hand excavator with processing head</td>
<td>Supplier invoice, bank statement and audit statement</td>
</tr>
<tr>
<td>R.A and L.E Cunning ham (Blue Tier)</td>
<td>$7,750.00</td>
<td>Second hand log forwarder</td>
<td>Supplier invoice and audit statement</td>
</tr>
<tr>
<td>Tasmanian Timbers Pty</td>
<td>$4,600.00</td>
<td>Second hand thicknesser</td>
<td>Supplier invoice, bank statement and audit statement</td>
</tr>
<tr>
<td>Wright’s Harvesting Pty Ltd</td>
<td>$15,423.00</td>
<td>Refurbished harvesting head</td>
<td>Supplier invoice, bank statement and audit statement</td>
</tr>
<tr>
<td>Grantee</td>
<td>Grant Value (ex GST and 30 per cent additional claims)</td>
<td>Equipment Purchased</td>
<td>Proof of purchase</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------------</td>
<td>--------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Total</td>
<td>$758,377.91</td>
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</table>