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RADIO BROADCASTS

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

**PARTY ABBREVIATIONS**

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

**Heads of Parliamentary Departments**

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

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

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

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

Minister for the Arts
Minister for Social Inclusion
Minister for Privacy and Freedom of Information
Minister for Sport
Special Minister of State for the Public Service and Integrity
Assistant Treasurer and Minister for Financial Services and Superannuation
Minister for Employment Participation and Childcare
Minister for Indigenous Employment and Economic Development
Minister for Veterans’ Affairs and Minister for Defence Science and Personnel
Minister for Defence Materiel
Minister for Indigenous Health
Minister for Mental Health and Ageing
Minister for the Status of Women
Minister for Social Housing and Homelessness
Special Minister of State
Minister for Small Business
Minister for Home Affairs and Minister for Justice
Minister for Human Services
Cabinet Secretary
Parliamentary Secretary to the Prime Minister
Parliamentary Secretary to the Treasurer
Parliamentary Secretary for School Education and Workplace Relations
Minister Assisting the Prime Minister on Digital Productivity
Parliamentary Secretary for Trade
Parliamentary Secretary for Pacific Island Affairs
Parliamentary Secretary for Defence
Parliamentary Secretary for Immigration and Citizenship
Parliamentary Secretary for Infrastructure and Transport and
Parliamentary Secretary for Health and Ageing
Parliamentary Secretary for Disabilities and Carers
Parliamentary Secretary for Community Services
Parliamentary Secretary for Sustainability and Urban Water
Minister Assisting on Deregulation and Public Sector Superannuation
Minister Assisting the Attorney-General on Queensland Floods Recovery
Parliamentary Secretary for Agriculture, Fisheries and Forestry
Minister Assisting the Minister for Tourism
Parliamentary Secretary for Climate Change and Energy Efficiency

Hon. Simon Crean MP
Hon. Tanya Plibersek MP
Hon. Brendan O’Connor MP
Senator Hon. Mark Arbib
Hon. Gary Gray AO, MP
Hon. Bill Shorten MP
Hon. Kate Ellis MP
Senator Hon. Mark Arbib
Hon. Warren Snowdon MP
Hon. Jason Clare MP
Hon. Warren Snowdon MP
Hon. Mark Butler MP
Hon. Kate Ellis MP
Senator Hon. Mark Arbib
Hon. Gary Gray AO, MP
Senator Hon. Nick Sherry
Hon. Tanya Plibersek MP
Hon. Mark Dreyfus QC, MP
SHADOW MINISTRY

Leader of the Opposition
Hon. Tony Abbott MP

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

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

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

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

Shadow Treasurer
Hon. Joe Hockey MP

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

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

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

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

Shadow Minister for Energy and Resources
Hon. Ian Macfarlane MP

Shadow Minister for Defence
Senator Hon. David Johnston

Shadow Minister for Communications and Broadband
Hon. Malcolm Turnbull MP

Shadow Minister for Health and Ageing
Hon. Peter Dutton MP

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

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

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

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

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

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

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

Shadow Minister for Employment Participation
Shadow Minister for Justice, Customs and Border Protection
Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation
Shadow Minister for Childcare and Early Childhood Learning
Shadow Minister for Universities and Research
Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House
Shadow Minister for Indigenous Development and Employment
Shadow Minister for Regional Development
Shadow Special Minister of State
Shadow Minister for COAG
Shadow Minister for Tourism
Shadow Minister for Defence Science, Technology and Personnel
Shadow Minister for Veterans’ Affairs
Shadow Minister for Regional Communications
Shadow Minister for Ageing and Shadow Minister for Mental Health
Shadow Minister for Seniors
Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate
Shadow Minister for Housing
Chairman, Scrutiny of Government Waste Committee
Shadow Cabinet Secretary
Shadow Parliamentary Secretary Assisting the Leader of the Opposition
Shadow Parliamentary Secretary for International Development Assistance
Shadow Parliamentary Secretary for Roads and Regional Transport
Shadow Parliamentary Secretary to the Shadow Attorney-General
Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee
Shadow Parliamentary Secretary for Regional Education
Shadow Parliamentary Secretary for Northern and Remote Australia
Shadow Parliamentary Secretary for Local Government
Shadow Parliamentary Secretary for the Murray-Darling Basin
Shadow Parliamentary Secretary for Defence Materiel
Shadow Parliamentary Secretary for the Defence Force and Defence Support
Shadow Parliamentary Secretary for Primary Healthcare

Hon. Sussan Ley MP
Mr Michael Keenan MP
Senator Mathias Cormann
Hon. Sussan Ley MP
Senator Hon. Brett Mason
Mr Luke Hartsuyker MP
Senator Marise Payne
Hon. Bob Baldwin MP
Hon. Bronwyn Bishop MP
Senator Marise Payne
Hon. Bob Baldwin MP
Mr Stuart Robert MP
Senator Hon. Michael Ronaldson
Mr Luke Hartsuyker MP
Senator Concetta Fierravanti-Wells
Hon. Bronwyn Bishop MP
Senator Mitch Fifield
Senator Marise Payne
Mr Jamie Briggs MP
Hon. Philip Ruddock MP
Senator Cory Bernardi
Hon. Teresa Gambaro MP
Mr Darren Chester MP
Senator Gary Humphries
Hon. Tony Smith MP
Senator Fiona Nash
Senator Hon. Ian Macdonald
Mr Don Randall MP
Senator Simon Birmingham
Senator Gary Humphries
Senator Hon. Ian Macdonald
Dr Andrew Southcott MP
| Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health | Mr Andrew Laming MP |
| Shadow Parliamentary Secretary for Supporting Families | Senator Cory Bernardi |
| Shadow Parliamentary Secretary for the Status of Women | Senator Michaelia Cash |
| Shadow Parliamentary Secretary for Environment | Senator Simon Birmingham |
| Shadow Parliamentary Secretary for Citizenship and Settlement | Hon. Teresa Gambaro MP |
| Shadow Parliamentary Secretary for Immigration | Senator Michaelia Cash |
| Shadow Parliamentary Secretary for Innovation, Industry, and Science | Senator Hon. Richard Colbeck |
| Shadow Parliamentary Secretary for Fisheries and Forestry | Senator Hon. Richard Colbeck |
| Shadow Parliamentary Secretary for Small Business and Fair Competition | Senator Scott Ryan |
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers and made an acknowledgement of country.

SOCIAL SECURITY AMENDMENT (INCOME SUPPORT FOR REGIONAL STUDENTS) BILL 2010

Second Reading

Debate resumed from 28 October 2010, on motion by Senator Nash:

That this bill be now read a second time.

Senator MARSHALL (Victoria) (9.31 am)—I think we have to clearly understand what the Social Security Amendment (Income Support for Regional Students) Bill 2010 is about. It is simply an attempt by the coalition to sabotage this government’s fiscal program to bring the budget back into surplus. We know that.

Opposition senators interjecting—

Senator MARSHALL—You laugh, but let me just say to you that last year, as a result of negotiations agreed with the coalition, a bill was passed here that accommodated the issues. If I get an opportunity I will quote what Senator Mason said in this chamber about this being the result of an agreement. Then we had an election. Did the coalition actually say to the Australian people, ‘In addition to what we agreed last year, we are going to add another $300 billion to the budget and do what this bill says it is going to do today’? No, they did not. You did not fund it. It was not in your funding. You had a $10.6 billion black hole. You did not fund it in your program. You misrepresented everything to the Australian people through your election campaign and now you come in here and because you did not win the election you say, ‘That does not matter; we will simply appropriate from this chamber $300 billion to initiate an agenda,’ which you would not even have done yourself.

Let me be very clear. If you were in government now, you would not be putting this bill up because you have not funded it. You do not know where you are getting the money from and it cuts across all the ridiculous savings that Mr Abbott has been trying to find and his attempts to justify why he is not going to support the flood levy this week. He did not say to people, ‘We are trying to find some cuts here and we are trying to find some cuts there.’ He did not say to the Australian people, ‘But on Thursday we are going to debate a bill in this chamber which actually adds another $300 billion.’ This is fiscal irresponsibility and it is simply an attempt to sabotage the fiscal program of this government and sabotage us from returning the budget back to surplus. That is what it is about. It is about you using your numbers in here to do what should not happen. I think that is the reason why the Constitution does not allow bills that appropriate—

Senator Williams—Madam Acting Deputy President, on a point of order; did I hear Senator Marshall say that this is going to cost government another $300 billion? Is that what I heard, because I think that is wrong and misleading?

The ACTING DEPUTY PRESIDENT (Senator Moore)—That is not a point of order.

Senator MARSHALL—If that is what you have heard, then you have heard incorrectly. If that is what I said, then I apologise. I was saying $300 million and I think I have referred to that figure on a number of occasions. The $300 million which you seek to appropriate in this chamber through a private senator’s bill is something which you would not have done if you were in government because you did not have the money. You had no plan to find the money to spend. This
is not the only bill that you are doing this with. The Australian public will see through this. This is simply an attempt to try to sabotage the government’s fiscal responsibility.

This issue has been around for a long time. It is about reforms that we needed as a result of improving the equity of assistance to students across Australia. There has been an enormous take-up rate and improvements have been made resulting from the Bradley review. Consequently, the bill that was passed last year was a result of an agreement between the parties. Let me just quote what Senator Mason said at the time:

The bill currently before the Senate represents a result of negotiations undertaken between the government and the coalition. It embodies what I believe is the best deal achievable by all the parties under the circumstances.

That is what Senator Mason said—‘the best deal achievable by all the parties under the circumstances’. That is what he said at the time. Then the opposition voted for the bill and it went through. Yet, after the election, they did not say to the Australian people as part of their election platform that they would find $300 million. It was not costed. You did not cost it.

Senator Mason interjecting—

Senator MARSHALL—that’s absolute nonsense, and you know it’s nonsense, Senator Mason.

Senator Mason interjecting—

Senator MARSHALL—Oh! Now you have to ask the Nationals whether that is right! What absolute nonsense. They come into this place and they say: ‘We’re going to push through a bill which appropriates $300 million in this chamber’—which is unconstitutional—‘but we’ve got no idea where we are going to get the savings from.’ We did not hear Mr Abbott this week say, ‘Oh, by the way, we’ll find another $300 million to pay for the bill we are going to push through the Senate on Thursday, that is going to add $300 million to the bottom line’. We did not hear him say that; he was silent about that. He is scrambling around trying to find a dollar here, trying to find a dollar there, with no idea about funding this. He simply says, ‘I might have the numbers in the Senate; let’s just appropriate from this chamber $300 billion—

Senator Williams—Millions. You’ve done it again!

Senator MARSHALL—Sorry, I did do it again! I apologise: $300 million.

Senator Williams—Millions or billions?

Senator Nash—Squillions?

Senator Cameron—The Nationals shouldn’t go there!

Senator MARSHALL—That’s right, Senator Cameron. So $300 million, appropriated from this chamber, and not a clue how to fund it. It is inappropriate that a private senator’s bill should do this. It is inappropriate that the Senate chamber should do this. There is a government in place that has a program. It is a responsible program and they are dealing with an incredibly tight budget, incredibly difficult circumstances. We are the ones, the government are the ones, who have to make the budget balance. We are the ones who are bringing the budget back to surplus three years earlier than originally planned. We have an economic plan to do that, and it does not include this whim of a bill, a private senator’s bill, simply being introduced in this place, hoping to get the support of the chamber, which will appropriate $300 million—with no plan of where the savings should come from; simply leaving the government holding that baby. That is what they want to do. And this chamber should reject it on that basis alone.

The reason this bill is here is unnecessary too. We have gone through a comprehensive
reform program on this issue of income support for tertiary education. We have negotiated that with the opposition. Last year a bill came before this place which the opposition agreed with. And, as I quoted earlier, Senator Mason agreed that this was the best deal achievable under the circumstances—and he acknowledged that it was the result of negotiations. That is what they did. Now, after the election, they come back and say, ‘Oh, but we want another $300 million; we don’t care where you find it—it doesn’t really matter if it affects the bottom line, doesn’t matter if it throws the government’s program out; we simply want it because we think it’s a good idea and it would be nice to have.’ It is that sort of irresponsibility that we do not need in these economic times. It is that sort of economic irresponsibility that is another reason why you will find yourselves in opposition for a long, long time. You cannot come into this place and say, ‘We want to introduce and pass through this chamber a bill that is going to add $300 million to the bottom line, but we have no idea where we are going to get the money from.’ There have been no negotiations about that, but it just does not matter. And there will be more and more of those bills, mark my words. We will see more bills like this that seek to appropriate money from this chamber, through the mechanism of private senators’ bills, that are simply designed to sabotage the government’s fiscal and economic program. That is what they are doing. Everyone listening should watch: after this bill I bet you we see more bills doing exactly the same thing.

Senator McEwen—Today!

Senator MARSHALL—I am just told it is already happening today: more such bills are coming our way. If that is not evidence that this is simply an irresponsible attack on the government’s economic strategy, sabotaging this government’s economic strategy, I do not know what could be. It is absolutely irresponsible. You are not the government. We have a government. We have a government that is responsible for putting forward a whole package of measures, a whole package of bills, a whole package of reforms—and we have to fund them. You cannot simply sit over that side of the chamber and say, ‘It doesn’t matter; we’ll just appropriate the money—it’ll be the government’s problem; the government will have to worry about it.’ That is absolute irresponsibility. You have shirked any responsibility you have, and this is simply an attack on this government’s economic strategy. You should be ashamed of yourself and you should withdraw it. I simply hope that the chamber does not fall for this underhanded attack on the government’s credibility.

Senator HANSON-YOUNG (South Australia) (9.42 am)—I rise today to participate in what is a first: priority time for private senators’ bills. It is something the Greens fought very hard for, something we have been talking about for a long time. Thank you, because of the enormous support that we got throughout the election, we were able to actually implement this in our agreement in the forming of the government. I think it is wonderful that all sides of politics are now able to participate in putting issues on the agenda that affect their constituencies, things that the government of the day try to ignore and do not want to deal with. Of course, I would have liked to have been talking about a Greens bill today, but here we go; after years and years of the coalition saying they would not give precedence to private senators’ time, we are now dealing with their bill first.

The bill in question is Senator Nash’s bill, which attempts to fix up the dodgy deal that was done between the coalition and the government over the issue of youth allowance in the first place. We know that when the government brought in their whole package of
youth allowance reforms there were some very positive things in that package. There were also some things that were quite devastating, particularly for rural young Australians. That was because it made it more difficult for young people from the country, who have to move out of home in order to go to university, to get the support that they need. It made them jump through further hoops and over higher hurdles. I understand that, in the midst of a prolonged standoff in this chamber in particular, between the government and the opposition, the Greens and the Independents, trying to get a better result for country students, the deal that was done unfortunately did not fix the problems in relation to those disadvantages facing young people in country Australia.

We now see the need to fix this problem. While I stand shoulder to shoulder with Senator Nash in being concerned with the issues facing young people—Senator Nash and I sat on various committee inquiries talking about this—the issue really is that young people from country areas who have to move out of home need to be supported. If we are serious about investing in our rural communities then we need to get our young people to university, get them trained and get them skills so that they can go back to their country areas and be the doctors and be the nurses that their country towns need. We need to ensure that they have skills and expertise to take back to their communities. The best way of doing that, the best way of getting those skills back into those communities, is to educate their young people. But the way the current system works disadvantages those kids. However, the idea of simply going back, as this bill suggests, to the old rules—which still make young people jump through hoops and over hurdles—is not the way to go about it.

I have spoken to the government various times about this. You really need to understand that the government does not believe that this is a problem. Until they accept that there are issues here, it is going to be very difficult to deal with this problem. Unfortunately, we are in a situation where we do disadvantage young people simply because of the geographical location that they live in. This bill, however, does not deal with that. This bill still puts young people from those country areas in a position where they have to defer their university course to earn money and then prove that they deserve support. We know that only 30 per cent of those young people who defer their studies will end up going to university. That means that of all those young people who work so hard, supported by their families, to get through high school, to get the grades, to get the acceptance to university, only 30 per cent of them are going to be able to go on to university, because we have put barriers in front of them. This bill does not remove those barriers. I would like to amend this bill to remove those barriers.

I am also concerned about how we pay for this. We have heard from Senator Marshall about the issues that the government has with how the opposition propose to fund this. The explanatory memorandum to this bill, circulated by the authority of Senator Nash, outlines that funding would be appropriated from the Education Investment Fund to cover this cost. This is the exact same fund that the government themselves have decided to cut to help fund their flood relief. We saw Tony Abbott on Tuesday stand up and say, ‘Yes, we agree with all the government’s spending cuts, plus we will put in a few of our own,’ including, of course, cutting aid to schoolchildren in Indonesia. There is a hole now in Tony Abbott’s budgeting. I do not know where he suggests this funding should come from, but I do know where the Greens believe this should come from.
The Greens believe that if we are to implement a support system for country students that does everything they need, that does not require them to jump through hoops and over hurdles, that does not require them to put at risk their university career by having to defer, then the government could fund a properly supported system, based on our amendments as circulated in the chamber, to simply give them support because they are geographically disadvantaged. We would fund that through a properly applied resource rent tax. We have been saying for a long time that this is something that the government should look at. If we do not do this—if this bill passes the chamber without accepting the second reading amendment that I will move—then there is no funding for this bill. So Tony Abbott and Senator Nash might sit there and say, ‘We have our ideas on how we will fund it,’ but they have now got a black hole in their own budget.

So how will this proposal be funded if indeed we do not move to support what the Greens are proposing, which is an increase and a properly applied resource rent tax? That would cover the cost of educating our young Australians from country areas so that they can invest in their communities. It would ensure that they do not have to defer their studies and it would ensure that they are supported to get the training that their communities desperately need. We would be putting a value on education that would mean that we actually believe in it. Julia Gillard is meant to be the education Prime Minister. This is the opportunity to prove that you are totally, deadset behind investing in education.

It should not matter whether you come from the bush or whether you come from the city: you should be able to access higher education if indeed you have worked so hard to get there. You should not have to have barriers put in front of you simply because of the town in which your family has brought you up. In South Australia, my home state, we have the ludicrous situation where students from Mount Gambier cannot get the support that they need based on this deal that was cut by the coalition and the government because they are considered to be in a zone which means they do not get that extra support. Yet they are 300 or 400 kilometres away from the nearest university. What are the coalition and the government going to do to fund a system that will support those kids in Mount Gambier or those in Renmark, Port Augusta or Port Pirie?

These are the issues that the government needs to think about. Unfortunately, the bill in its current state does not deal with the issues. We need to amend that. We need to remove that discrimination against country students. My amendment does that. It simply says, ‘If you have to move out of home in order to go to university and your household income is less than $150,000 then you will get that support because we believe that your getting an education is a really important thing for Australia and for your communities.’ That is what my amendment does.

How will we fund it? We know that the budget is tight and we also know that there is a way around that. We know that we need to start investing in our educational programs. That means using things like the resource rent tax to say: ‘We are ripping all of these irreplaceable minerals out of the ground. How about we put this towards the education of our future—the training and skills needed for the future of our country.’ That is what we are talking about. I look forward to the committee stage of debate and I move the second reading amendment standing in my name:

At the end of the motion, add: but:

(a) the Senate is of the opinion that these reforms should be funded through a reconfig-
ured mining resource rent tax that would generate sufficient additional revenue to cover the costs, replacing the Education Investment Fund as the source of the funds as proposed in the explanatory memorandum to the bill; and

(b) a message be sent to the House of Representatives informing it of this resolution and requesting its concurrence in the resolution.

Senator MASON (Queensland) (9.51 am)—I was listening to my friend Senator Marshall this morning. When he was addressing the Senate, talking about fiscal responsibility and the Labor Party in the same breath, I wondered where I was—I really did. I did not hear much about pink batts and Building the Education Revolution, but I did wonder where I was. Anyway, it is Thursday, and I will not dwell on that.

The Social Security Amendment (Income Support for Regional Students) Bill 2010 actually seeks to enhance access to university for thousands of young Australians. Senator Nash’s private senator’s bill is another important step in reducing disadvantage. That is what this is about—reducing disadvantage suffered because of where Australians happen to live. Senators will recall the long—some might even say ‘protracted’—debate last year concerning the provision of youth allowance for university students. I will get to that in a second. The legislation that was originally proposed by the government would have made it harder—indeed, perhaps impossible—for tens of thousands of students from outside metropolitan areas to attend university by removing from them most avenues to establish independence through workforce participation in order to qualify for youth allowance. After a long legislative battle and difficult negotiations, a couple of which I did attend, the government compromised. The old rules were means tested but were retained for those young people residing in very remote and outer regional areas, as per the Australian standard geographical classification—a very bureaucratic term but an important one.

The coalition’s strong stance meant that thousands of young people who were originally excluded by Labor’s changes at least retained the opportunity to pursue higher education. I accept the compromise was not perfect, but it was the only way at that time to break the impasse and allow legislation to pass so that payments could start for large numbers of students affected by the legislation. I was lobbied up hill and down dale by vice-chancellors and others to get the money moving. We did, but the idea that somehow we broke or welshed on a deal, as Senator Marshall mentioned this morning and Senator Evans has mentioned in the past in this chamber, is wrong. You might recall that on the day that bill passed I moved an amendment which largely is reflected in Senator Nash’s private senator’s bill today. That was on the very day that the bill passed.

Senator Jacinta Collins—Then why did you not cost it?

Senator MASON—Our intention was always very clear. I often wonder whether this deal was supposed to last forever, that somehow the legislative function of the Australian parliament was going to be fettered forever and a day because of a deal done in Parliament House. That is absolute rubbish. The implication always was that there was a deal up until the next election.

Senator Jacinta Collins—What—two months? That’s rubbish, and you know it, Brett.

Senator MASON—During the 2010 election, our election manifesto said that we would relax the eligibility criteria for the independent youth allowance, which would be extended to students in the inner regional category. No-one could have missed that.
Senator Jacinta Collins—Why did you not cost it?

Senator MASON—The coalition made its intention absolutely and utterly clear. We intended—

The ACTING DEPUTY PRESIDENT (Senator Moore)—Senator Mason, the noise level in the chamber is very high.

Senator Cameron—There will be workers compensation claims here if you do not quieten down. Hansard will not handle this!

The ACTING DEPUTY PRESIDENT—Senator Mason, please continue your contribution. I remind senators on all sides about interjections. The debate is flowing and will continue.

Senator MASON—The opposition remains committed to students in regional areas and to providing them with an opportunity to attend our great universities. We think that is important. For us, the opposition, the debate is all about access and it is all about fairness. Under the act, regional students living in the inner regional zone, as defined by the Australian standard geographical classification, continue to be excluded from the possibility of receipt of youth allowance under independence criteria. This leaves thousands of young Australians disadvantaged. The coalition believes that all students from regional areas, whether these areas are classified for bureaucratic purposes as inner regional or outer regional, should be treated as one. The truth of the matter is that all these students, unlike their city counterparts, have to leave home and relocate in order to attend university.

When I went to university I had to catch a bus to get there—and I was very, very privileged to be able to do so. I am very grateful that I was able to do that. If I had been living in an inner regional area it would have been much, much more difficult. We know the nation cannot bring a university into every town. It cannot be done. But we can try to bring kids who live in those towns into university, and that is what we want to do. We are trying desperately to do that. Recently the Senate Standing Committee on Education, Employment and Workplace Relations heard from witnesses addressing this issue. Some students who live in the inner regional areas, currently excluded under Labor’s legislation, have to move 450 kilometres in order to study the course of their choice. One witness, a Mr Hugh Warren, was very blunt. He said:

It is simply idiotic to pretend that driving up to three hours a day in each direction to attend uni is a viable option.

But that is the function of Labor’s law as it stands, and we do not think that is right. We do not think that that disadvantage is appropriate, and we are seeking to address that.

I have applauded in this place the then Minister for Education and now Prime Minister, Ms Gillard, for her passion and for her stated commitment on education. I have done it on many occasions. Indeed, I have also applauded, as much as it hurt me, my good friend Senator Carr because I honestly believe that their heart is in the right place on these issues. I have never, ever doubted the Prime Minister’s commitment to education—never in this place, never publicly or privately. But, as senators may recall, I am very concerned about the implementation of many of the programs. Yesterday the address-in-reply debate gave me an opportunity to address some of those issues. I will not go there again, but I will say that part of the problem with the Prime Minister’s proposals with respect to education during the term of the Rudd government and now the Gillard government is that they have been undone by appalling implementation. We do not think that is good enough.
But the coalition agrees with this: Professor Bradley said that we should lift to 40 per cent the percentage of 25- to 34-year-old Australians having a bachelor’s degree by 2025. The coalition has accepted that as a goal. Professor Bradley and, indeed, Ms Gillard are right to say that there are three great areas of disadvantage in this country: kids from low socioeconomic backgrounds—we accept that; Indigenous kids; and young Australians living in rural and regional areas. They are the three great areas of disadvantage.

Fifty-five per cent—more than half—of metropolitan students go on to tertiary education, and barely a third of students from regional areas do. It is not because kids from regional areas are less intelligent; it is because they do not have access to higher education. That is what Senator Nash’s bill is trying to address. We have to do that. If we all agree that 40 per cent of young Australians should attend university and receive a bachelor’s degree, we have to do something about it. Sure, it will cost money, but it has to be addressed.

The United Negro College Fund, an American organisation which helps African Americans close the gap with the rest of young Americans in tertiary education, has a slogan: ‘A mind is a terrible thing to waste.’ Indeed, it is. I know there is still great untapped potential out there for young people to reap the benefits of education, excel and help to contribute to a better, fairer and more just life in this country. Higher education benefits the individual, but it also benefits the community as a whole. I accept the Prime Minister’s commitment in this regard. I absolutely do.

We want to ensure that a young girl from Dalby has access to tertiary education. She might be our next Nobel prize winner. We want her to be able to go to university. A teenager from Orange might find a cure for cancer. We want to make sure he has access to university. A boy from Shepparton might be the next Manning Clark or, perhaps better still, Geoffrey Blainey, and we want him to be able to go to university to write that history. There are many young Australians who do not have access to tertiary education. They need it. Senator Nash’s bill addresses that.

Senator CAMERON (New South Wales) (10.01 am)—Senator Mason’s contribution to the second reading debate on the Social Security Amendment (Income Support for Regional Students) Bill 2010 was more bluster than substance. The two key issues that anyone of substance has to deal with in this debate are the constitutional issues and the economic issues. The constitutional issues were not addressed by Senator Mason. They were completely ignored. And what was his contribution on the economic issues? ‘This will cost us money but it has to be addressed.’ There is a three-letter word that comes up after that: ‘How?’ How do you address it? Senator Mason, you just went on with all that bluster. You had 11 years in government to do something about this and you failed. You did nothing about this issue. It was because we had a weak Treasurer, Peter Costello, who could not control the spending urges of John Howard, so it was money in one side and tax cuts out the other side. In those days there was no thought about regional Australia, no thought about universities. It was cutting money out of universities. It was destroying the building funds of universities. It was destroying young people’s capacity to get training. That was the record of the Howard government. It is utter hypocrisy to come here now and argue that the Labor Party should be doing more for students in regional areas. You had 11½ years and your bad economic manage-
ment meant that there was no vision, no plan for students in the country areas.

I do not agree with what the Greens are saying, but at least the Greens addressed, from their perspective, the economic issues—something that the coalition failed to do. The Greens said, ‘Yes, more money should be spent, and this is how it should be done.’ I do not agree with them. We have got an agreement with the mining industry and we are going to stick to that agreement, but at least the Greens came here and tried to address the issue of how their changes to this legislation would be funded. That is fine. I do not agree with them, but at least they came here with an economic approach—something that the coalition failed to do.

I want to deal with the constitutional issues now. Again, the Liberal Party failed to deal with them. It is important that the government’s position on the constitutionality of the bill is known to the Senate. It is well established under Australia’s constitutional arrangements that the government of the day is responsible for the management of public revenue and the budget. This means the government is responsible for initiating all financial initiatives in the parliament. Advice from the Attorney-General which was previously tabled in the Senate makes it clear:
A proposed law that would appropriate revenue or moneys cannot originate as a private member’s bill. A bill for such a law cannot, in any event, originate in the Senate.

There will be much water to flow under the bridge on this issue. My view is that what is being proposed here today is not only economically irresponsible; it is an act of constitutional vandalism. Senator Hanson-Young argued that it was good that people could bring issues to the Senate. I agree. You can bring issues, but you cannot bring an appropriation bill to the Senate. That is an issue that those who are arguing for this legislation have to deal with. Our priority as a government is the flood levy. Our priority is to deal with the budget cuts that will fund the rebuilding of Queensland, northern New South Wales, Victoria and Western Australia. That is the national imperative for any politician in this place. The national imperative is to rebuild our nation after the worst natural disaster in our history. That is the priority for us, and I call on the coalition to start thinking about that priority in a serious manner and in a manner that deals with the national interest.

I want to come back to the constitutional vandalism and economic irresponsibility. I would not expect anything less from the National Party than constitutional vandalism and economic irresponsibility. After all, this is the party who gave us Black Jack McEwen and Barnaby Joyce.

Senator McEwen—No relation.

Senator CAMERON—No? This is a party who puts pork-barrelling before the national interest, a party who has no economic credibility, a party who builds false hope and panders to populist views and demands. That is what we are seeing at the moment. This is the party who gave us the Regional Partnerships program. I do not want to go into all the ins and outs of the Regional Partnerships program, but we know all about that. This is a party who is desperate to maintain its diminishing relevance to rural and regional Australia.

The Libs are not much better. They know this proposal is a dud, but they need the Nationals because Tony Abbott’s leadership is under pressure. That is what this is about. It is about pandering to the coalition partner, because they have major problems in terms of solidarity within the coalition. They are prepared to abandon fiscal responsibility to pander to the Nationals, and it is about nothing more than papering over the disunity that is there in the coalition. The current Leader
of the Opposition must stand up to Barnaby Joyce on this issue. That is what he has to do. He has to stand up to him. But that will not happen, because the Liberals have abandoned any guise of good economic managers. The opposition leader should exercise leadership, but I think he is incapable of doing that.

We heard much the other day about the ‘night of the long prawns’. What did we have on Tuesday? We had the afternoon of the long stare. What should have happened is that Barnaby Joyce should have been given the long stare by Tony Abbott when he went in and demanded to be the finance spokesman for the coalition. The long stare would have worked better then, don’t you think? It would have left them with some economic credibility, because they have none now. The long stare should have come out, the nodding head should have been there and Barnaby should have been left in absolutely no doubt that the Liberal Party will not be led by the nose by the Nationals.

The ACTING DEPUTY PRESIDENT (Senator Moore)—Senator, I hate to break your stream, but that is not the way to refer to another person in this chamber.

Senator CAMERON—Apologise. Senator Joyce should not have led the Leader of the Opposition by the nose. That should not have happened, because it was an act of economic vandalism, putting Senator Joyce in the finance portfolio. It was an act of economic vandalism to concede to the demand from the Nationals, thousands of Australian kids in regional and country Australia are now finding it harder to get to university. Family First believes a clever country would be making it easier for our kids to get to university, not harder. But after the changes that were made at the beginning of last year by the Labor government, together with the support of the Nationals, thousands of Australian kids in regional and country Australia are now finding it harder to get to university. Family First is the only party that has consistently stood up for regional students on this issue. Family First has been on the record as saying that any student who needs to relocate more than 100 kilometres in order to study should be eligible for youth allowance under the old criteria. This includes rural and regional students. It is a system which is simple, it is easy and it works.

Unfortunately, the National Party sold out rural and regional kids by doing a deal with the Labor government which has resulted in regional students having to basically defer their uni studies, which in effect puts them two years behind their city counterparts. The National Party knew country kids would be treated like second-class citizens at the time but still sold out the bush and put country kids two years behind their city counterparts. And today we have the Nationals claiming they are helping the bush, but in fact all they are doing is trying to fix the mess they created. School leavers from regional areas are now having to delay their study plans by two
years in order to go to university. Many of them may well decide not to bother going to university because of having to wait so long.

Students in places such as Ballarat, Bendigo, Sale, Shepparton, Traralgon, Wangaratta, Warrnambool and Wodonga have been left out in the cold—and that is just Victoria. Across Australia you also have places such as Albury, Wagga Wagga, Orange, Dubbo, Tamworth and Mackay. These students are now being forced to work 30 hours per week for 18 months, or 15 hours per week for two years, in order to qualify for study assistance. What are students from places such as Rockhampton or Bundaberg supposed to do to find that work? How are they supposed to find work for 30 hours per week when their home towns have just been ravaged by floods? Are we supposed to just give up on these students and say, ‘Too bad—I guess you guys have to miss out on university education as well’? It is absurd.

This bill, the Social Security Amendment (Income Support for Regional Students) Bill 2010, fixes a problem that should never have been created in the first place and I hope the bill passes the Senate so we can make it easier for these students, our kids, to go to university to keep our reputation as a clever nation.

Senator KROGER (Victoria) (10.15 am)—It is with much pleasure that I rise to speak in support of the Social Security Amendment (Income Support for Regional Students) Bill 2010. Education is the keystone. It is central for any Western civilisation to provide opportunities for all Australians to have an opportunity to learn, to have an opportunity to go on to tertiary education, to provide a hand up, not a handout, so that our future, our children, can develop their own capacity to make their own way in the world. This legislation will ensure that every child, every student, has an even playing field and will have a chance to make something of themselves. We are not here talking about economic considerations, as we have just heard from Senator Cameron. What we are talking about here is providing access for all students so that they may have a chance to get on in life.

What the government has done has ensured that not everyone has an equal playing field and it directly discriminates against those in inner regional areas. This legislation is all about providing equitable access to support the important principles of choice so that tens of thousands of students will have the opportunity to choose to go on to tertiary education and not be hamstrung by things that this government is imposing upon their families. This government is seeking to pull the rug out from many aspiring kids and families and it should really seriously consider the implications of what it is planning.

Finding full-time employment in regional areas and small communities is often very difficult. Frankly, the current legislation does not take into account the realities of life in regional Australia. So many students living in inner regional areas in Victoria are currently missing out on the independent youth allowance because of the changes the Gillard Labor government has made to the eligibility criteria. Yet the government has continued to ignore these students’ concerns and the concerns of their families. Seasonal employment sectors in agriculture, in tourism, in fruit-picking in regional areas cannot provide work throughout an entire year and many of the students want to apply for independent youth allowance and are currently unable to do so. As well as this, regional students face significantly increased costs associated with relocating for study, which many regional students have no choice in. Many of them to pursue the studies of their interest have to move from their home and their family to pursue their area of interest, to pursue their aspirations. This is just another layer of bu-
reaucracy, another layer of direct block, if you like, that is making it very difficult. It is blocking them and making it more difficult for them to make that choice.

Affording tertiary education is a real issue for all students but in particular for regional students and their families. The recent Senate inquiry found that only 33 per cent of regional students go on to tertiary education compared with 55 per cent of metropolitan students. It begs the question why. Why is it that so few regional students are able to pursue possible dreams to go on to tertiary education? This inequity has been fostered by the inaction of this government and it must now end. Under the Social Security and Other Legislation Amendment (Income Support for Students) Act 2010, regional students living in the inner regional Australia zone on the Australian standard geographical classification map continue to be excluded from accessing independent youth allowance if they do not qualify for Labor’s new criteria. The coalition sought to move further amendments to include students living in the inner regional zone, because we listened to our constituents and we know what it is that is concerning them. We know this is a critical issue and we tried to address it.

Senator Nash—Hear, hear!

Senator KROGER—Senator Nash, to her great credit, has tried to do that, but these amendments were defeated by Labor and the Greens. The exclusion of the inner regional zone has resulted in unfair eligibility criteria for regional students. All regional students who have to relocate to attend tertiary education should be treated equally.

I have to say it is really difficult to understand why the Gillard Labor government would deny vital assistance to regional students yet waste billions of dollars on pink batts and overpriced school halls. We saw in the first stimulus package cheques for $900 being posted to everyone, yet they are scrimping in the areas that matter. It is even more difficult to fathom how the Gillard government could publicly preach the virtues of being ‘equitable in education’, the importance of education in Australia, and offering everyone a ‘fair go’ in a spirit of so-called mateship. Yet, as we all know, actions speak louder than words.

We must never forget that the Prime Minister was responsible for these changes as the education minister. It is the Prime Minister who should now show leadership and fix this inequity that is hurting so many regional students. In early 2010 the Labor government, with Julia Gillard as education minister, altered the eligibility criteria for independent youth allowance, requiring students from areas identified as inner regional to work more hours for longer before being considered as independent. Clearly, the Prime Minister was not one of those aspiring kids when she was looking at her opportunities to go to university, and neither were her family, since she does not understand how difficult it is for students aspiring to go to university to take themselves out of the study stream into the workforce on a permanent basis and then get back into the mode for studying.

I would suggest that, by demanding that people work full time for 18 months, they are making it just that much harder for the kids to get back into the study stream. For those parents who have had to help, guide, encourage and nurture their children into getting back into university and into their course, I suggest that they would be most concerned with the Prime Minister’s views on this matter.

This new policy divides regions and electorates, with arbitrary lines on maps determining student eligibility for independent status. Two towns in the same area on different sides of the line will have different edu-
cational outcomes. Students may come from the same class in the same school but be discriminated against based on which side of the line their homes sit. This discrimination is unacceptable.

The coalition wants to encourage students to complete year 12 and support them when they move away from home to higher education. If the government agrees to the motion and implements the changes, inner regional students will be able to access the monetary based criteria and will only have to take a 12-month gap rather than that very difficult 18 months.

In speaking in support of this amendment I would like to quote Labor’s Senator Marshall, Chair of the Senate Education, Employment and Workplace Relations Legislation Committee:

I guess everyone would like to support this bill. In fact, we have had very little opposition to it. The only opposition to it probably comes from those who have to find the money to pay for it and fund it. That is always a dilemma.

To Senator Marshall and the Prime Minister I say, ‘Go back to the drawing board and look at the spending frenzy that you have been pursuing since you have been in government. This deliberation would not be on the table if money had not been flushed down the toilet on programs that have been clearly inefficient and have delivered no value for money.’

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations (10.25 am)—One thing that Senator Kroger was correct about is that we should look at the broader context in relation to the Social Security Amendment (Income Support for Regional Students) Bill 2010 because, indeed, it is the second, if not the third, response to the government’s Bradley review measures. What this debate has failed to take into account are the other advantageous measures for all low-SES students that those measures have incorporated.

Senator Nash—You are contradicting yourself.

Senator JACINTA COLLINS—Let us have a little bit of a look at history, Senator Nash, which you have failed to do but indeed Senator Kroger did. In March last year, after lengthy negotiations with the coalition, the parliament legislated to make income support system arrangements more equitable and more generous for students from low-income families, in line with the recommendations of the Bradley review. This included those from rural and regional communities. You may not be 100 per cent happy with those measures, Senator Nash, but that was the deal and the deal was intended to last longer than just a few months.

At this stage I should highlight some of the points that have already partly been made in this debate, because Senator Cameron is quite right. The measures before the Senate today—which, unfortunately, are historically the first private senators’ bill measures under the new Senate arrangements, as referred to by Senator Hanson-Young—do involve either constitutional vandalism or fiscal recklessness, if not both, on behalf of the coalition. Senator Cameron referred in part to the difficulties that the coalition is having at the moment. Indeed, one does ponder what Mr Robb makes of these arrangements because, if you look at the Bills Digest and the discussion on the constitutionality issues, you cannot have it both ways. This measure either is fiscally irresponsible and reckless or is sheer constitutional vandalism. If you look, for instance, at the reference to Odgers, which a Senate clerk referred to, and the claim that the bill does not appropriate money because it does not have a formal clause to that effect, how on earth can the coalition claim to be
fiscally responsible when relying on such a device? You cannot.

The issue of whether this is an appropriation bill is contested between the houses and that debate will go on for some time yet. I note that the very comprehensive letter from the Attorney-General has been made available to the Senate to refer to. I agree that there are some very serious concerns.

Senator Nash—You are digging a hole for yourself.

Senator JACINTA COLLINS—Senator Nash says that we are digging a hole. Well, in her very short-term view, if she thinks responsible government is about using devices such as this and trying to skirt the Constitution on what are appropriation bills she is highlighting my very point about the problems that the coalition faces today. This is completely fiscally irresponsible. Indeed, Senator Mason knew that last time we debated this—hence his sheepish response to the debate in the Senate on the last occasion, and indeed today. Today Senator Mason is not able to assure the Senate that these measures were properly costed in the coalition’s policy at the last election, because he cannot. These measures were part of that more than $10 billion black hole that the coalition took to the last election.

So I go back to reinforce the points that Senator Cameron made that the constitutionality issues here are very serious. They are serious not only in this bill but also in other bills that may move forward in debates such as this. I reinforce particularly to the Greens on that issue that, if we are to move forward with these new arrangements for private senators’ bills, the arrangements around how we deal with appropriation matters are very serious policy considerations that need to be looked at very carefully.

I want to spend more time on the fiscal recklessness issue. This bill is only one example of the coalition’s approach here. The change to youth allowance that we are debating here today has a cost of $317 million over four years. The Nationals will say, ‘But there’s not a clause in the bill appropriating money; therefore, it is not an appropriation bill.’ Well, again, you cannot have it both ways: either this is fiscally irresponsible or it is constitutional vandalism.

The spending proposal also wipes out half of Mr Abbott’s $600 million cut to the water buybacks. What further measures will he cut to make up for this shortfall? Will we see further cuts to foreign aid? Is that what the coalition is going to come up with next? This is just the tip of the iceberg. Another opposition bill introduced today, the Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Bill 2010, would have a fiscal cost of $1.7 billion—yes, billion, not million—over four years and an underlying cash cost of $175 million over four years. It would increase Commonwealth unfunded liabilities by $6.2 billion—yes, Barnaby, not million—

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! Senator Collins, you will refer to other senators by their correct name.

Senator JACINTA COLLINS—I apologise; I should have said Senator Joyce. This would increase the Commonwealth’s unfunded liabilities by $6.2 billion. That is why I highlight that these constitutionality issues around appropriation bills are very serious indeed, not only with respect to this one involving $317 million over four years but also with respect to the next one up for debate in private senators’ time involving $1.7 billion over four years. If we continue along this path and deal with money and appropriation matters in this fashion, it can only highlight the fiscal recklessness of this opposition and,
indeed, Mr Abbott’s incapacity to manage his coalition.

It is only week 1 of the parliament and already the opposition have introduced bills that would cost the budget almost $500 million and increase unfunded liabilities by $6.2 billion, with not one additional savings option in sight. On top of this, the opposition have also demonstrated their fiscal recklessness by twice blocking $5 billion in savings measures put forward by this government. This includes means-testing the private health insurance rebate, which will cost the budget some $2.1 billion over the next four years, and the closure of the Chronic Disease Dental Scheme, an out-of-design scheme that has had significant cost blowouts and will cost the budget $3.1 billion over the next four years. Yet they think they can ride on Mr Fahey’s credibility as a responsible fiscal manager. I hate to say this to Senator Brandis but logic does not say that because Mr Fahey has some common sense every other Liberal Party member does, which seemed to be the argument they were presenting in question time yesterday. This spending is an additional $5 billion over the next four years as a result of the opposition’s recklessness. They are also in the process of trying to block a further $2 billion in savings to the budget over four years by voting against reforms to the Pharmaceutical Benefits Scheme.

The opposition have demonstrated time and again that they are not committed to bringing the budget back to surplus. After spending weeks saying that it would be easy to find savings, what we have is a series of deferrals, double counts and backflips and still no serious strategy about flood reconstruction. They have double counted around $700 million in savings. They say they will use it to fund the rebuild, but they have already earmarked those savings to fund other spending priorities; you cannot spend it twice. They have claimed over $100 million in savings from the BER which has already been allocated to projects that are committed or underway. The fact is that 99.9 per cent of BER projects have been completed or commenced. Which ones are you to discontinue? They have reversed their position on foreign aid, taking savings from a measure that they supported in government. They have had to roll Warren Truss and the Nationals, who said that they will not support our infrastructure saves. Is this part of the rationale behind the recklessness that we are dealing with in the Senate today? The opposition, the coalition, is indeed a shambles. (Time expired)

Senator BACK (Western Australia) (10.35 am)—Really, there are four people most competent to speak on this issue and they are Senator Nash, Senator Xenophon, Senator Marshall and I. We sat through the hearings and heard the personal stories of those who will be affected in the event that Senator Nash’s bill is not passed. I want to make this a personal contribution matter and I want to point to the severe discrimination that would occur if we do not address this anomaly. There should be only one criterion that determines whether students should get this support under youth allowance and that is, having regard to means-testing and other activities, do they have to relocate from their home to the place of higher education? If the answer is yes, then we must support this bill. If the answer is no, then we have the capacity to not do so. In fact, this has been endorsed by none other than Senator Evans himself because, during the course of our hearing on 17 December last year in this place, he introduced the Rural Hardship Grants Scheme for rural students attending university, and its first and major criterion simply was: does the student have to relocate? I applaud him for that, and I implore him to carry that through into this bill.

The Australian standard geographic classification upon which these decisions have
been taken, delineating metropolitan, inner and outer regional, remote and very remote areas are totally irrelevant to this discussion. They were developed to decide whether rural doctors should or should not receive some financial support in agreeing to reside in inner, outer regional or remote areas. They should not apply them as they have done. There is no logical application to it; it is ridiculous. During the hearing of the Senate Education, Employment and Workplace Relations Legislation Committee I simply asked myself this: if a student wanted to travel from Hobart or Darwin to study veterinary science—as was the case in my own profession—they would have to travel to a city campus and, in fact, they would be denied this youth allowance, as indeed would I have been in the 1960s.

But let us have a look at the impact on the students themselves. During the hearing we heard cases presented to us of older siblings who would qualify for the one gap year but whose younger siblings would not. We heard of one lass from Port Macquarie, now in her third year, and of her sister going through a gap year, approved for an agricultural commerce course, not knowing whether in fact she was able to go on. Her younger sister had just been accepted, I think, into medicine and would possibly not be able to undertake that course, and her younger brother would probably go down that same path. We heard of the same thing occurring in Mount Gambier. Under the one gap year, a lass had peeled potatoes for 12 months and her sister was facing the prospect of peeling potatoes for two years before being eligible for youth allowance. What has happened to this country, when its best and brightest have to peel potatoes for a period—in this case, for two years—before they can go to university? I ask the question: why is it that we in this country are expending so much money, and rightly so, to keep students through until the end of their secondary schooling and then turning around, throwing them out and rejecting them for the opportunity of tertiary study?

I applaud any government that wants to ensure that people from lower socioeconomic areas have the opportunity to go on to higher study. Thus has it always been and thus should it always be. But the reality, as was put to me by the then chairman of the Group of Eight universities, is that, over time, history has shown that it is not only students from the low socioeconomic areas who have been denied opportunities at university but students from rural and regional areas of Australia. They are the ones who in fact have been the most disadvantaged and this legislation, unless it is changed, will simply perpetuate that situation.

Let us have a look for a moment at the wastage of students. We already know that there is a loss of students after their tertiary entrance in year 12—those who do a gap year—and there is a loss of those who do not then go on to tertiary studies. I think, from memory, it is about eight to 10 per cent. But that figure jumps to a third. For those who have a two-year gap period, it jumps to about 33 per cent wastage of those students who then do not go on to higher studies. We in this country cannot afford that. Why invest so heavily in youngsters, through to the end of year 12, and then allow a 33 per cent wastage of students through them not going on to higher studies and universities? There is no logic to that situation.

We are talking about the inner regional areas currently being denied about 5,000 students. I am not sure of the number who actually attend university or higher education for the first time each year. It is probably about 200,000. So we are looking at about 5,000 students potentially being impacted. As a person coming from rural and regional Aus-
tralia, the concern I have is the impact on rural communities. We know that it is far more likely that a student from a rural or regional area, having obtained a university degree or higher qualification, will come back and stay in rural and regional Australia. I asked the young lady from Port Macquarie that question: ‘Would you, your sisters and your brother, upon graduation, stay in Sydney?’ She said, ‘No way, Senator. We would go back to the bush.’ Those are the very people whom we need.

We in this country are right down at the bottom of the OECD graph of those participating in agriculture and agribusiness who have any degree of qualification or higher education. That is unacceptable when we look at the challenge confronting this country and our region in terms of food security, supplying food, fibre and water for this sector of the world into the future. We have an unfilled demand of about 50,000 people in the agricultural and agribusiness sectors at a graduate degree level and this legislation will simply perpetuate and exacerbate that situation.

From a purely economic point of view, it has been put to the committee that a graduate earns, over their lifetime, in excess of $1 million more than a sibling, or other, who has not obtained a higher university qualification. If you take that $1 million and apply taxation to it over time, there on its own is the economic validation for getting our students into higher education, getting them qualified and getting them out there earning as graduates. It pays for itself over time. Far from discouraging students, we should be encouraging them even more.

How can we be the clever country when in fact, as I mentioned earlier, we demand that a young person peels potatoes for a—heaven forbid!—two-year period before they go on to university? Over the Christmas period I tried to explain this to a colleague from Singapore, and he simply looked at me as if I were mad. He said, ‘No, you are too intelligent a person; you are too smart a country to allow anyone to waste that time.’ I said, ‘No, that’s actually what students have to do under these circumstances.’

Be under no illusions: it is not 18 months. We all know that in most courses you cannot start in the second semester, so it is effectively a two-year period. This has to be addressed; it is unacceptable. I will not spend the time, because others have, on the question of the average of 30 hours that a student must work in a rural community. Finding work for 30 hours a week—in fact, at one stage it was a minimum of 30 hours, and I do take some credit for being able to point that out in the past; it has now moved from a minimum to an average—in many rural communities is not possible. It is of course obvious that this 18-month period, this 30-hours-a-week requirement, is not directed at school-leavers at all; it is directed at those coming out of the workforce. For those coming out of the workforce it is a laudable idea, but it is nevertheless not appropriate for school leavers.

I conclude with the reference I made earlier to the words of the minister, Minister Evans, when on the day of the hearing he announced that the rural hardship grant scheme’s criterion was the need to relocate. The need to relocate is the overwhelming and only criterion that should determine eligibility. (Time expired)

Senator XENOPHON (South Australia) (10.45 am)—At the end of last year the Social Security Amendment (Income Support for Regional Students) Bill 2010 was brought before the Senate by the opposition. Let us cast our minds back to the events of last year. It is important to remember that an agreement between the government and the oppo-
sition was made in March last year about changes to the youth allowance scheme, and yet, for reasons best known to them, the coalition waited until November to introduce this private senator’s bill. I cannot help thinking that this delay has led to a lot of frustration and the subsequent animosity we have seen surrounding this issue. But, having said all of that, I do agree that there are serious anomalies in the new scheme and they need to be urgently addressed.

I have long maintained that all private senators’ bills should be referred to a committee inquiry for full and thorough scrutiny before any vote takes place, and that is why I could not vote on this bill until now. This is a prime example of why committee inquiries are so important, because the inquiry allowed us to hear firsthand the experiences of regional students and the difficulties they face when it comes to accessing and affording tertiary education. It highlighted the anomalies and the inequity of the current scheme and the inappropriate use of the Australian standard geographical classification remoteness areas map, which is actually based on access to health networks.

Australia is a nation that strongly supports the notion of equality, and access to affordable education is a key tenet of that. I think we all agree on that. Access to higher education should not be about where somebody lives, and a person should not have to choose what they learn based on where they live. It is clear that relocating for tertiary studies comes at a significant personal and financial cost to families. Youth allowance goes some way to assist these students and is a key factor in whether or not an individual can afford to go to university. I would like to read from a submission to the committee inquiry from Mr Morris Dickins. He said:

My wife and I live in the rural city of Mount Gambier, South Australia which is 450kms away from either state capital city where my daughters can attend university.

My eldest daughter, finishing high school in 2008, qualified for youth allowance under the old system. She had a gap year and worked very hard to earn the $19,532 that was required. A job that required her to work shifts in the horticultural industry and one that required an 80 kilometer round trip from her home.

I will say parenthetically that Senator Back made reference to this young woman, who worked in a potato factory. Mr Dickins went on to say:

Even with her youth allowance payments we are still required to help fund her accommodation with regular fortnightly payments.

My second daughter has just finished her year 12 exams and is awaiting her results. Her dream is to study to become a Chiropractor in 2012 after having a gap year in order to get some money behind her before heading off to University in Melbourne, Sydney or Perth as these are the only places offering this course. This surely will be a clear demonstration of her independence.

Because of the type of hospital Mount Gambier has, through the Australian Standard geographical Classification (ASGC) we are classed as an inner rural city. This means to qualify for youth allowance my daughter will be required to work 30— hours— a week for 18 months in a 2 year period.

Mr Dickins went on to say:

It will be extremely difficult for my wife and I to assist both our first daughter plus fully supporting our second daughter to be away at university. The cost of having a student from the country at university is somewhere between $15,000 to $20,000 per year. It is unreasonable to expect a student to work 30 hours a week while studying full time. So we will be required to support her to the amount $55,000 to $70,000 until she turns 22 where she will qualify for Independent Living allowance.

To think that if we lived on the other side of the road, as many of my daughter’s friends do, we would still be 450kms away from Adelaide or Melbourne, our daughters would still have to
leave home to study, my youngest daughter would not be discriminated against because of the status of our hospital in our community and she would get youth allowance like her friends will.

I spoke with Mr Dickins’ eldest daughter, Sarah. Sarah Dickins is intelligent, articulate and bright, and it concerns me greatly that young people like her may not be able to further their education because they are deemed to live in an inner regional area rather than an outer regional area as a result of the inappropriate use of the map I referred to.

Education is fundamental, and we need to invest in it. Many believe that education is a human right, and I think that speaks to how seriously we need to take this issue. We need to ensure that all those who want to study are able to study, and the financial pressure on regional families whose children want to relocate for university studies is significant. It might be easy for some to say, ‘Well, you don’t need to go to that university; go to one closer,’ but that is the same as saying: ‘I know you want to be a chiropractor, but, hey, there’s a local course for teaching. Change your career aspirations.’ Why should a student who lives in a regional area be at a disadvantage to study the course they want to study and have the career they want to have?

I need to stress that Mount Gambier is not the only example. Other major regional cities fall into this inner regional category, even though they are still 500 kilometres away from the nearest city. I believe that all regional students should be classified as one group, not categorised in four separate groups as is currently the case under the application of the ASGCRA map.

Another key point that was raised in the inquiry was the importance of investing in regional youth, who more than likely will return to the regional centre and bring with them their skills. This government has repeatedly spoken about the importance of investing in our regions, and education must be a key part of that. I agree with what the government has said about that. I supported the government’s bill in March 2010 which made changes to the youth allowance criteria to ensure that only those who legitimately needed financial assistance to study received that support and that the scheme was not able to be rorted, and I commend the then minister, now Prime Minister, for those reforms in terms of the issue of legitimate need. They were important changes. However, I believe the application of the ASGCRA map to determine who is eligible for youth allowance based on locale is inappropriate.

In the absence of any alternative approach I will support this private senator’s bill. The government knows I have acted in good faith; I wrote to the government about this on 21 December, after the evidence was given. Of course I would have preferred to postpone the debate and vote on this bill until the minister, Senator Evans, was able to be in the chamber, but I commend the then minister, now Prime Minister, for those reforms in terms of the issue of legitimate need. They were important changes. However, I believe the application of the ASGCRA map to determine who is eligible for youth allowance based on locale is inappropriate.

In the absence of any alternative approach I will support this private senator’s bill. The government knows I have acted in good faith; I wrote to the government about this on 21 December, after the evidence was given. Of course I would have preferred to postpone the debate and vote on this bill until the minister, Senator Evans, was able to be in the chamber, but I understand that Senator Nash has given an undertaking to her constituents, as have I, to have the bill voted on this week. I have had useful discussions with Senator Evans’ office in relation to this and I hope that the passage of this bill may trigger further discussions in good faith between all interested parties to see if there is another way forward. But in the absence of any other alternative, given the undertakings I have made to my constituents—to Sarah Dickins, to her family and to many others like her—I have no choice but to support this bill. I see no other way forward.

To my colleagues, to my friends in the Greens: I cannot support the second reading amendment. There is an imperative here to deal with a fundamental injustice. Some fundamental anomalies have arisen. I am not blaming the government for that at all. They are anomalies that none of us foresaw at the
time, and that needs to be said in good faith about this. But I do not think it would be fair to the students who need support to have conditions to the support of this bill. I understand where Senator Hanson-Young is coming from on this—

Senator Hanson-Young—Are you offering them false hope, then, because they are not going to get—

Senator Xenophon—Senator Hanson-Young is asking whether I am offering them false hope. Not at all, Senator Hanson-Young. I am saying there is a principle here that this is an anomaly that needs to be dealt with. The fundamental principle here is that we need to deal with the anomaly. I believe that the process of this bill will be a very valuable and useful one in furthering discussions on further arrangements between the mover of the bill and other interested parties such as Senator Hanson-Young. I think that that is the best way forward at this stage. We need to deal with the anomalies because we all want some access and equity in educational outcomes. That is why I look forward to the review that the government has been undertaking in relation to this and I look forward to further discussions. But I feel that the right thing to do right now is to support this bill.

Senator Jacinta Collins (Victoria—Parliamentary Secretary for School Education and Workplace Relations (10.54 am)—I seek leave to incorporate the government’s position in relation to the Greens’ second reading amendment and the government’s position in relation to the minerals resource rent tax.

Leave granted.

The document read as follows—

The Government does not support the second reading amendment.

This amendment by the Greens confirms that this Bill would have a financial impact. It recognises that the Bill is in fact a money bill. The Government’s view remains that this Bill is unconstitutional.

On the substance of the Greens proposal, the Government does not support any increase in the Minerals Resources Rent Tax.

The MRRT package announced in July last year will provide a fairer return for Australia’s resources and let us cut tax for small business, boost superannuation, simplify personal tax and invest in infrastructure.

The Government will implement the MRRT within the framework announced in July last year.

We have an agreement with the mining industry, and we are going to stick to that agreement.

It is important that we get a fairer return for Australia’s resources, but it is also important that it is workable for the industry.

For those reasons, the Government will not be supporting the Bill, and we will not be supporting this second reading amendment.

Senator Bob Brown—That is very germane to this debate. I ask that it be circulated immediately.

The Acting Deputy President (Senator Troeth)—Are you agreeable to that, Senator Collins?

Senator Jacinta Collins—Yes.

The Acting Deputy President—All right. That will be circulated.

Senator Nash (New South Wales) (10.55 am)—Firstly, can I thank all of those who have made a contribution to my bill this morning. It certainly has been a very lively debate. I would like to thank the member for Sturt and the shadow minister for education, apprenticeships and training, Christopher Pyne, the member for Gippsland, Darren Chester, the member for Forrest, Nola Marino, as well as all my other colleagues for the support that they have given me with this bill because, while this is a private senator’s bill,
it is certainly a bill that is very strongly on behalf of all of my coalition colleagues. I would also like to thank Kent Spangenberg, who many years ago, in my very early days as a senator, raised with me the issue of inequity for regional students. I also thank Senator Xenophon and Senator Fielding especially for their contributions today.

One of the saddest things I have ever seen was Senator Marshall stand up today and discuss a bill that affects regional students. His first comment was that the coalition was ‘trying to sabotage the government’s fiscal program to bring the budget back to surplus’. How sad an opening that was from the senator on the other side, because this is not about fiscal responsibility of the government and bringing budgets back to surplus; this is about students in rural and regional Australia who are so devastatingly affected by a current policy of the government. The very fact that Senator Marshall started with that particular comment shows that, as Senator Hanson-Young said, this government has no understanding of the impact of the current independent youth allowance policy on our regional students, and it is indicative of the fact that they have stuck their heads in the sand and completely refused to even address the fact that the issue exists. They simply say, ‘It’s all fine’ and ‘It’s all part of a deal we did with the coalition.’ What a load of rubbish! It is political posturing, and they should have been strong enough to say, ‘There are some unintended consequences here and we are going to fix them.’

Those with the greatest strength can identify when there is a problem. Those who have even greater strength can identify when there is a problem and then move to fix it. Interestingly, as usual the government over there on the other side have not done their homework; they have not done their research. They have come in here and blathered on with a whole lot of rubbish and they have not actually checked their facts—which, colleagues, is not surprising because that is running fairly true to form for the government. They do not check their facts, they do not do their research and they certainly have not given the Australian people anything like a substantive policy since they came to government, particularly in the area of education.

Senator Marshall and others—Senator Collins and Senator Cameron—said that we did not budget for it. Unfortunately, they did not do their homework: yes, we did budget for it. Not only did we budget for it; we submitted the costings to Treasury and Treasury had no comment whatsoever to make, indicating that they had no problem at all with the costings. So perhaps the government might have liked to have checked that little fact before they came in here ranting and raving that we had not done our costings, which we absolutely had.

Senator Marshall is the ultimate, today, in hypocrisy. Colleagues, let me read you a little quote from the inquiry. Today Senator Marshall said, ‘It’s all about sabotaging the government’s fiscal program.’ What most people do not realise Senator Marshall said during the inquiry with regard to my bill to make fair for regional students the access to independent youth allowance was this: ‘I guess everyone would like to support this bill. In fact we have had very little opposition to it.’ Gosh! That is a bit of a contrast. I think somebody might have dropped a different Senator Marshall in on the other side today, because what he said today was precisely not what his comment was during the inquiry process.

Talk about just using words for the sake of making a political point. In all of this the government has completely forgotten that it is regional students and their future that we are talking about. It is the very fact that the
Prime Minister, Julia Gillard, has been talking about an education revolution and how important education is that makes the government’s position on this so incredibly sad, because she knows that there is a problem here. The Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Chris Evans, knows that there is a problem here. I do acknowledge that he is not here today and, of course, we would much prefer that he was here to be part of this debate. But he is very well aware of all these issues and he knows that there is an issue.

For this government to stand up and say that they will not find the money to allow around 5,000 students who live in the inner regional area to be subject to fair and equitable criteria for independent youth allowance is simply not acceptable. Cost is no excuse to not treat regional students fairly. Regional students are not cash cows. They are not the place this government should be taking funding from because they want to be seen to be fiscally responsible. As my very good colleague Senator Mason said earlier, and he was quite right, we are sitting in a sort of parallel universe here when the opening from the government on the other side was about the importance of fiscal responsibility. It would be laughable if it were not so serious. If time permits, I will run through a few of those areas to show just how hypocritical that was from Senator Marshall.

The other issue that the senators on the other side, from the government, have thrown up today is the constitutional issue. Isn’t this interesting? Again, they have not bothered to check their facts. They have not bothered to do a little bit of research on this issue. Interestingly, this issue has been rolling around for a while. Minister Chris Evans, as everybody would be aware, wrote to the President of the Senate way back in November. Thinking deeply, on advice from the Attorney General that it was not constitutional, the minister says to the President, ‘On that basis I would be grateful for your assistance in drawing this matter to the attention of senators so that steps may be taken to ensure that the bill does not proceed.’ How inappropriate was that. The President of the Senate did respond—who, may I point out, is Labor senator Senator John Hogg—saying to the minister, ‘It is quite inappropriate for you to ask me to take steps to ensure that a bill does not proceed on any basis, let alone on the basis that the House of Representatives has a different view of its constitutionality.’ What is it about this piece of policy, what is it about this bill, that the government is so determined never to even debate it? They did not want to debate it back then, and what is particularly interesting is that, in that same letter from the President, he says, ‘The bill introduced by Senator Nash is quite in accordance with the Senate’s view of section 53 of the Constitution.’ So perhaps senators on the other side, before you came in here ranting and raving about the constitutionality, should have checked with ‘your’ President of the Senate as to his view of the appropriate way forward in the Senate chamber.

But it gets better, colleagues. This morning, landing on my desk is a letter—dated only yesterday, might I say—from the Minister for Finance and Deregulation, Senator the Hon. Penny Wong—she has been in the news a little bit of late—again advising me that the bill was unconstitutional, that we now have this private member’s business coming before the Senate and alerting us to the fact that the bills are unconstitutional and that, as she was aware, no offsetting savings have been put forward by me. She is yet another Labor senator. Maybe if they had done their homework they would have realised that we had done exactly that. Her President agrees it is constitutional. But what is really interesting is the fact that the government, those on the
other side, have known since November that these private senator’s bills were going to be dealt with today, yet Senator Wong, in a mad scramble, chooses to write to me—oh gosh!—yesterday. They are in an absolute mess. All the government needs to do is to admit that there have been some unintended consequences and that they will fix the problem because, at the end of the day, this is about regional students who are being treated unfairly.

The government has divided regional Australia into four zones through the use of the Australian standard geographical classification remoteness area map.

Senator Mason interjecting—

Senator NASH—Thank you Senator Mason, it is a mouthful. The four zones do not even relate to the distance from universities for regional students. They have no bearing whatsoever, and the minister even admitted that during the Senate estimates process. So we have the government dividing regional Australia up into four zones. Very simply, this is the crux of the whole matter: students in three of those zones—outer regional, remote and very remote—can access independent youth allowance using a single gap year and earning a lump sum of money; students in the other zone, the inner regional, have to work for 18 months in a two-year period—so they are not going to get any assistance for two years—and they have to work an average of 30 hours a week. That is unfair and that is what needs to be fixed. It is a simple step for the government to insert one line in the legislation to ensure that all of those students are being treated equally. I understand the Greens position on this. Indeed, Senator Hanson-Young has put forward an amendment. I have said very clearly from the beginning of this debate on the criteria for independent youth allowance that this bill simply addresses the current anomaly. It simply addresses the unfairness in the current legislation.

Addressing the broader problems, and bigger inequities, for regional students in accessing education, students who in so many instances simply have no choice but to relocate to attend university, is a separate issue. And that does have to be fixed. I concur with Senator Hanson-Young’s remarks that we do need to look at this relocation issue. Indeed, I have been saying this for a lot longer than she has—and I have been saying it because the Isolated Children’s Parents Association were the ones that originally came to me with the idea of a tertiary access allowance. So this is not a new idea from the Greens. This is an idea that has been coming from regional students and their families for quite some time. But it is a separate issue. I would hope that, in the absence of the Greens being successful with their amendment today, they would see their way clear to support this bill so that regional students can at least be on the path to being treated fairly—because, if they do not, one can only assume that all of the words that the Greens are using about regional students, everything they have said here today in the chamber, is a political game and not acting in the best interests of regional students. If their amendment does not get up, they have the opportunity right here this morning to show their support for regional students by supporting my bill, and I very much hope that they do that.

This issue has been going for a long time now—well over a year. Quite frankly, it should not be so hard for regional students. The argument that the government mounts that the changes that have been made to the youth allowance arrangements have covered for the changes in the independent youth allowance arrangements is simply wrong. It is just incorrect. We agreed that there were some benefits in the legislation last March.
There is no doubt about that. That is why we agreed to pass the bill. And no matter how much the government postures and jumps up and down about a deal, we only entered into that deal because the minister responsible at the time, Julia Gillard, refused to split the bill so we could deal with the issues separately. We told her we supported those parts of the legislation that were going to improve things for regional students, but we did not support those parts of the policy regarding the independent youth allowance that were going to be detrimental to regional students.

We were very clear about that. We had no choice but to pass that legislation, to get those good parts of the legislation through, but from that very moment in time we have been fighting the government to make this legislation fair.

It is a very simple choice for the government. Even after they vote against my bill—which I am sure they will—they can choose to fix the legislation. It is a simple fix. The funding can come from the Education Investment Fund in the short term. They know that. They could have this whole matter fixed and resolved in a matter of weeks. At the end of the day this is not about us in the chamber. This is not about our political arguments. This is not about political posturing. This is about the future for regional students. And this government has a responsibility to make that future fair for all of them.

Question put:
That the amendment (Senator Hanson-Young’s) be agreed to.

The Senate divided. [11.15 am]
(The President—Senator the Hon. JJ Hogg)

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

NOES
Adams, J.  Barnett, G.
Bernardi, C.  Bilyk, C.L.
Bishop, T.M.  Boswell, R.L.D.
Boyce, S.  Brown, C.L.
Bushby, D.C.  Cameron, D.N.
Carr, K.J.  Cash, M.C.
Collins, J.  Conroy, S.M.
Coonan, H.L.  Cormann, M.H.P.
Crossin, P.M.  Eggleston, A.
Farrell, D.E.  Ferguson, A.B.
Fielding, S.  Turner, M.L.
Hogg, J.J.  Hurley, A.
Johnston, D.  Joyce, B.
Kroger, H.  Lundy, K.A.
Macdonald, I.  Marshall, G.
Mason, B.J.  McEwen, A.
McGauran, J.J.J.  Moore, C.
Nash, F.  O’Brien, K.W.K.
Parry, S.  Payne, M.A.
Polley, H.  Pratt, L.C.
Ronaldson, M.  Ryan, S.M.
Scullion, N.G.  Stephens, U.
Sterle, G.  Troeth, J.M.
Trood, R.B.  Williams, J.R.
Wortley, D.  Xenophon, N.

* denotes teller

Question negatived.

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

The Senate divided. [11.22 am]
(The President—Senator the Hon. JJ Hogg)

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AYES
Abetz, E.  Adams, J.
Back, C.J.  Barnett, G.
Bernardi, C.  Boswell, R.L.D.
Boyce, S.  Brandis, G.H.
Bushby, D.C.  Cash, M.C.

CHAMBER
Thursday, 10 February 2011 SENATE 435

Cormann, M.H.P. Eggleston, A. 
Ferguson, A.B. Fielding, S. 
Fifield, M.P. Fisher, M.J. 
Heffernan, W. Joyce, B. 
Kroger, H. Macdonald, I. 
Mason, B.J. McGauran, J.J.J. 
Minchin, N.H. Nash, F. 
Parry, S. Payne, M.A. 
Ronaldson, M. Ryan, S.M. 
Scullion, N.G. Troeth, J.M. 
Trood, R.B. Williams, J.R. 
Xenophon, N. 

NOES

Arbib, M.V. Bilyk, C.L. 
Bishop, T.M. Brown, B.J. 
Brown, C.L. Cameron, D.N. 
Carr, K.J. Collins, J. 
Conroy, S.M. Crossin, P.M. 
Faulkner, J.P. Forshaw, M.G. 
Furner, M.L. Hanson-Young, S.C. 
Hogg, J.J. Hurley, A. 
Hutchins, S.P. Ludlam, S. 
Lundy, K.A. Marshall, G. 
McEwen, A. Milne, C. 
Moore, C. O’Brien, K.W.K. 
Polley, H. Pratt, L.C. 
Sherry, N.J. Siewert, R. 
Stephens, U. Sterle, G. 
Wortley, D. 

PAIRS

Birmingham, S. Wong, P. 
Colbeck, R. Feeney, D. 
Coonan, H.L. Ludwig, J.W. 
Fierravanti-Wells, C. Farrell, D.E. 
Humphries, G. Evans, C.V. 
Johnston, D. McLucas, J.E. 

* denotes teller

Original question agreed to. 
Bill read a second time. 

In Committee

Bill—by leave—taken as a whole. 

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (11.27 am)—The Greens opposed the second reading of the Social Security Amendment (Income Support for Regional Students) Bill 2010 and I want to explain our position as far as not just this legislation is concerned but also the new configuration that we have in this parliament with a minority government and a balance of power shared by, at the moment, a number of entities in the Senate. During the discussions to formulate government in August last year I made it clear that the Greens would not be supporting legislative moves from the opposition that put a burden on the people without those having been properly negotiated and agreed to.

Today we have important legislation to support regional students. Senator Sarah Hanson-Young has very forcefully put the position of the Greens on this matter. She has an alternative by way of an amendment which is important in stating where the Greens stand on this. The difference between the position of the Greens and that of the opposition, which has been very ably put by Senator Nash and her fellow opposition speakers in the second reading debate, is that the Greens have put a funding mechanism for the proposal before the Senate. The government has issued a cost assessment of the proposal for the scheme of the opposition which will not be too different to that proposed by the Greens which is for $317.2 million over the forward estimates and $61 million in the year 2011-12.

The Greens proposal in the amendment just lost was that that money should be funded through a reconfiguration of the mining resource rent tax to generate sufficient additional revenue to cover those costs. Not only has the opposition not come forward with a proposal to transmit for the consideration of the House of Representatives but the one proposal that it did put forward in the process of public and Senate consideration was to cut the Education Investment Fund. But the government has effectively already done that in its package for funding the flood disaster reparations, and the Leader of the Opposition, Mr Abbott, has agreed to that
diversion. So we have a position in which the opposition has effectively put forward no new proposal which would fund its legislation.

It would be easy for the Senate to simply continue to bring forward a series of proposals costing hundreds, if not thousands, of millions of dollars seriatim and to feed them through to the House of Representatives without taking the responsibility for finding the money through one mechanism or another to fund those proposals. I and the Greens do not propose to take that course of action. We are in this place to take upon ourselves the responsibility for the legislative moves we take. We are aware that the Senate is a powerful upper house like very few others in the world and that it has the ability to put forward legislation such as this. Senator Collins’ talk of constitutional recklessness was in itself reckless because this matter simply cannot be dismissed in those terms. We have to have the mature responsibility to be able to understand the constitutional position of the Senate vis-a-vis the House and our responsibility as legislators in the Senate, because legislation as we are seeing here today can, has and will originate in the Senate. In a period of political change, when we can expect to see more minority governments in this country and a balance of power situation in the Senate more commonly in the coming century than we saw in the last century, we all have to come to grips with the constitutional balances between the two places. That puts a heavy responsibility upon any legislator, private or party representative, in this Senate to act as if the legislation were in fact being generated in the House of Representatives.

We make it clear that we will be bringing forward private members’ legislation in this Senate. As Senator Hanson-Young pointed out at the beginning of her speech in the second reading debate, we are here today enabled to legislate because the Greens have made this breakthrough to specify private members’ time in both houses of parliament. It has been a long quest that I have personally had that we should catch up with other parliaments and have specific time for private members’ legislation. But Senator Collins’ asseveration that no legislation can come forward in the Senate in private members’ time which has a cost attached to it is nonsense. In fact, it is impossible to imagine any legislation that could be passed in a parliament which is not going to have some cost impact, if not on the exchequer then on the people of Australia. The very act of legislating takes up Senate time and is therefore a cost on the public purse. I, on the other hand, while making it clear that the Greens are not going to support a process where there is not that responsibility of finding the funding for legislation coming forward, say this to the government: this is a minority government. It has to understand that there will be innovative legislation coming into both houses and that it needs to be funded. It is not ‘winner takes all’. This is not the Howard era of control of both houses of parliament, with those houses put to the side and the executive in complete control and using the parliament as a rubber stamp. This is the parliament at its best, with both houses able to generate legislation and to find the funding for them.

I do not know that this government or this Treasurer understands that that is the circumstance. There is going to have to be an accommodation of that. These are not the old days; these are the new days. This is what the Australian people have voted for. We are making a very difficult but responsible decision here today. We have not finished with this matter and nor should the government. It needs to heed the fact that the sentiment of this Senate is to ensure that income support for regional students is appropriately afforded by this government and that the
anomaly and the unfairness are removed. There is a test for government in that. On the other hand, it is very clear that, if we want to move into the morass of politics that would come out supporting every opposition move in this house or another in private members’ time, ultimately the opposition would be taking over the role of the treasury bench, and that is not how our parliament works—government has that responsibility.

There is a high responsibility on the Treasurer, the Prime Minister and the cabinet to understand that there will be innovations coming from the floor of both houses which need to be funded and for which consideration needs to be made. Let me talk through that. The position may arise before too long where a piece of legislation such as the one before us passes both houses of parliament, with a legislative mechanism for raising the funding attached to it. What is the government going to do? Is it simply going to shelve that legislation as the Howard government did with legislation to end mandatory sentencing in the Northern Territory? Even under those circumstances, Prime Minister Howard felt motivated to go to the Chief Minister of the Northern Territory and to finance an alternative. He understood that this was a parliamentary decision which had to be acted upon. Prime Minister Gillard and Treasurer Swan need to understand that that is the new parliamentary configuration here, and it has to be accommodated.

We should not be moving to some sort of constitutional showdown that we cannot foresee the exact parameters of now. That is why I am, on behalf of the Greens, taking a more responsible stand than the opposition here today. We are taking the hard decision that we will not support this legislation without a funding mechanism. But the government must not take that for granted. That would be a very unwise decision. We have the potential for one of the most exciting, productive and innovative parliamentary periods in Australian history, but it requires the government to understand that and to engage in the hard yards of working out how, while it maintains the treasury bench, the innovation that comes from this parliamentary configuration is not stifled, because it will not be stifled.

We are in a situation where Senator Hanson-Young has an alternative, which was put forward as an amendment. We now do not have a funding mechanism for that. I say to Senator Nash and the opposition: consider seriously what I am saying. We have a burden of responsibility not just to come forward with ideas but to find the funding. Our costing is a miniscule alteration to the mining super profits tax. We have two corporations in this country that are going to turn over more than $100 billion in the coming year and we are talking about a $60 million impost on them to aid rural students to have a fair and equal opportunity to advance their education. That is surely not too much to ask the government to look at. It appears this legislation will pass this chamber and will go to the House, but in the House the same imperative will arise. Those who generate legislation should also take financial responsibility, the responsibility for paying for it. That is on all of our shoulders.

I might add finally that maybe the government needs to look at a specific conversation with all other parties in this parliament as to how we move forward to maximise the benefit of this exciting configuration, rather than to simply see it as a political point-scoring exercise. The elements of that are already there in this chamber today. That is not what we want to be part of. We want to be part of real innovation that is properly addressed by the government with a real response, and we want the hard yards put in to benefit the Australian people. The Greens say to the opposition: we are not supporting
this legislation, not because it does not have merit—we have got a parallel and even more meritorious piece of legislation—but because you have failed in your responsibility to adequately address the funding of it. For people who have been in government, the magnitude of that failure is compounded.

With that said, I will leave it to Senator Hanson-Young to talk about the amendment that has been brought forward. I wanted to clearly put it on the record that there is more than this piece of legislation at stake in this very important process that we are going through now, right at the start of this period of government in this great Senate of ours in the service of the Australian nation.

Senator HANSON-YOUNG (South Australia) (11.41 am)—It is with deep regret that I will have to withdraw the amendment that I have circulated. That is because, as outlined by Senator Bob Brown, there is absolutely no way that this chamber can pass a piece of legislation at stake in this very important process that we are going through now, right at the start of this period of government in this great Senate of ours in the service of the Australian nation.

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I think the coalition, the government and the Independents involved need to really think about the lives of the people that they are actually playing with here. If we are serious about giving the income support that is needed to students, the government must come up with a way of funding this and they must commit to acknowledging that there is a fundamental problem with the current system. We have not heard one word from the government today, yesterday, last month, the month before or in the two-year period that this debate has been going on to indicate that there is a problem. Well there clearly is a problem. We have been debating this for two years. For two years young Australians in the bush have been struggling to figure out what they can do to get themselves through university. Their families have mortgaged their houses. Some families, particularly those in the skilled workforce in country areas, have left country areas and moved into town so their kids could go to university, stripping important skills and resources out of those rural and regional communities. There is a problem and it is time the government acknowledged it. Unfortunately this bill will fail to deliver what should have been a solution because it is full of false hope. I withdraw the amendment.

Senator NASH (New South Wales) (11.44 am)—In the minute or so remaining I will respond briefly to Senator Brown. I refer him to the Stolen Generations Reparations Tribunal Bill 2010, introduced by Senator Siewert, which has absolutely no costings in it whatsoever. Senator Brown’s speech in this debate was a pathetic attempt to justify the position of the Greens in not supporting this bill. The Education Investment Fund, which has been ticked off by the Treasury, is the appropriate place for this funding to come from. The government certainly cannot complain that it is an inappropriate place for the funding to come from. In June 2009, it
raided the fund for $2.5 billion for its Clean Energy Initiative, which is not related at all to education. It is a very sad day, Senator Brown, when you miss an opportunity to support those regional students you purport to represent, but by voting against this bill, which you obviously intend doing, you will let those regional students down. No amount of fancy words that you use can take away the fact that you will have voted against regional students.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator NASH (New South Wales) (11.46 am)—I move:

That this bill be now read a third time.

Question put:

The Senate divided. [11.50 am]

(The President—Senator the Hon. JJ Hogg)

Ayes……….. 35
Noes……….. 33
Majority…….. 2

AYES

NOES


PAIRS
Abetz, E. Birmingham, S. Brandis, G.H. Humphries, G. Evans, C.V. Carr, K.J. Ludwig, J.W.

* denotes teller

Question agreed to.

Bill read a third time.

PETITIONS

The Clerk—Petitions have been lodged for presentation as follows:

Sisters of Charity Outreach

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

The petition of the undersigned draws to the attention of the Senate the deep concerns of the people of Devonport and surrounding communities about the imminent closure of the Sisters of Charity Outreach grief and trauma counselling service, in particular the failure of the Commonwealth Government to assist Sisters of Charity Outreach to continue providing this vital mental health service.

Sisters of Charity Outreach provides an invaluable and unique counselling service to the Devonport regions specialising in grief and trauma issues and available to all in need regardless of financial circumstance. Outreach has had Commonwealth funding since 2008 and has consis-
ently exceeded client and counselling session targets whilst keeping within budget allocations.

We therefore request that the Senate support Senator Colbeck’s Motion:

That the Senate:

(a) Recognises the important, unique and successful service provided by Sisters of Charity Outreach to the Devonport Community;

(b) Recognises the strong desire of the Devonport and wider communities to retain this vital mental health service;

(c) Seeks that Prime Minister Julia Gillard meet her promise that a re-elected Labor Government would make mental health a priority;

(d) Seeks Government re-consideration of its decision not to extend funding for the Sisters of Charity Outreach service beyond the current four-year period; and

(e) Calls on the Government to provide $1.25 million over three years for this vital North West Tasmanian health service.

by Senator Colbeck (from 1,136 citizens)

Immigration
To the President and Members of the Senate in Parliament Assembled

The humble Petition of the Citizens of Australia, respectfully showeth:

That we reaffirm our support for the Constitution of the Commonwealth of Australia which states “Whereas the people of New South Wales, Victoria, South Australia, Queensland and Tasmania humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth...” (Constitution Act 9th July 1900) and the affirmation of 69% of our Australian population that they are Christians, and the statement of one of our founders that “this Commonwealth of Australia from its first stage will be a Christian Commonwealth” (Sir John Downer 1898), and the Opening Prayer of the Parliaments “Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory” and recognises the importance of these beliefs in ensuring the ongoing stability and unity of our Christian nation.

Your petitioners therefore pray the Parliament of Australia will:

Review our Commonwealth Immigration Policy to ensure the priority for Christians from all races and colours, especially from persecuted nations, as both immigrants and refugees.

Adopt a ten year moratorium on Muslim immigration, so an assessment can be made on the social and political disharmony currently occurring in the Netherlands, France and the UK, so as to ensure we avoid making the same mistakes; and allow a decade for the Muslim leadership and community in Australia to reassess their situation so as to reject any attempt to establish a Muslim nation with our Australian nation.

And your petitioners, as in duty bound, will ever pray.

by Senator Humphries (from 3 citizens)

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

We, the undersigned citizens draw to the attention of the Senate assembled, that the definition of marriage as “a union between one man and one woman to the exclusion of all others, voluntarily entered into for life” is the foundation upon which our families are built and on which our society stands. To alter the definition of marriage to include same-sex “marriage”, as proposed, would be to change the very structure of society to the detriment of all, especially children.

We, the undersigned citizens therefore request that the Senate upholds the definition of marriage as defined in the Marriage Act 1961 (amended 2004).

by Senator Stephens (from 33 citizens)

Petitions received.

Senator COLBECK (Tasmania) (11.53 am)—by leave—I thank the chamber for allowing me to speak briefly on this particular issue. I want to speak on my petition, signed by 1,136 petitioners from Tasmania, in support of the Sisters of Charity Outreach service. It is a unique service, providing mental health services to the people of north-west Tasmania—and indeed the whole of
Tasmania. It is disappointing that a service providing mental health services, something that is one of the government’s second-term agenda items, is effectively, in the terminology of local member Sid Sidebottom ‘slipping through the cracks’. As a member of the medical fraternity said to me last week, the service that looks after people who slip through the cracks is in fact slipping through the cracks.

Rather than put it into my words, I want to put on the record the words of Mr Sidebottom on 13 March 2008, when he described this as: ‘a wonderful example of self help in the provision of mental health services in Tasmania. The Sisters of Charity Outreach is the only specialist grief and trauma service in Tasmania. The program, which I can only offer in summary, is quite extraordinary. It is non-government; it is a not-for-profit group providing specialist grief and trauma counselling services. It makes a significant contribution to mental services in Tasmania.’

I have received letters from medical practices in my region calling for this service to be retained and for funding to be continued. Obviously, 1,136 petitioners have signed in a very short period of time a petition asking for this service to be continued. It is obvious that if the government is serious about mental health being on its second-term agenda, services such as this should be used as examples for the future, not let slip through the cracks. *(Time expired)*

**NOTICES**

**Withdrawal**

Senator McEWEN (South Australia) *(11.56 am)*—Following the receipt of satisfactory responses, on behalf of the Senate Standing Committee on Regulations and Ordinances, I give notice that on the next day of sitting I shall withdraw four notices of motion to disallow, the full terms of which have been circulated in the chamber and that I now hand to the Clerk. I seek leave to incorporate in *Hansard* the committee’s correspondence concerning these instruments.

Leave granted.

*The document read as follows—*

**SENIOR STEPHENS**

**AT THE GIVING OF NOTICES**

**10 FEBRUARY 2011**

**NOTICE OF INTENTION TO WITHDRAW NOTICES OF MOTION TO DISALLOW**

**Twelve sitting days after today**

Business of the Senate—Notices of Motion Nos:


**ASIC Market Integrity Rules (ASX Market) 2010**

28 October

The Hon David Bradbury MP
Parliamentary Secretary to the Treasurer
Room R1.89
Parliament House
CANBERRA ACT 2600

Dear Parliamentary Secretary

The Committee’s function is to examine all legislative instruments subject to disallowance or disapproval by the Senate to ensure that they comply
with broad principles of personal rights and parliamentary propriety. In accordance with that function, the Committee is writing to you in relation to the following instruments made under subsection 798G(1) of the Corporations Act 2001.

ASIC Market Integrity Rules (APX Market) 2010

This instrument specifies market integrity rules in relation to the licensed market operated by Asia Pacific Exchange Limited. The Committee’s consideration of this instrument has raised the following matters.

First, rule 1.2.1 permits ASIC to provide an entity with a waiver from all or any of these rules. Subrule 1.2.1(4) notes that for the purposes of Part 1.2, ‘waiver’ means a waiver under rule 1.2.4, which is located in Part 1.2, permits ASIC to establish and maintain a register for recording details of ‘relief’ granted under Rule 1.2.1. It is not clear whether the term ‘relief’ has a meaning that is different from ‘waiver’. If not, it would assist clarity in application of the rules if rule 1.2.4 was amended to refer to ‘waiver’.

Secondly, rule 1.4.3 includes a definition of the term ‘prohibited conduct’. Paragraphs (b)(iii) and (iv) refer, respectively, to short selling and cornering. These terms are not defined in the Rules. It may be that these terms are thought to be well understood in the finance community but given their status as prohibited conduct, it would assist the application of the Rules if there was greater specification of the conduct that is being referred to (for example, does short selling include covered and naked short sales?).

ASIC Market Integrity Rules (SIM VSE Market) 2010

This instrument specifies market integrity rules in relation to the licensed market operated by SIM Venture Securities Exchange Limited. The Committee’s consideration of this instrument has raised the following matters.

First, rule 1.2.1 permits ASIC to provide an entity with a waiver from all or any of these rules. The Committee’s concern with this rule is the same as for the APX Market Rules above.

The second matter arises from a comparison of the definitions provided in these Rules with those provided in the ASIC Market Integrity Rules (APX Market) 2010. While the definitions must obviously reflect the different circumstances of these two markets, there are some common terms in both sets of Rules the definitions of which are drafted in different ways—see the definitions for ‘bid’, ‘immediate family’, ‘offer’, and ‘official list’. There are other common terms where the differences in definition may be due to differences in the two markets—see the definitions for ‘family company’, ‘family trust’, ‘takeover’. The Committee would appreciate advice clarifying the differences in the definitions between the Rules.

ASIC Market Integrity Rules (ASX Market) 2010

This instrument specifies market integrity rules in relation to the licensed market operated by Australian Securities Exchange Limited. The Committee’s consideration of this instrument has raised the following matters.

First, rule 1.2.1 permits ASIC to provide an entity with a waiver from all or any of these rules. The Committee’s concern with this rule is the same as for the APX Market Rules above.

Secondly, rule 2.1.4 specifies good fame and character requirements for people involved in the business of a market participant. Paragraph 2.1.4(2)(b)(i) states that a person may be assessed not to be of good fame and character if the person has been charged with or convicted of any offence. Notwithstanding the discretionary latitude granted by the word ‘may’, this paragraph nevertheless allows the fact that a person has been charged with an offence to count against their good fame and character, regardless of whether a conviction has followed from that charge. The Committee would appreciate your advice as to why this provision is worded in this way.

Thirdly, rules 2.4.13 to 2.4.15 deal with the renewal of accreditation of an accredited adviser. These rules include a requirement that ASIC must give written reasons if an application for renewal is rejected (subrule 2.4.15(2)). Rule 2.4.16 then provides that if ASIC has not renewed an accreditation by one business day after the renewal date the person ceases to hold the relevant accreditation. The intention behind this rule is not clear. It appears to allow ASIC to avoid processes for rejection of an application specified in rule 2.4.15, including the need to give reasons. The
Committee would therefore appreciate your advice clarifying the operation of rule 2.4.16.

Finally, rules 4.1.9, 4.1.10, and 4.2.2 require that specified records and recordings be kept for certain periods of time. The required time periods differ, ranging from a minimum of 3 months (in the case of recordings of telephone conversations, under rule 4.1.10), to a minimum of 5 years (for a record of a client complaint, under rule 4.2.2), and seven years for records of an authorised person (rule 4.1.9). The Committee notes that rule 2.27 of the ASIC Market Integrity Rules (ASX 24 Market) 2010 also imposes a minimum 3 month requirement on keeping of telephone recordings. The reason for the different time periods is not clear, nor is the reason why, in two of these rules, the required time period is expressed as a minimum period. The Committee would appreciate further advice on the reason for the different time periods.

ASIC Market Integrity Rules (IMB Market) 2010

This instrument specifies market integrity rules in relation to the licensed market operated by IMB Limited. The Committee’s consideration of this instrument has raised the following concerns. First, rule 1.2.1 permits ASIC to provide an entity with a waiver from all or any of these rules. The Committee’s concern with this rule is the same as for the APX Market Rules above.

Secondly, rule 1.1.5 requires that the market operator (IMB Ltd), market participants and other regulated entities must comply with these Rules. However the Rules only impose specific obligations, found in Chapter 2, on market participants. It is not clear what obligations are being imposed on the market operator or other regulated entities by these rules. The Committee would appreciate some further advice on this issue.

ASIC Market Integrity Rules (NSXA Market) 2010

This instrument specifies market integrity rules in relation to the licensed market operated by National Stock Exchange of Australia Limited. First, rule 1.2.1 permits ASIC to provide an entity with a waiver from all or any of these rules. The Committee’s concern with this rule is the same as for the APX Market Rules above.

Information on consultation

Finally, section 17 of the Legislative Instruments Act 2003 directs a rule-maker to be satisfied that appropriate consultation, as is reasonably practicable, has been undertaken particularly where a proposed instrument is likely to have an effect on business. The definition of ‘explanatory statement’ in section 4 of the Act requires an explanatory statement to describe the nature of any consultation that has been carried out. The Explanatory Statements that accompanies the ASIC Market Integrity Rules (APX Market) 2010, ASIC Market Integrity Rules (SIM VSE Market) 2010, ASIC Market Integrity Rules (IMB Market) 2010, ASIC Market Integrity Rules (NSXA Market) 2010 state only that there was ‘targeted consultation’ on the market integrity rules. The Committee would appreciate further information as to who the targets of the consultation were, thus providing an explanation that better meets the requirements of the Act.

The Committee operates within the disallowance timeframe established by the Legislative Instruments Act 2003 and works toward completing consideration of a legislative instrument before the expiry of the 15th sitting day after it has been tabled in the Senate. Correspondence should therefore be forwarded to the Committee as soon as possible but before the date shown below to allow it time to consider your advice prior to the expiration of the 15th sitting day. In the event that a response is not received by the 15th sitting day, the Committee may as a precautionary measure give a notice of motion to disallow the instrument.

The Committee would therefore appreciate advice on the above matters before 19 November 2010. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room S1.111, Parliament House, Canberra.

Yours sincerely

Senator the Hon Ursula Stephens
Chair
23 November 2010

Senator the Hon Ursula Stephens
Chair, Senate Standing Committee on
Dear Senator Stephens

Thank you for your letter of 28 October 2010 concerning various Market Integrity Rules made by the Australian Securities and Investments Commission (ASIC) under subsection 798G(1) of the Corporations Act 2001.

ASIC took over the supervisory responsibility for Australia’s domestically licensed financial markets from 1 August 2010. As such, it has been necessary for ASIC to examine the market rules that existed prior to 1 August 2010 to determine those that would become Market Integrity Rules (and hence be administered by ASIC) and those that would stay with the relevant market operator. The division of rules between Market Integrity Rules and the market operator was agreed between ASIC and each market operator, and was the subject of consultation with industry.

As such, ASIC’s Market Integrity Rules for each of the ASX, ASX 24, APX, IMB, NSXA and SIM VSE markets are based on a subset of each of the relevant market operators’ rules in existence prior to the transfer of market supervision from each of those markets to ASIC.

The principle applied to the division of market rules was:

- ASIC would make into Market Integrity Rules those rules that existed prior to 1 August 2010 that related to market integrity matters (e.g. those that related to participant conduct); and
- market operators would retain in their rule books, those rules that related to operational and mechanical matters.

A key priority in effecting the transfer of supervision from market operators to ASIC was to ensure ongoing market certainty and continuity and, to the greatest extent possible, minimise disruption and transition costs to market participants. To achieve this, ASIC’s Market Integrity Rules largely maintain the form and substance of the regulatory regime embodied in the market rules that existed prior to the transfer of the supervisory responsibility.

This was to ensure that the markets continued to largely operate as they operated prior to the transfer of supervisory responsibility. It also ensured that the Market Integrity Rules for each market continue to use similar terms - and work in concert - with the operating rules that were retained by the market operator for each respective market.

Following a suitable settling in period, ASIC will consider whether subsequent amendments to the Market Integrity Rules are warranted. This may include consideration of harmonising the individual Market Integrity Rule books for all markets. This is likely to take place in the longer term and will be done in the context of detailed discussion with industry to minimise the impact and costs to business.

A response to the Committee’s specific questions regarding each set of Market Integrity Rules is detailed in Appendix A.

Consultation

ASIC conducted two rounds of consultation in relation to developing the initial Market Integrity Rules for the four smaller markets (APX, SIM: VSE, IMB and NSXA). The first round comprised widespread public consultation regarding ASIC’s general policy approach, and included a draft set of rules for the ASX and SFE (now ASX 24) markets (which, although not directly relevant to the smaller markets, were indicative of ASIC’s proposed approach to these markets). The second round comprised targeted consultation with the market operators and relevant stakeholders for each of the smaller markets.

Round 1: Policy development - widespread public consultation

ASIC consulted on its policy approach to the creation of Market Integrity Rules as part of its February 2010 Consultation Paper 131 Proposed ASIC Market Integrity Rules: ASX and SFE [now ASX 24] Markets (CP 131). ASIC’s proposed policy approach and draft rules for the ASX and SFE markets were published on its website and public submissions were sought. Operators of the APX, SIM VSE, IMB, and NSXA markets were individually notified of the release of CP131 and encouraged to consider its contents in the context of their own markets.
ASIC received feedback from a range of bodies including industry bodies that represent stockbrokers across the wider markets (i.e., not just ASX and SFE). Generally, respondents to CP131 expressed support for ASIC’s approach of maintaining status quo by retaining the substance of existing rules and expressed comfort with the proposed division of responsibilities between the market operators and ASIC.

This feedback then informed ASIC’s approach to developing the rules for the APX, SIM VSE, IMB and NSXA Markets. ASIC adopted all of the same policies which had been in CP 131 when developing the APX, SIM VSE, IMB, and NSXA Market Integrity Rules.

Round 2: Specific question for each market - targeted industry consultation

ASIC also conducted additional consultation specifically with the APX, SIM VSE, IMB, NSXA markets and their relevant stakeholders. In this context:

- ASIC provided draft versions of Market Integrity Rules to:
  - each market operator in relation to its own draft Market Integrity Rules; and
  - key industry associations: the Australian Financial Markets Association (AFMA) and the Stockbrokers Association of Australia (SAA).
- ASIC held numerous meetings with representatives of all of the market operators and as the Market Integrity Rules were being developed, market operators were encouraged to comment on each version of the Market Integrity Rules, including the final version.
- ASIC also provided draft Market Integrity Rules to every participant on each of the markets with the exception of every IMB participant. For IMB, where each customer of IMB is potentially a participant, nominee company participants were provided with draft Market Integrity Rules.

ASIC obtained confirmation from each market operator that they were comfortable with the relevant Market Integrity Rules for their market, prior to making the Market Integrity Rules.

ASIC has also published a Regulatory Guide, RG 215 Guidance on ASIC market integrity rules for APX, IMB, NSXA and SIM VSE markets, which gives guidance on how market participants can comply with their obligations under the APX, SIM VSE, IMB, and NSXA Market Integrity Rules.

I have been informed that ASIC has not received any feedback to date which would suggest that the transfer of supervision to ASIC and the accompanying creation of the ASIC Market Integrity Rules has been anything other than seamless.

I trust this information will be of assistance to you.

Yours sincerely

DAVID BRADBURY
Parliamentary Secretary to the Treasurer

APPENDIX A

1. ASIC Market Integrity Rules (APX Market) 2010: Matter 1

Matter raised

First, rule 1.2.1 permits ASIC to provide an entity with a waiver from all or any of these rules. Subrule 1.2.1(4) notes that for the purposes of Part 1.2, ‘waiver’ means a waiver under rule 1.2.1. Rule 1.2.4, which is located in Part 1.2, permits ASIC to establish and maintain a register for recording details of ‘relief granted under Rule 1.2.1. It is not clear whether the term ‘relief’ has a meaning that is different from ‘waiver’. If not, it would assist clarity in application of the rules if rule 1.2.4 was amended to refer to ‘waiver’.

Response

The term ‘relief’ is intended to have the same meaning as ‘waiver’. This wording was adopted from the ASX market rules that existed prior to 1 August 2010 (see section 5 below) and ASIC consulted with APX on the draft of this rule. ASIC received no adverse comments in response to the use of ‘waiver’ and ‘relief’. ASIC considered a consistent waiver policy and terminology adopted from the ASX market rules would achieve the objective of minimising disruption to existing market understanding and practice.

2. ASIC Market Integrity Rules (APX Market) 2010: Matter 2

Matter raised

CHAMBER
Secondly, rule 1.4.3 includes a definition of the term ‘prohibited conduct’. Paragraphs (b)(iii) and (iv) refer, respectively, to short selling and cornering. These terms are not defined in the Rules. It may be that these terms are thought to be well understood in the finance community but given their status as prohibited conduct, it would assist the application of the Rules if there was greater specification of the conduct that is being referred to (for example, does short selling include covered and naked short sales?).

Response
As noted earlier, ASIC sought, wherever possible, to preserve definitions (including the absence of definitions) from the market rules that existed prior to 1 August 2010. This was to ensure that disruption and uncertainty were minimised in the transfer of market supervision to ASIC and to ensure consistency between the terms in use by the market operator in its rules on and after the commencement date, and the terms in use within the Market Integrity Rules. The definition of ‘prohibited conduct’ was included for that purpose. ASIC considers both ‘short selling’ and ‘cornering’ to be well understood by the market. ASIC also notes ‘corners’ are effectively described in Part 3.10 of the ASIC Market Integrity Rules (APX Market) and that both terms are defined in the current rules of the APX market operator.

By way of context, the APX market is currently dormant and has only one admitted participant. ASIC considers therefore that any prospect or consequence of confusion is limited. APX plans, in time, to resurrect its market and in doing so, ASIC will need to review its ASIC Market Integrity Rules (APX Market) and any proposed new market operator rules. ASIC will review this definition and associated terms in that context to address the concerns raised by the Committee.

3. ASIC Market Integrity Rules (SIM VSE Market) 2010: Matter 1
Matter raised
First, rule 1.2.1 permits ASIC to provide an entity with a waiver from all or any of these rules. The Committee’s concern with this rule is the same as for the APX Market Rules above.

Response
See comments in relation to item 1.

4. ASIC Market Integrity Rules (SIM VSE Market) 2010: Matter 2
Matter raised
The second matter arises from a comparison of the definitions provided in these Rules with those provided in the ASIC Market Integrity Rules (APX Market) 2010. While the definitions must obviously reflect the different circumstances of these two markets, there are some common terms in both sets of Rules the definitions of which are drafted in different ways see the definitions for ‘bid’, ‘immediate family’, ‘offer’, and ‘official list’. There are other common terms where the differences in definition may be due to differences in the two markets - see the definitions for ‘family company’, ‘family trust’, ‘takeover’. The Committee would appreciate advice clarifying the differences in the definitions between the Rules.

Response
As outlined earlier, in order to minimise disruption to participants during the transfer of supervision, definitions which existed in the various market rules prior to 1 August 2010 were preserved in ASIC’s Market Integrity Rules. ASIC was also conscious to ensure that the Market Integrity Rules in no way conflicted with the operating rules which remained with each relevant the market operator - so as to ensure that the market continued to operate efficiently and effectively.

As a result, any differences in definitions are a reflection of the different definitions given to those terms under the market rules that existed prior to 1 August 2010 - which were then adopted into the Market Integrity Rules for APX and SIM VSE etc.

5. ASIC Market Integrity Rules (ASX Market) 2010: Matter 1
Matter raised
First. rule 1.2.1 permits ASIC to provide an entity with a waiver from all or any of these rules. The Committee’s concern with this rule is the same as for the APX Market Rules above.

Response
This Market Integrity Rule was based, in form and substance, on the ASX Market Rule on waivers that existed prior to the handover of supervi-
sory responsibility to ASIC on 1 August 2010. As noted, there is no distinction between ‘relief’ and ‘waiver’, but where ASIC intended the rule to operate in the same way as it did prior to 1 August 2010, it adopted a drafting policy of using the market rule language that already existed.

ASIC has noted that the ASX continues to have a waiver power in its rule book, and ASIC considered that the use of common terms, as much as possible, was desirable.

The ASX continues to use the terms ‘relief’ to refer to the granting of a waiver, see for example Rule 6032 which prescribes that (emphasis added):

ASX may specify a period or specific event during which any relief under Rule [6030] may apply, in which case such relief is limited to such period or event.

Rule 6030 prescribes (emphasis added):

ASX may relieve any person or class of person from the obligation to comply with a provision (other than an indemnity or disclaimer provision) of these Rules, either generally or in a particular case or category, and either unconditionally or subject to such conditions as ASX thinks fit. If any conditions on a waiver are imposed, all of the conditions must be complied with for the waiver to be effective. ASX may withdraw a waiver at any time. Any request by a Market Participant for a waiver under this Rule [6030] must be in writing.

6. ASIC Market Integrity Rules (ASX Market) 2010: Matter 2

Matter raised

Secondly, rule 2.1.4 specifies good fame and character requirements for people involved in the business of a market participant. Paragraph 2.1.4(2)(b)(i) states that a person may be assessed not to be of good fame and character if the person has been charged with or convicted of any offence. Notwithstanding the discretionary latitude granted by the word ‘may’, this paragraph nevertheless allows the fact that a person has been charged with an offence to count against their good fame and character, regardless of whether a conviction has followed from that charge. The Committee would appreciate your advice as to why this provision is worded in this way.

Response

For the reasons stated earlier, this rule was brought across without amendment from the ASX market rules that existed prior to the handover of supervisory responsibility to ASIC. This rule dates back to at least 2003, and for that reason is well understood by market participants. Further, and in conformity with ASIC’s general objective of certainty, it was concerned to ensure that existing processes would be preserved.

7. ASIC Market Integrity Rules (ASX Market) 2010: Matter 3

Matter raised

Thirdly, rules 2.4.13 to 2.4.15 deal with the renewal of accreditation of an accredited adviser. These rules include a requirement that ASIC must give written reasons if an application for renewal is rejected (subrule 2.4.15(2)). Rule 2.4.16 then provides that if ASIC has not renewed an accreditation by one business day after the renewal date the person ceases to hold the relevant accreditation. The intention behind this rule is not clear. It appears to allow ASIC to avoid processes for rejection of an application specified in rule 2.4.15, including the need to give reasons. The Committee would therefore appreciate your advice clarifying the operation of rule 2.4.16.

Response

Rule 2.4.16 was made to address the possibility of a dispute arising about lodgement or receipt of a renewal application. Specifically, in cases where an application is, for whatever reason, not received, ASIC wanted to ensure accreditation did not continue. Accreditation is a critically important means of ensuring advisors are adequately skilled to deliver their services, and inadvertent continuation of accreditation would have a detrimental effect on market integrity.

ASIC has noted your concern that the rule could be used to circumvent the requirement to provide reasons, and has advised me that it has no intention of using the rule for this purpose. ASIC has also advised that it is not aware of any participant or other entity raising a concern during the months the rule has been in the public domain or during the consultation process.
8. ASIC Market Integrity Rules (ASX Market) 2010: Matter 4
Matter raised
Finally, rules 4.1.9, 4.1.10, and 4.2.2 require that specified records and recordings be kept for certain periods of time. The required time periods differ, ranging from a minimum of 3 months (in the case of recordings of telephone conversations, under rule 4.1.10), to a minimum of 5 years (for a record of a client complaint, under rule 4.2.2), and seven years for records of an authorised person (rule 4.1.9). The Committee notes that rule 2.27 of the ASIC Market Integrity Rules (ASX 24 Market) 2010 also imposes a minimum 3 month requirement on keeping of telephone recordings. The reason for the different time periods is not clear, nor is the reason why, in two of these rules, the required time period is expressed as a minimum period. The Committee would appreciate further advice on the reason for the different time periods.

Response
ASX and ASX 24 markets had varying times and obligations in the market rules that existed prior to 1 August 2010 and these time periods were imported into the relevant Market Integrity Rules to ensure minimal disruption and costs to business. Participants were familiar with these time frames (and typically structure their back-office arrangements to ensure compliance with them) and they have been preserved, wherever possible, to ensure that pre-existing procedures which participants had in place remained sufficient for compliance with the Market Integrity Rules.

A minimum period is specified in the rules to ensure that participants that adopt a policy of longer storage of information (for example where they are subject to another jurisdiction requirement for a longer period) will not be in breach of this rule.

9. ASIC Market Integrity Rules (IMB Market) 2010: Matter 1
Matter raised
First, rule 1.2.1 permits ASIC to provide an entity with a waiver from all or any of these rules. The Committee’s concern with this rule is the same as for the APX Market Rules above.

Response
See comments in relation to item 1.

10. ASIC Market Integrity Rules (IMB Market) 2010: Matter 2
Matter raised
Secondly, rule 1.1.5 requires that the market operator (IMB Ltd), market participants and other regulated entities must comply with these Rules. However the Rules only impose specific obligations, found in Chapter 2, on market participants. It is not clear what obligations are being imposed on the market operator or other regulated entities by these rules. The Committee would appreciate some further advice on this issue.

Response
Under the enabling legislation for the creation of the Market Integrity Rules (see section 798H of the Corporations Act), certain entities must comply with the Market Integrity Rules. The legislation prescribes that, these entities are:
(a) operators of licensed markets;
(b) participants in licensed markets;
(c) entities prescribed by the regulations for the purposes of this paragraph.

The Market Integrity Rules for each market contains an ‘introductory’ clause reflecting these statutory provisions, stating that the Market Integrity Rules for that market will apply to the entities ‘as specified in the rule’. Hence, where the rule does not specify that it applies to ‘operator of a licensed market’ or ‘entity prescribed by the regulations’, then the rule does not apply to them.

In the context of IMB, no Market Integrity Rules are intended to apply to market operators or entities prescribed by the regulations - and this is reflected in the terms of the relevant rules. ASIC also considers that this approach ensures minimal disruption to the Market Integrity Rules framework (and as a result, to market users) if in fact the coverage of the rules changes in future (for example, if any entities were in fact prescribed by the regulations).

Further, this consequence is a result of the content of the market rules for the IMB Market that existed prior to 1 August 2010. Upon analysis, and in consultation with IMB, none of the pre-existing
market rules were appropriate for inclusion for the market operator.

11. ASIC Market Integrity Rules (NSXA Market) 2010: Matter 1

Matter raised
First, rule 1.2.1 permits ASIC to provide an entity with a waiver from all or any of these rules. The Committee’s concern with this rule is the same as for the APX Market Rules above.

Response
See comments in relation to item 1.

25 November 2010
The Hon David Bradbury MP
Parliamentary Secretary to the Treasurer
Room R1.89
Parliament House
CANBERRA ACT 2600
Dear Parliamentary Secretary

Thank you for your letter of 23 November 2010 in which you provide information in response to the Committee’s concerns with various Market Integrity Rules made by the Australian Securities and Investments Commission (ASIC) under subsection 798G(1) of the Corporations Act 2001. Your comprehensive advice has addressed most of our concerns.

In your response you advise that the Rules reflect previously existing rules, and that they have not been altered at this stage because of the need to minimise disruption to market participants. The Committee notes that ‘following a suitable settling in period, ASIC will consider whether subsequent amendments to the Market Integrity Rules are warranted’ and this may include harmonisation of the various Rules. The Committee understands that its concerns will be taken into consideration during this review.

Notwithstanding your advice, the Committee remains concerned with rule 2.1.4 of the ASX Market Rules where a person charged with, but not yet convicted of, an offence may be assessed to be not of good fame and character. You advised that this provision dates back to 2003 and is well understood by market participants. Given the possible detrimental impact for a person that may arise out of such assessment, the Committee would appreciate rule 2.1.4 being reviewed outside of the review process described above.

As previously advised, the Committee operates within the disallowance timeframe established by the Legislative Instruments Act 2003 and works toward completing consideration of a legislative instrument before the expiry of the 15th sitting day after it has been tabled in the Senate. Changes to the Senate sitting pattern have brought the 15th sitting day forward to Friday 26 November 2010. As a precautionary measure, and in order to allow time for further discussion on this matter, the Committee has agreed to give a notice of motion to disallow the ASX Market Rules tomorrow.

The Committee would appreciate advice on the above matter before 17 January 2011. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room S1.111, Parliament House, Canberra.

Yours sincerely
Senator the Hon Ursula Stephens
Chair

17 January 2011
Senator the Hon Ursula Stephens
Chair
Senate Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600
Dear Senator Stephens

Thank you for your letter of 25 November 2010 concerning the ASIC Market Integrity Rules (ASX Market) 2010 (ASX Rules). I note your advice that the Senate Standing Committee on Regulations and Ordinances (the Committee) remains concerned with rule 2.1.4, namely that a person who has been charged with (but not yet convicted of) an offence may be assessed to be not of good fame and character. I also note that, as a precautionary measure, the Committee gave a notice of motion to disallow the ASX Rules on the last sitting day of Parliament in 2010.
ASIC is of the view that there are circumstances in which, in assessing whether a person is of good fame and character for the purposes of the rule, it would be appropriate to take into account pending criminal charges, particularly where those charges relate to offences involving serious market misconduct or fraud. ASIC notes that this is consistent with the approach taken by a number of its international counterparts in assessing whether persons are ‘fit and proper’ to be involved in the market.

Nevertheless ASIC has agreed to amend this rule in order to address the Committee’s concerns. ASIC is currently drafting an appropriate amending legislative instrument - ASIC Market Integrity Rules (ASX Market) Amendment 2011 (No.1) - for my approval under section 798G(3) of the Corporations Act 2001. I expect this amending instrument to be finalised, approved and registered on the Federal Register of Legislative Instruments to take effect by the end of January.

Given the uncertainty which may be generated in the market if the entire legislative instrument (that is the current ASX Rules) remains subject to a notice of motion to disallow for an extended period, I seek your early consideration to remove the current notice of motion to disallow as soon as possible after Parliament resumes in February.

Yours sincerely

DAVID BRADBURY
Parliamentary Secretary to the Treasurer

Australian Wine and Brandy Corporation
(Annual General Meeting of the Industry)
Amendment Regulations 2010 (No. 1), Select
Legislative Instrument 2010 No. 218
28 October 2010

Senator the Hon Joe Ludwig
Minister for Agriculture, Fisheries and Forestry
Suite MG64
Parliament House
CANBERRA ACT 2600
Dear Minister

The Committee’s function is to examine all legislative instruments subject to disallowance or disapproval by the Senate to ensure that they comply with broad principles of personal rights and parliamentary propriety. In accordance with that function, the Committee is writing to you in relation to the follow Regulations made under the Australian Wine and Brandy Corporation Act 1980.

Australian Wine and Brandy Corporation
Amendment Regulations 2010 (No. 1)
Select Legislative Instrument 2010 No. 217

These Amending Regulations amend the principal Regulations to give effect to the Australia—European Community Agreement on Trade in Wine. The Committee’s consideration of these Regulations has raised the following matters.

First, new regulation 46 requires the Registrar of Trade Marks to notify the Geographical Indications Committee in writing of the receipt and terms of an application received under paragraph 40RE(1)(b) of the Australian Wine and Brandy Corporation Act 1980. Similarly, new regulation 61 requires the Registrar of Trade Marks to notify the Geographical Indications Committee of the receipt and terms of an objection. Neither of these regulations specifies a time period for the making of these notifications. The Committee suggests that these regulations be amended to make such a specification (for example, within 7 business days).

Secondly, new regulation 92 states that the Geographical Indications Committee, after considering submissions made to it, may make a final determination. It is not clear whether the purpose of this regulation is to clarify that a determination made by the Committee may be final, or whether it gives the Committee a discretion about making a final determination. If the latter interpretation is correct, it is not clear why the Committee should not be required to make a final determination. The Committee would appreciate clarification of the intended operation of this regulation.

Australian Wine and Brandy Corporation
(Annual General Meeting of the Industry)
Amendment Regulations 2010 (No. 1)
Select Legislative Instrument 2010 No. 218

These Amending Regulations amend the principal Regulations to require prior notice to be given of all motions that are intended to be moved at an
annual general meeting of the Australian Wine and Brandy Corporation. The Committee’s consideration of these Regulations has raised the following matters.

First, new regulation 6 deals with voting on and passing motions at an AGM of the Australian Wine and Brandy Corporation. As a prerequisite to voting on a motion, paragraph 6(1)(a) requires notice of the motion to have been given by the Corporation to each eligible producer in accordance with procedures set out in regulation 4 or 5. Subregulation 6(2) provides, however, that if an eligible producer is inadvertently not given notice, notice is taken to have been given to that producer. It is not clear whether the Corporation or the producer bears the onus of demonstrating that the failure to give notice was inadvertent. Nor is the meaning of the term ‘inadvertent’ clear for these purposes. The Committee would appreciate clarification on the intended operation of this regulation.

Secondly, new subregulation 7(7) authorises a proxy attending a meeting for an eligible producer to cast the number of votes that the eligible producer is entitled to cast. An eligible producer may cast one vote for every whole dollar of levy and charge that is imposed on that producer (see new subregulation 8(3)). It is not clear from the wording of subregulation 7(7) whether the proxy must cast all of the votes, or whether they may choose to cast only some of those votes. The Committee would also appreciate clarification on the intended operation of this regulation.

Information on consultation

Finally, section 17 of the Legislative Instruments Act 2003 directs a rule-maker to be satisfied that appropriate consultation, as is reasonably practicable, has been undertaken particularly where a proposed instrument is likely to have an effect on business. Section 18 of the Act provides that in some circumstances consultation may be unnecessary or inappropriate. The definition of ‘explanatory statement’ in section 4 of the Act requires an explanatory statement to describe the nature of any consultation that has been carried out or, if there has been no consultation, to explain why none was undertaken. The Explanatory Statement that accompanies both instruments makes no reference to consultation. The Committee therefore seeks your advice on whether consultation was undertaken and, if so, the nature of that consultation. The Committee also seeks an assurance that future explanatory statements will provide information on consultation as required by the Legislative Instruments Act.

The Committee operates within the disallowance timeframe established by the Legislative Instruments Act 2003 and works toward completing consideration of a legislative instrument before the expiry of the 15th sitting day after it has been tabled in the Senate. Correspondence should therefore be forwarded to the Committee as soon as possible but before the date shown below to allow it time to consider your advice prior to the expiration of the 15th sitting day. In the event that a response is not received by the 15th sitting day, the Committee may as a precautionary measure give a notice of motion to disallow the instrument.

The Committee would therefore appreciate advice on the above matters before 19 November 2010. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room S1.111, Parliament House, Canberra.

Yours sincerely

Senator the Hon. Ursula Stephens
Chair

18 November 2010

Senator the Hon. Ursula Stephens
Chair

Standing Committee on Regulations and Ordinances

Parliament House

CANBERRA ACT 2600

Dear Senator Stephens

Thank you for your letter of 28 October 2010 about the Australian Wine and Brandy Corporation Amendment Regulations 2010 and the Australian Wine and Brandy Corporation (Annual General Meeting of the Industry) Amendment Regulations 2010.

Your letter drew attention to the concerns of the Standing Committee on Regulations and Ordi-
nances that Regulations 46 and 61 of the Australian Wine and Brandy Corporation Amendment Regulations 2010 do not specify a time frame within which the Registrar of Trade Marks must notify the Geographical Indications Committee of certain matters relating to determining a geographical indication.

The regulations establish a process for determining foreign country geographical indications that mirrors the process for determining Australian geographical indications in the Australian Wine and Brandy Corporation Act 1980. The process is designed to be as close as possible to the process in the Act to ensure that Australia meets its obligations not to discriminate between countries. Sections 40RC and 40RD of the Act do not specify a time frame within which the Registrar of Trade Marks is to notify the Geographical Indications Committee of matters. To keep the Regulations as close as possible to the Act, I do not propose to amend the Regulations as suggested by the Committee.

The standing committee also raised concerns about the meaning of Regulation 92. As with Regulations 46 and 61, the language in Regulation 92 is designed to be close to the Act to avoid discriminating between countries. In this case the language is identical to Section 40W of the Act. Section 40W provides the Geographical Indications Committee with an option not to make a final determination. Regulation 92 gives the committee the same option. The committee has the option not to proceed to a final determination of a geographical indication if it receives evidence after publication of its interim determination that persuades it that a final determination is not warranted. For example, the committee may receive submissions that lead it to conclude that it is inappropriate to make a final determination about the proposed geographical indication.

With regard to the standing committee’s concerns about the Australian Wine and Brandy Corporation (Annual General Meeting of the Industry) Amendment Regulations 2010, I am advised that the requirements in Regulations 6 and 7(7) are not new and have been in the Regulations since they were made in 1999. These requirements are accepted by industry.

You also draw attention to the lack of information on consultation in the explanatory statement. I am advised that the Regulations were drafted in consultation with the Australian Wine and Brandy Corporation Legislation Review Committee, which includes a representative of the Winemakers’ Federation of Australia, legal officers from large wine companies and a number of independent industry lawyers. I apologise for the omission of this information in the explanatory statement and will ensure that information on consultation is included in future explanatory statements.

Thank you for raising this matter with me.

Yours sincerely

Joe Ludwig

Minister for Agriculture, Fisheries and Forestry

25 November 2010

Senator the Hon Joe Ludwig

Minister for Agriculture, Fisheries and Forestry

Suite MG64

Parliament House

CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 18 November 2010 responding to the Committee’s concerns with the Regulations made under the Australian Wine and Brandy Corporation Act 1980.

Your advice with regard to the Australian Wine and Brandy Corporation Amendment Regulations 2010 (No. 1), Select Legislative Instrument 2010 No. 217 has addressed our concerns.

Your advice with regard to the Wine and Brandy Corporation (Annual General Meeting of the Industry) Amendment Regulations 2010 (No. 1), Select Legislative Instrument 2010 No. 218. In your response on these Regulations you advised that the provisions with regard to the notification requirements are not new and are accepted by industry. While this may be the case, it fails to address the specific concerns raised in our letter of 28 October 2010. In that letter we sought advice on whether the Corporation or the producer bears the onus of demonstrating that the failure to give
notice was inadvertent. The meaning of the term ‘inadvertent’ is also not clear for these purposes.

As previously advised, the Committee operates within the disallowance timeframe established by the Legislative Instruments Act 2003 and works toward completing consideration of a legislative instrument before the expiry of the 15th sitting day after it has been tabled in the Senate. Changes to the Senate sitting pattern have brought the 15th sitting day forward to Friday 26 November 2010. As a precautionary measure, and in order to allow time for further discussion on this matter, the Committee has agreed to give a notice of motion to disallow these Regulations tomorrow.

The Committee would appreciate advice on the above matter before 17 January 2011. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room S1.111, Parliament House, Canberra.

Yours sincerely

Senator the Hon Ursula Stephens
Chair

20 January 2011
Senator the Hon. Ursula Stephens
Chair
Senate Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600
Dear Senator Stephens

Thank you for your letter of 25 November 2010 about the Standing Committee on Regulations and Ordinances’s concerns about regulations made under the Australian Wine and Brandy Corporation Act 1980 (now known as the Wine Australia Corporation Act 1980). I regret the delay in responding.

You requested further advice on whether a producer or the Australian Wine and Brandy Corporation (now known as the Wine Australia Corporation), bears responsibility for determining whether a failure to notify is inadvertent. I am advised that should a levy payer demonstrate that they did not receive notice of a motion then it would be for the corporation to prove that the lack of notice was inadvertent.

You also asked for clarification of the meaning of the term ‘inadvertent’. I understand that there is no special meaning attributed to this term in the regulations or enabling legislation. The term would therefore take its ordinary meaning—that is, the corporation’s failure to notify would be inadvertent if it is unintentional, including through error or lack of attention.

I trust this information is of assistance. Thank you again for your letter.

Yours sincerely

Joe Ludwig
Minister for Agriculture, Fisheries and Forestry

Electoral and Referendum Amendment Regulations 2010 (No. 3), Select Legislative Instrument 2010 No. 227
28 October 2010
The Hon Gary Gray AO MP
Special Minister of State
Suite M1.23
Parliament House
CANBERRA ACT 2600
Dear Minister

The Committee’s function is to examine all legislative instruments subject to disallowance or disapproval by the Senate to ensure that they comply with broad principles of personal rights and parliamentary propriety. In accordance with that function, the Committee is writing to you in relation to the Electoral and Referendum Amendment Regulations 2010 (No. 3), Select Legislative Instrument 2010 No. 227. This instrument amends the principal Regulations to provide for electronically assisted voting for blind or sight-impaired voters.

Regulations 48 and 49, which are introduced by these Regulations, specify procedures for telephone assisted voting. In each of these regulations, a call centre operator in the national call centre is required to verify the authenticity of a call placed by an officer (see paragraphs 48(2)(e) and 49(2)(e)). Neither of these regulations specifies the means by which the authenticity of a call is to be verified. The Committee would therefore

CHAMBER
appreciate your advice as to the manner in which an operator will determine that a call is authentic. The Committee operates within the disallowance timeframe established by the Legislative Instruments Act 2003 and works toward completing consideration of a legislative instrument before the expiry of the 15th sitting day after it has been tabled in the Senate. Correspondence should therefore be forwarded to the Committee as soon as possible but before the date shown below to allow it time to consider your advice prior to the expiration of the 15th sitting day. In the event that a response is not received by the 15th sitting day, the Committee may as a precautionary measure give a notice of motion to disallow the instrument. The Committee would therefore appreciate advice on the above matter before 19 November 2010. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room S1.111, Parliament House, Canberra.

Yours sincerely
Senator the Hon Ursula Stephens
Chair

30 November 2010
Senator the Hon Ursula Stephens
Chair
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600
Dear Senator
Thank you for your letter of 28 October 2010 regarding the Electoral and Referendum Amendment Regulations 2010 (No.3), Select Legislative Instrument 2010 No. 227, and telephone assisted voting for blind and low vision (BLV) voters. The Australian Electoral Commission (AEC) Call Centre Procedures Manual for the 2010 Federal Election included the process to be followed by Call Centre Operators (CCO) for telephone assisted voting. All calls made by blind or sight-impaired voters to CCOs originated from one of 126 designated voting sites. These included all AEC divisional offices except one and selected BLV service provider sites in five states. The AEC officer making the call on behalf of the BLV voter provided the CCO with details of a telephone number not publicly advertised, usually the phone number of the relevant Divisional Returning Officer, or mobile number from an outposted voting centre. These telephone numbers were provided to Call Centre staff in Perth and Coffs Harbour. The CCO then determined that the call was authentic by referring to the unpublished list of telephone numbers. If there was a match, the call continued with the CCO completing the details required on the BLV envelope by asking a series of questions to identify the State and Division of the BLV voter and the name of the electoral division or pre poll centre from which the AEC officer was calling. The name of the voter was never disclosed to call centre staff.
I trust this information clarifies this matter for the Committee and thank you again for bringing it to my attention.
Yours sincerely
GARY GRAY
Special Minister of State
Special Minister of State for the Public Service and Integrity
Producer Offset Amendment Rules 2010 (No. 1)
28 October 2010
The Hon Simon Crean MP
Minister for the Arts
Suite MG47
Parliament House
CANBERRA ACT 2600
Dear Minister
The Committee’s function is to examine all legislative instruments subject to disallowance or disapproval by the Senate to ensure that they comply with broad principles of personal rights and parliamentary propriety. In accordance with that function, the Committee is writing to you in relation to the Producer Offset Amendment Rules 2010 (No. 1) made under section 376-265 of the Income Tax Assessment Act 1997.
This instrument amends the principal Rules to provide for the levying of fees on applications for provisional certificates. It is made under section 376-265 of the Income Tax Assessment Act 1997. Subsection (1) of that section states that the film authority (Screen Australia) may, by legislative instrument, make rules providing for the issue of provisional certificates in relation to the producer offset. Subsection (2) permits the film authority to make rules regarding how applications for such certificates are to be made. The Committee notes that the section does not expressly provide for the levying of fees in relation to such applications and would appreciate your advice as to the basis for the imposition of this fee.

The Committee operates within the disallowance timeframe established by the Legislative Instruments Act 2003 and works toward completing consideration of a legislative instrument before the expiry of the 15th sitting day after it has been tabled in the Senate. Correspondence should therefore be forwarded to the Committee as soon as possible but before the date shown below to allow it time to consider your advice prior to the expiration of the 15th sitting day. In the event that a response is not received by the 15th sitting day, the Committee may as a precautionary measure give a notice of motion to disallow the instrument.

The Committee would therefore appreciate advice on the above matter before 19 November 2010. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room S1.111, Parliament House, Canberra.

Yours sincerely
Senator the Hon Ursula Stephens
Chair

17 November 2010
Senator the Hon Ursula Stephens
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600

Dear Senator Stephens

Thank you for your letter of 28 October 2010 regarding the Standing Committee on Regulations and Ordinances’ examination of the Producer Offset Amendment Rules 2010 (No.1) (referred to below as the Amending Rules) made under the Income Tax Assessment Act 1997 (ITAA 97).

You have requested advice on the basis for the imposition of an application fee by Screen Australia for provisional certificate under the Government’s Producer Offset tax incentive.

The legal basis for the imposition of an application fee for a provisional certificate was clarified in advice received by Screen Australia from the Australian Government Solicitor. This advice confirmed that there is no legal impediment to the imposition of such a fee in circumstances where the Screen Australia Act 2008 expressly authorises the agency to charge fees for acts done in the performance of its functions, and the fee is charged as a means of cost recovery for the provision of a service (to the production industry).

Subsection 6(4) of the Screen Australia Act 2008 provides that Screen Australia may charge fees for things done in performing its duties.

The rationale for the decision to impose application fees for provisional certificates is to recover costs being incurred by Screen Australia for which it does not receive specific funding from the Government.

Since the introduction of the Producer Offset, it has become routine practice for productions using the Offset as part of their financing structure to seek provisional certification by Screen Australia, acting as the ‘film authority’ for the purposes of the Offset. A final Producer Offset certificate will only be issued after completion of an eligible production and payment of the Offset occurs through the income tax system following lodge-ment of the producer’s tax return for the relevant income year.

This means that producers must cashflow the amount of the project’s anticipated tax rebate during production, often through third party finance. It is a standard requirement of financiers and investors that such projects seek provisional certification.

The assessment of an application for a provisional Producer Offset certificate involves a review of
often complex rights and financing documentation for compliance with the relevant requirements of the ITAA 97. Screen Australia staff liaise closely with applicants in the course of this review.

During the 2009-10 financial year, Screen Australia received and determined 136 applications for a provisional Producer Offset certificate. The demands on Screen Australia’s resources associated with the processing and determination of provisional certificate applications are considerable. These demands must be managed in conjunction with the efficient processing and determination of applications for final Producer Offset certification. During the 2009-10 financial year, Screen Australia also received and determined 128 applications for a final Producer Offset certificate.

Screen Australia’s regulatory functions as the ‘film authority’ are in addition to its production, development and marketing support activities and its regulatory functions as the competent authority under Australia’s International Co-production Program.

Screen Australia has not received any specific appropriation to fund the performance of its functions as Australia’s film authority for administering the Producer Offset. Screen Australia has therefore determined that the costs of the provisional certification process could be defrayed, in part, by the introduction of fees on applications for a provisional Producer Offset certificate.

To ensure that the fee operates in an equitable manner, the fees payable under the Amending Rules are calculated on a sliding scale by reference to total film expenditure. The level of fees introduced under the Amending Rules will not be sufficient to achieve actual cost recovery (having regard to actual relevant operational expenditure, historical application volumes and projected future volumes). However, the fees will be of assistance in providing a modest contribution to salary and associated costs directly referable to the processing and determining of provisional Producer Offset certificates.

Further background is available in the Explanatory Statement accompanying the Amending Rules.

During the course of preparing the Amending Rules, Screen Australia undertook formal consultation with the Attorney-General’s Department (Office of Legislative Drafting and Publishing). Screen Australia also liaised with the Office for the Arts (formerly the Department of the Environment, Water, Heritage and the Arts) and the Australian Taxation Office during this period.

I trust this information is of assistance to the Committee’s examination.

Yours sincerely
SIMON CREAN
Minister for Regional Australia, Regional Development and Local Government
Minister for the Arts

25 November 2010
The Hon Simon Crean MP
Minister for the Arts
Suite MG47
Parliament House
CANBERRA ACT 2600
Dear Minister

Thank you for your response of 17 November 2010 in which you provide advice in response to the Committee’s concerns with the Producer Offset Amendment Rules 2010 (No. 1) made under section 376-265 of the Income Tax Assessment Act 1997.

Your explanation as to why the fees are being imposed is helpful. However, the Committee’s concern is that section 376-265 does not expressly give Screen Australia authority to charge fees. In your response you advise that this authority is supplied instead by subsection 6(4) of the Screen Australia Act 2008, the legal basis of which was clarified in advice from the Australian Government Solicitor. The Committee would appreciate receiving a copy of the advice to assist it with its consideration of this matter.

In the meantime, while there may be an argument that the authority to charge fees can be read into section 376-265, it would avoid any doubt if the instrument expressly referred to subsection 6(4) of the Screen Australia Act.

As previously advised, the Committee operates within the disallowance timeframe established by
the Legislative Instruments Act 2003 and works toward completing consideration of a legislative instrument before the expiry of the 15th sitting day after it has been tabled in the Senate. Changes to the Senate sitting pattern have brought the 15th sitting day forward to Friday 26 November 2010. As a precautionary measure, and in order to allow time for further discussion on this matter, the Committee has agreed to give a notice of motion to disallow these Rules tomorrow.

The Committee would appreciate advice on the above matter before 17 January 2011. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room S1.111, Parliament House, Canberra.

Yours sincerely

Senator the Hon Ursula Stephens
Chair

12 January 2011
Senator the Hon Ursula Stephens
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600
Dear Senator Stephens
Thank you for your letter of 25 November 2010 regarding the further consideration by the Standing Committee on Regulations and Ordinances (the Committee) of the Producer Offset Amendment Rules 2010 (No.1) (the Instrument) made by Screen Australia under section 376 265 of the Income Tax Assessment Act 1997. I note that the Committee has lodged a notice of motion to disallow the Instrument, pending satisfaction of the two matters raised in your letter. By this letter, I am providing further information to address those matters.

You indicated that the Committee seeks a copy of the advice of the Australian Government Solicitor (AGS) upon which Screen Australia has relied. Please find enclosed a copy of the portion of the AGS advice which addresses the question of the legal basis for the imposition of fees.

You also indicated that it may be preferable for the Instrument to specifically refer to the statutory power upon which Screen Australia is relying (subsection 6(4) of the Screen Australia Act 2008). Screen Australia has advised that, in conjunction with the Office of Legislative Drafting and Publishing in the Attorney-General’s Department, it will amend Rule 8A of the Producer Offset Rules 2007 in early 2011. This further instrument will specifically refer to the head of power in subsection 6(4) of the Screen Australia Act 2008.

Yours sincerely

SIMON CREAN
Minister for Regional Australia, Regional Development and Local Government Minister for the Arts

BUSINESS
Rearrangement

Senator McLucas (Queensland—Parliamentary Secretary for Disabilities and Carers) (11.57 am)—I move:

That consideration of general business under standing order 57(1)(d)(x) shall not be proceeded with today.

Question agreed to.

Consideration of Legislation

Senator McLucas (Queensland—Parliamentary Secretary for Disabilities and Carers) (11.58 am)—by leave—I move:

That the following list of general business orders of the day be considered under the temporary order relating to the consideration of private senators’ bills on Thursday, 3 March 2011:

No. 13—Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010

No. 31—Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2010

No. 22—Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010.

Question agreed to.
NOTICES

Presentation

Senator Milne to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) while Victoria, New South Wales, South Australia, Western Australia and the Australian Capital Territory all insure public assets with a comprehensive disaster cover obtained on the international re-insurance market, Queensland, the Northern Territory and Tasmania do not,
(ii) the recent comments by the Prime Minister (Ms Gillard) that Queensland’s lack of insurance cover for its public assets was a ‘matter for Queensland’, are obviously incorrect, given that the flood levy will be borne by the majority of taxpayers, and
(iii) the extent to which the Commonwealth reimburses the states and territories for expenditure related to natural disaster relief and recovery, as set out by the Natural Disaster Relief and Recovery Arrangements, does not take into consideration whether a state or territory has taken out insurance cover; and
(b) calls on the Government to:
(i) reveal the Commonwealth Government’s insurance arrangements for its infrastructure,
(ii) transparently estimate what the cost to the Commonwealth Government would have been had the Queensland Government purchased reinsurance to cover the cost of damage to public infrastructure caused by recent natural disasters,
(iii) table all communication between the Commonwealth and the Queensland, Northern Territory and Tasmanian Governments relating to their lack of natural disaster reinsurance for public infrastructure, since the 2007 election, and
(iv) consider how future Natural Disaster Relief and Recovery Arrangements can take into consideration the extent to which the state and territory governments are insured against damage to public infrastructure caused by natural disasters.

Senator Milne to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) in 2006 the Australian Greens instigated an inquiry by the Standing Committee on Rural and Regional Affairs and Transport into Australia’s future oil supply and alternative transport fuels,
(ii) neither the former Howard Government, the former Rudd Government nor the Gillard Government have implemented the nine recommendations of that inquiry’s tripartite report, with only ‘Recommendation 6’ relating to incentives for fuel efficient vehicles even having been considered,
(iii) following a series of whistleblower leaks, the International Energy Agency in 2010 for the first time publicly acknowledged the real threat of peak oil, and
(iv) a series of diplomatic cables released by Wikileaks and published in the week beginning 6 February 2011 reveal growing confidence that Saudi Arabian oil reserves have been overstated by as much as 40 per cent and that the world’s biggest oil exporter may not be able to supply enough oil to the global market to prevent prices rising dramatically; and
(b) calls on the Government immediately to develop a national plan to respond to the challenge of peak oil and Australia’s dependence on imported foreign oil.

Senator Xenophon to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the *Customs Act 1901* in relation to anti-dumping duties, and for related purposes. *Customs Amendment (Anti-Dumping) Bill 2011.*

**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 28 February 2011.

General business notice of motion no. 27 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Food Standards Amendment (Truth in Labelling Laws) Bill 2010, postponed till 24 March 2011.

General business notice of motion no. 76 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing an amendment to standing order 104, postponed till 22 August 2011.

**COMMUNITY RADIO STATION 4ZZZ-FM**

Senator MOORE (Queensland) (11.59 am)—Following many years of former Senator Andrew Bartlett moving similar motions, I move:

That the Senate—

(a) notes that:

(i) 8 December 2010 was the 35th anniversary of the first official broadcast of community radio station 4ZZZ-FM from studios at the University of Queensland,

(ii) 4ZZZ was the first FM stereo radio station in Queensland, the first community broadcaster in Australia with journalists accredited by the then Australian Journalists Association and the first mass-audience format community broadcaster in Australia, and

(iii) 4ZZZ has provided, and continues to provide, an important means of exposure for many Brisbane musicians and artists and an important independent local outlet for information and news;

(b) congratulates all those involved in establishing and maintaining this pioneering community-based radio station now broadcasting from studios in Fortitude Valley in Brisbane; and

(c) expresses support for the ongoing development of community broadcasting in Australia as an important component in ensuring the community has access to a diverse and adequate range of information and entertainment.

Question agreed to.

**NATIONAL VOCATIONAL EDUCATION AND TRAINING REGULATOR (CONSEQUENTIAL AMENDMENTS) BILL 2011**

**HIGHER EDUCATION SUPPORT AMENDMENT (No. 1) BILL 2011**

**First Reading**

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (12.02 pm)—I move:

That the following bills be introduced: A Bill for an Act to deal with consequential matters arising from the enactment of the *National Vocational Education and Training Regulator Act 2011*, and for related purposes; and A Bill for an Act to amend the *Higher Education Support Act 2003*, and for related purposes.

Question agreed to.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (12.02 pm)—I present the bills and move:

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

Question agreed to.
Bills read a first time.

Second Reading

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (12.02 pm)—I move:

That these bills be now read a second time.

I table the explanatory memoranda and seek leave to have the second reading speeches incorporated in Hansard.

Leave granted

The speeches read as follows—

National Vocational Education and Training Regulator (Consequential Amendments) Bill 2011

The Government is committed to improving the quality and consistency of training across the Vocational Education and Training (VET) sector. A key step to achieving this is becoming more nationally consistent and rigorous in the way we register, accredit and monitor courses and providers and the way we enforce performance standards in the VET sector.

The National Vocational Education and Training Regulator Bill 2010 and the National Vocational Education and Training Regulator (Transitional Provisions) Bill 2010 were introduced in the Senate on 26 November 2010. These bills will form a new statutory authority, the National Vocational Education and Training (VET) Regulator, with responsibilities and powers for the registration and audit of registered training organisations that operate in multiple jurisdictions, train international students, or operate in the territories or one of the referring states and the accreditation of courses in the VET sector.

The National Vocational Education and Training Regulator Bill 2010 and the National Vocational Education and Training Regulator (Consequential Amendments) Bill 2011 contains amendments that are required to ensure that the new regulatory framework interacts properly with other regulatory frameworks and funding programs and will amend the Education Services for Overseas Students Act 2000, Higher Education Support Act 2003 and the Indigenous Education (Targeted Assistance) Act 2000.

Specifics of consequential amendments

Consequential amendments to the Education Services for Overseas Students Act 2000 will make the National VET Regulator the designated authority under the Education Services for Overseas Students Act 2000 for VET providers registered to deliver VET courses to overseas students. This will allow the National VET Regulator, among other things, to investigate breaches of the National Code.

The amendments will allow the government to incorporate nationally agreed English Learning Intensive Course for Overseas Students (ELICOS) and Foundation program standards through legislative instrument to ensure national consistency and to protect international students. There will be a determination under the Education Services for Overseas Students Act 2000 with respect to the designated authority responsible for ensuring that providers of ELICOS and Foundation courses meet these standards.

Amendments to the Higher Education Support Act 2003 will ensure the administration of the VET FEE-HELP Assistance Scheme can work effectively with other Commonwealth regulatory frameworks, in particular with the National VET Regulator. For example the amendments will allow the sharing of information from the relevant VET regulator, including the National VET Regulator and registering bodies in non-referring state jurisdictions for the purpose of deciding whether to approve a body as a VET provider, or to revoke or suspend a body’s approval.

The Bill also makes changes to the Indigenous Education (Targeted Assistance) Act 2000 to ensure that its definitions reflect the introduction of the National VET Regulator. The amended definition is not intended to alter the scope of organisations currently eligible for funding under that Act.

In conjunction with the National Vocational Education and Training Regulator Bill 2010, this Bill reflects the Government’s continued commitment to improving the quality of education and training and improving the consistency of regulation across the country.

———
Higher Education Support Amendment (No. 1) Bill 2011

The Bill will introduce a number of streamlining measures to the Higher Education Support Act 2003 (the Act) to improve the efficiency, effectiveness and maintain the ongoing integrity of the Government’s income contingent loan programs for the higher education and vocational education and training (VET) sectors, namely FEE-HELP and VET FEE-HELP respectively. It is now apparent that some aspects of these programs require refinement to reflect current higher education and VET sector arrangements.

The Bill will also ensure consistency with other Commonwealth regulatory frameworks including the proposed National VET Regulator expected to be established by April 2011. Furthermore, the Bill will better position the Government to implement its 2010 Budget measures announced in the Skills for Sustainable Growth Strategy, in particular, its commitment to a National Entitlement to a Quality Training Place by 1 July 2011.

FEE-HELP is available to eligible full-fee paying higher education students and VET FEE-HELP is available to eligible full-fee paying and certain state government subsidised VET students studying in higher level education or training, and provides a loan for all or part of a student’s tuition costs. This assistance is aimed at encouraging students to take up higher education and higher level skill qualifications by reducing the financial barriers associated with study.

The Bill is aimed at ensuring quality education providers can apply for and be approved as providers under the Act to be able to offer FEE-HELP and VET FEE-HELP assistance. The changes will simplify administrative requirements delivering efficiencies to both providers and the Commonwealth, improve the Commonwealth’s ability to manage provider risk, increase the rate of provider approval, and therefore increase the number of students able to access income contingent loans through quality providers in both the higher education and VET sectors.

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.

WILD RIVERS (ENVIRONMENTAL MANAGEMENT) BILL 2011

Senator SCULLION (Northern Territory) (12.04 pm)—I seek leave to amend general business notice of motion No.170 standing in my name by omitting the words ‘members’ and substituting the words ‘senators’ and by adding the following long title: A bill for an Act to protect the interests of Aboriginal people in the management, development and use of native title land situated in wild river areas, and for related purposes.

Leave granted.

First Reading

Senator SCULLION (Northern Territory) (12.04 pm)—I move:

That the following bill be introduced: A Bill for an Act to protect the interests of Aboriginal people in the management, development and use of native title land situated in wild river areas, and for related purposes.

Question agreed to.

Senator SCULLION (Northern Territory) (12.05 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 SCULLION (Northern Territory) (12.05 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This bill, the Wild Rivers (Environmental Management) Bill 2011, is the reintroduction of a bill of the same name that passed the Senate on the 22 June 2010. That previous bill lapsed prior to con-
This bill is an important piece of legislation that will enable the Indigenous people of Cape York, the Queensland gulf region and other regions of Queensland, to use or develop their land as any other land holder may. Land is one of the greatest assets that most Indigenous people have yet they are unable to use this asset as the basis of economic opportunity for themselves and for future generations. Aboriginal and Torres Strait Islander people have had their legal rights as our first Australians recognised through a long process that has delivered land rights and native title rights. I am a firm believer that the recognition of rights over land ownership should be the start of Indigenous involvement in land and sea based economic activity.

Our first Australians have steadily won land ownership only to see this land steadily locked up as national parks and reserves. Right across Australia it has been a growing practice to award native title rights over tracts of land only to immediately have the government of the day declare the land a park or reserve.

This practice of denying Aboriginal and Torres Strait Islander people the right to control the future use, development or even protection of their land directly contradicts the very intent of both the Land Rights and Native Title acts.

It could even be concluded that denying Aboriginal and Torres Strait Islander people control over their land is to deny their very birth right.

This is the effect of the Queensland Wild Rivers Act. Land that could be subject to development has been converted into a park, or in this case a Wild Rivers conservation zone, preventing our first Australians from pursuing economic developments.

One of the greatest challenges we as members of parliament face in the area of Indigenous policy is putting in place legislation that ensures Aboriginal people have the same or equitable economic opportunities that other Australians enjoy. I recognise that the land has a spiritual or cultural value to Indigenous people however it also has an economic value. The Queensland wild rivers legislation may preserve the cultural value but it will deny forever any economic value to the Aboriginal land holders in Cape York.

When the bill was previously before the Senate it was subject to a full Senate committee enquiry. The committee report’s findings remain applicable to this current bill as it is similar in content and application.

The Wild Rivers (Environmental Management) Bill 2011, will restore the economic potential of land subject to declarations and assessment under the Queensland wild rivers legislation to Aboriginal and Torres Strait Islander people. By exercising the powers under section 51(xxvi) of the Constitution this parliament has the ability to make laws for the people of any race. We as senators should again support this bill and pass laws to ensure that Aboriginal and Torres Strait Islander people are given back their birthright in respect of their land.

The bill does not over turn the Queensland Wild Rivers Legislation. The protections, provisions and application of the Queensland legislation remain except for the requirement that all existing Wild Rivers declarations are renegotiated and consent from traditional owners is obtained in order for the declaration to be ratified. If consent is not obtained then the declaration would be revoked.

Additionally all new Wild Rivers proposals must have traditional owner consent prior to a declaration being made.

Environmental laws that protect the unique biodiversity values of specific regions in Australia are important and must be enacted. The price paid to enact these laws in respect to loss of economic potential or supporting conservation initiatives must then be shared equally by all Australians. The cost of the Queensland wild rivers legislation is not shared equally. It is manifestly born by Aboriginal land owners. That must not be permitted to remain in place.

We have also moved on as a nation from holding a belief that conservation management and sustainable land use are somehow mutually exclusive.

Encouraging and supporting our first Australians to create economic activity and opportunities...
through sustainable land use for future generations is an ideal that we as senators must fully embrace. By supporting this objective we must move beyond the symbolic and deliver the practical. Our First Australians are not asking for some special right to use their land. They are simply expecting to be able exercise the same rights as any other Australian.

Our First Australians do not want paternalistic governments to control their interests, they want to participate in and contribute to our economy. If parts of their land hold special biodiversity or cultural values then they should be protected. Aboriginal people do not dispute this. In fact as I said earlier Indigenous Australians have very strong ties to the land and want these aspects protected. The key issue is that they must have the right to decide on the use of their land under the same rules and regulations as any other Australian.

I urge all senators to continue to stand side by side with Aboriginal and Torres Strait Australians and support their right in exercising control over their land by supporting the passage of this bill.

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

Leave granted; debate adjourned.

COMMITTEES

Community Affairs References Committee

Extension of Time

Senator SIEWERT (Western Australia) (12.06 pm)—I move:

That the time for the presentation of the report of the Community Affairs References Committee on the Commonwealth contribution to former forced adoption policies be extended to 30 June 2011.

Question agreed to.

REPRESENTATION OF WOMEN IN NATIONAL PARLIAMENTS

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.06 pm)—I move:

That the Senate—

(a) promotes the increased representation of women in national parliaments in the interest of gender equality and women’s empowerment, as reflected in the Millennium Development Goals;

(b) agrees that women are under-represented in almost all national parliaments around the world;

(c) accepts that the advancement of women raises the status and value of women in society and their work;

(d) supports the participation of women in democratic institutions to improve political and policy outcomes;

(e) backs efforts to improve women’s access to parliamentary life; and

(f) congratulates the Government of Papua New Guinea (PNG) for championing efforts to increase the number of women elected to the PNG Parliament.

Question agreed to.

PRODUCTIVITY COMMISSION REPORT

Order

Senator CORMANN (Western Australia) (12.07 pm)—I move:

That the Senate—

(a) notes:

(i) the response by the Chairman of the Productivity Commission to an order of the Senate seeking a report by the Commission on the design of a process for the selection and ongoing review of the superannuation funds, which was agreed to by the Senate on 16 November 2010,

(ii) that in a letter to the Clerk of the Senate the Chairman of the Productivity Commission expressed the view that in his understanding ‘such a report would need to be commissioned by the Assistant Treasurer’,

(iii) that like the Australian Information Commissioner, the Chairman of the Productivity Commission appears to
have confused a legitimate order of a House of the Australian Parliament for the production of a document, with a request to perform a specific function under his enabling statute, and

(iv) with increasing concern this recently emerging trend of statutory agencies established by the Parliament failing to understand valid orders of the Senate and thereby threatening to interfere with the free exercise by the Senate of its authority and functions;

(b) advises the Productivity Commissioner as follows:

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

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

(iii) nothing in the Productivity Commission Act 1998 is expressed as a declaration for the purpose of section 49 that would have the effect of limiting the exercise of the power by the Houses of the Commonwealth Parliament in respect of the Productivity Commission,

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

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

(c) again orders the Productivity Commission to provide the report requested by the Senate consistent with its order agreed to on 16 November 2010.

Question agreed to.

COMMITTEES

Economics References Committee

Reference

Senator XENOPHON (South Australia) (12.07 pm)—I, and also on behalf of Senators Colbeck and Milne, move:

That the following matter be referred to the Economics References Committee for inquiry and report by 15 April 2011:

The impact on the Australian dairy industry supply chain by the recent decision by Coles supermarket (followed by Woolworths, Aldi and Franklins) to heavily discount the price of milk (to $1 per litre) and other dairy products on the Australian dairy industry, with particular reference to:

(a) wholesale milk prices;

(b) the decrease in Australian production of milk from 11 billion litres in 2004 to 9 billion litres in 2011, of which only 25 per cent is drinking milk;

(c) whether such a price reduction is anti-competitive;

(d) the suitability of the framework contained in the Horticulture Code of Conduct to the Australian dairy industry;

(e) the recommendations of the 2010 Economics References Committee report, Milking it for all it’s worth—competition and pricing in the Australian dairy industry and how these have progressed;

(f) the need for any legislative amendments; and

(g) any other related matters.

Senator NASH (New South Wales) (12.08 pm)—by leave—I move as an amendment to the motion:

Omit paragraph (a), substitute:

(a) farm gate, wholesale and retail milk prices;

Amendment agreed to.

Original question, as amended, agreed to.
Rural Affairs and Transport References Committee
Reference

Senator XENOPHON (South Australia) (12.10 pm)—I move:

That the following matter be referred to the Rural Affairs and Transport References Committee for inquiry and report by 15 April 2011:
The impact of the decision by the South Australian Government to forward-sell the state’s $2.8 billion timber assets on the state’s economy, timber industry and on jobs and any other broader impacts, with particular reference to:
(a) the likelihood of regional job losses;
(b) the flow-on effects to communities in timber-reliant regions;
(c) the potential for the private buyer not to consider local impacts;
(d) the potential for reduced value-adding locally and increased off-shoring; and
(e) any other related matters.

Question agreed to.

MENTAL HEALTH

Senator COLBECK (Tasmania) (12.10 pm)—I move:

That the Senate—
(a) recognises:
(i) the important, unique and successful service provided by Sisters of Charity Outreach to the Devonport community, and
(ii) the strong desire of the Devonport and wider communities to retain this vital mental health service;

(b) seeks that:
(i) the Prime Minister (Ms Gillard) meet her promise that a re-elected Labor Government would make mental health a priority, and
(ii) the Government re-consider its decision not to extend funding for the Sisters of Charity Outreach service beyond the current 4-year period; and

(c) calls on the Government to provide $1.25 million over 3 years for this vital north-west Tasmanian health service.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (12.11 pm)—Mr President, I seek leave to make a short statement.

The PRESIDENT—Is leave granted?

There being no objection, leave is granted for two minutes.

Senator McLUCAS—The Australian government is strongly committed to improving mental health services for all Australians. The Australian government provides access to counselling and psychological services through a range of programs which allow GPs to refer patients who have been diagnosed as having a mental disorder to an allied health professional.

While the government understands the work that the Sisters of Charity undertake in the community, unfortunately we are unable to provide a continuation of funding under the current arrangements. The funding was provided as a one-off, and assistance has been provided to the Sisters of Charity to identify future funding sources.

The Prime Minister has stated that mental health will be a second term priority, and, on top of funding for mental health under the MBS and PBS, funding for mental health specific programs in the period between 2010-11 and 2013-14 will nearly triple, to $1.4 billion, compared to $516.3 million provided between 2004-05 and 2007-08.

Question agreed to.

BANK SWITCHING OPTIONS

Senator XENOPHON (South Australia) (12.12 pm)—I move:

That the Senate—
(a) notes that:
(i) the Government has initiated a feasibility study into full account portability,
due for completion by 30 June 2011, examining options that will make it easier for Australians to find a better banking deal, and

(ii) the inquiry of the Economics References Committee into competition within the Australian banking sector has heard substantial evidence that Australians are frustrated by the difficulties of switching their transaction accounts to get a better banking deal;

(b) recognises that simple steps making it easier for Australians to switch banks can be taken immediately, allowing consumers to save money through a better deal without delay; and

(c) calls on the Government to support steps requiring banks to provide a simple, single-form, one-step process for customers to move their transaction accounts to the bank of their choice, including all debits and credits.

Senator CORMANN (Western Australia) (12.13 pm)—by leave—I move as an amendment to the motion:

Omit paragraph (b)

Question put:

That the amendment (Senator Cormann’s) be agreed to.

The Senate divided. [12.18 pm]

(The President—Senator the Hon. J J Hogg)

Ayes…………… 40
Noes……………  7
Majority……….. 33

AYES


NOES

Brown, B.J. Hanson-Young, S.C. Milne, C. Xenophon, N.

* denotes teller

Question agreed to.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (12.21 pm)—I seek leave to amend general business notice of motion No. 165.

Leave granted.

Senator McLUCAS—I move the motion as amended:

That the motion be amended by omitting the following words in paragraph (c): “, single-form, one-step”

Question put.

The Senate divided. [12.23 pm]

(The President—Senator the Hon. J J Hogg)

Ayes…………… 40
Noes……………  7
Majority……….. 33

AYES


NOES

MILK PRICES

Senator MILNE (Tasmania) (12.26 pm)—I move:

That the Senate—

(a) notes:

(i) the move by Coles and Woolworths to significantly discount the price of home brand milk, and

(ii) the difficulties faced by the dairy industry across the country in part because of the duopoly of Coles and Woolworths over a long period of time;

(b) recalls the tripartite recommendations from the relevant 2010 Senate committee reports to seriously examine marketplace activities which impact adversely on the dairy industry;

(c) notes that section 49 of the Trade Practices Act 1974 pertaining to anti-price discrimination measures was removed; and

(d) calls on the Government to reinstate an anti-price discrimination provision in the Competition and Consumer Act 2010.

Question put.

The Senate divided. [12.27 pm]
(i) the Ugandan Government’s Anti-Homosexuality Bill, introduced on 14 October 2009, seeks to criminalise homosexuality and impose the death penalty on HIV positive people who have sex, and
(ii) that some media outlets in Uganda are actively encouraging the killing of homosexuals; and
(c) calls on the Federal Government to condemn homophobic violence in Uganda and moves to criminalise homosexuality.

Question agreed to.

SUPERANNUATION

Senator MILNE (Tasmania) (12.30 pm)—I seek leave to amend general business notice of motion No. 167 standing in my name for today relating to DIY superannuation funds.

Leave granted.

Senator MILNE—I move the motion as amended:

That the Senate—

(a) notes that:
   (i) the Cooper Review into superannuation in 2010 recommended that private investment in art no longer be an eligible investment for do-it-yourself (DIY) superannuation schemes, and
   (ii) after a strong campaign by artists concerned that the local art market would be seriously damaged by this move, the Government promised during the 2010 election campaign to reject this recommendation; and
(b) calls on the Government to:
   (i) abide by its election promise, and
   (ii) ensure that any conditions do not act as a disincentive for DIY superannuation schemes to invest in Australian art.

Question agreed to.

COMMITTEES

Publications Committee

Report

Senator CAROL BROWN (Tasmania) (12.31 pm)—On behalf of the Chair of the Joint Committee on Publications, I present the third report of the committee.

Ordered that the report be adopted.

Regulations and Ordinances Committee

Delegated Legislation Monitor

Senator McEWEN (South Australia) (12.31 pm)—On behalf of the Chair of the Senate Standing Committee on Regulations and Ordinances, I present the Delegated Legislation Monitor for 2010.

BUDGET

Consideration by Estimates Committees

Additional Information

Senator McEWEN (South Australia) (12.32 pm)—On behalf of the respective chairs, I present additional information received by committees relating to estimates, as listed at item 7 on today’s Order of Business.

The list read as follows—

- Budget (supplementary) 2008-09—
  - Community Affairs—2010-11 supplementary budget estimates
  - Economics—2010-11 budget and supplementary budget estimates
  - Environment and Communications—2010-11 supplementary budget estimates
  - Finance and Public Administration—2010-11 supplementary budget estimates, together with Hansard record of proceedings
  - Foreign Affairs, Defence and Trade—2010-11 supplementary budget estimates
  - Legal and Constitutional Affairs—2010-11 supplementary budget estimates
  - Rural Affairs and Transport—2010-11 supplementary budget estimates
Senator BARNETT (Tasmania) (12.33 pm)—I present the report of the Legal and Constitutional Affairs References Committee on donor conception practices in Australia, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator BARNETT—I move:

That the Senate take note of the report.

In speaking to this motion, right up front I want to say, on behalf of the committee, that this is a unanimous report and I am very thankful to the other members of the committee, many of whom are in the chamber with me today. I acknowledge Senator Crossin, the deputy chair of the committee, and the other senators who all worked very hard and diligently to produce this report. It is a 100-page report with over 30 recommendations. I would also like to place on record the wonderful support we had from our committee secretariat in this regard. I acknowledge, obviously, Julie Dennett, our committee secretary, but also Lucy Sargeson, who was the principal research officer and did a wonderful job in support of our committee.

This is a complex issue and we received a number of representations from around Australia with respect to the problems, concerns and lack of rights of donor conceived people and their families. As a result of those representations, not only senators but also members of the House of Representatives sought and requested an inquiry into this matter. As a result of that democratic process being in play, the response was that, yes, there was merit in such an inquiry. That has taken place over many months, before the last election and more recently.

The committee received 162 submissions to the inquiry, and public hearings were held in Canberra, Sydney and Melbourne. Before I address some of the major findings of the report, I want to say on behalf of the committee that we shared the concern given in evidence to the committee, in particular by donor conceived people and their parents, that the system we have in Australia today for regulating donor conception practices is failing donor conceived individuals and their families. It is entirely insufficient and inadequate and there needs to be major reform in this area across the country, particularly at a state and territory level. I will expand on those remarks shortly.

I want to put on record my particular thanks to the donor conceived individuals who shared their personal stories with us at the Melbourne hearing. It would have been problematic and emotionally difficult for them to share in the way they did. On behalf of the committee, I want to say that we are very thankful for the way they did that. It is so regrettable and so sad that many donor conceived individuals are not able to track down the identity of their parentage. Of course, knowing one’s identity is critical and vitally important to knowing who you are.
and being able to reach your potential as an individual in this nation, Australia. My heart goes out to them. I express my empathy and sympathy for them, and say that I am sorry the system has failed them in past decades. I hope, as a result of this report, that we can make a difference for donor conceived individuals who are currently alive and, indeed, for future donor conceived individuals and their families.

We have made a number of recommendations regarding the regulation of donor conception practices in Australia. In particular we have recommended that state and territory governments create separate but uniform legislative regimes which prohibit donor anonymity—a very key point—and we all supported that unanimously in the report. We have recommended limits on the number of families that donors are able to assist and we have recommended the provision of rights of access to information about donors for donor conceived individuals. Another recommendation is that the Australian government do everything possible, including through the Standing Committee of Attorneys-General, to ensure the establishment of a national register, by states and territories, for donor conceived individuals as a matter of priority.

I acknowledge that four states have legislation in this area—New South Wales, Victoria, South Australia and Western Australia. Unfortunately, to date the other states and territories do not. There needs to be a national approach to this issue and we have made recommendations in that regard. We have also recommended that the Australian government should conduct a review into the current regulatory framework for overseeing compliance by clinics under the National Health and Medical Research Council guidelines. We have recommended that, except in specific circumstances, the importation of gametes and embryos from overseas donors should be banned in Australia, but if that ban is not possible, any imported gametes and embryos should undergo the same requirements and terms and conditions as those gametes and embryos donated in Australia. Factually, on the evidence put to our committee, we have little confidence that the identity of the donors of gametes and embryos coming from overseas can be traced in each case.

We have made a recommendation that donors should be able to assist a maximum of four families Australia wide in the interests of donor conceived individuals. There are different laws applying at the moment in the four states I referred to, but we believe we should have the minimum number possible—certainly my preference is to have one. If there is to be a maximum of four, certain terms and conditions should apply, including the issues related to consanguinity and other relevant factors as set out in the report.

I am very deeply thankful for the opportunity to participate in this Senate committee investigation and inquiry. It gave the committee the opportunity to examine all the key issues relating to past and present practices of donor conception in Australia which, up until now, have received very little attention. Victoria has led the way in legislation going back to the mid-1980s, along with the other three states of New South Wales, South Australia and Western Australia. I think there are lessons to be learnt in each state and territory in that regard.

I also want to acknowledge that the estimated number of donor conceived individuals in the country was very hard to identify. Different submissions put different views but we do know that there has been an average of 600 donor conceived people born each year since the 1970s and there would be about 20,000 donor conceived people in Australia. That evidence was put by Dr
Sonia Allan in particular. Some estimates have suggested that there are in excess of 60,000 donor conceived individuals in Australia.

In conclusion I thank again the members of our committee. It is fair to say that we have a broad church in our committee, with different views and different values, but in this case we were able to put together a unanimous report. It is not easy on an issue like this when competing issues are at play. My thanks go in particular to the many submitters who put forward their views in a personal and emotional way. I am very saddened and regretful that Australia have not provided a better regulatory arrangement in past decades but I hope that this will be a springboard, a foundation for the future, so that we can go forward with confidence knowing that there is a future in store with some certainty and rights for donor conceived individuals.

Senator CROSSIN (Northern Territory) (12.44 pm)—I rise to also speak to this report that has been tabled by the Legal and Constitutional Affairs References Committee, of which I am Deputy Chair. At the outset I want to acknowledge the remarks from Senator Guy Barnett and thank him for his chairing of this inquiry and for his cooperation and openness to take on board and listen to the issues that were raised during this inquiry. I also mention the terrific work that our secretariat has done in coordinating witnesses and submissions and in putting together the report. It is a very complicated issue and I think the report will stand the test of time of being another outstanding document that this chamber produces and it is thanks to our secretariat for that.

Two years ago a group called the Donor Conception Support Group came into Parliament House and wandered the corridors looking for someone to listen to their concerns about their journey of being donor conceived persons. I think that, with some frustration, they had not been able to get across the myriad of complexities that they had encountered in their life. So, armed with booklets and pages of information and stories from people who were in fact donor conceived, or donors themselves who wanted some body to look at the situation, they lobbied a number of us to take the issue on board and to listen to their story. I was fairly moved by their story and it became pretty obvious to me, when I read through the booklets they had produced and went back and looked at the *Four Corners* program, that, really, this was a mess. It was a situation in this country that no government, particularly any federal government, had dealt with.

We have had inquiries into what should happen with children who are adopted and with overseas adoptions. We have looked at the forgotten Australians. We have looked at people who have been institutionalised. But there is now one special group of people in this country. They are the offspring of a donor conceived arrangement and their rights, their feelings and their legal journey in this country have not been given the due respect and admission that they need.

The fact that we still have Queensland, Tasmania, the Northern Territory and the ACT with no legislation in place relating to donor conception is appalling, quite frankly. The committee found that it was a huge, gigantic jigsaw puzzle with pieces that did not match when you tried to put them together. There is no legal basis, there is no protection, there is limited access to information and there are very limited rights for these people.

So, Senator Barnett and I did talk about this and we did lobby. Together we put forward a bipartisan motion in this chamber to at least, initially, look at the issue. We
thought we would give these people an opportunity to tell us their story. We received 162 submissions from organisations involved in donor conception practices, from clinics, from individuals and from academics. They detailed a huge range of issues relating to all aspects of donor conception.

In the remaining time I have to speak, I will point out some of what we found. There is no consistency in legislation across Australia. Some states have legislation and some of that legislation stands out, such as the Victorian legislation. There are, as I said, four states and territories that have no legislation in place. But even where those laws are in place in Victoria, Western Australia, South Australia and New South Wales, they are inconsistent. The inconsistency relates to all aspects of donor conception from the regulation of the clinics right down to whether the parties have access to counselling.

For someone who wants to donate, do they have counselling? What does it mean if, because of the donation, a child upon turning 18 wants to find out who the donor is? Has the donor thought about that? Has the donor thought about what implications that might have for them in 18 years time? What about the couples who are using that donation? And, of course, take the child—or the ‘donor conceived person’ as we now refer to that person. What about their rights as they grow up? Are they told about their background? Should they be told? If they are told and then they decide when they are an adult they want to know who their father is—it predominantly relates to fathers or mothers—how do they go about that? What rights do they have? Should there be limits on how many donations a donor can make? There are inconsistencies relating to whether a donor conceived offspring can access particular information, if at all, about their donor, including important information such as the medical history and information relating to their donor’s identity that assists the donor conceived offspring to complete their own sense of identity.

There is a vital need to create a national registry, at the very least, as a result of this inquiry. There should be a central repository with information about donors’ identities. A regulatory role should be undertaken which facilitates contact between donors, donor conceived people and their siblings. We discovered many difficulties in enforcing the regulatory requirements on clinics, mainly because they self-regulate, because there are different regulatory requirements between jurisdictions.

There is not one, single, national regulatory body that oversees the enforcements. At this point in time clinics must stick to guidelines. The guidelines are monitored by a certain group and then whether or not those clinics are abiding by those regulations is somehow regulated or looked at by the Fertility Society of Australia. But, at the end of the day, there is no legislated, designated government body that can enforce those guidelines, that can penalise, that can fine, that can restrict, that can stop and that can close down organisations if those guidelines are not being met adequately.

There is a lack of an organised system of sharing information. It is important that a limit be imposed on the number of donations a donor can make to mitigate the risk of consanguinity, as Senator Barnett said, and to minimise the number of siblings a donor conceived person potentially may have. We have suggested that it be limited to assisting four families. Have a look through the submissions and you see the number of times people have donated is simply incredible when you think of the consequences this could have throughout our society. Evidence presented to the committee showed how important it is for the donor conceived off-
spring to know even the most basic information about their genetic, medical and social history.

There are many things I could say about this report. That just gives us a bit of a snapshot. In the time that I have left I do want to say that this is a unanimous report across all of the parties involved and across all of the different views that each of us as senators brings to this committee. I think that is really important to emphasise. We were all convinced that this is a major national area of importance that needs to be addressed very quickly through SCAG, through COAG and through all of the states and territories, particularly the four states and territories that do not have legislation.

We have made 32 recommendations and each and every one of them is very serious and important. As I said when I stood up to speak to this report, this is an area in this country that has been completely ignored up until now. It is very serious. In my mind, it has the same importance as adopted children and everyone else who wants to track their journey of where they come from and where they are going. I sincerely hope that Attorneys-General right across this country, including our own Attorney-General, take this report seriously. I seek leave to continue my remarks.

Leave granted; debate adjourned.

EDUCATION SERVICES FOR OVERSEAS STUDENTS LEGISLATION AMENDMENT BILL 2010 [2011]

Second Reading

Debate resumed from 27 October 2010, on motion by Senator Lundy:

That this bill be now read a second time.

Senator PARRY (Tasmania) (12.54 pm)—I rise very briefly to speak on the Education Services for Overseas Students Legislation Amendment Bill 2010 [2011] as Senator Brett Mason is walking to the chamber as we speak. I know that when Senator Mason makes his contribution he will be very eloquent in his contribution and his contribution will have a lot of relevant merit. I am sure that Senator Mason’s contribution, as he does with everything, will certainly enlighten the chamber and hopefully convince members listening to his contribution to vote the way the coalition will be voting on this matter.

While I am on my feet and discussing the merits of the legislation, I also indicate it was a worthwhile production from the time of the Senate this morning when we moved through for the first time a private senator’s bill with Senator Nash and those that contributed to a great debate.

Senator Polley—He is here.

Senator PARRY—I realise that Senator Mason is now in the chamber and I am looking forward to hearing his contribution.

The ACTING DEPUTY PRESIDENT (Senator Kroger)—Welcome, Senator Mason.

Senator MASON (Queensland) (12.55 pm)—I apologise for being a little late. The Education Services for Overseas Students Legislation Amendment Bill 2010 [2011] is an important bill because the issue of international education is an important one. Many private education providers, as well as many universities, rely on overseas students for a large proportion of their enrolments and their income. Madam Acting Deputy President, you would know from your hometown of Melbourne that it is a very, very large industry, particularly in the City of Melbourne.

This is not a boutique issue. Every year several hundred thousand students from overseas attend our higher education institutions, VET providers, schools and English courses. We are one of the largest providers of education services for overseas students in the world. In 2008-09, education contributed
just over $17 billion to the export earnings of Australia. Education is currently our fourth largest export earner after coal, iron ore and now gold. So it means an enormous amount to our country. Education continues to be our largest services export industry, well ahead of personal travel and well ahead of consulting services. About 120,000 jobs are dependent on overseas students, including about 30,000 directly in teaching. So we are talking about a very, very large industry.

Knowledge is much less tangible than coal or iron ore, which is why perhaps the significant economic contribution of the sector to Australia’s prosperity is so rarely acknowledged. It is not nearly as tangible as coal, iron ore or indeed gold. But the importance of international education goes well beyond dollars and cents. Many of those who come to Australia to study decide to stay on and contribute to our society as productive citizens. The contribution these students make to Australia is not just economic; it is also cultural and social. Those who go back home take with them not just their newly acquired knowledge, expertise and qualifications, but also hopefully a knowledge and love of our country. Valuable networks are built and friendships created that cross the boundaries and enrich the social and professional lives of the hosts and also our guests. I have no doubt at all—and experience tells us this—that many major international businesses and business deals over the next few decades will have their genesis in contacts made right here in Australia by overseas students.

Our international education industry is an extremely valuable asset for our nation as a whole. I think all senators would acknowledge that in the area of education we have been punching well above our weight for a long time. We are one of the leading destinations for overseas students. But there is no question that over the last year or two the service has been hit by what some have termed a perfect storm and that is constituted by softening demand due to the global financial crisis. There has been softening demand for Australia’s education services.

There have been quality domestic education providers in our traditional overseas markets. For example, there is no question that in China, Hong Kong, Singapore and Malaysia the domestic capacity is increasing. In many of the new universities being created, particularly in China, English is being spoken and is the language of instruction. Increasingly, there is much more competition.

There is also much stiffer competition from countries like the United States and the United Kingdom. Mr Acting Deputy President, you would be aware that the Cameron government in the United Kingdom has cut higher education and so the UK is seeking international students from all around the world to buttress their industry. The United States is also seeking students much more vigorously than it ever has in the past. A strong Australian dollar does not help either. In fact, our dollar, which is now at parity with the United States, makes us in a sense a less attractive proposition to overseas students.

Last but not least—and this gets us back to not just Melbourne, though Melbourne is the focus of much of this—there has been a string of private provider collapses and incidents of violence directed at overseas students, which shook confidence in Australia as a safe and welcoming provider of quality education. There is no question at all that those shocks—and they may have been overplayed in some countries and I suspect that they were—have had an impact on Australia as a destination for overseas students. I think we would all accept that.

We need to repair this damage and we need to work hard to maintain and strengthen
our position vis-a-vis our competitors. They are the countries that are increasing their capacity in this area and they are our traditional competitors, countries such as the United States and the United Kingdom. We need to arrive at the right balance between the demands of our education system and our migration system. The interface between Commonwealth migration law and state laws regulating education providers is where the rubber hits the road in this area. That interface has been, for quite some time now, obstructed and difficult. I know that the government, in a different context, in the textile legislation, which I understand will be coming shortly before the Senate, will be partly addressing that interface. So there are more debates on higher education to come and I am sure we can all hardly wait for that.

We need to find the right balance between accountability and flexibility. We do support the Education Services for Overseas Students Legislation Amendment Bill 2010, which goes some way towards achieving those goals of flexibility. The changes in this bill arise out of the Stronger, simpler, smarter ESOS: supporting international students report, ably conducted by the Hon. Bruce Baird, who many will remember from his time here in federal parliament and also as Deputy Premier of New South Wales. This is becoming a trend, with the government getting Mr Baird to conduct a report and, of course, now Mr Fahey in Queensland. But it is a good trend, I think.

This legislation partly implements the recommendations of Mr Baird’s report and builds on the original ESOS Act from 2000, as well as the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Act 2010 passed last year. The main provisions of this amendment bill strengthen the registration criteria for providers of education services to overseas students—that is very important; introduce a new strategy for managing risk in the private education industry—again that is vital; give the Commonwealth power to impose financial penalties for a range of activities, including unethical recruitment practices; and expand the role of the Commonwealth Ombudsman to cover complaints from international students that relate to private providers.

As I have mentioned, the coalition broadly supports these efforts and certainly will not be opposing the bill. All those amendments—and I applaud the government for doing this—arising from Mr Baird’s report and their own, I think, sincere attempts to attack this problem, were problems. We have to recognise that if we do not do something—and this legislation does go part of the way—our education industry, our fourth largest export industry, will suffer. So the government is right to do this and take fairly vigorous action, and that is a good thing. However, the opposition will maintain a close scrutiny of the government, as we have learned in the past that despite the government’s best intentions—and, indeed, often it has very noble intentions, intentions that I agree with—the implementation sometimes leaves a lot to be desired. So the coalition will be watching the implementation of this legislation.

This industry is far too important for the government to get away with just talking the talk and not walking the walk. This has to make a difference. It has to be implemented correctly. Indeed, the feedback that I am getting from so many the stakeholders is that they are still worried that the government does not quite have a grasp of the industry and the issues and is struggling to come up with a practical workable response that goes towards fixing the problem and addressing the industry’s valid concerns. They are still concerned, but I think all stakeholders agree that this is a very good start.
The coalition will keenly participate and contribute and keep the government to account to ensure that the interests of students, providers, the government and our country as a whole is equity balanced and aligned with one of our most important industries and that it thrives into the future. The coalition supports this, and I commend the bill to the Senate.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (1.06 pm)—I thank those senators who have spoken on the Education Services for Overseas Students Legislation Amendment Bill 2010 for their contribution and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE BUDGET MEASURES) BILL 2010

Second Reading

Debate resumed from 9 February, on motion by Senator Feeney:

That this bill be now read a second time.

Senator POLLEY (Tasmania) (1.07 pm)—I take great delight in being able to continue my remarks on this important piece of legislation, the Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010. The Australian Early Development Index suggests that 23.5 per cent of all Australian children are vulnerable in at least one of the domains assessed by this index. The index looks at issues such as physical health and wellbeing, social competence, emotional maturity, language and cognitive skills, communication skills and general knowledge.

These measures will significantly benefit all children receiving child care and early education in Australia. There will be a small impact on very few Australians. I acknowledge that. The Abbott coalition thinks this should be deferred indefinitely. This is yet again a demonstration of how those opposite do not have the capacity to support good pieces of legislation that will do good things for Australian families, in particular for our children. It is hardly fair to defer this indefinitely. It is not fair to our children, to Australian families or to those within the childcare industry. Why should they have to wait?

While we acknowledge, as I said, that there will be an impact, you must agree that the benefits hugely outweigh the costs. I am sure John Stuart Mill would agree: there is a much greater good for the greater number—in this case, for all of our community, as our children will benefit. From my point of view, and from the government’s point of view, I would suggest that there is no greater investment than this investment and those we need to make in similar legislation for our children—into children’s health and wellbeing and their education. There is no doubt that the studies I referred to earlier in my speech reinforce that the money we invest in early childhood, in terms of getting them ready for school, has long-term benefits for them academically, socially and from a general health and wellbeing point of view.

I urge those opposite to reconsider and to support this legislation. This is important legislation. It is going to support families. It will go a long way to support the children in child care and those working in the childcare industry. I therefore commend this piece of legislation and urge those opposite to support it. (Quorum formed)

Senator HANSON-YOUNG (South Australia) (1.12 pm)—I rise today to speak to the Family Assistance Legislation Amendment
(Child Care Budget Measures) Bill 2010. Doesn’t it feel like Groundhog Day? We have spoken about this bill already in this chamber. We spoke about it after the budget last year. Of course, at that time, back in May and June, the Senate decided that they wanted to amend this piece of legislation because it was not good enough for the government simply to freeze the indexation for child care at the 2008-09 levels and not consider doing whatever they could to ease the burden on working families—those families who of course rely everyday on the childcare support measures.

So the Senate amended this piece of legislation so that we could have fortnightly payments introduced, to ensure that parents who have to pay their childcare fees on a weekly basis would only have to wait two weeks to get their 50 per cent rebate. That would go a long way to helping families manage their weekly, fortnightly and monthly budgets. Currently, the situation is that child care is repaid through the childcare rebate every quarter. So, despite some families having to pay up to $300, $400 or $500 in childcare fees per week, they would have to wait an entire three months before being able to get that 50 per cent rebate.

This chamber agreed that it was not good enough for this piece of legislation, as presented by the government, to be passed without ensuring that we can do other things to address the burden on families through childcare support. The Greens amendment standing in my name successfully passed through this chamber to do that. It then went to the House, where it was rejected. We have seen election promises. The Gillard government said, ‘Yes, fortnightly payments are a great idea.’ I do question why this was not supported in June last year, because we could already have been giving parents that much needed support. We have now seen this bill re-presented to the parliament in its old form, unamended.

There are a lot of things that need to be fixed in the way that the childcare rebate is administered and in the way it is given to parents to support them. We also need to look at having a broader understanding of how we support child care across this country. This chamber supported a 12-month inquiry into how we run various childcare support—the childcare benefit, the childcare tax rebate—in the aftermath of the ABC collapse. The report from that inquiry specifically said that things like the funding of the childcare rebate and the childcare benefit needed to be revised by the government of the day, because we are not being the most efficient in funding childcare services for Australian families that ensure the best quality of care for our youngest Australians.

So we are here today discussing this bill again. While I find it perplexing that this bill will only save us $86.3 million over four years, it could cost some parents upwards of $1,000 extra per year. We want childcare standards in this country to be raised. That means we need to start paying childcare workers what they are worth. We need to ensure that there are more staff on the floor caring for our kids. All of these things are going to mean that childcare costs need to rise, because that is the only way we will be paying for the value of caring and looking after the early education of our youngest Australians. If we see a freezing of the indexation, as suggested in this bill by this government, with no recourse as to how we make thing easier for parents, we will see parents being forced to pay higher childcare fees. They will be struggling to keep their kids in places that have better quality care and resorting to care that is substandard, simply because they cannot afford the best-quality care that their children deserve.
I have said already that we know that this is going to affect Australian families. One of the key things that I found frustrating last time we discussed this bill was that the government would not be upfront with how many families this legislation was going to affect. Through the process of Senate estimates, which this chamber sponsors, we know that rather than just a few thousand families—as was promoted and reported by the Prime Minister herself when this legislation was first presented back in 2010—in the vicinity of at least 72,000 Australian families are going to have to pay more money because of this particular measure.

I know that the savings from this bill are going to go towards other areas of child care, including helping to implement the quality framework. Why aren’t we paying for that anyway? Why haven’t we funded that anyway? Trying to find budget savings in child care and early childhood education services just does not make sense. It is one of the places you would not touch if you were a government who believed in training and educating, in caring for our future generations, for our future schoolchildren and for our future workers, in ensuring that, right from the word go in those really formative years of zero to five, we give our young Australians the best support and the best chance possible. But of course this government has ignored that problem, has ignored that vision, and decided, ‘We will find some budget savings with the childcare rebate.’ I do not think that is good enough.

I am of course concerned that, despite Julia Gillard’s promises during the election campaign, saying that she liked the idea of fortnightly payments, we have seen time and time again many of these election promises being dumped. Already we have seen a variety of promises announced during the election campaign either put on the backburner or buried under the carpet altogether. The fortnightly payments should not land in the same place. The fortnightly payment of the childcare rebate is something that families actually need. It is something that would help them deal not just with the costs of today but the rising costs and the costs that would be implemented because of the freezing of the indexation.

My amendments have been circulated. I have circulated them before and this chamber has supported them before. It is time for the government to recognise that, if we are to support any type of change or reduction to the childcare rebate budget, we need to at least make it easier for families to access the money that they have already been promised. That means bringing forward payments to fortnightly intervals. That should not take until next year. It should have been able to be implemented last year. I want to make sure that these fortnightly payments are implemented and started by 1 July 2011. Until I see some legislation backing up the government’s promise on this or until we see this particular piece of legislation amended as the Senate has already agreed, the Greens will not be supporting this bill.

Senator PRATT (Western Australia) (1.21 pm)—This afternoon we are speaking about the Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010. This bill represents the Gillard government’s strong commitment to ensuring that Australian families have access to quality early education and child care. This investment will be backed by more than $18 billion over the next four years. We are committing almost $11 billion more over the next four years than the coalition committed in its last four years of government. In other words, Labor’s financial commitment to early education and child care over the next four years is more than double that of the former coalition government.
In particular, the Gillard government is committed to ensuring that parents can afford quality child care—care that they need and that their children deserve. That is why this Labor government raised the child care rebate to 50 per cent of a parent’s out-of-pocket expenses and increased the maximum for each child in care to $7,500 a year. Under the former government, the rebate was only 30 per cent, and the maximum that a family could receive was less than $4,500 a year. So in 2004, under the former coalition government, the out-of-pocket costs after subsidies for a family with one child in long day care earning just $50,000 a year was in fact 13 per cent of that household’s disposable income. In 2010, under this Gillard government, that proportion had declined to seven per cent. In other words, out-of-pocket costs as a proportion of disposable income for an average family with one child in long day care have almost halved under Labor.

We have also delivered on our promise to pay the child care rebate quarterly. From 1 July 2011, families can choose to have their rebate paid fortnightly so that they can get assistance with their child care costs as those costs arise instead of having to wait months for help. Altogether, this government is investing almost $15 billion over the next four years to help more than 800,000 Australian families each year with the cost of their child care. This is occurring through the education care benefit and the child care rebate.

In the 2010-11 budget, the government made a decision to keep the child care rebate cap at the level promised during the 2007 election—that is, at $7,500 per year. This means that under Labor the cap is still more than $3,000 a year higher than it was under the coalition, so we know that the vast majority of Australian families will not be affected by the change reflected in this legislation. In fact, only about three per cent of families currently using approved child care are going to be affected. It is estimated that by 2013-14 the average child care rebate claim will be about $2,300. That is well under the cap of $7,500. In order to reach the cap, most families would need to be placing their child in care for at least 10 hours a day for more than four days a week at average fee levels. But we know that in Australia the average use of child care is much lower, with parents using it for around 2½ days a week. We also know that less than one per cent of families using child care who earn less than $100,000 a year will be impacted by this change in 2010-11.

You can see that this initiative is a sensible, well-targeted savings measure, one that will not affect the vast majority of Australian families using approved care. It is a savings measure which is expected to generate more than $86 million over the next four years. This represents more than $86 million which will help fund the National Quality Framework for Early Childhood Education and Care and which will also help fund the Gillard government’s $59 million investment in budget based funded early childhood services that are mostly located in rural and remote Australia. This national quality framework has been agreed upon in partnership with the states and territories. It will for the first time set a national quality standard for early childhood education and care providers across the country.

The quality reforms are about improving staff-to-child ratios so that each child will get more individual time and attention. The reforms also look to improving staff qualifications so that staff are better able to lead activities that inspire our youngsters and help them learn and develop. The reforms will also introduce a quality ratings system so that parents know about the quality of care on offer and can make informed choices, because parents in this country need peace of mind when they entrust their children to a
childcare service. They need to know that their children will be safe, happy and in stimulating environments that will help them develop and learn.

Most childcare centres across Australia do their job well. Unfortunately, however, the latest report of the National Childcare Accreditation Council shows that too many centres are failing to meet basic safety, hygiene, education and wellbeing standards. Australian parents and their children deserve better than this. We can do better and we must do better when it comes to the safety, wellbeing and early learning of our children. That is why the Gillard government is working in partnership with the states and territories to lift the standard of child care across the nation by implementing this national quality framework.

For the coalition, implementing this national quality standard is all too hard. We know that the Leader of the Opposition, Mr Abbott—aka ‘Mr No’—wanted to put this important reform on hold indefinitely. The Gillard government does not believe that stalling is an option. It is not an option when the welfare and development of the youngest children in this nation are at stake. This government has made the tough decisions necessary to make the savings necessary to progress this vital reform. It is about safeguarding the wellbeing and early learning of Australian children.

I am pleased that the savings measures in this bill will also help fund the Gillard government’s $59 million in investment in over 140 budget based funded early childhood services. As I said before, these services are most commonly in rural and regional Australia and they provide care to some of this nation’s most vulnerable children. I know many of the communities in Western Australia that have these centres, and the great work of these places desperately needs more government support. It cannot be a one-size-fits-all investment. Our investment is targeted at supporting these services to provide children with higher quality early learning experiences.

The research has repeatedly demonstrated that high-quality early learning services are particularly important to disadvantaged young children. Such services play a critical role in shaping the future health, development and wellbeing outcomes of these vulnerable children. It is about things like substantially increasing the number of qualified staff in these services to ensure that staff are better equipped to provide high-quality care and, through infrastructure and facility upgrades, ensuring that children will be able to learn and play in a safe and appropriate environment. Importantly, we will also be working with services to improve their governance and administrative capacity, because we know how important these things are. They are the key to providing high-quality care now and in the future.

As a senator for the largest state in our nation, one with a large Indigenous population and with many regional and remote communities, I am very aware of the need to ensure that children in these communities do not miss out on the early learning opportunities available to their city peers. That is what these budget based funded early learning childhood centres are about. I am familiar with many of the communities whose childcare services will be receiving the extra funding as a result of our additional investment in budget based funded early childhood services. These are high-needs communities. They face significant issues related to poverty, isolation and cultural barriers that inhibit families from accessing community based services and activities. They are communities like the Indigenous communities in and around Port Hedland, where the Rose Nowers Early Learning Centre is located.
This centre has been in existence for 20 years and is now undergoing a much-needed major redevelopment of its building and backyard. It is increasing the available places for Indigenous children in the Pilbara. It is also providing a new, more stimulating environment for its existing children. It is heavily involved in Child Care Links, a Commonwealth program that enables staff working at the centre to get out to the remoter parts of the Pilbara to offer playgroups and other early learning activities to young children and their families.

These are the kinds of things that we are making possible through this bill. Other centres include the Fitzroy Valley Early Learning Centre at Fitzroy Crossing and the Little Nuggets Early Learning Centre at Halls Creek—again, both childcare providers servicing very remote Indigenous communities. There is an absolutely pressing need to upgrade early childhood education and care services in both communities and to better integrate such services with other family services—things like parenting programs and maternal and child health services. The Shire of Halls Creek is in fact the fastest-growing shire in Western Australia and the region. It also has the youngest population in the state, with over 12 per cent of the Indigenous residents in Halls Creek aged between zero and four years. So the Commonwealth is working with the state government to upgrade the Little Nuggets Early Learning Centre to a children and family centre. That is going to enable a wider range of services to be provided at the centre, including mobile playgroups throughout the region. The Commonwealth will also fund two Indigenous childcare traineeships at Little Nuggets, to help improve the quality of the day care services currently offered at the centre.

A fourth service which will receive extra funding as a result of our additional investment in budget based funded early childhood services is the Saranna JET creche. This is an absolutely amazing service. I have visited it a number of times. This service provides care to the children of women participating in the residential treatment services offered by Cyrenian House to women affected by alcohol and drugs. The primary aim of the Saranna program is family preservation, where serious family dysfunction associated with alcohol or drug abuse has placed mothers and their children at the risk of separation. Saranna aims to address and prevent patterns of family dysfunction by providing therapeutic services to the women concerned, while simultaneously providing quality care to children that preserves and enhances the natural parental role. It is part of an on-site residential family program for these mothers and their children. It really underscores to me the importance of these budget based funded centres in supporting and providing early learning opportunities for vulnerable children in this country. I have been very privileged to visit Saranna, to talk to the team providing childcare and therapeutic services there and to meet some of the very beautiful children. There are not really adequate words for describing the difference that Saranna makes to the mothers and children who find safe haven there and rebuild their lives together.

Our additional investment in budget based funded early learning childhood services is going to help centres like these right across Western Australia. It will help them offer higher quality early learning opportunities, from Albany to Broome, from Kalgoorlie to Carnarvon. It is also going to assist creches at educational institutions, early learning centres in remote Indigenous communities and long day care services in our major regional centres, centres that in Western Australia are growing rapidly as they service the mining boom that is driving our national economy. These services will help our citi-
zens of today learn, earn and contribute to the nation, knowing that their children are well cared for. They will also ensure that our citizens of tomorrow, even the most disadvantaged, have a greater opportunity of leading fulfilling lives in the future.

So you can see that the savings measures embodied in this bill will not affect the vast majority of Australian families, but they will fund essential improvements to the quality of care through the national quality framework, from which 800,000 Australian families will benefit. From this, many more children and parents will benefit into the future as the standards are lifted at our childcare centres right across the nation. The national quality framework reflects the Gillard government’s commitment to what is an ambitious reform agenda that is unapologetically based on improving affordability, access and quality. It is about access, quality and affordability for all early childhood education and care across the country.

What we have before us is also an additional investment in budget based funded early childhood services, and that is an extra commitment to providing assistance for those young children in our nation who are most in need. It is also about making sure that children in rural and regional Australia are not missing out on the critical early learning opportunities available to their peers in our capital cities. These are commitments that I share and I will certainly be keeping a close eye on the impact of these reforms as they are implemented in the years to come. I look forward to talking to the many childcare centres across Western Australia about these reforms. The children of Australia deserve a government that is 100 per cent committed to investing in their early years so that they can get the best opportunities in life. This is a commitment of the Gillard government represented in this bill. I commend the bill to the chamber.

Senator XENOPHON (South Australia) (1.39 pm)—I indicate that again I cannot support the Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010, but it is worth reflecting on what Senator Pratt said. The 2010-11 budget provides $273.7 million for the introduction of the National Quality Framework for Early Childhood Education and Care, the NQF, and the commentary is that this framework will involve, amongst other matters, a progressive phase-in of improved carer-child ratios and higher qualification requirements for carers. These are unambiguously good things. However, the flip side to that is that it is expected that, of necessity, this new national quality framework will increase the costs faced by childcare services, who will then in turn seek to pass on those costs to consumers. That is one of the policy dilemmas and policy conflicts inherent in this. No-one is questioning the need for higher standards, but it will come at a higher cost. The question is: who ought to pay for that and where should the money be found?

I did not support it in the last parliament and I do not support it now. This legislation will reduce the annual childcare rebate limit from $7,778 to $7,500 and will also crucially cap indexation for the next four years. The government says it is doing this to save $86.3 million over the next four years, but what concerns me is who will actually pay for this. It is my belief it will be the mums and dads who put their children into childcare centres. Under these changes the cost of care could increase by as much as $22 a day, and I oppose this additional impost on Australian families. The costs associated with child care are already significant and it makes no sense at all to be adding to the burden on families and making it even less affordable for parents to access child care.

It is rather ironic. On the one hand, the government wants to support parents with
paid parental leave—which is completely laudable, something I strongly support. I thought it was a good and significant step in dealing with the issue of paid parental leave. The government should unambiguously be commended for that. But, on the other hand, the government penalises parents when they want to return to work by making child care less affordable. That is a consequence of this. The case for opposing the cuts to the child-care rebate cap has been put very well by the Australian Childcare Alliance and Childcare Associations Australia. The alliance makes the point that women’s participation rates in this country are extremely low by OECD standards and are at their lowest amongst women aged between 25 and 44, the prime child-bearing years. Secondly, the Henry tax review was asked by the government to make coherent recommendations to ensure appropriate incentives for, amongst other things, increased workforce participation. The key finding of an April 2010 Treasury department working paper was:

… in contrast with previous Australian estimates, the cost of child care does have a statistically significant and negative effect on the labour supply of married mothers. This finding supports policy that reduces the costs of child care to encourage maternal labour supply.

That is what the Treasury paper said, and that makes a lot of sense.

I think it needs to be placed on the record that I believe this is a bad piece of legislation. We should look at the broader national interest in terms of productivity. By making child care more affordable, you will increase workforce participation rates. That is a good thing for our productivity and a good thing for our nation, and this piece of legislation would go against that. When you consider it in the context of the budget, $86.3 million is not an insignificant amount but it is not a huge amount. But this is something that will be hugely felt by families across the country. It will unfairly increase the costs of child care and therefore it ought to be opposed. I support the measure to change payments to fortnightly but cannot support this legislation to reduce the annual rebate limit and to cap indexation for the next four years.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (1.43 pm)—I would like to thank senators for their contributions to this debate. I also note the Greens’ commitment to the more regular payment of the childcare rebate. It is an issue I have been following for many, many years, which I will come to in a moment. The government, of course, shares this commitment. It is why we moved from annual payments to quarterly payments in 2008 and why we committed, from 1 January this year, to giving families the option of having the rebate paid fortnightly. Acknowledging Senator Hanson-Young’s comments, we will be introducing legislation for fortnightly payments shortly. Receiving their rebate from the government closer to the time that their childcare bills arise will ease the pressure on many families’ weekly budgets.

Once again I would like to draw the attention of senators to the importance of this bill. This measure will return the childcare rebate annual cap to $7,500 per child per year and pause indexation of the annual cap for four years until 30 June 2014. This is in order to generate $86.3 million of savings that will be directly reinvested to support the government’s quest to increase the quality of child care and early education in Australia. It in part answers, although again I will come to more detail, Senator Xenophon’s point about where the money for the quality reform agenda should actually come from.

The evidence is clear that the early years of a child’s life are critical. In fact, a child’s experiences in their first five years shape
their future outcomes for life. We have heard this not only in the Ken Henry review but in myriad productivity related reports covering education and other aspects of the economy. It is extremely important for Australia’s future. This measure will return the childcare rebate cap, as I indicated, to $7,500 per child and pause indexation of the annual cap for four years in order to generate the dollars to be directed towards the national reform agenda. The government firmly believes that the 800,000 Australian families that place their children in care each week deserve to know that when they drop their children off to care they are safe and in happy and stimulating environments. Yet although we know that many childcare centres across Australia are doing well and certainly on international standards they are doing very well, the National Childcare Accreditation Council’s latest report shows that, sadly, too many childcare centres are failing to meet basic safety, hygiene, education and wellbeing standards. For instance, of the 1,129 centres that received an accreditation decision between 1 January and 30 June, 30 per cent had failed to ensure that toileting and nappy change procedures were consistent with the 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 hardworking and dedicated early education and childcare workers to do the job they do best and to lift the quality of child care and early education across Australia. That is why we are working in partnership with state and territory governments to implement this national quality framework that will lift standards of child care across Australia. Through the national quality standard we will improve staff to child ratios so that every child gets more individual attention and care. We will raise staff qualifications to ensure staff are better able to lead activities that help children learn and develop. We will introduce a quality rating system for all childcare centres so that parents know the quality of care offered and can make more informed choices. And we will reduce red tape related to services so that providers only have to deal with one regulator and can spend less time on paperwork and more time on the care of the kids that they are caring for.

While the opposition wanted to put the national quality standard on hold indefinitely, the government believe that we can and must do better when it comes to the safety, wellbeing and early learning of our children. That is what parents expect from us, and through our quality reforms that is what we will deliver. Importantly, this measure will also help fund the government’s $59.4 million investment in improving the quality of over 140 budget based funded services. These services are predominantly located in rural and regional Australia and provide care to some of Australia’s most vulnerable children. Our investment will be targeted at supporting services to provide children with higher quality early learning services which will critically shape their future health, development and wellbeing outcomes. The childcare budget measures will not negatively affect the vast majority of families but will fund essential improvements in the quality of care from which 800,000 Australian families will benefit.

At this stage I would like to concentrate on that very point about where better quality in child care should be funded from and also on some other of Senator Xenophon’s comments with respect to where the impact of these particular measures is likely to be felt. The question that has been raised is whether low-income families as well as wealthy families will be hit by the government’s move to return the annual childcare rebate
limit to $7,500. The answer is a very clear no—the impact is quite limited. This measure will not affect the vast majority of Australian families. In fact, in the year 2010-11 only three per cent of families will be affected by the change, and less than one per cent earning less than $100,000 per year. But it will fund essential improvements to the quality of care, from which 800,000 Australian families will indeed benefit. I am aware of the media claims that families with income as low as $37,000 will be affected by this measure. However, families with this level of income would receive significant assistance through the maximum rate of the childcare benefit. A family earning $37,000 a year and eligible for maximum childcare benefit of $3.68 per hour would need to be using full-time child care at a cost of $94 per day, or over $24,000 per child per year, to exceed the childcare rebate limit of $7,500. On average, families use only 26 hours of care per child per week. Families with one child in care cease to be eligible for the childcare benefit when they have an annual income of around $134,000. Families with this level of income, or higher, would need to be paying around $15,000 a year in childcare fees per child—remember that this is per child—before they reached the rebate limit.

In this debate senators and the public more generally need to be reminded that the impact of these measures is very well targeted and highly contained. But it does take us to the point that Senator Xenophon raised, which is: where should the money for quality be found? Indeed, the Prime Minister has also had to address this question on some occasions. As a past shadow minister for early childhood, I have noticed that some of the figures are actually referring to the impact of increases in costs while forgetting about the impact on increased costs of payments from the government through the childcare benefit or through the childcare rebate. So when we see some services saying that fees are going to increase by $10 a day or $30 a week they fail to account for the amelioration of the overall cost that occurs through the government’s other childcare support measures.

In that sense I think the Prime Minister’s response on this point is the most accurate. She said, ‘Yes, we do need to pay some more to ensure we have better quality in child care, but that cost is and should be shared.’ It is not being borne solely by parents. It is being borne also by the government not only through the cost-saving measures, such as those involved in this bill, but also through our ongoing payments through the childcare benefit and the childcare rebate.

I will address the issue of what the government is doing about affordability more generally. This is quite a longstanding issue. In fact, in my initial comments I entered the debate at a certain point in time whereas I should have perhaps gone back about four years earlier. I think I cited that the changes were made in 2008 to the annual payments of the rebate. What is forgotten is that the policy taken by the coalition to the 2004 election had a very interesting mechanism in it; it introduced the rebate back then at 30 per cent, which this government increased to 50 per cent to assist in affordability, but the very odd measure at that stage was that families needed to wait not only to claim it in their tax return but one year further. I recall this because I saw it as somewhat of a bizarre mechanism because I could not think of any other measure, and still no-one has brought to my attention any other measure, in the tax system where families would need to essentially wait one year further before they could present a claim. This was obviously done by the Howard government as a means of delaying the cost of election measures that they were introducing in 2004. A number of families complained about having to wait almost
two years to receive the government assistance that would help them bear the cost of child care. We acted to ensure that that was improved to annually and we have now improved it to quarterly. We are now looking at making it even better by giving families the opportunity of fortnightly benefits. It is important for us to remember that when this tax rebate was first introduced families needed to wait up to two years for assistance.

Unlike the Howard government, this government is committed to delivering affordable, high-quality early education and care, and to demonstrate that fact there are quite a number of measures beyond those that are included in this bill. I will cover a number of these. Overall we are investing $14.9 billion over the next four years to help over 800,000 Australian families each year with the cost of child care. We have raised the childcare rebate from 30 per cent to 50 per cent of parents’ out-of-pocket expenses and increased the maximum for each child in care to $7,500 a year. Compare this to the assistance under the former coalition government, where the maximum was only $4,354 per year per child. Since 1 July 2008 this 72 per cent increase has assisted 735,000 Australian families to pay for their child care.

We know that the proportion of family income being spent on child care out-of-pocket costs has almost halved since 2004. Perhaps Senator Hanson-Young and Senator Xenophon should be very mindful of that figure. Whilst we are certainly seeking to implement some targeting measures to help us fund the quality reform agenda, we do need to be reminded of this point: the proportion of family income being spent on child care out-of-pocket costs has almost halved since 2004. It is dropping from 13 per cent to just seven per cent in the year 2010 for families with one child in care and earning $55,000 per year.

We also promised to pay the childcare rebate quarterly so that parents do not have to wait until the end of the year or, as it was originally, the end of the tax year after the tax year, to receive this crucial assistance, and we have delivered on this commitment. When this amendment is being addressed we will be providing fortnightly childcare rebate payments and these will provide significant benefits to families which will make it easier to manage childcare costs and the family budget.

I will go back to the most significant point and perhaps the most critical principle of this debate. I think Senator Xenophon hit it right on the head when he made the point that everybody agrees that the quality of child care needs to be improved considerably. On that point, he again raised the issue of who should pay for this. If you heard the original debate or if you listened to some of the media coverage you would get the impression that the cost of the quality reform agenda is to be met solely by parents and families. This argument needs to be comprehensively debunked. The Labor government has introduced a range of affordability measures that have halved the out-of-pocket expenses for child care in recent years, and in the future this will continue to be the case. We have the circumstances where families will be faced—

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Health

Senator FIERRA V ANTI-WELLS (2.00 pm)—My question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig. Given that Labor’s grand hospital plan is now in tatters, what part, if any, of the government’s assertion of federal funding and local control remains intact?

Senator LUDWIG—Can I say that we are very pleased by the strong interest shown
by the opposition in the Health and Hospitals Fund. Can I also say that the area across all of the health and hospital funding is one that we do take seriously; it is an area where we have health reform going on. Of course, the opposition, during their time in government, would be familiar with what they called their hospital and health reform, because what it did was rip $1 billion out of the health system. What this government has been doing is addressing that by delivering a massive reform to the health system, which was never done by the previous health minister in the Howard government. We are delivering the My Hospital website. We are increasing hospital funding by 50 per cent and delivering 70,000 more elective surgery operations. That is what this government is doing in relation to health and hospital reform. We have agreed to new boundaries for local hospital networks that have removed the old area health services in New South Wales. We have given nurses and midwives access to—

Opposition senators interjecting—

Senator LUDWIG—Of course the opposition do not want to hear what our hospital reform agenda is. Why? Because they have no alternative health and hospital reform plan. The only plan the opposition had was to remove $1 billion from the health system. What this government is addressing is the deficit that they left in the health and hospital area. We are addressing it by providing—

Senator Cormann—You are taking money out of the system.

Senator LUDWIG—If you go through this and compare it to the opposition’s, as I have indicated, they would have cut GP superclinics, cut GP after hours—(Time expired)

Senator Fierravanti-Wells interjecting—

The PRESIDENT—Order! When there is silence you will get the opportunity, Senator Fierravanti-Wells.
repetition. If only he would have just listened; Senator Ludwig was in the middle of a sentence about doctors.

**The President**—There are nine seconds remaining to answer the question.

**Senator Ludwig**—For medicine, we announced a $632 million package in March 2010 to deliver an extra 5,500 new general practitioners, 680 specialist places— *(Time expired)*

**Senator Fierravanti-Wells**—Mr President, I ask a further supplementary question. That obviously does not include ‘Dr Rudd’ in his little white coat. Given that the Prime Minister has declared 2011 the year of delivery and decision, how many more decisions will be made not to deliver promised programs?

**Senator Ludwig**—I take it that that was a question, Mr President. The opposition failed to deliver on their health promises. We have almost $20 billion in extra funding for hospitals that depend upon reform. What we have achieved already is the LHN boundaries, Medicare local boundaries, an announcement of new GPSC sites and new primary care infrastructure. We continue to roll out in this area to provide assistance. We have already, as I said, invested $1 billion in 2008 through the COAG partnership to support clinical training and to establish Health Workforce Australia to improve planning and to drive reform and to coordinate new support arrangements across the profession—all of that; yet the opposition continue to harp on improvements in the health system. They continue to simply undermine the necessity for us to continue our reform agenda. When you look over the last three years, you see that we have provided training conditional— *(Time expired)*

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**Australian Natural Disasters**

**Senator Marshall** *(2.07 pm)*—My question is to Senator Wong, the Minister for Finance and Deregulation. Can the minister outline to the Senate the economic and fiscal impact of the recent natural disasters across Australia and the capacity of the government to respond in the current economic conditions?

**Senator Wong**—I thank Senator Marshall for his question. As we know, the economic devastation caused by the natural disasters we have seen in recent weeks in Queensland with the floods, in Far North Queensland with the cyclone, and also the flooding in Victoria and New South Wales, will obviously have a significant effect on the economy. As the Treasurer has said, the January floods alone are estimated to knock around half a percentage point from growth in this financial year, most of that in the March quarter. This government has made a very sound assessment of what we need to do to ensure we give communities in Queensland, Victoria and New South Wales the certainty they need to rebuild their homes, their lives and their communities after these natural disasters. We have put forward a very sensible, responsible package based on $5.6 billion of rebuild costs for Queensland and other affected states including Victoria.

This is a government that has approached this in a fiscally disciplined manner. It has made hard decisions to pay for the recovery. Two-thirds of the package is funded by spending cuts and one-third by a modest levy. The contrast with those opposite could not be clearer. The government is focused on delivering a responsible and disciplined package; the opposition is focused on fighting its own internal battles over a half-baked and entirely inadequate package. Even worse, we know that in the other place the opposition is focused on playing procedural
games to slow down the consideration of the levy legislation. We say to the opposition: it is time to stop playing politics, so focus on supporting the recovery and the rebuild. We should pass this legislation and give Queensland and the other states the certainty they deserve. (Time expired)

Senator MARSHALL—Mr President, I ask a supplementary question. Can the minister detail the government’s response to the challenges posed to our economy by these natural disasters and any alternative approaches?

Senator WONG—As I said, we in the government have put forward a very sensible package and a very tough package. It cuts spending. Two-thirds of it is funded through spending cuts and a third through a modest levy. We have committed to bringing the budget back to surplus.

Senator Abetz—Having put it into deficit.

Senator WONG—I will take that interjection, Senator Abetz. Let us remember what we see from the opposition. They have outsourced fiscal policy to the National Party. That is what happened today in this chamber. Where are the economic dries in the Liberal Party? Today they sponsored legislation that will add $300 million plus to the budget black hole that they brought in with no offsets—

Opposition senators interjecting—

The PRESIDENT—Order! Senator Wong resume your seat, please. If those on either side of the chamber wish to debate this, the time is post question time. When there is silence, we will proceed. Senator Wong, continue.

Senator WONG—Let us remember that Liberal Party senators today voted for a package that seeks to impose $300 million on the budget bottom line without offsets—no economic credibility.

Senator MARSHALL—Mr President, I ask a further supplementary question. Can the minister outline any significant challenges to the capacity of the government to respond to these recent natural disasters?

Honourable senators interjecting—

The PRESIDENT—Order! If you wish to waste question time debating this and shouting across the chamber at this stage, that is your choice, but I will not call the minister until there is silence.

Senator WONG—The significant challenge is the irresponsibility and political opportunism of those opposite. You would have to ask the senators on that side from communities that have been affected how they go home and justify the fact that they are focused on what they want in here, not on what their communities need.

Senator Ian Macdonald interjecting—

Senator WONG—Senator Macdonald should go home and explain to Queenslanders how he is so focused on what the Liberal Party wants in this chamber, not on what those communities need. When it comes to economic responsibility, the $10.6 billion black hole was added to today. For all their chest beating about fiscal responsibility, the economic dries in the Liberal Party have ceded to the National Party. Where is Senator Minchin? Where is Senator Abetz? Where is Andrew Robb? (Time expired)

Flood Levy

Senator HUMPHRIES (2.13 pm)—My question is to the Minister representing the Attorney-General, Senator Ludwig. Under the government’s proposed flood tax—

Honourable senators interjecting—

The PRESIDENT—Order! The interjections across the chamber from both sides make it impossible to hear the question.
Senator Humphries, start again with the clock set again.

Senator HUMPHRIES—Thank you, Mr President. My question is to Senator Ludwig. Under the government’s proposed flood tax, people who have received the disaster recovery payment are exempted from paying the tax. What has been the increase in the number of applicants for the disaster recovery payment other than in the areas affected by Cyclone Yasi since the announcement of the flood tax?

Senator LUDWIG—I thank Senator Humphries for his question in relation to the flood levy. I see the opposition are starting to warm to it, and we certainly call on them to support it. Australians understand that there is a lot of work ahead to rebuild the flood affected areas of Queensland, that the reconstruction will be difficult and that it will take years to rebuild. This disaster will have significant impacts on the budget—there is no doubting that. The scale of this disaster means that we have had to make difficult decisions. The federal government estimates we will need $5.6 billion to rebuild flood affected regions, with more than $5 billion going on rebuilding essential infrastructure. The natural disaster relief and recovery arrangements provide for the Australian government payment of $1,000 to people who have been affected by the flooding and has been sought by people from Emerald right across South-East Queensland to Brisbane and the like. Approximately 328,000 Australian government disaster recovery payments—the $1,000 for eligible adults and the $400 for children—have been made across Australia, totalling $388 million. It is also worth putting on the record that, in relation to supporting disaster recovery income subsidies, there has been 32,000—

Senator Brandis—Mr President, a point of order directed to relevance: the minister has three seconds to go in his answer. In response to the point of order taken in relation to the last opposition question, when the point was that the minister was asked for a number, you upheld Senator Conroy’s argument that the minister still had some time to go. It is fair enough that a minister can address a question generally, it is fair enough that there can be a degree of preamble, but when the sessional order requires direct relevance and the question asks for a number it cannot be right, Mr President, that at the very end of the answer the minister still has not approached the question. It is not enough for you to say, with respect, Mr President, ‘He still has some time left.’ He has hardly any time left and he has not addressed the question yet.

The PRESIDENT—Senator Ludwig, you have three seconds remaining. I draw your attention to the question.

Senator LUDWIG—if there is any part of the question that I have not answered already, I will seek the Attorney-General to provide that.

Senator HUMPHRIES—I will ask if the minister can tell me today the answer to this question: is the minister aware of whether the government has estimated the number of applicants for the disaster recovery payment and, if so, what is the figure? Has the figure been revised since the flood tax was announced and, if so, by how much?

Senator LUDWIG—I thank the opposition for their question. The natural disaster relief and recovery arrangements, as I have outlined, include two parts. Approximately 328,717 Australian government disaster recovery payments totalling approximately $388 million have been made across Australia. What that contemplates, firstly, is that those are the payments that have been made to date for those areas across—
Senator Brandis—Have you estimated a number was the question.

Senator LUDWIG—There were two parts to the question: the second part related to the estimated total. This is a demand driven program. Those people who make an application and meet the eligibility criteria receive the payment, which can be $1,000 for individuals and $400 for children in the family. What we now have, unfortunately, is the opposition playing politics with a payment for individuals who have been flood affected right across Queensland. Of course, what that payment is designed to do— (Time expired)

Senator HUMPHRIES—Perhaps I could ask an easier question. Will the government introduce safeguards to stop rorting of the disaster recovery payment? If so, what are they?

Senator LUDWIG—The payment is made by and through Centrelink. It was announced at the time the payment was announced by the Minister for Human Services, Tanya Plibersek, that strong arrangements had been put in place by Centrelink to ensure that the system would not be defrauded and that compliance procedures would be put in place by Centrelink. Centrelink has longstanding arrangements to ensure the accuracy of payments, that the eligibility criteria are met and that people are provided assistance based on eligibility criteria. Right across South-East Queensland, which has suffered the devastation that has been shown on television and reported in the press, there are many households and families who have lost possessions and lost belongings. These payments are designed to ensure that they can get back on their feet as soon as possible. (Time expired)

Liquid Assets Waiting Test

Senator SIEWERT (2.20 pm)—My question is to the minister who is representing the Minister representing the Minister for Employment Participation and Childcare. As part of the stimulus package, the government agreed to double the liquid asset threshold for relevant payments and remove the liquid assets waiting period for a period of two years, until 31 March 2011. As part of the agreement, the government also agreed that these arrangements would be reviewed after one year to determine their adequacy. Have the changes to the liquid assets threshold and waiting period been reviewed? If so, what were the findings and will those findings be publicly released? If they have not been reviewed, why not?

Senator CARR—I thank Senator Siewert for her question. As she indicated, I am representing a minister who is representing another minister, so there is a long chain back to where we can try to get some answers for you. The liquid assets waiting test involves a waiting period that is applied to ensure that people with substantial assets use their assets for self-support before calling on the community for income support. For the benefit of the chamber, this is a test that applies to youth allowance, Austudy, Newstart allowance and the sickness allowance recipients whose liquid assets exceed the specified threshold. Liquid assets include cash, shares and term deposits and moneys due or able to be paid by the person’s former employer and other readily realisable assets.

As part of the global recession response, the liquid asset waiting period was temporarily doubled to $5,000 for a single person with no children and $10,000 for all other recipients for the period 1 April 2009 through to 31 March 2011. This was a measure that was included in the jobs and training compact of the 2009-10 budget. Given that circumstances have substantially improved across the economy as a result of the strong economic management of this government, there is now a situation which is much better...
for people. There has been no decision to extend these temporary arrangements beyond 31 March 2011. This wait can be waived if a person is in severe financial hardship because they have incurred unavoidable or reasonable expenditure, including cost of living, while serving the waiting period. So there is an opportunity for there to be discussion around that matter. But the government has determined to stick—(Time expired)

Senator SIEWERT—Mr President, I ask a supplementary question. Or rather I will ask the question again: did you do the review? If not, why not? It is very simple.

Senator CARR—The advice that I have been given is that, as a result of the actions of the government in the 2009-10 budget, the amount of money that was deemed to be the limit for the liquid assets waiting period test was doubled. It was doubled for a specific period of time. Since the economic conditions have improved, the government has not made any decision to extend that period of time. Frankly, that is about all that I can say to you in these circumstances. If there is further information that the minister wishes to provide, I will of course get that information to you.

Senator SIEWERT—Mr President, I ask a further supplementary question. I am assuming that the answer is no, the review has not been done. I therefore ask: on what basis have the government made the decision not to extend the changes to the liquid assets test? What proof do they have that in fact there is no need to extend the provisions that were made through the stimulus package? What evidence do you have that you do not need it when you have not done the review?

Senator CARR—What I am advised is that, based on the arrangements made in the 2009-10 budget, there was to be an extension of these arrangements for a limited period—from 1 April 2009 to 31 March 2011. That is what was in the arrangements in the budget. Nothing has changed in that regard. The government takes the view that, as a result of the improvement in the economic conditions, particularly where we have a situation in which the unemployment rate is at five per cent—which compares favourably with the unemployment rate in the United States of nine per cent and that of Europe, where it is at 10 per cent—it is not necessary to extend that. Australia is economically faring so much better. That is a result of the sound economic management of this government, a result of the decisions that we took to spare this country from recession. (Time expired)

Australian Natural Disasters

Senator BACK (2.26 pm)—My question is to the Minister representing the Attorney-General, Senator Ludwig. The minister would be aware of the floods that devastated the Western Australian communities in the Gascoyne region of WA, including Carnarvon, in late December 2010 and early January this year. Can the minister explain why after seven weeks no payments have been made under the natural disaster recovery scheme to any affected residents? Those payments—a minimum of $1,000 for each adult, regardless of income, with $400 per child—would allow those people to start rebuilding their lives. Will the minister guarantee that this government’s failure to release these funds to affected Western Australian families will be addressed immediately?

Senator Cameron—You are a hypocrite. You just want to raise money for the Liberal Party.

The PRESIDENT—Senator Cameron, you need to withdraw that comment. Even I heard that.

Senator Cameron—I withdraw.

Senator Ludwig—The Commonwealth continues to be committed to those people who need assistance in flood affected com-
munities in Western Australia and is providing a range of joint Commonwealth-state funded assistance in 24 local government regions in that area. Seven local government regions—Ashburton, Carnarvon, Exeter, Murchison, North Hampton, Shark Bay and Upper Gascoyne—are receiving the natural disaster relief and recovery arrangements.

Opposition senators interjecting—

Senator LUDWIG—Don’t you want to hear what these people are receiving out of the natural disaster relief and recovery arrangements? Clearly, you do not want to hear that we are providing support. That would be right: the opposition just want to decry and make claims. Maybe they do not want these people to receive any support from the Commonwealth government.

The assistance includes personal hardship and distress assistance, including the provision of emergency assistance, emergency accommodation, food, essential clothing, other personal items, payments of up to $388 per eligible adult and up to $194 per eligible child on the first day of assistance. There are also payments for temporary living expenses of between $110 and $150 per day for every adult for families in the metropolitan area. It also includes the restoration of essential public assets.

Senator Back—Mr President, I rise on a point of order on relevance. The question to the minister was not what is in the market to be supplied or what is in the bucket. The question was: why have none of them received one cent under this particular natural disaster recovery scheme after seven weeks?

The PRESIDENT—I believe that the minister is answering the question.

Senator LUDWIG—In addition to those 17 local government areas, there is a range of payments that are available in that region. Further to the disaster income recovery subsidy, there is also a fortnightly payment equivalent of up to the maximum rate of Newstart or youth allowance. The Commonwealth government continues to support and work with the Western Australian government and affected communities to ensure they receive the support and assistance they need. (Time expired)

Senator BACK—Mr President, I ask a supplementary question. Can the minister explain why, following the declaration by Premier Barnett that this was a natural major disaster and its confirmation by the Prime Minister, this payment was not paid immediately to flood victims through Centrelink?

Senator LUDWIG—As I have said, there is a range of assistance being jointly provided through the Natural Disaster Relief and Recovery Arrangements. What the opposition fail to understand is that right across Australia, through Emergency Management Australia and the relevant emergency departments in the states, we have arrangements in place. Perhaps they should understand this because they fail to grasp that there are natural disaster relief and recovery arrangements available. When states activate an area and advise the Commonwealth that there is an area that has suffered a natural disaster—

Senator Ian Macdonald—Mr President, on a point of order on relevance, the question from Senator Back is very clear: why are these payments not being made? Either the minister is deliberately misunderstanding the question or he is simply incapable of understanding it. We know the payments are available, but they are not being paid. Could you direct the minister to answer the question or sit him down if he cannot?

Senator Conroy—That was the most spurious point of order yet today, which is a record for the good senator. Senator Ludwig has been addressing the question specifically. If you have worded your questions poorly
that is your problem. Take it to your tactics committee. Senator Ludwig could not be more on message and on point.

The President—I cannot instruct a minister how to answer a question. The minister has 25 seconds remaining to answer the question. I draw the minister’s attention to the question.

Senator Ludwig—As I was explaining to the opposition, who fail to grasp what arrangements are in place, there are joint arrangements between the state and the Commonwealth. In this instance, they are administered by the state under the natural disaster relief and recovery arrangements. If we had been in a state parliament they may have been able to provide the exact figures. On behalf of the Attorney-General, I can seek the information—(Time expired)

Senator Back—Mr President, I ask a further supplementary question. The minister needs to understand that it is a federal government disaster recovery scheme. Can the minister assure the Senate that those families recovering from the natural disaster that has occurred over the last few days in Perth, in which 72 homes were destroyed and 32 damaged, will not suffer the same fate as those in the Gascoyne by missing out on vital federal funding?

Senator Ludwig—This is a matter that we should not take lightly. Houses have been burnt. The government is committed to supporting individuals and communities affected by the bushfires in Western Australia. I also acknowledge the tremendous effort of the personnel involved in fighting those fires. The Commonwealth assistance is being provided to the Western Australian government through the natural disaster relief and recovery arrangements. It currently applies to the local government districts of Armadale, Canning, Chittering, Serpentine, Swan and one other. The natural disaster relief and recovery assistance includes emergency assistance for people who have suffered personal hardship. This includes the provision of emergency assistance such as accommodation, food, essential clothing and other personal items, and payments of up to $388 per eligible adult and up to $194 per eligible child. (Time expired)

Broadband

Senator Polley (2.35 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister please inform the Senate about what progress has been made in negotiations between Telstra and NBN Co.?

Senator Conroy—I thank Senator Polley for her ongoing interest in this issue. Today I am pleased to both welcome and announce to the chamber that Telstra and NBN Co. have finalised the key commercial terms to allow for the more efficient rollout of the National Broadband Network. Today’s announcement represents a big step towards bringing affordable high-speed broadband to every home, school, hospital and small business in Australia—no matter where they are located. The commercial terms pave the way for a final agreement to allow NBN Co. to use Telstra’s assets to rollout the NBN and for Telstra to decommission its copper network.

In support of these arrangements, the government and Telstra have reached in principle agreement for the package of measures announced by the government last June. These measures will facilitate the transition of the NBN and they include a public information campaign to inform people about the migration of services from the copper based network to the NBN, assistance to retrain Telstra’s workforce to deploy the NBN, and implementing the government’s
reforms to deliver the universal service obligation and other public-interest services.

The deal also provides certainty for consumers. It means that people will continue to have access to their fixed-line voice services, including in areas where the NBN will be delivered by non-fibre technologies. People will continue to have access to payphone services. Universal access payphones will continue to be available and they will be funded in the public interest rather than in the commercial interest of Telstra. (Time expired)

Senator POLLEY—Mr President, I ask a supplementary question. I thank the minister for his response. Can the minister outline to the Senate how this will improve broadband services for all Australians?

Senator CONROY—Today’s announcement means that communities across Australia, from city to country and back, and families and businesses both big and small can all take comfort that, regardless of where they are, they will have access to the NBN. This is another significant step forward in the delivery of the NBN, the largest nation-building infrastructure project in Australia’s history. As well as allowing for a cheaper, more efficient rollout of the NBN, the in-principle agreement ensures there is continuity of basic, universal service outcomes for consumers while the country transitions to the NBN. Under the 11 years of the previous Howard government broadband policy was neglected, resulting in many people in outer suburban and rural and regional Australia being treated like second-class citizens. It has taken the Gillard Labor government to address this neglect. (Time expired)

Senator POLLEY—Mr President, I ask a further supplementary question. I thank the minister. In reference to the improved services that the minister has outlined, can he inform the Senate if there are any impediments to all Australians getting a fairer and far better go with broadband services?

Senator CONROY—The agreement announced today takes a large step towards treating all Australians as one and providing all Australians with an opportunity to share in the technology of tomorrow. Unfortunately there are still some people who do not want this as an outcome; there are still some who do not want to see all Australians treated fairly. There are still some who do not think that all Australians deserve access to world class infrastructure, to world class leading broadband. Who are these people, you might ask. Who on earth could they be? Who would want to deny Australians in city, outer suburban and rural and regional areas? It is no surprise, and it saddens me to say it, that those opposite continue to try to keep Australia in the digital dark ages. (Time expired)

Queensland Floods

Senator BOYCE (2.40 pm)—My question is to the Minister Assisting the Attorney-General on Queensland Floods Recovery. What performance indicators has the Commonwealth required of the Queensland government to ensure that taxpayers’ funds provided by the Commonwealth for flood relief are properly, efficiently and swiftly provided to those in need, especially to one of the principle drivers of the Queensland economy: small business?

Senator LUDWIG—The scale of the flooding crisis across Australia means that we have had to make some difficult decisions to find the necessary funds to provided emergency recovery assistance to individual communities, small businesses and primary producers. We also need to rebuild roads, bridges, ports and community infrastructure damaged by the floods. We have invested $5.6 billion to rebuild Queensland and areas across Australia—not only Queensland has
been damaged by flood; it also affected parts of New South Wales and Victoria. As the Prime Minister has said, every dollar will be spent effectively and every dollar will go to the region that needs it most.

The government understands the community’s concern that we have a coordinated response to the flood disaster, and that is why we have been working closely with the Queensland government to ensure a coordinated response to disaster recovery. The Commonwealth is putting in place a proper governance arrangement to ensure taxpayers get value for money. In addition, I have been appointed as the lead minister for the Commonwealth with responsibility for the reconstruction of Queensland. To ensure we can rebuild Queensland after these significant events, there will also be the Queensland Flood Recovery Cabinet Committee, of which I will be a member. The Prime Minister has recently announced the creation of the Australian Reconstruction Inspectorate, led by Mr Fahey, and Commonwealth officials have been appointed to the board of the Queensland Reconstruction Authority. We have also made available Major-General Mick Slater—

Senator Brandis—Mr President, I rise on a point of order again on the question of relevance. There are nine seconds to go—the minister has taken up a minute and 51 seconds. As I said to you earlier, preamble is fine but the entire answer cannot be preamble, particularly if it is to be directly relevant in accordance with the sessional order. The question was about performance indicators. With nine seconds to go, the minister has not begun to address that issue. The entire answer cannot be preamble; if that were so, it would be literally impossible for you ever to rule an answer to be not within the sessional order.

Senator Conroy—Mr President, on the point of order: yet again, this is a spurious waste of the chamber’s time. Senator Brandis wants to try to redefine the question after it has been asked. He seeks to get you to direct the minister on how he can answer the question. All of this is outside standing orders. If Senator Brandis is unhappy with the question that was asked, he should take it to his own tactics committee and stop wasting the time of this chamber. Senator Ludwig has been absolutely on point, absolutely on question, and this point of order should be dismissed immediately.

The PRESIDENT—I believe the minister has been answering the question—

Senator Brandis—Oh, you’re not serious!

The PRESIDENT—I believe the minister has been answering the question, I believe the question was a fairly broad question, and I believe the minister has nine seconds remaining to complete his answer.

Senator Ludwig—The opposition fails to appreciate that the key performance indicators go across firstly the structure that would be put in place to ensure— (Time expired)

Senator Boyce—Mr President, I ask a supplementary question and it goes to one key performance indicator. Given that business applicants are being told that it will take a minimum of five weeks before the money will be available to assist these flood victims with their clean-up, and that they have already been waiting for four weeks for assistance in Queensland, how can the minister justify not delivering the government’s ‘emergency’ cleanup money for more than two months after the emergency?

Senator Ludwig—The opposition quite frankly does not recognise that we have already pulled forward the financial assistance grants of $77 million and made them avail-
able to the Queensland government. The author-
ity, which has been set up by the state
government, has been working diligently in
ensuring that the work is being done. In addi-
tion to that, right across Australia this gov-
ernment has made a $5.6 billion commitment
to rebuild Queensland. It will not be done in
a day; it will take time for the work to pro-
gress. You would not want to provide the
funding in a way that would squeeze the
market. You want to ensure that the authority
can prioritise the work, undertake the neces-
sary work to be able to ensure that the re-
building effort across Queensland is done,
that roads can be rebuilt. (Time expired)

Senator BOYCE—Mr President, I ask a
further supplementary question—and per-
haps we could look at this from a different
perspective. Is the minister aware that Com-
monwealth funds that are also being given to
the program run by the Queensland Rural
Adjustment Authority—that promises low-
interest loans of up to $250,000 to small
businesses affected by the floods—have eligi-
bility requirements that are so ambiguous
and so onerous that many small businesses
that desperately need the help are simply not
bothering to apply? Would you talk about the
KPIs there please, minister.

Senator LUDWIG—I will deal with that
garbled question and outline what this gov-
ernment is doing for small businesses. The
natural disaster relief and recovery arrange-
ments are designed to alleviate the signifi-
cant financial burden placed on states and
territories, and to facilitate early provision of
emergency assistance to a disaster affected
community. These arrangements have been
in place, not only for this government but
also for successive governments, to provide
assistance to small business and primary
producers. The natural disaster relief and
recovery arrangements provide concessional
loans of up to $250,000 for small business
and primary producers. Regarding eligibility
criteria, I tell people not to self assess. They
should go in and work through those eligibil-
ity criteria so that they can access that assis-
tance. It is important that small businesses
and primary producers take the opportunity
of availing themselves of that. In addition,
small businesses and primary producers have
up to $25,000 available to them for the im-
mEDIATE clean-up work. This government is
providing significant support right across
Queensland and other areas that have been
significantly affected by this natural disaster
that has occurred in Queensland. I add that
the natural disaster relief and recovery ar-
rangements allow small business to access
the New Employment Incentive Scheme as
well. (Time expired)

Biosecurity

Senator FIELDING (2.48 pm)—My
question is to the Minister for Agriculture,
Fisheries and Forestry. Given the govern-
ment’s decision last year to give the green
light to Chinese apple imports—making it
the first time since 1921 that apples can be
imported into Australia—and given the seri-
ous concerns that Chinese apples may carry
the suzukii fruit fly, can the government ex-
plain why only five per cent of Chinese ap-
ples are being sampled by quarantine au-
thorities for testing, particularly given that
countries such as Japan, Vietnam and Thai-
land have already had to increase their test-
ing of Chinese produce after discovering
high levels of chemicals?

Senator LUDWIG—I thank Senator
Fielding for a question within my portfolio.
It is one that the opposition has not raised
very recently. Of course, we take biosecurity
very seriously and we need to make sure that
Australia remains properly protected from
pests and diseases. Strong exports are critical
to the future of Australia and we are commit-
ted to meeting the highest standards possible
to protect Australia’s plant, animal and hu-
man biosecurity. I understand that the first shipments of Fuji apples from China have arrived in Australia for retail sale and I can confirm that the advice from relevant biosecurity officers is that all consignments complied with Australia’s import requirements. The process leading up to the importation of Chinese apples included a rigorous risk analysis of the quarantine risks, in-country verification of China’s biosecurity system, and checking that the necessary quarantine measures specified in the final import risk analysis report have been properly implemented. All consignments being exported to Australia are inspected by the Australian Quarantine and Inspection Service officers in China to ensure that they are free of any pests of quarantine concern.

This importation of fruit from China is not a new development. Pears have been imported from China since 1999. The pests and disease risks for pears from China are very similar to those for apples, and that is why I add that information for your assistance. To date, there have been no pests or disease incursions resulting from this decade-old trade relationship.

Senator FIELDING—Mr President, I ask a supplementary question. Given that many Australians may wish to buy only Australian grown apples to support Australia’s $400 million apple industry, which employs more than 4,500 people in regional areas, is the government aware that the current labelling laws do not in fact require imported apples to identify their country of origin, and what plans does the government have in place to fix this loophole to ensure that Australian consumers are not left deceived?

Senator LUDWIG—I am sure that Senator Fielding promotes Australian apples, as do I as a Queenslander. I was in Stanthorpe last year and I have been to Tasmania and spoken to a range of producers. I think people should continue to support Australian apples, which are the finest in the world—there is no doubt in my mind about that. Consumers should continue to select Australian apples as their fruit of choice whether they be Tasmanian apples or Queensland apples. I can assure consumers that the apples they buy in Australia will continue to be of high quality. Australian consumers in these issues do have a choice—

Senator Joyce—On a point of order, Mr President: Senator Fielding asks a very reasonable question about labelling and identification. I think everybody, especially senators from Tasmania, might be interested in the answer.

The PRESIDENT—There is no point of order.

Senator LUDWIG—Australian food standards require that a label identifying the country of origin must be provided on or in connection with the fruit at the point of sale. This applies to all fruit, whether imported or grown here. So there is an opportunity for Australians to buy Australian apples.

Senator FIELDING—Mr President, I ask a further supplementary question. Given that the first container of Chinese apples arrived last month just as many farmers were suffering from enormous flood damage, what financial support is the government planning on giving Australian apple growers, in addition to financial support already in place for flood victims, in order to ensure that Australian farms can remain competitive and are not forced to close down during this time?

Senator LUDWIG—I will not deal with the situations where growers have been flood affected or where they have suffered damage. The natural disaster relief and recovery arrangements are available and affected growers will be able to access those, so I will not go into that detail. On the issue of supporting Australian apples, I would ask everyone here
and everyone in the Australian community to buy Australian apples. They are the finest. Consumers can check labels on apple displays. They can ensure that they are buying Tasmanian apples or Queensland apples. They can look to the labelling which from 1 January 2011 is allowed to include a ‘grown in’ claim when products are not only made in Australia but also grown here. Australia has a hard-won, world-renowned reputation for the quality of its produce. Australians should, by buying Australian produce, support local producers and the jobs and communities they support. Australian farmers are among the most innovative in the world. (Time expired)

Asylum Seekers

Senator CASH (2.55 pm)—My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Carr. I refer to the report released by the Commonwealth Ombudsman on 3 February 2011 in which the Ombudsman finds:

There are too many people being detained at the Christmas Island immigration detention facilities and the current scale of operations on the geographically remote island are not sustainable.

Does the minister agree that this is a disgraceful and inhumane situation of which the government should be ashamed and that it is solely a result of the government’s failed border protection policies?

Senator CARR—I thank Senator Cash for her question. The government does acknowledge that accommodation in detention facilities is tight.

Opposition senators interjecting—

Senator CARR—I think it would be only reasonable to acknowledge that there are considerable pressures on accommodation facilities within detention centres across the country. The Department of Immigration and Citizenship will continue to manage facilities with flexibility and move clients across the network as necessary to ease overcrowding. The government has sought to provide additional accommodation facilities for irregular maritime arrivals and the minister has announced the expansion of accommodation at a number of centres across the country. The government has announced additional accommodation facilities right through South Australia, Western Australia and the Northern Territory, and the additional capacity is progressively coming on line. Accommodation for families—for some 280 people—will, for instance, be available at Inverbrackie. The provision of detention accommodation facilities is about ensuring that there is appropriate amenity and sufficient capacity across the country to ensure that we are able to provide for accommodation needs, including on Christmas Island. Given that it was the Howard government that built the facilities on Christmas Island, I am somewhat surprised that the coalition now wants to question the use of those facilities. One has to face the fact that, when it comes to dealing with the coalition on these issues, one has to deal with considerable hypocrisy. (Time expired)

Senator CASH—Mr President, I ask a supplementary question. The Commonwealth Ombudsman’s report finds that Christmas Island is overloaded and that asylum seekers are living in unacceptable conditions. This contradicts comments made by Minister Bowen on 3 February 2011 that they are not. Who is correct: the Ombudsman, whose findings are based on observations during two years of periodic inspections, or Minister Bowen?

Senator CARR—It is true that the Ombudsman has taken an oversight role of the non-statutory refugee assessment process for asylum seekers at Christmas Island. We have seen that the government takes these reports seriously; that the government seeks to provide appropriate accommodation facilities across the network; that we seek to provide
people who are placed in detention on Christmas Island with appropriate support facilities, including the necessary mental health support facilities and the necessary interpretation facilities; and that the government is ensuring that we are treating people in a humane way while at the same time protecting the security of this country and ensuring the integrity of our arrangements for people arriving by boat. There are a range of facilities available and we want to ensure that those facilities are of an appropriate standard and meet our international obligations.

Senator CASH—Mr President, I ask a further supplementary question. Given that the Christmas Island facility was built for a capacity of 400 but now holds 2,200, how can the government maintain this inhumane situation?

Senator CARR—I am advised that the contingent accommodation capacity, including operational capacity, on Christmas Island is 2,584. As at 9 February 2011, which is the last figure I have—

Opposition senators interjecting—

The PRESIDENT—Senator Carr, resume your seat. If you want to debate the question, the time is at the end of question time. Senator Carr, continue.

Senator CARR—As of 9 February, Senator, you would be interested to know that the advice I have is that there were in fact 2,625 irregular maritime arrivals, including 23 crew members of various vessels, detained at Christmas Island. So I think the suggestion that you have made in your question is at variance with the facts and I am sure that if there is any further information I can provide that might assist you to make a more accurate assessment of what actually is happening on Christmas Island then the minister will be only too happy to provide it.

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

3.01 pm

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Egypt

Murray-Darling Basin

Australian Natural Disasters

Senator CONRO (Victoria—Acting Leader of the Government in the Senate) (3.01 pm)—I seek leave to incorporate in Hansard additional information in response to questions asked yesterday by Senator Bob Brown, Senator Joyce and Senator Abetz.

Leave granted.

The answers read as follows—

Further information for Senator Eric Abetz

In Question Time yesterday I offered to provide further detail to Senator Abetz to answer a specific question he raised relating to the number of people who had received Australian Government Disaster Recovery Payment from the Government.

In his question, he asked: Mr President, I ask a supplementary question. How much money has the government already given to people described by the Treasurer as Sow-fifes’ who claimed $1,000 from Centrelink when all they suffered was a power outage? Are businesses that are economically impacted by the floods more or less deserving?

I can now furnish further information:

As at 8 February, 462,000 Australians had received the AGDRP (costing $545 million).

The AGDRP is being paid under the same guidelines that applied in the March 2009 floods, which are also the criteria that were supported by both the Leader of the Opposition and the Leader of the Nationals.

Anybody who is aware of a fraudulent claim should call the Australian Government Services Fraud Tip-off line on 131524.
Further information for Senator Barnaby Joyce
In Question Time yesterday I offered to provide further detail to Senator Joyce to answer a specific question he raised relating the powers under section 189 of the Water Act 2007.

In his question, he asked: Mr President,...) am quite specific. Is the minister considering using powers under section 189 of the Water Act? He either is or is not.

I can now furnish further information:
The Minister for Sustainability, Environment, Water, Population and Communities was careful in the appointment of the Chair. Mr Knowles was appointed having consulted with the State and Territory governments in the Basin and after feedback from stakeholders.

Mr Knowles has been appointed to the position of Chair of the Murray Darling Basin Authority. Mr Knowles has 10 years experience as a State government Minister, including direct experience in the water portfolio and on other natural resource issues. Mr Knowles has a strong track record on water reform including his work on the implementation of the National Water Initiative (NWI).

Under Mr Knowles’ leadership, the Murray Darling Basin Authority shall advance the preparation of the draft Basin Plan, with extensive consultation to take place with affected communities and governments.

Further information for Senator Bob Brown
In Question Time yesterday I offered to provide further detail to Senator Brown to answer a specific question he raised relating Mr Habib and Mr Sulieman.

In his question, he asked: Mr President, I ask a further supplementary question. It is known by the government that Mr Habib was detained in Egypt. Has any member of the government or its intelligence services met Mr Suleiman? Were they involved in the detention and torture of Mr Habib in Egypt?

I can now furnish further information:
Mr Habib’s allegations are not new. In 2005 the Australian Government asked Egypt to investigate Mr Habib’s claims of mistreatment.

The Department of Foreign Affairs and Trade has advised that during 2001-2002 Department officials made several attempts at senior levels to confirm Mr Habib’s detention in Egypt and to obtain consular access. Egypt never confirmed that Mr Habib was in custody and consular access was never granted. No Australian official ever saw Mr Habib in Egypt.

Department of Foreign Affairs and Trade officials have met Mr Suleiman, in particular in his capacity as a lead negotiator on Middle East peace process issues.

DEFENCE FORCE RETIREMENT AND DEATH BENEFITS AMENDMENT (FAIR INDEXATION) BILL 2010
Second Reading
Senator RONALDSON (Victoria) (3.01 pm)—I seek leave to table an explanatory memorandum in relation to the Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Bill 2010.

Leave granted.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Health
Senator FIERRAVANTI-WELLS (New South Wales) (3.02 pm)—I move:
That the Senate take note of the answer given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to a question without notice asked by Senator Fierravanti-Wells today, relating to health.

I rise to take note of answers given by Senator Ludwig in relation to what has now become the debacle of health reform in this country. Labor’s so-called hospital grand plan is collapsing around this government’s ears. Despite all the huffing and puffing by Julia Gillard and Labor we are seeing these changes for what they originally were—that is, heading back to business as usual in our hospital systems. Of course if New South Wales is anything to go by, they will be the decrepit hospital systems that have been the
legacy of 16 years of Labor in New South Wales.

My question to Senator Ludwig was directed at the assertion—and it has been only an assertion; the whole thing has been just smoke and mirrors—of federal funding and local control. Let me just examine that. Federal funding, of course, disappeared the moment the cameras were no longer on it. We had the much-trumpeted national funding authority. The national funding authority was to be the mechanism in these changes that would deliver much-needed transparency. In fact, if you go back to the red book, which seems a distant memory, there you have it. It outlines the necessity for transparency and accountability. They were so concerned with ensuring that ‘scarce health dollars’ be directed to hospital services because they did not trust the states. So what happened? All of a sudden the national pricing authority disappeared. Interestingly enough, the decision was made through the Department of the Prime Minister and Cabinet. Minister Roxon was left looking like a stunned mullet because she did not really know about it. The decision had been made by Dr Rudd’s department.

Then we had the other debacle, the other lie about this so-called reform: the perpetrated misconception about local control. You only have to look at the nitty-gritty of the agreement—which of course is not an agreement in the true sense of the word because it has no legal binding between the Commonwealth and the states—on page 14 and there it is in black and white: the clinical expertise on the local hospital networks will come from outside the local hospital networks. What is the point of having a local hospital network when the clinical expertise, the starting point, comes from outside the hospital network?

Senator Cormann—They’ve got no idea.

Senator FERRAVANTI-WELLS—Senator Cormann, I will tell you why—because the appointments to the local hospital networks will come from the state bureaucracies. Dr Rudd, ably assisted by Ms Roxon as the nurses aid, in the photographs—and of course we do have plenty of those photographs floating around—is really what it was all about. It was about Kevin Rudd traipsing around the countryside in a doctor’s uniform, scrubbing up, with Ms Roxon next to him always dressed up as the nurses aid. It was about the photo shoots; it was about trying to create the perception that we are doing something about reform. But really it was all about spin and no substance. It is little wonder that the whole thing is falling apart.

It was not ever a national agreement because of course Western Australia was not part of it.

Senator Cash—Here, here!

Senator Cormann—Not a single state Labor government was part of it.

Senator FERRAVANTI-WELLS—Absolutely. And of course Victoria were not fully part of it because they were not part of HACC. So this whole misconception about federal funding and local control is the spin that it always was.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (3.07 pm)—I rise to take note of the answer referred to by Senator Fierravanti-Wells and I wish to discuss the issue of health reform. Senator Fierravanti-Wells has tackled this question with customary passion but her sneering contempt for the Minister for Health and Ageing did her no credit. Likening her, in such a sneering way, to a nurses aid is an inappropriate way to recognise the hard work and efforts of nursing aids and nursing staff across the country.
Health reform is a critical issue for Labor. It has been a critical issue for Labor for many years. Health is one of the quintessential policy areas which Labor have long regarded as a priority. Labor have long insisted that health reform be a continuous program of government. Those opposite have long had a policy which, at its root, has had a distrust and indeed hatred of Medicare and a philosophical opposition to the notion that universal health coverage and universal health care was an appropriate way to manage health costs in this country. We come at this from positions which are poles apart.

In more recent times, under Prime Minister John Howard, those opposite made the practical decision to support Medicare, at least in their public utterances, because Medicare and its predecessor Medibank not only been had successful Labor innovations but also had become part of the bedrock of this country. It was no longer sustainable for those opposite to oppose such an important reform.

In recent years we have seen Labor continue its very proud record of supporting and strengthening Medicare and health care in this country. That was a key issue for Prime Minister Rudd last year and it remains a key issue for the federal Labor government today. Those opposite may sneer. They may try to belittle the achievement so far, but let us consider for a moment what some of the real gains have been. Keeping people healthier and out of hospital by providing health services closer to home is simply common sense. That is why under Labor 64 GPs superclinics have been promised—

Senator Cormann—Promised!

Senator Cash—Let’s talk about delivery.

Senator FEENEY—Those opposite might contain their enthusiasm for a moment in the faint hope—dare I say ‘risk’—that they may learn something. GP practice upgrades have meant 4,600 practice nurses and 28 of the original 36 GPs superclinics are now either completed, operating interim services or under construction. These are real and tangible gains. If those opposite had struggled through the trauma of watching them being built and dealt with their own policy failures, they would have seen that for some communities they represent real achievements and real improvements. We lifted the cap on Mr Abbott’s GP training quota and that will mean that by 2014 we will have doubled the number of GPs entering training—that is to say that the pipeline of trained GPs has been opened again by federal Labor after it was strangled not only by a coalition government but by Abbott, who was then minister for health.

The DEPUTY PRESIDENT—Order! Refer to the person by his proper name.

Senator FEENEY—I am delighted to do that but, Mr Deputy President, although I cannot help but note that you did not enforce that with such rigidity when Minister Roxon was being referred to as a nurses aid.

The DEPUTY PRESIDENT—Senator Feeney, I have asked you to refer to the person by their proper name and not to debate a decision from the chair.

Senator FEENEY—I will refer to the Leader of the Opposition in the appropriate terms, Mr Deputy President. Securing the health workforce of the future by training 1,000 extra nurses a year and over 6,000 more doctors over the next decade is a real and tangible achievement. In e-health, personal electronic health records for every Australian will realise real gains. It will minimise medication errors and make the delivery of health services simpler and more efficient. E-health will connect Australians to specialists and after-hours GPs with telehealth and broadband. But I forget that broadband itself is loathed by those opposite.
Perhaps under your amendments a carrier pigeon could fill that role! Around prevention, we have implemented the world’s strongest anti-smoking campaign—one which, tragically, has had no effect on me—including the world’s first plain packaging; combating obesity (perhaps another personal weakness); alcohol abuse (there I am on safe ground)—(Time expired)

Senator CORMANN (Western Australia)
(3.12 pm)—This Labor government has been an absolute failure in health. Before the 2007 election they promised the world but they have delivered next to nothing. Kevin Rudd, the then Leader of the Opposition, said he had the plan.

The DEPUTY PRESIDENT—Order! You must refer to him by his title, not by his Christian name.

Senator CORMANN—Mr Kevin Rudd, the then Leader of the Opposition, said before the 2007 election that he had a plan to fix public hospitals. After the election—no plan. Instead what we got was an 18-month review through the National Health and Hospitals Reform Commission to try to come up with a plan to fix public hospitals, as Kevin Rudd, then Prime Minister of Australia, would say. Did they implement that plan? No. They had a review into the review but the plan by the National Health and Hospitals Reform Commission is gathering dust to this day. When all of the options had run out and finally they were approaching the next election, when clearly they had not delivered and we had all talk and no action, what happened? They thought: ‘We’ll pick a fight with the states. We’re going to go for a crash grab at the expense of the states.’ They were casting around for some more cash. ‘We’ll try to get one-third of the GST revenue from the states and territories. We’re going to take $200 billion away from the states over the next 10 years to 2020.’ What did they give the states and territories in exchange? Between now and 2020, $15.6 billion. That is the deal that Prime Minister Rudd, Treasurer Wayne Swan and health minister Nicola Roxon tried to implement in the lead-up to the last election and that is the deal that Julia Gillard, our Prime Minister, is now walking away from.

The states clearly have realised that this is a bad deal for the states and a bad deal for patients. That is why they are all walking away from it. That is why not a single state Labor government has signed onto it. That is why not a single state Labor government, 10 months after the April 2010 COAG meeting, has signed on the dotted line to hand over their share of the GST to the federal government. The Prime Minister will now try and blame it on the coalition governments in Victoria and Western Australia. Nothing could be further from the truth. It is very important for people to understand that not one single state or territory Labor government has signed up to this deal.

Of course the government are all over the place. Last night government senators from the economics committee tabled a report in this chamber recommending that the Senate pass legislation to take away a third of the GST from the states and territories, while the Prime Minister is out there saying: ‘The deal is dead. We’re not going to proceed with taking the GST away from the states and territories.’ Of course the reason the deal is dead is that, when people like Premier Bligh in Queensland and Chief Minister Jon Stanhope in the ACT looked at what they were asked to hand over to the Commonwealth, they realised that it was a bad deal for their respective states. Queensland is to hand over 40 to 44 per cent of their GST revenue to the Commonwealth, the ACT 50 to 51 per cent of their GST revenue to the Commonwealth and Western Australia—of course, if Western Australia had agreed to be part of it—60 to
63 per cent of their GST revenue to supposedly fund this deal.

How is shifting money from the states and territories to the Commonwealth ‘health reform’? How is shifting money from here to there actually going to make any tangible, beneficial outcome for patients? Of course it does not. I believe that, when state Labor premiers and chief ministers decided to agree in principle—probably precipitously at the April 2010 COAG meeting—they did not have the specific estimates in front of them as to how this particular deal was actually going to impact on their state budgets. The reason not one of them has signed up to this day and the reason they are now all seeking cover behind Premier Barnett and Premier Baillieu—and are quite happy for them to take the blame for the deal falling apart—is they are quite comfortable with it not going ahead. Of course I bet that the Prime Minister has been told privately that state Labor leaders are no longer comfortable to go ahead with this either.

This government has been a failure in health. They came up with a smoke-and-mirrors cash grab which was never health reform. It was always just about centralising revenue in Canberra at the expense of the states without actually making any of the hard decisions.

Senator BILYK (Tasmania) (3.17 pm)—I am always amazed when those on the other side bring up issues such as this when they have actually cut money out of the budget. We all know that they ripped $1 billion out of the health system. To me that is pretty uncaring, unkind and callous to the people of Australia. Of course that left a great big hole—didn’t it?—that is now down to Labor to fill.

Health is a critical issue to the Labor Party. We have long been working on a better deal for patients. That is our bottom line. We want a better deal for patients. Why do we want that? We want that because we care, because we have compassion and because, as I said, we want a better deal for patients all around. In fact a better deal for patients all around means a better deal for the whole of society. As I said, those on the other side cut $1 billion out of the health budget and I am always astounded that they actually have the gall to raise the issue.

This Labor government is delivering massive reforms. We have delivered the MyHospital website, we have increased hospital funding by 50 per cent and we have delivered 70,000 more elective surgery operations. On top of that we have agreed to new boundaries for local hospital networks. I heard Senator Cormann, I think—although I will stand corrected as it may have been a previous speaker—objecting to that but in my home state of Tasmania the people seem very happy with what has happened and with how it is progressing. Nobody, in fact, has spoken to me in any negative way about it.

We have also given nurses and midwives access to Medicare and the PBS. I think it was Senator Feeney who mentioned that we have lifted the Leader of the Opposition’s old cap on GP training places and we are undertaking proper national planning for our health workforce. Having spent some time, previously, in the health workforce, I know that that action is greatly appreciated by people within the workforce. The Labor government are giving states incentives to reduce hospital times and, of course, we are always trying to improve elective surgery and emergency department waiting times.

We all know that Mr Abbott’s legacy of ripping $1 billion out of the hospitals, capping GP training places and leaving a shortfall of nurses has had a negative impact on the whole of the health area. It has resulted in workloads for the staff across the board,
from nurses aids to doctors, being greater. Once again we see the opposition come into this chamber—in fact nearly every time I am in here—and carry on about how much money they think they have saved. But what they do not say is that they only saved money by not spending it or by cutting programs. By doing that they did a disservice to the people of Australia. They did not make life easier for people. They did not make life easier for any of the workforce in the hospitals by cutting $1 billion out of the health budget. Of course the opposition would have increased the cost of drugs by cutting the PBS and, once again, that would not have helped the people of Australia in any way, shape or form if it had happened.

We have always made it clear that we will not be signing any blank cheques, but health reform is an important part of what we have to do. We have taken that challenge on. Health is never easy. Having previously worked for a state government health minister, I understand the intricacies of trying to balance the health budget. It is never an easy budget to deal with. But we are dealing with human lives and with humans in some ways in a more important way than in some of the other areas. So it really is important that we get it right and that we fill the deficit that was left by those on the other side when they were in power in taking that money away. We help Australians get medical treatment when and where they need it with after hours GP services, GP superclinics. There are a few great new superclinics either already working or underway in my home state of Tasmania. The people of Tasmania greatly appreciate that those have been put there.

Senator ADAMS (Western Australia) (3.23 pm)—I rise to take note of answers by the Minister representing the Minister for Health and Ageing, Senator Ludwig, on health reform. It is interesting to note that ever since former Prime Minister Kevin Rudd and the Minister for Health and Ageing, Nicola Roxon, forced their historic health reform on the states it has been unraveling. Within days the then Prime Minister had to admit that, under his plans for activity based funding for all hospitals, hundreds of smaller mostly rural and regional hospitals would have to close. Having been involved with hospital boards in rural areas for a long time, I could not see where this Prime Minister or the health minister were going with their health plan. It really was not going to make sense practically. Within days Mr Rudd had to change the formula and promise that no hospital would close.

Then before the ink was dry on the COAG health reform agreement, secretly and quietly the Rudd government disposed of the national funding authority, one of the key parts of his reforms to provide transparency in health funding. This was raised very often in the lead-up to the election and it just disappeared because the states said it was not needed. Next, the diabetes plan was withdrawn. Doctors refused to have anything to do with it because of lack of consultation. Then we found that the local hospital networks were no such thing. Under the Rudd-Gillard reforms, local does not mean local, and I could speak for a great length of time on that position.

Then we had the Medicare Locals. Those were supposedly to coordinate primary care. Leaked documents from New South Wales and Victoria show that even those Labor state governments had no idea what these bodies were meant to do, how they would operate and who would form them. Just a month into the new year before the historic Rudd-Gillard reforms are even a year old, key parts of them are being abandoned by the Prime Minister, Julia Gillard. At Monday’s COAG she is likely to dump the so-called reform plan for the Commonwealth to be the dominant funder of public hospitals.
We hear that it will now be 40 per cent Commonwealth, 60 per cent states. I feel, too, that Prime Minister Gillard is likely to run away from the clawback of the GST from the states and this, of course, has been led very strongly by Premier Barnett from my home state of Western Australia.

Prime Minister Gillard is also likely to dump the four-hour waiting time targets for emergency departments—and who knows what else may disappear from Labor’s historic reforms. The slogan of federally funded and locally controlled that went with these so-called reforms is a joke. Ms Julia Gillard got rid of Mr Rudd because the Rudd-Gillard government had lost its way and the Ruddless Gillard government has not found its way as far as health is concerned. Prime Minister Gillard is so desperate to give the perception that she can get a health reform deal that she will abandon any parts of the reform agreement necessary to get the premiers to sign up. We were really led to believe earlier on that the premiers had signed up to the GST and then we find later that this had not happened. So this is a very weak Prime Minister preparing to do a huge backflip. No-one knows what she stands for. She went to the last election saying the GST clawback by the Commonwealth to fund public hospitals was absolutely necessary. She gave a rock solid commitment to the GST arrangement. Now she is walking away from it. Almost a year after the agreement was done, no-one has signed off on its core principles.

Another bungle earlier this year which caused huge numbers of constituents to call or email my office was the health registration bungle. We had numerous health professionals—doctors, nurses and allied health people—not being able to register. The Australian Health Care Reform Alliance, which includes 50 organisations, had 70 people at their recent conference. Out of that summit came an agreement that there can be no real reform of the health system without primary care reform—that is, greater emphasis on early intervention and prevention and greater equity of access to doctors and other primary care providers with less overall emphasis being given to hospitals. Coming from a rural area, I think that is an essential component for the practicality of these health reforms. The reforms are about people. They are about patients. They are about access to health services.

Question agreed to.

Liquid Assets Waiting Test

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

That the Senate take note of the answer given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to a question without notice asked by Senator Siewert today relating to a liquid assets test.

This is a particularly important issue because the amendments we were discussing relating to the doubling of the liquid assets test and the removal of the waiting period are to run out on 31 March this year. The Greens understand that these provisions were time limited. I must note here that it was the then Deputy Prime Minister, now the Prime Minister, who made these commitments. While her commitments were time limited, part of that commitment—and the bit that the government seems to be forgetting—was a clear promise to review the effectiveness of these measures within 12 months.

This promise was made repeatedly. It was made in a letter from the Prime Minister to Senator Bob Brown, the Leader of the Australian Greens, on 12 February. This letter was written in the name of the then Deputy Prime Minister and it outlined, amongst other things, the government’s commitments to implement the liquid assets waiting period and the doubling of the threshold for the liq-
uid assets test. Part of this agreement, as outlined in the letter, was that these arrangements would be reviewed after one year to determine their adequacy. This letter was received by us as part of the government’s commitment on the stimulus package, and attached to it was a letter by Minister Swan, the Treasurer, on 12 February. In this letter he very briefly outlined the relaxation of the liquid assets waiting period for unemployed people and the mechanism to ensure that all unemployed people and students would have access to the bonus payment. This letter was attached to the government’s letter in which they outlined their commitment to relax the assets test for unemployed people and ensure that students would be able to access the bonus payment. This promise was repeated by the Deputy Prime Minister in a media release on 12 May 2009, in which she clearly said: ‘The measure will be reviewed after one year.’ I note in passing that, in that media release, the Deputy Prime Minister seemed to have forgotten or did not acknowledge the fact that this was an idea of the Greens and that it was part of the measures that we managed to get the government to agree to in the stimulus package. This promise was repeated on the DEEWR website on 20 March 2009, where the government outlined the changes to the liquid assets test and repeated, yet again, that this measure would be reviewed after one year.

It is very clear from all of these sources that the measures for relaxing the liquid assets test were time limited. We do not dispute that. What I am cross about is the fact that the government have not reviewed these measures. If they have, they would have mentioned them. So, in fact, the roundabout answer to my question was no. In that case, how do they know whether or not these measures were effective? How many people were helped? How should we consider extending the measures? How do we know that the government are right in their assumption that, because unemployment has decreased slightly, there are not a lot of people out there who will be adversely affected when they go back to the reduced liquid assets test and an extended waiting period?

Does the government know how many people will be affected by that? What about the issues around indexation? We know that there has been a problem with indexation of the liquid assets test, which I would have thought should have been part of any review. If the government had done the review, they would have been able to present us with evidence to tell us what the impact has been. Is there a basis for having a higher or lower threshold, a longer or shorter waiting period? How effective were these measures for people who did become unemployed during the GFC? How much of a difference did the measures make to their health and wellbeing and that of their families? Did these measures make a difference in their capacity to find another job quickly? Did they help people to bounce back fairly quickly after they had become unemployed? We believe that these are all key issues. We believe that it relates to the credibility of this government that they made promises repeatedly and have not fulfilled them. This was a fairly easy promise to keep: you put in a measure, you review it and then you present that information to the public.

Question agreed to.

PERSONAL EXPLANATIONS

Senator HEFFERNAN (New South Wales) (3.33 pm)—I seek leave to make a
brief personal explanation as I claim to have been misrepresented.

Leave granted.

Senator HEFFERNAN—Yesterday, whether by inadvertence or in vain, Senator Conroy, in seeking support for the management of Craig Knowles at the Murray-Darling Basin Authority, invoked my name in saying that I thought he was a good bloke. There is nothing wrong with Craig Knowles but I have to say that I would like to put that into context. Those remarks were made—you would not guess it from yesterday—in 2003 and it was in the context that I rang Craig Knowles, who was a minister in the New South Wales government at the time, to explain to him that, like many governments for many years, his had made a mistake in the water planning of the aquifers in New South Wales. I explained to him that, even with the Gwydir aquifer, when the government separated the land from the water and made them tradeable, they also woke up all the sleepers, which immediately overallocated all the rivers. In the Gwydir aquifer in particular, 50 per cent of the licences issued were for mature licence users, 25 per cent were for sleeper licences and, believe it or not, 25 per cent of the licences issued in the Gwydir aquifer were actually phantom licences. These were issued to farmers who had no water under their land that they could pump. The New South Wales government of the day agreed that these particular farmers should be able to trade those licences even though there was no water to trade. I rang Craig Knowles to say that this was the case, and he said, to his credit: ‘It can’t be true but I’ll check up.’ He rang back in two days and said that, much to his dismay, it was actually true. They had licences tradeable where there was no water to trade, and it was in that context that I thanked him for the fact that he had the courage to ring back and say that the government was wrong.
buck stops with me.’ One presupposed that the incoming Labor government actually had a plan. But when we traversed this issue in estimates on 10 February 2010 we actually got to the bottom of it. There was actually no plan. There was not even a back-of-the-envelope plan. There was no document that Labor brought when it came into government that outlined what its plan was.

Therefore they had to scramble. They had to find something. They had to do something on health because suddenly the gloss was starting to come off K. Rudd. That is when we suddenly saw the establishment of the National Health and Hospitals Reform Commission under the chairmanship of Dr Christine Bennett. This commission produced a number of reports including Beyond the blame game: accountability and performance benchmarks for the next Australian health care agreement. It produced A healthier future for all Australians: interim report. It traversed the countryside. It undertook consultation and finally produced this tome: A healthier future for all Australians: final report June 2009. It is a very comprehensive piece of work and you would think that then Prime Minister Rudd and Minister Roxon would have taken the 123 recommendations through the consultation process and at least responded to them. No, they had to then review the review. They had to consult about the consultations. They had to spend their time trekking around the countryside—surprise, surprise—to most of Australia’s marginal seat areas. Off went Kevin Rudd and Minister Roxon to trek around the countryside and have their picture taken in hospital garb. Mr Deputy President, I have this photograph that you corrected me on earlier, but I can tender it if you so wish.

Government senators interjecting—

The DEPUTY PRESIDENT—Order! Senator Fierravanti-Wells, the standing orders are quite clear about the displaying of photographs.

Senator FIERRAVANTI-WELLS—If anybody is interested in looking at all of the photographs, they can go to the yourHealth website, because that is what all of this was about. We understand how the yourHealth website came into existence through a very amusing piece by Myles Peterson entitled, ‘Yes Minister meets Alice in Wonderland.’ It was a most amusing article which traversed how this website came into existence over a weekend. That website contained a whole lot of pictures of what Kevin Rudd and Nicola Roxon were doing around the countryside, but it also contained another piece of information—what they refer to as quick polls. This was their way of consulting with people. When you actually go and look at the website you see the government asserting that they have made major decisions based on consultations and these polls. When you have a poll of 62 people, I hardly think that forms a very valid basis for a consultation process. Not only did we pick this up at estimates last year, it is still sitting on the website, which tells you something about efficiency in the Department of Health and Aging. When you point something out to them, they still do not take it off the website.

After they had embarked on this consultation process with lots of photographs—every evening on our television screens there was another hospital and another photograph of Kevin Rudd and Nicola Roxon in the hospital attire and the little hats—

The DEPUTY PRESIDENT—Order! Senator Fierravanti-Wells, you must refer to people by their proper titles.

Senator FIERRAVANTI-WELLS—Prime Minister Rudd and Minister Roxon were in their attire posing for photographs next to hospital beds. Finally we got the blue book, which was released in March 2010.
Before COAG we got the sales pitch, which was contained in the green book. The interesting thing about such books is the variation between the blue book, the green book and finally the red book, which was the document that was released at the time of COAG. Even before the ink was dry on the COAG agreement, this government had lined up its television advertising campaign. Nobody had seen the advertisements but this government had already lined up the $25 million it was going to spend trying to convince the Australian public of what it was trying to do. After that we got the National Health and Hospitals Network Agreement, which was much lauded and much trumpeted as a major reform. When you read the nitty-gritty of this agreement, you will see the absolute fabrication and lie that this government has perpetrated on the Australian public.

It talked about federal funding: the new era of federal funding. The ink was barely dry on this document when the national funding authority, which was much lauded and much trumpeted as a major reform, was dumped unceremoniously. Most cynically it was dumped on the evening of the press gallery ball—slipped into an answer to a question on notice, through the Prime Minister’s department and the Prime Minister’s office. Minister Roxon was left standing there, not really knowing what was going on, telling journalists, ‘Oh, you had better ask the Prime Minister about that one.’ Here we had a major platform of this so-called reform being dumped unceremoniously—‘No, we don’t need pricing transparency anymore’—after they had spent months telling us how important this was.

The other misconception, the other lie that has been perpetrated, has been the falsehood about the networks being run locally. I have traversed this issue before. In this document it is very clear that the clinical expertise on these local hospital networks will not come from the local area; it will come from outside the local area. What is the point of having a local hospital network when the clinical expertise, those doctors who should know about that area, is not going to be appointed to those boards? This is all about maintaining the status quo, trying to portray some sort of national grand plan that is now well and truly falling apart. It faces sure extinction. The question I want answered is: what has been the cost to taxpayers of all the reviews, meetings and photo opportunities—all that stuff? What another instance of disgraceful Labor waste. The grand plan will be confined to terminal waste. It was never a legally binding agreement. It was more about giving us bureaucrats but no doctors and nurses.

Senator MOORE (Queensland) (3.46 pm)—This afternoon’s debate is about the health system, and I think it is really important that we have this debate. Senator Fierravanti-Wells, in her expressive speech, gave some chronology of what has been going on. There were some things—through you, Mr Deputy President—in Senator Fierravanti-Wells’s contribution with which I agreed. She had some documents that were produced by the government. I do believe they are accurate, because I have seen them before. I note that she talked about the National Health and Hospitals Reform Commission, which this government put into place, as it had promised during the election campaign, in the first few months of its term. The Rudd government put that into place as it had promised the community it would do. It acknowledged something that all of us had been hearing—that was another thing that I agreed with Senator Fierravanti-Wells about—as people had been talking about the health system, saying that there needed to be change. That is absolutely the rationale be-
hind the process that the Rudd government
and now the Gillard government have been
putting into place, despite the extreme at-
ttempts by people from the other side of this
chamber to put up every obstruction possi-
ble. From the very day that the Health and
Hospitals Reform Commission was an-
nounced the opposition was saying that it
should not happen, it would not work and
that they would not be supporting it.

Every step along the way there have been
arguments from the opposition. Certainly,
there must be arguments about where we go
for the best result for our health system, but
every attempt to move forward in this area
has been seen by the opposition as some kind
of threat or reason to which they are philoso-
phically opposed. That has come out through
various debates in this place. As key aspects
of the changes have come here for debate the
opposition has consistently voted against
them. In this debate about the whole area of
health reform we know what the discussion
is going to be before we stand up. Whatever
the government says the opposition will dis-
agree with; whatever we say will be passed
away as some kind of symbol or as some-
thing that has no hope.

One of the things that seem to be most of-
fensive to the opposition is the attempt that
the government has made to work with and
listen to the local community. We consist-
tently hear raised the concern that the then
Prime Minister and the minister for health, a
person whose name and position seem to
cconcern Senator Fierravanti-Wells greatly,
actually visited hospitals across this country.
They actually talked with people who
worked in hospitals—with appropriate ap-
provals—and spoke with people who were
using the services of the hospitals. And
sometimes they had their photos taken. That
is the absolute joke. Under the circumstances
I think it would have to be a first in Com-
monwealth government history: politicians
were actually in the community, having told
the community they would be there and what
they were going to be doing when they vis-
ited, and then had their photographs taken,
which later appeared on a website. I have not
checked this afternoon how many hits there
have been on that website, but I know a large
number of them have been by members of
the opposition, because they seem to keep a
very close tally of how many photographs
have been taken and where they were taken.
They also seem to have a keen obsession
with what the then Prime Minister and the
minister for health were wearing on the day.
I have to admit: that is something in which I
cannot share because I do not know exactly
what garb the people were wearing, but I do
know that every time a visit was made to a
hospital approval was sought beforehand.
There are constant barbs about the fact that
they were in medical gear, which would have
been for the basic reason that that is what
you should be wearing when you are in a
specialised area.

Moving on from that, I need to respond,
because so often in these discussions on this
issue we get down to the process that was
used by the government. Post the health and
hospital reform commission hearings, people
from the government have reinforced that by
going out and listening to what people think.
There are a number of forums across Austra-
lia, all I believe on the website. A number of
methods are also used, one of which was the
surveys. Once again, that was only one as-
pect of the strategy. In terms of where the
government is going, from the start of this
process a key element of the strategy for our
health system was a cooperative arrangement
through the pre-existing process that we have
operated in this country for many years, the
COAG system. This arrangement is between
the state, territory and federal governments
and is intended to develop a better response
to issues in our health system. That was a key plank.

That is not an easy process. While I have never been there, I know that consistently there have been difficulties in the way that people have put claims forward and so on. There is a COAG meeting coming up next week. That could be the stimulus for this discussion in the chamber this afternoon. The COAG process is a tough process. What we need to have and what must occur is a form of national agreement. Towards the end of the last term of government an agreement was reached. There was a process of exchange between the GST and the funding of hospitals. That was but one element of the whole health reform process. That needs to continue to be discussed so that settlement can be reached. Every COAG meeting that I am aware of has had this as a key agenda item. That discussion, robust and difficult as it will be, will continue next week.

Over the last four years—since this Labor government has been in place—a number of things have been achieved. One of them that has had consistent opposition from those opposite is progress in electronic health. That was a key element of the health reform process identified in the health and hospitals reform review. It has been consistently discussed in this place. A number of Senate inquiries into it, some of which I have been involved in, have looked at the role that electronic changes will necessarily make to the future of our health system. There has been enormous progress in this area. This must continue. The first step has been made. A Senate committee examined this and it has gone through this chamber. That is one element that has been agreed to and which will be moved forward. But consistently there has been opposition from those opposite. They seem to take a philosophical approach rather than look at the issues that have come out in the range of consultations across the country.

One of the key aspects of the health changes has been a concentration on workforce issues. That has been going on in the short time that I have been here across a range of governments. We need to look at the way that the people who work in this system—those of all health professions—need to have a national registration process, a high skills level, consistent resources for training processes and a recommitment to the range of skills necessary to ensure that we have the best possible health system that we can get. These issues were again clearly raised through the health and hospitals reform process and also through local consultations. These were not people being talked at; rather, this was people who care about our health system sharing what they think should happen. That is the best possible way in which consultation can happen. The identification of workforce needs continues. The government has introduced a range of things over the last four years to directly address that. This includes scholarships, training and lifting the caps on GP numbers. That last thing was one of the things that we committed to in the first few days of our government, and that happened. What we are doing is working with the universities, colleges, professional groups and those entities being established to register workers in these areas to ensure that there is a cooperative arrangement across the states and territories.

The opposition make statements about how things have failed because the processes are moving slowly. There is no doubt that things are moving slowly, but changes in health systems do move slowly; they have done that consistently. I remind people on the other side of the chamber about the series of questions that we asked of then government ministers—in particular Minister Patterson—about what was occurring in the health system in those days. There were serious problems. We need to look at what is
currently on the table and the structural changes that have been made and move forward. Perhaps we can all then have our photographs taken and put up somewhere for all of us to look at. (Time expired)

Senator TROOD (Queensland) (3.57 pm)—This government loves to talk about reform. There is nothing it likes to talk about more than health reform. At the 2007 election, it talked about health reform; during the Rudd years, it talked about health reform; at the 2010 poll, it talked about health reform. And now it is back on the agenda. But the reality is that this government’s record on all reform and in particular health reform is appalling. It has achieved so little that it is remarkable that it is even willing to contemplate further efforts. The problem for patients Australia-wide is very simple indeed and it became evident a very long while ago. As with almost everything else that this government does, it has not got the first idea about what it is doing. We have now reached a new depressing low in relation to reform and in particular health reform. The Prime Minister has signalled that she is on the verge of scrapping last year’s much-vaunted health reform agreement, one that drew in the states.

Bearing in mind that we are on the verge of ditching yet another so-called historic reform, it is useful to recall the government’s level of achievement in this area—the successes, if you like, that might be claimed in relation to change in the health area. There is probably not one of us here and perhaps more widely who do not recall Kevin Rudd’s 2007 superclinic promise. There were to be 31 monolithic health centres dotting the landscape from one end of the country to the other. These would offer bulk-billing, GP services, diagnostics, specialist suites and pharmacies. Everything would be together. All that one would have to do was make one stop and all one’s medical and pharmaceutical needs could be met at once.

What was the result of that promise? As at last year’s election, a total of three of these facilities were up and running—not even 10 per cent of the policy was achieved. Flushed with the success of not even achieving 10 per cent of the promise, the Prime Minister then announced that she was planning the construction of 450 new clinics. As I calculate it, the implementation of this program will take in the vicinity of 600 years. That might be slightly longer than most of us are going to be here to see the success and slightly longer than any other Australian might be around to see the success.

So having achieved that policy triumph and having made this announcement, where will we go from here? It is hardly surprising that there is another set of reform proposals. They are all in the marginal—not mainstream—areas of health. Having failed to succeed at that particular reform, the government moved on to not only superclinics but also a whole series of other very minor changes. They are all on the fringe of the real health reform that is needed in Australia. They are the pet projects of the social engineers within the Preventative Health Taskforce. They are everything but what we desperately need.

Back in 2008 Minister Roxon and her health department wasted an enormous amount of time, energy and resources by waging a war against sugary alcoholic beverages. It was quite clever politics because it served a particular constituency, but it failed to address the serious elements of health reform. The reform caravan moved on but it did not move onto mental health services, aged-care places, hospital waiting lists or the things that one would regard as the absolute core of genuine health reform; instead, it moved onto the debate over the cataract re-
bate. Here they sank to a new low by playing the politics of envy. It was an outrageous campaign that accused the specialists of being completely self-interested and that their opposition to the policy was essentially motivated by a desire to protect their income. All of this was for nothing more than 0.2 per cent of the health budget.

Alcopops, smoking taxes and cataract rebates are hardly the foundations of genuine and serious health reform, nor were the extravagant claims that the health system could be repaired in 18 months or so. There is no doubt that Australia’s health system is complex. There is no doubt that it tries to balance the interests of the public and private sectors. We have duplication and overlap between federal and state responsibilities. We have a $30 billion hospital system and a $20 billion Medicare service which often work at odds with each other rather than complementing each other. The result is a high degree of cost shifting on a grand scale between the two levels of government.

Mr Rudd proposed a solution to this problem. It was a very bad solution, in my view, because at the very centre of his proposal was what I would call a fiscal sleight of hand with the government proposing to fund a larger proportion of the hospital system expenses of the states by seeking to take 30 per cent of their GST revenues. I cannot believe that anybody in this country seriously believes that a better health system will be achieved by adding another layer of bureaucracy to that which already exists. But it made absolutely perfect sense to a Labor government to add another layer of bureaucracy because when one of these regional health arrangements inevitably collapses they can all blame each other and the Commonwealth can escape from under.

This was an ill-conceived scheme. It remains an ill-conceived scheme and we should perhaps be praising its decline. If the Prime Minister is going to ditch it, that is well and good. This was another case of reform that had run off the rails and it was another failure to make serious changes in an area where Australians expect change, need change and where a Labor government has failed to deliver.

Senator CAROL BROWN (Tasmania) (4.05 pm)—This matter of public importance from the opposition is nothing more than an attempt to undermine the government’s health reform agenda. I am pleased I have the opportunity to set the record straight because all we have heard from the opposition today is political grandstanding and furphies of the highest order. Those opposite should be ashamed. It is time those opposite got onboard with the government to help deliver the better health services that the Australian people deserve. Instead, they seem far more content to play politics and to use the Senate as a vehicle to oppose and wreak havoc.

What do we hear from those opposite? Never an alternative plan or policy—those opposite are far more interested in wrecking and in being fiscally irresponsible. That is exactly what we saw this morning when they blew a $300-million hole in the budget. Those opposite can beat their chests all day long about being fiscally responsible, but what we got this morning from the opposition was fiscally irresponsible. It was all part of their campaign to derail and sabotage the budget. As Senator Wong said in question time, it was ‘political opportunism of the highest order.’ It is hardly the first time they have been caught out being fiscally irresponsible in this place; time and time again the opposition have behaved recklessly with the nation’s finances.

Those opposite have form in this area. In fact, it was only a few days ago when the opposition leader, Mr Abbott, and his
shadow Treasurer, Mr Hockey, were announcing their alternative to the government’s vitally important flood levy that they were found to have once again made errors in their costings. Mr Abbott and Mr Hockey could not agree on the figures; they counted more savings than there actually were; they double counted. And I say they ‘again’ made errors in their costings because who could forget when Mr Hockey and Mr Robb, the shadow finance minister, made costing errors in the coalition’s election promises?

Today would not be the first time that those opposite have used this place to peddle the same old tired, point-scoring political lines. Those opposite clearly favour wrecking and opposing, trying to use this place as a wrecking ball, which brings us to today’s matter of public importance. Whilst those opposite can spread their furphies, the fact remains that since coming to office the Labor government have made significant investments in health and ageing. However, we are well aware that our hospitals are still suffering under the weight of a decade of neglect from those opposite. After the previous government ignored the health system for 12 years, we are aware of the huge amount of hard work and improvement needed. As I have already stated, those opposite slashed $1 billion from public hospitals. They also caused a national shortage in the medical workforce by freezing medical student places through a cap on GP training places—which we have seen lead to a doctor shortage around the country. Those opposite also, as in so many areas during their reign, failed to plan for the future. They ignored the future challenges facing our health system such as an ageing population and the growing burden of chronic disease.

That is why since coming to office the Labor government has embarked on making significant investment in the health system. In fact, since coming to office in 2007 we have increased hospital funding by 50 per cent and invested in emergency department upgrades at 37 hospitals right around Australia. This is helping us deliver more timely services to people when they present at emergency departments. We have delivered 70,000 more elective surgery operations, 265,000 GP superclinic services and one mil-
lion Teen Dental Plan services and we are training 1,000 more nurses a year. There are also 1,300 more subacute beds available because of the policies of the Labor government.

We have also made elective surgery improvements at over 125 hospitals and initiated 32 major Health and Hospitals Fund projects and 22 regional cancer centres. We are introducing the e-health records system, which will ensure that every Australian who wants an electronic health record will have one. This will be a valuable resource as it will allow doctors to look up a patient’s medical history so that they are able to provide the very best of care. We have also placed a renewed focus on primary care, by investing in 64 GP superclinics, GP practice upgrades and 4,600 practice nurses. I am pleased to report to the Senate that 28 of the original 36 superclinics are now completed, are operating interim services or are under construction. We have given nurses and midwives access to Medicare and the PBS. We have delivered the MyHospitals website.

These are indeed impressive measures, from a government totally committed to providing the very best health care for Australians. However, we will not rest on our laurels; we will not stop there. There is more work to be done. We are also making significant investment in the health workforce by delivering 1,000 extra nurses a year and over 6,000 more doctors over the next decade. In fact, after lifting the cap on Mr Abbott’s GP training quota we will have doubled the number of GPs entering training by 2014.

We recognise that to keep pace with Australia’s health requirements we need to continue to invest in our health workforce. That is why the government has set up Health Workforce Australia, or HWA. It will provide the government with advice on how to meet the future challenges of providing a health workforce that responds to the needs of the Australian community. HWA will develop policy and deliver programs across four main areas—workforce planning, policy and research; clinical education; innovation and reform of the health workforce; and the recruitment and retention of international health professionals.

We remain totally committed to investing in Australia’s health system, as the Minister for Health, the Hon. Nicola Roxon, outlined in her recent address to the Australian Health Care Reform Alliance Health Reform Summit:

Health reform has been a hallmark of this Government.
We have a strong and undeniable track record and remain committed to driving and delivering reform.
Our health system needs it; the future well-being of our country demands it.

On coming to office we also recognised that aged care was going to be a significant area of health concern in the future, so the Labor government is providing more funding for more services to more older Australians than ever before.

So, to recap, the records are clear and speak for themselves—there is a stark contrast between the records of the Labor government and the former Howard government. Our record speaks for itself—we have made record investments in Australia’s health care sector. We have invested significantly in extra hospital funding, we are delivering more doctors and more nurses, we have cut elective surgery waiting lists and we have placed a significant focus on preventative health.

On the other hand, we have the record of those opposite and Mr Abbott, which does not make good reading. Those opposite ripped $1 billion out of hospitals, capped GP training places and left a shortage of nurses. There was a workforce shortage across the
country of 60 per cent. They adopted an ad hoc approach to our health needs. *(Time expired)*

Senator TROETH (Victoria) (4.15 pm)—Two of the most important portfolios and departments in the federal government are education and health, and today we are looking at health. I feel sure that, as much as I respect Senator Brown, she could have reeled off another 10 minutes of statistics but the fact remains that none of this is being translated into better health care for the people who matter most, and they are patients who are in hospital beds and waiting in doctors’ surgeries. None of this is actually helping. The GP superclinics are going to absorb as many doctors from general practice—from family medical practices—as they are ever going to provide better systems for patients.

What has happened to mental health? We have seen little or nothing of that. In the words of the former Australian of the Year, Dr Patrick McGorry, the system itself is in a shambles. The shortage of nurses has nothing to do with government provision. The shortage of nurses is to do with the rapid ageing of the nursing workforce and the fact that state Labor governments will not provide sufficiently attractive working conditions to get other nurses into the system. And so it goes on. I am afraid that Senator Carol Brown’s statistics are no more than pie in the sky.

There are so many questions hanging over these health reforms that have now begun to collapse, and there are two that I would like to talk about today. It is true that there is disquiet about the financing changes, the centralised pricing and performance and the new geographical divisions called Medicare Locals. How many people know where these local divisions are going to be? Perhaps I could tell you that one proposal affecting my own state of Victoria is for a Medicare Local area to run from Deniliquin in New South Wales to the town of Seymour, which is one hour’s drive north of Melbourne. That is a huge area with differing human characteristics. Indeed, it puts one in mind of Grocery-Watch, where the country was put into very large geographical areas and, again, all of western Victoria from Warrnambool to Mildura comprised one area where grocery prices would be advertised and compared. This is just nonsense. As I said, they are huge areas with vastly different characteristics, but it is typical of this government’s inability to recognise the needs of rural areas in particular.

Secondly, there is the lack of consultation that has taken place. While I admire Senator Moore and respect her views, her description of the then Prime Minister, Mr Rudd, and the Minister for Health and Ageing, Ms Roxon, moving from hospital to hospital at a light-like speed, and at the same time managing to fit in consultations with the hospital boards and local members, was absolute farce. I know, watching the newspapers earlier last year, on one day we would see Prime Minister Rudd and Minister Roxon in Brisbane and the next day they would be magically transported to Tasmania where, presumably, they were undertaking further consultations. Members of the government and members of the opposition know that this was as much about photo opportunities instead of real consultation with doctors and patients, who these schemes were going to affect the most. Indeed, a briefing note that was prepared last year for the New South Wales health minister, Mrs Carmel Tebbutt, quoted the federal government’s lack of consultation and preemptive announcements. Further than that, in later comments, the New South Wales government—again, presumably a friend of the government opposite—has quoted financial risks for states in the network agreement,
risk management issues around the elective targets for surgery (and this has been quoted to me many times by Victorian doctors that these elective targets are just not possible; the AMA also had other thoughts about them), key governance issues, as well as funding and resource issues.

Where is the role for private hospitals in all of this? Surely they are able to help take some of the burden of increasing patient numbers away from government funded hospitals. Yet, apparently, they have no role in these health reforms. Not only that, both the Medicare Locals and the Local Hospital Networks, instead of the federal, state and local government funding that we have, place another sandwich layer of bureaucrats, so that we end up with five layers of bureaucracy rather than three in a health organisation that should be free-flowing and, as I said, able to service the needs of both doctors and patients—the two most important participants in this process.

These reforms in Victoria would have delivered approximately half of the number of urgent beds that are needed in Melbourne hospitals alone, let alone hospitals in the country. For instance, those people who think along Liberal lines do not want central funding such as this proposes. They want funding that is delivered locally so that it can affect people locally, so that you get the best outcome locally. That is the last thing that is going to happen with schemes like this. Indeed, the general indecision and lack of action along with the ridiculous theories that have been dreamed up have been summed up very well by Catholic Health Australia CEO, Mr Martin Laverty, who said that the uncertainty around these systems was causing system paralysis. There are very long lead times needed for health reforms and in the four years that this Labor government has had for significant health reform it has achieved virtually nothing except to further confuse the public, doctors and patients.

Senator PRATT (Western Australia) (4.22 pm)—It is an indictment of the former government that they never had any ambition for our health system. Indeed, this flippant motion demonstrates their flippant regard for our health system. Health reform has been an outstanding issue in this nation for years now, but we knew it was never going to be an easy task. There has been a lot of posturing in recent days. Certainly we have had a lot of it from Colin Barnett. But recent developments do not represent failure—far from it. We have made enormous progress already on the health reform front. Yes, we are at a critical, pointy part of the state-federal negotiations on these issues and certainly there will be more tough negotiations to come. But we must persevere. The health of the people in our nation depends on it—the health of Australians.

For too long now the health system in this country has simply not been serving the health needs of Australians. The Howard government put its head in the sand on this issue and shifted the blame to the states, but we are not making the same mistake. We know and you know that the states simply do not have the long-term revenue base to juggle the growing demands being placed on our health system. We are facing up to that issue by working with the states to find a way through it.

We know that this is a challenge and that it is one we must all face up to. Those on the other side of the chamber know it too. We must face it head-on if we want to be able to make available to Australians things like new medications as they become available; if we want Australians to have the advantage of new options for surgical procedures; if we want things like good quality, cost-effective primary health care; and, most importantly of
all in my view, if we want a robust preventative health strategy to help Australians take control of their own health.

This government is delivering massive reform to the health system, something the Liberals never did when they were in government. We have been moving through the reform process and delivering outcomes for some time now and you can see that we have made considerable progress. We started this work back in 2008 and the work we have done is already bearing fruit. We have been rebuilding and reprioritising our health system. It is not a small task.

So how far have we come? How far have we come since Tony Abbott ripped a billion dollars out of hospitals, since Mr Abbott capped GP training places, since he left the nation with a shortage of 6,000 nurses and since he left the states holding up our overstretched hospitals—all while the term ‘primary care’ did not even seem to be in his vocabulary? What have we done since that time? For a start, we have increased hospital funding by a massive 50 per cent. We are investing in emergency department upgrades at 37 hospitals around this country and in elective surgery improvements at over 125. We are delivering on 32 major Health and Hospitals Fund projects and 22 regional cancer centres.

We have given nurses and midwives access to Medicare and the PBS. This was vitally important because they can now exercise the full range of their professional skills. That in turn frees up GPs and specialists to concentrate their energies and their special skills on the activities and procedures that only they can perform. This is a long overdue reform, one that will help contain costs and simultaneously ensure that more people can access quality care when and where they need it. This was a reform that the previous coalition government lacked the courage or the capacity to tackle.

We got rid of Mr Abbott’s limit on the training of new GPs and we are now undertaking proper national planning for our health workforce. We are training 1,000 more nurses a year to help address the desperate shortage of nurses that was Mr Abbott’s appalling legacy to the nation from his time as Minister for Health and Ageing. By 2014 we will have doubled the number of GPs entering training—in excess of 6,000 more doctors will be trained over the next decade. It is training that includes great innovations to support rural and remote practice. We are establishing the first national workforce planning body that this country has ever had—something our health workforce desperately needs. We need this body so that we can address the disastrous shortages of skilled medical personnel that confronted this country when we came to office. We simply will not let those shortages happen again.

We have delivered 70,000 more elective surgery operations and 265,000 GP superclinic services. There are now 28 superclinics open providing early services and there are others under construction. We have seen over one million dental check-ups provided to Australia’s teenagers and we all know that Medicare local planning is well underway. This will finally underpin proper attention to primary care in this nation. We are helping Australians get medical treatment when and where they need it with after-hours GP services, GP superclinics, upgrades for existing GP practices and telehealth services.

We know we need to keep people healthier and out of hospital by providing more care closer to home. It is only through such strategies that we can contain the ballooning costs that currently face our nation on the health front. These are costs that are driven
up by our ageing population and the increasing burden of chronic disease. We know that many of these diseases are preventable, but we can only address them with a full and proper plan for our nation, one that those opposite should support.

We are acting. We are investing in prevention strategies—those strategies that give us the best chance of improving the health of ordinary Australians without imposing an enormous burden on taxpayers. We say unashamedly that preventative health strategies are the ideal health strategies—the better strategies for health for all Australians; the better strategies in the long term for the wallets and purses of Australian taxpayers.

But the opposition never think about the long term; they only ever think, as this discussion demonstrates, about short-term political gain. We have had to start a new national prevention agency in the face of short-sighted attempts by those opposite to stall this historic reform. It is reform that the opposition should have embraced. It is reform aimed at putting a fence at the top of the cliff so that we do not have to put an ambulance at the bottom. If ever there were an example of the opposition opposing things for the sake of it, opposing a national preventative health agency is it.

Despite the opposition’s reluctance to get onboard with a preventative health agenda, the government have persevered, and we are already making a real difference in this area. We have put nicotine replacement on the PBS and we have invested in new, hard-hitting TV ads to further bolster our prevention efforts. We are in fact implementing the world’s strongest anti-smoking campaign, including the world first of plain packaging. And we are tackling the hardest task of all: the task of hospital reform. Yes, hospitals need extra funding, but that extra funding must come with reform; otherwise it will not be spent effectively. For us, realising the future health of Australians is at stake is a reason to do what it takes to achieve real change.

Senator RYAN (Victoria) (4.32 pm)—It is a pleasure to join and conclude this discussion after what, I have to admit, I thought were not particularly passionate speeches from members of the government. I am not quite sure if they believed them themselves. After the weekend’s news that we could be seeing another backflip on another great moral challenge for our nation, which was the need for national health reform—‘the buck will stop with me; I’ll fix the problems or we’ll take it over’ (I must have missed that referendum)—what we have from the government is yet more contrived and confected talk of reform. I lost count of the number of times the word ‘reform’ was thrown around by those opposite. They are the little train that could—‘I think I can; I think I can’—as they bandy around the word ‘reform’ in place of actually doing anything.

Those opposite come from a party that simply has no credibility on health. They constantly talk down the Australian health-care system. The system is not perfect, but every global survey says it is something we can be proud of, because while it is not perfect it is one of the best in the world. But, no, that does not suit those opposite, because you cannot run a scare campaign without beating up people’s fears. Just like in many other fields of policy, the Labor Party wants to justify a particular agenda, so all it does is stoke people’s fears. I remember—and I will talk more about this later—the fears it stoked when case-mix funding first came in.

This Prime Minister has no credibility on health. After all, we do not hear them talking about Medicare Gold too often. I suppose, compared to the deficit they are running now, those unfunded billions of dollars do
not actually seem that much anymore. Medicare Gold, the great magic bullet to solve health care for senior Australians, disappeared, sank without trace to the bottom of the harbour, and the Prime Minister never talks about it. But it was Prime Minister Gillard, as shadow health minister, who came up with that abomination of a health policy.

What is this alleged reform we hear about? It is lots of picture opportunities. Nothing has changed at the front end except a few superclinics, chosen by politicians not by health experts, that have actually only taken doctors—often from the same community—into a government funded centre. They are not chosen on the basis of health need; they are chosen on the basis of political need.

We have these Orwellian-named ‘Medicare Locals’, as if somehow drawing lines on the map and linking Deniliquin and Seymour, as Senator Troeth outlined earlier, is going to make a single bit of difference to a patient who needs health care and somehow employing more bureaucrats is going to make the system better. I expected nothing less from the former Prime Minister, who never saw a PowerPoint chart he did not like.

Most of all it starts with the conceit that they know best. It is not reform. They have tried to slash private health insurance on multiple occasions. They have tried to slash the rebates for cataract surgery. They have tried to destroy the primary care program that supports people who need dentistry when they have chronic disease, access to physios and even access to psychologists. That is what this government’s agenda is: they want to control how you spend your money; they want to control the health care you get. And God forbid if you invest in your own health care, because this government is going to punish you.

Senator Pratt talked about preventative health—if only! Preventative health to this government is nothing other than taxes and television ads—yet more television ads running on our screens, telling people what to eat; yet more taxes on products that they think people should not eat or drink—in order to plug the budget deficit they have driven. It is not real preventative health; TV ads and taxes are what drive it. At its core, this government wants to undermine choice. They want nothing more than a British style national health service in this country. It is their dream. They have never been able to do it and this is the way they are going about it.

We hear them talk about activity based funding. Well I am from Victoria and I remember the disgraceful and disgusting campaign run by the Labor Party against the Kennett government when that was introduced—and the late Minister for Health, Marie Tehan. The Labor Party vilified the people working on activity based funding and basically accused them of letting patients die. But the true scandal of our hospital system has not started in Canberra; it has started in the states with the decline in quality, with the capture by vested interests under state Labor governments, where people’s health has been put in danger, particularly in New South Wales and Queensland in recent years. The Labor Party does not have any credibility on this and no matter how often they use the word ‘reform’, the Australian people will not buy it.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Time for this discussion has now expired.

MINISTERIAL STATEMENTS

Commemoration of the 2nd Anniversary of the Black Saturday Bushfires

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Public Sector Superannuation and Minister Assisting the Minister for Tourism) (4.37 pm)—On behalf of the Min-
ister for Families, Housing, Community Services and Indigenous Affairs, Ms Macklin, I table a ministerial statement on the commemoration of the 2nd anniversary of the Black Saturday bushfires.

Senator KROGER (Victoria) (4.38 pm)—by leave—I move:

That the Senate take note of the document.

On the second anniversary of Black Saturday, we must remember what a dark and tragic chapter it was in Victoria’s history. One hundred and seventy three men, women and children lost their lives during the most cruel and aggressive firestorm which raged across huge tracts of land, destroying communities and farms, leaving nothing but tragedy and heartbeat in its wake. To those families whose lives were changed forever and are struggling to this day to deal with the emotional and physical aftermath: we have not forgotten you. Many of the communities are still ghost towns. Driving through Kinglake and Marysville only last week I was struck by the fact that people are still living in temporary accommodation. Small businesses have not been rebuilt. In the centre of many of the towns there is no life—there are vacant blocks. We must remember that families are still struggling to make ends meet. While the former Brumby government had the support of the people, they were slow to drive the reconstruction effort. Regrettably, there are millions of dollars in the bushfire appeal account which are still unspent.

I applaud the measures that the Baillieu coalition government have taken in recognising the problems people are still facing and for taking immediate measures to address the concerns of many of those people. Only last week, the Victorian coalition announced a series of measures to support the longer term needs and those impacted by Black Saturday and the Gippsland fires, including a new fire recovery unit, to assist fire-affected individuals. I quote Premier Ted Baillieu:

In the lead-up to the second anniversary of Black Saturday, it is important to recognise that many fire-affected communities are still struggling with a range of issues.

The Fire Recovery Unit will provide a clear point of contact in government for fire-affected individuals, communities and councils and work closely with other agencies leading bushfire recovery projects.

And he said that importantly it will:

... also provide leadership in developing new opportunities in fire-affected communities.

It is those opportunities the families are seeking because they are looking at vacant blocks. Houses have not been reconstructed and small businesses have not been reconstructed. In many of these areas, which are tourist areas, they are finding it very difficult to put it all back together. They need greater support and some hope that the government is behind them in seeking new opportunities to rebuild their lives. They have also announced the Bushfire Community Support Program, which begins next month and will run for 16 months. It is a $2.7 million program which will provide a combination of individual support and engagement with local communities to support longer term recovery needs. It includes such things as a support help line, which is still so critically important, and bushfire community support workers to provide locally based assistance. They are seeking to fund local organisations in the Hume region to expand drug, alcohol, family violence and men’s counselling programs, improving access for those affected by the bushfires.

In conclusion I would like to assure those in Victoria who have been so dramatically affected by the devastation wrought upon them only two years ago that our thoughts
and prayers are with them, that we are behind them and that we will do everything we can to help them get their lives back on track.

Senator FIELDING (Victoria—Leader of the Family First Party) (4.43 pm)—It is two years since the Senate passed a condolence motion in the aftermath of the Black Saturday bushfires. In the minds of many Australians, it still feels like yesterday. The scars are still very raw and the effects can still be seen as you drive through parts of Victoria. The Black Saturday bushfires devastated Victoria on 7 February 2009, killing 173 people, injuring 414 others, leaving over 2,000 homes destroyed. Even those of us who were not personally affected by the fires knew people in those areas, worked with people whose homes were destroyed or had a connection in some way or another with people from that particular region. For others, our connection was in seeing fellow Australians going through a living hell, feeling for them and their families.

The Black Saturday bushfires have affected each and every one of us in some way. Like many Victorians, I had personal friends living in those affected areas and had an agonising time trying to reach them during the crisis to make sure that everyone was okay. Over the last two years families have been trying to piece their lives back together and communities have been trying to rebuild. It has been a slow process for many of the victims as well as for their friends and families. The rebuilding has begun and will continue. I am proud to have been part of that rebuilding process with money from the Get Communities Working fund going directly to bushfire affected areas. I acknowledge the efforts of both the state and federal governments in having the bushfire recovery program as a key priority and for helping families get back on their feet.

Two years on, we all remain as committed as ever to helping the bushfire victims, their families and the communities. Australians have been generous with their time and money in helping the bushfire victims and it is a credit to all Australians that we have come together to help one another. I suppose that is the real Aussie spirit. It is important to commemorate what took place two years ago, to remember and learn from the experience and to help ensure that a tragedy of this nature never happens again.

Senator BACK (Western Australia) (4.46 pm)—I also rise to support the commemoration of the second anniversary of the Black Saturday bushfires, which was a shocking event on that 8 February. There were 173 dead, over 7,500 persons were displaced, 78 communities were affected and six towns were devastated. As my colleague Senator Fielding has said, 2,300 homes were destroyed, another 2,400 buildings were destroyed and 69 businesses are no longer there. There were 406,000 hectares burnt out in those fires. It has been estimated by the RSPCA in its 2009 annual report that more than one million animals were killed, and we know that more than 1,500 mammals, birds and reptiles were treated in emergency animal welfare treatment facilities.

You should not measure things in costs, Mr Acting Deputy President, but it does help to understand not only the scale of the human tragedy but the cost to date which has been estimated in excess of $4.4 billion. That excludes the involvement of agencies such as the CFA, metropolitan fire board, the volunteers, Victoria Police, the Australian Federal Police, emergency management and others.

It was a shocking, shocking event. Of the 67 recommendations, 66 were accepted and the then Premier, Mr Brumby, made the comment that:
In implementing each recommendation, the State’s foremost priority is the protection of human life and we have again appointed Mr Neil Comrie AO APM as an independent monitor to oversee progress made by departments and agencies...

Mr Brumby went on to say:
As the Commission’s Final Report makes clear, managing bushfire risk is a shared responsibility between governments at all levels, emergency service agencies, the community and individuals. It requires a whole-of-state— and a whole-of-nation— effort with strong partnerships.

The only way I believe that this place can honour the memory of those people and those places that were destroyed is to assure the community of Victoria that the Senate has not been silent in its approach to bushfires. I am absolutely delighted that the inquiry into bushfire management in Australia, which was held in 2010, was unanimous in the 15 recommendations that emerged from that inquiry. I would like in the few minutes left to share them.

The first recommendation is that a national bushfire management policy be implemented. Not for one moment do we want to replace the responsibility, under the Constitution, of the states and territories for bushfires. But, as we all know, the fires do not respect state boundaries, or local government boundaries or, indeed, the boundaries between forest, national park and private property.

We made a number of recommendations with regard to activities that the Productivity Commission could undertake such as looking at the ageing power infrastructure because we know overhead power lines are a cause of fires. They were the cause in the Black Saturday bushfires and they were the cause in Toodyay in Western Australia in 2010 and they are often the cause in other fires. The recommendation was that the Productivity Commission, once it delivers its report, should encourage the Commonwealth to examine options where we work with those responsible for the power infrastructure to upgrade it.

I am very well aware, as a person who was the chief executive officer of a bushfire organisation in my state, of the need for fuel reduction. It was on 23 January this year that we gathered to commemorate the 50th anniversary of the horrific Dwellingup fires in 1961 which wiped out four communities, one million acres—400 hectares—of bush and forest and, miraculously, nobody was killed. As the fire controller of that era, Frank Campbell, said in a book as a result of the Dwellingup fires, which I was proud to launch, ’No fuel; no fires.’

So recommendations by the Senate committee inquiry are directed at the Commonwealth working with the states to evaluate the adequacy of fuel reduction programs applied by public land managers and we could extend that to private land managers. The Commonwealth would publish the fuel reduction plans and related audit findings on a national database so that the community can be satisfied with the efforts of those in the states and territories who have responsibility for protecting life, property and the natural environment. Any Commonwealth funding into the future on bushfire suppression should have agreement linked to it that the Commonwealth evaluates and audits those fuel reduction programs. We spoke of the need for coordinated and integrated training. I know, having been a member of the Australasian Fire Authority’s Council, that there is a tremendous sense of goodwill that permeates throughout the industry, but we think we can do more.

On that same field, speaking of research, our committee encouraged further research into prescribed burning and its effectiveness.
because there is not widespread community understanding or support. We see that, regrettably, even in the bushfires that affected the outer suburbs of Perth less than seven days ago when 72 houses were destroyed and another 25 families were devastated by their houses being severely burnt, there were allegations and concerns again that there was no adequate prescribed burning.

I congratulate the Minister for Innovation, Industry, Science and Research, Senator Carr, for his extension of the current bushfire CRC funding, but we need the establishment of a permanent bushfire research institute. In this country, where we have the predominance of Mediterranean style climate with hot dry summers and eucalypt forests and people now living further and further into these forested areas, it is not a question of if we have major bushfires without fuel reduction but merely a question of when. The simple fact is: do we want major fires when temperatures in the middle of summer are exceeding the 40s with high winds and humidity down at eight or 10 per cent—an uncontrolled wildfire, as we saw on Black Saturday two years ago—or are we prepared to sanction a high incidence of spring and autumn burning when we get the same levels of fuel reduction without the risk to human or animal or natural environment health?

In honouring those who lost their lives and their families and their sense of purpose two years ago, the final recommendation is that for the first time in the history of this country the Productivity Commission be tasked to assess the economic effects of recent major bushfires on the Australian economy and to determine the cost effectiveness of the various mitigation strategies. I join with my colleagues in this place in a condolence motion to those who were so severely affected. You have to have given a eulogy at the funeral of a teenage volunteer firefighter to understand completely the tragedy and the anguish with which these people think back on this event two years ago.

Question agreed to.

COMMITTEES

Reports: Government Responses

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Public Sector Superannuation and Minister Assisting the Minister for Tourism) (4.55 pm)—I present two government responses to committee reports. In accordance with the usual practice, I seek leave to have the documents incorporated in Hansard.

Leave granted.

The documents read as follows—

Government Response
Senate Rural and Regional Affairs and Transport Reference Committee
Inquiry Report: Management of the removal of the rebate for AQIS export certification functions
Inquiry into the management of the removal of the rebate for AQIS export certification functions
Report of the Senate Rural and Regional Affairs and Transport Reference Committee
Government Response
In line with the recommendations of the independent review of quarantine and biosecurity arrangements, One biosecurity: a working partnership (the Beale Review), the 40 percent government contribution towards AQIS (Australian Quarantine and Inspection Service) export certification functions lapsed as scheduled on 30 June 2009.

New export fees and charges commenced on 1 July 2009 to support a return to full cost recovery as recommended by the Beale Review and supported by Government. On 15 September 2009 the Senate passed a motion to disallow the new fees and charges.

The consequence of the Senate disallowance of the new fees and charges’ Orders was that these
fees and charges were immediately substituted by the export fees and charges that were in effect as at 30 June 2009, which only recovered around 60 percent of the full cost of AQIS export certification services. The disallowance of the export fees and charges did not reinstate the 40 percent Government budget appropriation that was in place prior to 1 July 2009. The impact of this decision left the export certification programs underfunded by $46 million to the 30 June 2010, with a further forecast shortfall to occur of $60 million in 2010-11.

On 24 November 2009, the Minister for Agriculture, Fisheries and Forestry, the Hon. Tony Burke MP, announced that, consistent with recommendation 2 of the Committee’s report, the Government had reached agreement with the Federal Opposition and Greens’ senators to an Export Certification Reform Package (ECRP) at a cost to budget of $127.4 million over a nineteen month period to 30 June 2011. The Package also included the implementation of a new set of export fees and charges that returned industry to full cost recovery in December 2009. Specifically the ECRP provided:

- $85.3 million for fee rebates to assist exporters to transition to the new fees and charges. This funding provides a 40 percent offset of the full cost impact on export industries from 1 December 2009 to 30 June 2011. It also addressed the revenue shortfall that accrued to 30 November 2009 as a consequence of the Senate’s disallowance of AQIS export fees and charges on 15 September 2009.
- $16.1 million for reform of the regulatory and export supply chain.
- $26 million for meat inspection reform.

On 25 November 2009 the Senate agreed to rescind its resolution of 15 September 2009 disallowing the export fees and charges, which has allowed the reform program for export certification to proceed. New export fees and charges returning industry to full cost recovery commenced 1 December 2009. New export fees Orders commenced 1 December 2009 with the revised export charges Regulations commencing on 18 December 2009.

**Recommendation 1 - The committee recommends that the Senate move to disallow the Export Control (Fees) Amendment Orders 2009 (No. 1).**

The Government did not agree with this recommendation. The Senate on 15 September 2009 passed a motion to disallow the new export fees and charges. The consequence of this decision was a 40 percent underfunded AQIS export certification program with no opportunity to reform export certification services.

**Recommendation 2 - The committee recommends that the government continues the current regulatory reform process, and commits sufficient public funds to it, until such time as all reform initiatives identified by each of the ministerial task forces have been successfully implemented.**

The Government agrees in principle with this recommendation. The government has always supported the need for reform of export regulatory and certification services provided by the Australian Quarantine and Inspection Service. It therefore committed to funding a substantial reform agenda as outlined in the ECRP, worth $127.4 million to 30 June 2011. The ECRP will provide regulatory and supply chain reform as well as transition funding for the meat, live animal, horticulture, grain, fish and dairy export industries. It also includes a new set of export fees and charges to return industry to full cost recovery.

The rescission in November 2009 by the Senate of its earlier disallowance of export fees and charges has enabled the ECRP to proceed. Joint Industry – AQIS Ministerial Taskforces (MTF) established for each export sector (dairy, fish, grain, horticulture, live animals and meat) are currently at varying stages of implementing specific measures in support of the ECRP. Export industries are highly committed and enthusiastic participants in this regulatory and industry partnership through the Ministerial Task Forces to deliver a once in a generational reform to export certification services in Australia.

Recommendations
In Report 99 the Joint Standing Committee on Treaties (JSCOT) made two recommendations relating to the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Optional Protocol).

(1) Committee recommends that the Australian Government makes available via the Attorney-General’s Department website and/or other fora as to:
   • when all domestic avenues of complaint under Australia’s anti-discrimination regime would be considered to be exhausted; and
   • the process a complainant would need to undertake in order to lodge a complaint with the United Nations Committee on the Rights of Persons with Disabilities.

(2) The Committee supports the Optional Protocol to the Convention on the Rights of Persons with Disabilities and recommends that binding treaty action be taken.

Response
Recommendation 1
The Government notes the concern raised before the Committee suggesting that there is a lack of clarity about when all domestic remedies are exhausted, and therefore when a communication can appropriately be made to the United Nations (UN) Committee on the Rights of Persons with Disabilities under the Optional Protocol. Generally, to exhaust domestic remedies an applicant must make use of all judicial and administrative avenues that offer a reasonable prospect of redress for their complaint. Under article 2(d) of the Optional Protocol, an applicant is not required to exhaust all domestic remedies where the remaining remedies are unreasonably prolonged or unlikely to provide effective relief.

The Office of the United Nations High Commissioner for Human Rights’ (OHCHR) website provides the following guidance about when domestic remedies are ‘exhausted’:

A cardinal principle governing the admissibility of a complaint is that you must, in general, have exhausted all remedies in your own State before bringing a claim to a committee. This usually includes pursuing your claim through the local court system, and you should be aware that mere doubts about the effectiveness of such action do not, in the committees’ view, dispense with this requirement. There are, however, limited exceptions to this rule. If the exhaustion of remedies would be unreasonably prolonged, or if they would plainly be ineffective (if, for example, the law in your State is quite clear on the point at issue) or if the remedies are otherwise unavailable to you (owing, for example, to denial of legal aid in a criminal case), you may not be required to exhaust domestic remedies. You should, however, give detailed reasons why the general rule should not apply. On the issue of exhaustion of domestic remedies, you should describe in your original complaint the efforts you have made to exhaust local remedies, specifying the claims advanced before the national authorities and the dates and outcome of the proceedings, or alternatively stating why any exception should apply. In relation to communications under the Optional Protocol, the United Nations (UN) Committee on the Rights of Persons with Disabilities will decide whether it considers that domestic remedies have been exhausted in each case by taking into account the particular national legal system and the circumstances of the case before it. In consequence, it is not possible for the Government to provide specific advice about when all domestic avenues of complaint would be considered to be exhausted, as compliance with this requirement will differ - based on the circumstances of each case and the rights the individual is claiming have been breached.

As noted, the OHCHR website provides some guidance to individuals about the procedure for complaints under the human rights treaties. The Government has now made a link on the human rights communications page of the Attorney-General’s Department website to the relevant page of the OHCHR website to assist individuals in understanding the complaints process. The OHCHR website has not yet been updated to include specific information on the Optional Protocol to the Convention on the Rights of Persons with Disabilities. However, the information pro-
vided on the website on admissibility requirements and contact details for lodging a complaint is generally applicable to all the human rights individual complaints mechanisms that Australia has accepted. This includes the complaints mechanism established by the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

In addition, details of admissibility requirements are provided in each treaty that establishes an individual complaints mechanism and the Rules of Procedure of each Committee established to monitor each treaty. A link to the website of each treaty body has also been added on the Attorney-General’s Department website.

Complaints under the Optional Protocol are initiated, as with other individual complaints under other human rights treaties, by contacting the OHCHR using one of the following means:

Fax: + 41 22 9179022 (particularly for urgent matters)
Email: tb-petitions@ohchr.org

The OHCHR website provides some guidance on what information and documentation an applicant should include when initiating a communication.

The above contact information has also been included on the human rights communications page of the Attorney-General’s Department website along with a link to the guidance page on the OHCHR website.

Recommendation 2


1Joint Standing Committee on Treaties, Report 99 at 2.35.
2http://www2.ohchr.org/english/bodies/petitions/individual.htm#admissibility>.

DOCUMENTS

Work of Committees

The ACTING DEPUTY PRESIDENT (Senator Marshall)—I present Work of Committees for the period 1 July to 31 December 2010.

Ordered that the document be printed.

AUDITOR-GENERAL’S REPORTS

Report No. 27 of 2010-11

The ACTING DEPUTY PRESIDENT (Senator Marshall)—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Report No. 27 of 2010-11: Performance audit: Restoring the balance in the Murray-Darling Basin.

BUDGET

Proposed Additional Expenditure

Consideration by Estimates Committees

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Public Sector Superannuation and Minister Assisting the Minister for Tourism) (4.56 pm)—I table particulars of proposed additional expenditure and seek leave to move a motion to refer the documents to legislative and general purpose standing committees.

Leave granted.

Senator SHERRY—I move:

That:

(a) the documents I have just tabled, together with the final budget outcome 2009-10 tabled on 26 October 2010 and the Issues from the advances under the annual Appropriation Acts for 2009-10 tabled on 17 November 2010, be referred to committees for examination and report; and

1http://www2.ohchr.org/english/bodies/petitions/individual.htm#admissibility>.
2http://www2.ohchr.org/english/bodies/petitions/individual.htm#what>
(b) consideration of the issues from the advances
under the annual Appropriation Acts in
committee of the whole be made an order of
the day for the day on which committees re-
port on their examination of the additional
estimates.

Question agreed to.

Portfolio Additional Estimates Statements
Senator SHERRY (Tasmania—Minister
for Small Business, Minister Assisting on
Deregulation and Public Sector Superannua-
tion and Minister Assisting the Minister for
Tourism) (4.57 pm)—I table the portfolio
additional estimates statements 2010-11.

The list read as follows—
Agriculture, Fisheries and Forestry.
Attorney-General.
Broadband, Communications and the Digital
Economy.
Defence.
Department of Climate Change and Energy Effi-
ciency.
Department of Regional Australia, Regional De-
velopment and Local Government.
Department of Veterans’ Affairs.
Education, Employment and Workplace Rela-
tions.
Families, Housing, Community Services and In-
digenous Affairs.
Finance and Deregulation.
Foreign Affairs and Trade.
Health and Ageing.
Human Services.
Immigration and Citizenship.
Infrastructure and Transport.
Innovation, Industry, Science and Research.
Prime Minister and Cabinet.
Resources, Energy and Tourism.
Sustainability, Environment, Water, Population
and Communities.
Treasury.

BUILDING THE EDUCATION
REVOLUTION PROGRAM
WATER ACT 2007
Returns To Order
Senator SHERRY (Tasmania—Minister
for Small Business, Minister Assisting on
Deregulation and Public Sector Superannua-
tion and Minister Assisting the Minister for
Tourism) (4.57 pm)—I table statements relat-
ing to the orders for the production of docu-
ments concerning legal advice relating to the
Building an Education Revolution program
and legal interpretation of the Water Act
2007.

COMMITTEES
Selection of Bills Committee
Report
Senator CAROL BROWN (Tasmania) (4.58 pm)—by leave—I present the 1st re-
port of 2011 of the Selection of Bills Com-
mittee. I seek leave to have the report incor-
porated in Hansard.

Leave granted.
The report read as follows—
SELECTION OF BILLS COMMITTEE
REPORT NO. 1 of 2011
10 February 2011
(1) The committee met in private session on
Thursday, 10 February 2011 at 12.45 pm.
(2) The committee resolved to recommend—
That—
(a) the Foreign Acquisitions Amendment
(Agricultural Land) Bill 2010 be re-
ferred immediately to the Economics
Legislation Committee for inquiry and
report by 15 June 2011 (see appendix I
for a statement of reasons for referral);
(b) the provisions of the Human Services
Legislation Amendment Bill 2010 be re-
ferred immediately to the Community
Affairs Legislation Committee for in-
quiry and report by 22 March 2011 (see
appendix 2 for a statement of reasons for referral);

(c) the provisions of the National Broadband Network Companies Bill 2010 and the Telecommunications Legislation Amendment (National Broadband Network Measures—Access Arrangements) Bill 2010 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 16 March 2011 (see appendix 3 for a statement of reasons for referral); and

(d) the National Vocational Education and Training Regulator Bill 2010 [2011] and the National Vocational Education and Training Regulator (Transitional Provisions) Bill 2010 [2011], together with the National Vocational Education and Training Regulator (Consequential Amendments) Bill 2011, be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 21 March 2011 (see appendix 4 for a statement of reasons for referral); and

(e) the provisions of Schedule 2 of the Tax Laws Amendment (2010 Measures No. 5) Bill 2010 be referred immediately to the Economics Legislation Committee for inquiry and report by 24 March 2011 (see appendix 5 for a statement of reasons for referral).

(3) The committee resolved to recommend—

That the following bills not be referred to committees:

- Electoral and Referendum Amendment (Enrolment and Prisoner Voting) Bill 2010
- National Broadband Network Financial Transparency Bill 2010 (No. 2)
- Statute Law Revision Bill (No. 2) 2010
- Wild Rivers (Environmental Management) Bill 2011.
- Electronic Transactions Amendment Bill 2011
- Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Electoral Commitments and Other Measures) Bill 2011
- Higher Education Support Amendment (No. 1) Bill 2011
- Income Tax Rates Amendment (Temporary Flood Reconstruction Levy) Bill 2011
- Migration Amendment (Detention of Minors) Bill 2010
- Migration Amendment (Detention Reform and Procedural Fairness) Bill 2010
- Military Rehabilitation and Compensation Amendment (MRCA Supplement) Bill 2011
- Responsible Takeaway Alcohol Hours Bill 2010
- Tax Laws Amendment (Temporary Flood Reconstruction Levy) Bill 2011.

(Anne McEwen) Chair
10 February 2011

APPENDIX 1

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of Bill:
Foreign Acquisitions Amendment (Agricultural Land) Bill 2010

Reasons for referral/principal issues for consideration:
Possible submissions or evidence from:
- NZ Treasury
- NZ Overseas Investment Office
- Treasury - Foreign Investment Review Board
- Australian Bureau of Statistics

Committee to which Bill is to be referred:
Senate Economics Committee

Possible hearing date(s):
February/ March 2011

Possible reporting date:
May/June 2011
Signed
Rachael Siewert
Whip / Selection of Bills Committee member

APPENDIX 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Human Services Legislation Amendment Bill 2010

Reasons for referral/principal issues for consideration:
Concerns about privacy of patients with abolition of Medicare Australia and amalgamation with Centrelink into one statutory authority

Possible submissions or evidence from: Privacy groups
Consumer health advocacy groups
Committee to which bill is to be referred: Community Affairs

Possible hearing date(s):
April 2011

Possible reporting date:
June 15th 2011

Signed
Rachael Siewert
Whip / Selection of Bills Committee member

APPENDIX 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
National Broadband Network Companies Bill 2010
Telecommunications Legislation Amendment (National Broadband Network Measures — Access Arrangements) Bill 2010

Reasons for referral/principal issues for consideration:
The objective of these bills is to create a more complete legislative framework for the Government’s overarching broadband policy of creating a closely-regulated government-owned monopoly wholesaler of ‘last mile’ fixed line infrastructure. The parliament needs to ensure these bills provide equivalent services to all competing retail service providers seeking access, within a transparent and non-discriminatory access regime.

Possible submissions or evidence from:
Telstra
Optus
Common Carriers Coalition (private carriers other than Telstra and Optus)

Committee to which bill is to be referred:
Senate Environment and Communications Legislation Committee

Possible hearing date(s):
April 2011

Possible reporting date:
May 2011

Signed
Stephen Parry
Whip / Selection of Bills Committee member

APPENDIX 4
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
National Vocational Education and Training Regulator Bill 2010
National Vocational Education and Training Regulator (Transitional Provisions) Bill 2010

Reasons for referral/principal issues for consideration:
There has been insufficient stakeholder consultation and there are some valid issues which need to be given further consideration.

Possible submissions or evidence from:
AEU
TAFE Directors Australia RTOs.

Committee to which bill is to be referred:
Senate Education, Employment and Workplace Relations
APPENDIX 5
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Schedule 2 of the Tax Laws Amendment (2010 Measures No. 5)
Bill Reasons for referral/principal issues for consideration:
Examine the rationale and consequences of the benchmark rate
Possible submissions or evidence from:
Australian Financial Markets Association Other major financial institutions
Treasury
Committee to which bill is to be referred:
Senate Economics Legislation Committee
Possible hearing date(s):
March 2011
Possible reporting date:
March / April 2011
Signed
Stephen Parry
Whip / Selection of Bills Committee member

COMMITTEES
Foreign Affairs, Defence and Trade
Committee: Joint
Membership
The ACTING DEPUTY PRESIDENT (Senator Marshall)—The President has received a letter from a party leader seeking to vary the membership of a committee.
Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (4.58 pm)—by leave—I move:
That Senator Faulkner be discharged from and Senator O’Brien be appointed to the Joint Standing Committee on Foreign Affairs, Defence and Trade.
Question agreed to.

DOCUMENTS
Consideration
The following orders of the day relating to government documents were considered:
Department of Broadband, Communications and the Digital Economy—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.
Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2009-10, including report of the Science and Industry Endowment Fund. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.
Australian Law Reform Commission—Report No. 113—Report for 2009-10. Motion of Senator Barnett to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.
Federal Magistrates Court of Australia—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the
debate was adjourned till Thursday at general business.

Department of Agriculture, Fisheries and Forestry—Report for 2009-10, including financial statements for the Australian Quarantine and Inspection Service, National Residue Survey and Land and Water Resources Research and Development Corporation (Land & Water Australia). Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Australian Postal Corporation (Australia Post)—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Departmental and agency appointments and vacancies—Budget (Supplementary) estimates—Letters of advice—Documents tabled 25 October 2010—Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Departmental and agency grants—Budget (Supplementary) estimates—Letters of advice—Documents tabled 25 October 2010—

   Attorney-General’s portfolio.
   Australian Institute of Family Studies.
   Australian National Audit Office.
   Australian Public Service Commission.
   Climate Change and Energy Efficiency portfolio.
   Commonwealth Ombudsman.
   Department of Broadband, Communications and the Digital Economy.
   Department of Families, Housing, Community Services and Indigenous Affairs.
   Department of Immigration and Citizenship.

   Department of Infrastructure and Transport.
   Department of Regional Australia, Regional Development and Local Government [2].
   Department of the Prime Minister and Cabinet portfolio.
   Department of Veterans’ Affairs.
   Education, Employment and Workplace Relations portfolio.
   Finance and Deregulation portfolio.
   Human Services portfolio.
   Inspector-General of Intelligence and Security.
   National Archives of Australia.
   Office for Sport.
   Office for the Arts.
   Office of National Assessments.
   Old Parliament House.
   Privacy Advisory Committee; and Office of the Privacy Commissioner.
   Resources, Energy and Tourism portfolio.
   Treasury portfolio.

   —Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

   Departmental and agency grants—Budget (Supplementary) estimates—Letters of advice—Documents tabled 25 October 2010—Office of the Official Secretary to the Governor-General. Motion of Senator Barnett to take note of documents called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

   Administrative Review Council—Report for 2009-10. Motion of Senator Back to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

   Classification Board and Classification Review Board—Reports for 2009-10. Motion of Senator Back to take note of docu-
ment called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Attorney-General’s Department—Report for 2009-10. Motion of Senator Back to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Military Superannuation and Benefits Board of Trustees—Report for 2009-10, including financial statements for the Military Superannuation and Benefits Fund. Motion of Senator Ronaldson to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Defence Force Retirement and Death Benefits Authority (DFRDB)—Report for 2009-10. Motion of Senator Ronaldson to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Office of the Renewable Energy Regulator—Financial report for 2009-10. Motion of Senator Barnett to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Australian War Memorial—Report for 2009-10. Motion of Senator Ronaldson to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.


Cancer Australia—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Airservices Australia—Equity and diversity program 2007-10—Progress report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

ASC Pty Ltd—Statement of corporate intent 2010 to 2013. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

ASC Pty Ltd—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans’ Affairs—Report for 2009-10, including financial statements of the Defence Service Homes Insurance Scheme—Reprint. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Private Health Insurance Administration Council—Report for 2009-10. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday
at general business, Senator Williams in continuation.

Australian Rail Track Corporation Ltd (ARTC)—Statement of corporate intent 2010-11. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.


Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2010. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

general business, Senator Williams in continuation.

IIF Investments Pty Limited and IIF Foundation Pty Limited—Reports for 2009-10. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.


Australian Public Service Commission—State of the service—Report for 2009-10. Motion of Senator Cameron to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

*Criminal Code Act 1995*—Control orders and preventative detention orders—Reports for 2009-10. Motion of Senator Cameron to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

*National Security Information (Criminal and Civil Proceedings) Act 2004*—Non-disclosure and witness exclusion certificates—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Airservices Australia—Corporate plan 1 July 2010 to 30 June 2015. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Australian Electoral Commission (AEC)—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Pharmaceutical Benefits Pricing Authority—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Murray-Darling Basin Authority—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Wheat Exports Australia—Report for 2009-10. Motion to take note of document moved by Senator Nash. Debate was adjourned till Thursday at general business, Senator Nash in continuation.

Royal Australian Air Force Veterans’ Residences Trust Fund—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.


Audio-Visual Copyright Society Limited (Screenrights)—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Copyright Agency Limited (CAL)—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the
motion of Senator Williams the debate was adjourned till Thursday at general business.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 611/10 to 619/10—Commonwealth Ombudsman’s reports. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 611/10 to 619/10—Government response to Ombudsman’s reports. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Commonwealth Ombudsman—Report for 2009-10 on the Ombudsman’s activities under Part V of the Australian Federal Police Act 1979. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Broadcasting Services Act 1992—Digital television transmission and reception—Report, dated December 2010. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Treaty—Bilateral—Agreement between the Government of Australia and the Government of New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement, done at Christchurch on 24 July 2008—Text, together with national interest analysis. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Treaty—Bilateral—Agreement between Australia and the Slovak Republic on Social Security, done at New York on 20 July 1956—Text, together with national interest analysis. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Treaty—Multilateral—Amendments to the Convention Establishing the Multilateral Investment Guarantee Agency to Modernise the Mandate of the Multilateral Investment Guarantee Agency, done at Seoul on 11 October 1985—Amendment to the International Finance Corporation Articles of Agreement, done at Washington DC on 20 July 1956—Text, together with national interest analysis. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

National Residue Survey—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Fisheries Research and Development Corporation (FRDC)—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Sugar Research and Development Corporation—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.
Gene Technology Regulator—Quarterly reports for the periods—1 April to 30 June 2010 and 1 July to 30 September 2010. Motion of Senator Adams to take note of documents called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Department of Broadband, Communications and the Digital Economy—Investigation into access to electronic media for the hearing and vision-impaired—Media access review final report, dated December 2010. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Australian Communications and Media Authority (ACMA)—Communications report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Australian Agency for International Development (AusAID)—Office of Development Effectiveness—Annual review of development effectiveness 2009. Motion of Senator Barnett to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Department of Finance and Deregulation—Consolidated financial statements for the year ended 30 June 2010 Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Australian Landcare Council—Report for 2009-10 Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Native Title Act 1993—Native title representative bodies—Northern Land Council—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Broadcasting Services Act 1992—Sport on television: A review of the anti-siphoning scheme in the contemporary digital environment—Review report, dated November 2010. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Freedom of Information Act 1982—Report for 2009-10 on the operation of the Act. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Equal Opportunity for Women in the Workplace Agency (EOWA)—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the Research Involving Human Embryos Act 2002 for the period 1 March to 31 August 2010. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

National Rural Advisory Council (NRAC)—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Australian Centre for Renewable Energy Board—Report for the period 28 October 2009 to 30 June 2010. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the de-
bate was adjourned till Thursday at general business.

Australian Health Practitioner Regulation Agency (AHPRA)—Report for the period 1 March 2009 to 30 June 2010. Motion to take note of document moved by Senator Adams. Debate was adjourned till Thursday at general business, Senator Adams in continuation.

Commonwealth Electoral Act 1918—2010 Redistribution into electoral divisions—Victoria—Report, together with composite maps [2] and compact disc of supporting information. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.


Department of Finance and Deregulation—Certificate of compliance—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Australia and the International Financial Institutions—Reports for 2008-09. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Centrelink and the Data-Matching Agency—Data-matching program—Reports on progress—2007-08 and 2008-09. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Tax expenditures statement 2010, dated January 2011. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Private Health Insurance Administration Council—Report for 2009-10 on the operations of the registered health benefits organisations. Motion of Senator Adams to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Privacy Act 1988—Privacy reforms: Credit reporting—Exposure draft and companion guide, dated January 2011. Motion of Senator Adams to take note of documents called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Taxation—Mining tax—Revenue estimates—Government estimates—Health—GST agreement—Proposed variation—Administration—Australian Information Commissioner—Provision of information—Letter to the President of the Senate from the Australian Information Commissioner (Professor McMillan) responding to orders of the Senate of 26 October and 23 November 2010 and responding to the resolution of the Senate of 22 November 2010, dated 31 January 2011. Motion of Senator Ludlam to take note of document called on. On the motion of Senator Williams the debate was adjourned till Thursday at general business.

Parliamentarians’ expenditure on entitlements paid by the Department of Finance and Deregulation—1 January to 30 June 2010, dated November 2010. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Former parliamentarians’ expenditure on entitlements paid by the Department of Finance and Deregulation—1 January to 30 June 2010, dated November 2010. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.
Parliamentarians’ overseas study travel reports—1 January to 30 June 2010. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2010. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

COMMITEES
Education, Employment and Workplace Relations Legislation Committee

Senator NASH (New South Wales) (5.03 pm)—by leave—I rise to speak on the Senate Education, Employment and Workplace Relations Legislation Committee’s report on the Social Security Amendment (Income Support for Regional Students) Bill 2010 and move:

That the Senate take note of the report.

This report was listed yesterday and then tabled late yesterday but we did not have the opportunity to speak on it at that point in time, so I want to take a few moments of the Senate’s time to discuss the report, even in light of the fact that this morning we had some discussion on the bill that is related to this issue. My bill, which relates to the Independent Youth Allowance issue was the subject of an inquiry by the regional affairs and transport committee. We held a day’s inquiry before Christmas. Unfortunately, there was only a one-day hearing in Canberra, but even though it was only a one-day hearing—and I am certain that Senate Back will concur with me—the evidence given to the inquiry both on that day and in written form with over 200 submissions certainly brought home to the committee the very real and damaging impact that the government’s current policy regarding Independent Youth Allowance is having on so many of our regional students.

We know that this government is treating regional students unfairly. I do find it quite extraordinary that, subsequent to the bill passing through the Senate this morning, this afternoon we have the situation where, as I understand it, the Prime Minister is going to the Governor-General to stop the bill being debated in the House. It seems quite extraordinary the lengths the government is going to in order to not debate this bill, when all the bill does is merely require fair treatment for regional students.

There is a report from the government, which those of us in the coalition have dissented from in our minority report. The chair’s report obviously indicates opposition to the bill, which we most definitely disagree with and indicated in our minority report to the committee. One area of particular importance that I did want to note is that the government does recognise the issue of the flood impact in many of our regions on the ability of students to find work and fulfil the 30-hour average a week requirement.

I commend the government and I certainly commend Senator Marshall for his understanding of that issue. I think it became very clear to the committee through the inquiry that there needed to be some flexibility with regard to that particular requirement to work 30 hours a week on average. I note the government’s recommendation on that matter, which indicates that this should be dealt with as a matter of urgency. I would hope, Senator Marshall, that you will be talking to your colleagues and the minister, Senator Evans, to arrange a speedy resolution to this particular issue so that those students can indeed have certainty around that area when they have been so badly affected by the floods and are obviously not able to fulfil the 30-hours-a-week requirement.

I will take a moment to note the very real and devastating impact the floods have had...
in New South Wales. While obviously not suffering the same terrible effects they have had in other states—we all recognise the extraordinarily disastrous nature of those floods—New South Wales was significantly impacted by flooding prior to Christmas. I thank the government for their recognition of this problem and look forward to their very speedy resolution of it so those students can have some certainty.

I would also like to note the additional comments made by the Greens. Some of this is in hindsight now because this morning we saw the Greens move their amendment for what they saw as the way to progress issues for students with regard to independent youth allowance and having to relocate. I note that in this report the Greens did recommend that the bill be amended. Obviously this morning that was not agreed to by either the coalition or the government, and quite rightly so. We had the situation this morning where we were dealing with a very specific issue. The Greens were introducing another issue entirely. What was particularly disappointing—and that word is probably not strong enough—is the fact that the Greens, for all their talk and bluster about how they support the regions and how they support regional students, walked away from the opportunity to show their support for regional students. The bill that was debated this morning required nothing more than fair treatment for all regional students and the Greens chose to walk away from those regional students and side with the government in what is becoming a rather more obvious alliance. They walked away from those regional students and their families, who I know are going to be extremely disappointed that the Greens would not stick up for them, would not back them and voted against fairness for regional students. It was incredibly disappointing and quite hypocritical of the Greens to take that position this morning.

We on the coalition side also recommended in the report that there should be a comprehensive review of all the youth allowance arrangements, in particular of regional students’ access to education. There is a huge inequity for regional students across this country when it comes to accessing education and we need to do a thorough and comprehensive review, as the coalition said during the election campaign, of all the youth allowance arrangements, particularly into barriers for those students from regional areas when it comes to accessing further education. I know the Senate Standing Committee on Rural and Regional Affairs and Transport did an inquiry at the end of 2009, but events and policies have changed significantly since then. So it is quite appropriate for this government to undertake an urgent review. I note that they have said they will review the current arrangements in 2012, but we do not believe that is good enough. This is something that should be happening right now.

I have gone on record before saying that the issue for regional students is that of having no choice but to relocate in so many instances and that relocation costs about $15,000 to $20,000 for those students and their families. When you compare that to students in the city areas who fortunately have the opportunity to live at home, there is a huge inequity when it comes to those students in the regions accessing further education. We know from all the evidence we have seen that around 55 per cent of metropolitan students go on to tertiary education compared to only 33 per cent in the regional areas. We also know, through the evidence we have seen, that is because of the financial cost that is placed on those students and those families. That also needs to be addressed. I note Senator Back’s very clear understanding of this relocation issue and the fact that that is what should be the criterion
that is used to judge assistance for regional students. However, in the meantime we have this current legislation around the independent youth allowance and the anomaly there needs to be fixed.

During the course of the inquiry we heard evidence from a very bright, smart young lady, Sarah Dickins from Mount Gambier in South Australia. I think this story illustrates the complete nonsense and the absolute dogs breakfast, to use a technical term, that the current legislation is presenting for regional students. She lives in Mount Gambier and has friends who live 150 metres away. Ms Dickins’ family is classed as inner regional but her friends who live 150 metres away are classed as outer regional. Each family is subject to different criteria. Ms Dickins’ family members have to do a two-year gap year and work 30 hours a week while friends up the road only have to do a single gap year and have the ability to earn the lump sum of money. The issue here is that both of those families live 450 kilometres from the nearest university. I know Senator Marshall appreciated this piece of evidence when it was given because it is very clear from that one instance that the anomalies in this legislation need to be fixed.

Through the minority report we put to the committee the coalition explained very clearly why this legislation needs to be fixed. The government have to stop hiding under constitutional issues and stop running to the Governor-General—using the Governor-General as a human shield, as the member for Sturt put it this afternoon, which is precisely what they are doing. They have to stop all this nonsense. They can change their own legislation. They can amend their own legislation. They do not need my bill. They can insert one line into their bill, fix this problem and provide a fair deal and fair go for regional students right across the country.

Senator MARSHALL (Victoria) (5.14 pm)—I welcome the opportunity to broaden this debate a little bit. It is a debate we have had a number of times in this chamber and has really only focused on one small element of the Bradley reforms and some of the changes that have been made by the government.

Senator Nash—That’s what the bill is.

Senator MARSHALL—That is right, Senator Nash. I appreciate your remarks earlier and the passion with which you have prosecuted the Social Security Amendment (Income Support for Regional Students) Bill 2010, which is only proper. The Bradley review was a broad-ranging review, but anyone listening to the debate would think that it was all about the independence test—that is the impact that has created the controversy. I think it is worth putting on record some of the background to the review and some of the other very positive changes that have improved equity arrangements for income support and benefits for students. I will take a few moments to go through them and give some background to them.

In December 2008, the Review of Australian Higher Education, the Bradley review, reported on whether the higher education sector was structured, organised and financed to position Australia to compete effectively in the new globalised economy. The Bradley review examined student income support programs and found that they were not accurately targeting students in most need of assistance. It also found that one of the unintended effects was that Youth Allowance was being accessed by some students living at home in high socioeconomic status households. To address these issues the review recommended a comprehensive reform of student income support programs, which the government did. Unfortunately, when you change the rules people will be unhappy if
they are adversely affected by those changes, but, overwhelmingly, the changes have benefited many thousands of students.

In response to the Bradley review’s recommendations in relation to student income support, the government announced a package of reforms in the 2009-10 budget. The reforms were aimed at ensuring that only those students who are genuinely independent qualify for assistance. They included changes to the parental income test for dependent students, in July 2010. The parental income test threshold was increased from $33,000 to $44,165 and further increased in January 2011. The 20 per cent family taper rate was introduced to replace the 25 per cent per child taper rate. Changes to how young people can access payments as independent recipients, including lowering the age of independence from 25 years to 22 years, are phasing in from 2010 to 2012. The introduction of the Student Start-up Scholarship for all university students receiving Youth Allowance, Austudy, ABSTUDY or the relocation scholarship was implemented. The Student Start-up Scholarship assists with the costs of textbooks and specialised equipment—even for those on a part-time rate of student income support. That scholarship was $650 in each half year of 2010 and increases to $1,097 in each half year from 2011. These are new programs.

The changes to the parental income test and taper rate will improve access for dependent young people from low- and medium-income families: over 100,000 students are expected to benefit from the changes. Many will receive a higher payment than would previously have applied, and many students who would previously have considered it necessary to gain eligibility as independents will no longer need to. One hundred thousand students will significantly benefit from that reform. It is estimated that an additional 67,800 students will qualify for income support and approximately 44,600 students will receive a higher rate of payment.

In relation to changes to the workforce participation criteria, it was noted that they were about establishing genuine independence, so the whole package of reforms goes to targeting assistance more closely to young people from lower socioeconomic backgrounds. To meet the criteria, students must work an average of 30 hours per week over 18 months in a two-year period. By the end of August 2010 around 174,000 students had received at least one payment under the Student Start-up Scholarship, and over 20,000 students had received a relocation scholarship. The effect of the decrease in the age of independence has already resulted in more than 2,400 students gaining access to Youth Allowance or ABSTUDY for the first time or receiving increased student payments. The government expects 7,000 additional students to benefit in the 1 January 2011 change.

These are significant improvements for over 100,000 students. Yes, it is regrettable that the changes to some of the rules have created some difficulty for some. Those issues have now been widely canvassed and there are some issues that the government needs to look at. It is always a problem when a geographical system is used for entitlement—wherever a line is drawn there will be some people on one side of the line and some people on the other side of the line. This is a difficult issue. It has been problematic for the government, but there is a lot of goodwill from the government and I hope that some of these issues will be resolved to the satisfaction of all parties into the future. The impact of the changes the government has made has vastly improved access for over a hundred thousand students, and I think that needs to be acknowledged.
Question agreed to.

**Education, Employment and Workplace Relations References Committee Report**

Consideration resumed from 9 February.

**Senator BACK** (Western Australia) (5.21 pm)—I move:

That the Senate take note of the report.

I seek leave to continue my remarks at a later time.

Leave granted.

**Senator MARSHALL** (Victoria) (5.22 pm)—I rise as Deputy Chair of the Education, Employment and Workplace Relations References Committee to speak about its report *Administration and Reporting of NAPLAN testing*. The government senators on this committee provided additional comments on the NAPLAN testing and the MySchool website to clarify work underway and balance the views and conclusions in the committee majority report. Government senators also provided dissenting comments covering particular recommendations in the committee majority report.

Literacy and numeracy are the foundations for further learning. The government’s education revolution is driving a renewed focus on the foundation of skills in literacy and numeracy to lift student achievement across the country. The purpose of NAPLAN is to provide a snapshot of student performance in order to focus on improvement. It is not a diagnostic assessment which looks at the reasons why students are not performing and which requires immediate feedback. The limitations of NAPLAN, as with other testing, are acknowledged. It is a point in time test with margins of error and it should be seen as just one information source within the broader contextual information about a school. However, the committee also heard how NAPLAN represents world’s best practice in the measurement of student progress.

The committee heard that NAPLAN testing has increased transparency and provided a rich information source for governments, education authorities, schools, principals, teachers and parents.

It is concerning that NAPLAN results show that there are still some students who have not attained the literacy and numeracy skills expected of students in their year level. To address this issue, the federal government has entered into national partnerships with the states and territories to address disadvantage, support teacher quality and improve literacy and numeracy. Through the NAPLAN assessment and MySchool website, the government has identified an additional 110 struggling schools that would have missed out on a share of the $2.6 billion Smarter Schools national partnerships and they will now share in $11 million in extra funding to ensure that students improve literacy and numeracy. In response to the committee majority recommendation to use below average NAPLAN test results as triggers for the provision of assistance to schools and students, government senators note that this is already occurring. The focus of NAPLAN testing is to provide assistance to schools and students that are identified as requiring it.

The committee was cautioned about what has occurred in the US and the UK systems, where penalties are applied for poor performance. It should be noted that NAPLAN is not the same high stakes test that occurs overseas. Dr Peter Hill, the CEO of the Australian Curriculum Assessment and Reporting Authority emphasised to the committee that Australia has not made the same mistake as the UK and the USA, which have negative consequences for their testing. Government senators emphasised that the intention here is to use NAPLAN to identify where support is
required for students and schools and to ensure that they receive it.

Allegations of cheating on the NAPLAN tests have been thoroughly investigated and actions have been taken to stop any recurrence of security breaches. ACARA outlined to the committee plans to enhance the security of test administration, which includes strengthening protocols and embarking on a multilevel communication strategy for 2010 which will develop greater understanding of the required protocols to manage test materials.

While government senators are pleased to see that committee majority supports the importance of national testing for literacy and numeracy, we do not agree with the recommendations to extend NAPLAN testing. Further large-scale cohort testing is not the next step. The next step will be to provide teachers with better diagnostic tools to address the needs of individual students. The government has committed to developing a national online assessment and learning bank for students, parents and teachers to provide a sophisticated diagnostic assessment of each student’s strengths and learning needs. Regarding other enhancements recommended, I note that NAPLAN tests and the ways in which results are analysed and reported are the subject of ongoing improvements.

Turning to the MySchool website, it was always intended that the website would be developed in stages and that the subsequent versions would be improved by additional information as it became available. The substantial amount of work undertaken by a working party of stakeholders and the ability of version 2 to address concerns is given limited acknowledgement in the committee majority report, which instead recommends a substantial revision of the website. Evidence to the committee was very clear that many of the current concerns about MySchool will be addressed by broadening the range of information provided and increasing levels of user choice.

A working party of educational experts, including literacy and numeracy specialists, principal organisations and representatives from the Australian Education Union and the Independent Education Union of Australia, was formed. This working party provides advice on the use of student performance data and other indicators of school effectiveness. Recommendations from the working party were considered by the Ministerial Council for Education, Early Childhood Development and Youth Affairs on 15 October 2010. A member of the working party confirmed to the committee that the recommendations developed by the working party will go a long way to addressing the concerns that have been raised about the website.

I will briefly mention the main changes agreed. First, measures to protect the integrity of the data and the collection of direct student data will be implemented prior to the release of version 2 of the website. Concerns about the index of community socioeducational advantage values used to compare schools have also been addressed. Education ministers have agreed to move from census based data to a model in which information is obtained from parents. The new formula will be used when the revised website is released. A number of measures to enhance reporting will be implemented. Contextual information about a school will be expanded by publishing the percentage of students with a language background other than English. Principals will also be able to include more information about their school. In addition, information on student absences, withdrawals and exclusions from NAPLAN testing will be more prominent. The website will show the growth in achievement for students who took the test in 2008 and 2009 and who remain in the same school. Schools will also
be able to provide a commentary on their results. Comments will be collected and reported. Further enhancements are also planned for MySchool version 3, which will include enhanced search facilities.

One of the enhancements agreed by state and federal education ministers is requiring schools to list financial information on version 2 of the website. This will provide greater transparency. Work is underway to ensure that the data can be compared between schools before the website is launched. However, government senators believe that working towards full disclosure of financial assets, including accumulated surpluses, assets, investments, trusts or foundations should be the objective for version 3 of the website.

Government senators should note the committee’s majority recommendation to revise the MySchool website by publishing a value added measurement of school performance rather than the raw performance data results. The problems with this approach were explained to the committee by Professor Geoff Masters, CEO of the Australian Council for Education Research. There is a risk that you could potentially lose the performance of the students themselves as what becomes important is how much better or worse the school did compared with the predictions from your regression analysis. You may end up saying that a school performed as well as expected, but in an absolute sense the literacy and numeracy levels could be unacceptably low. So there is a risk in this approach of obscuring students’ actual levels of performance. Clearly, the solution to the issues raised with the MySchool website is to provide more information, not less.

It was always the intention to provide more contextual information about schools on the MySchool website over time. The launch of the MySchool website in January 2010 was an important step forward in reporting the measurement of student performance and progress, as well as increasing transparency and accountability. MySchool version 2 will be the next step in addressing these calls for more information to be provided. Importantly, the information provided by NAPLAN via the MySchool website is also acting as a useful tool for parents to engage directly in conversations with teachers and ask questions about what is happening in their school.

In summary, the debate on NAPLAN assessment and the MySchool website is just one part of the broader education reform agenda being addressed in partnership with the states and territories. These broader issues include the development of the national curriculum, the school funding review that is underway, the provision of additional assistance to disadvantaged schools and improving the quality of teaching. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Foreign Affairs, Defence and Trade References Committee Report
Consideration resumed from 9 February.

Senator TROOD (Queensland) (5.32 pm)—I move:

That the Senate take note of the report.

In rising to speak to the report of the Foreign Affairs, Defence and Trade References Committee entitled The Torres Strait: bridge and border, I am very conscious that Senator Faulkner wishes to inform the Senate of the second phase of the challenges he has faced in relation to the Glebe Post Office. So I do not want to delay the Senate too long in that enterprise and I think most senators will be very much looking forward to that second instalment.
The Torres Strait Treaty, which came into force in 1985, has been in operation for 25 years. As far as I am aware, this is the first parliamentary inquiry that has taken place into the operation and the effectiveness of the treaty arrangements. For that reason alone, this is an important report from the Senate committee. Given the importance of the report, the committee conducted a very comprehensive inquiry taking evidence from all of the agencies that had connections with the Torres Strait. It took evidence from people who were closely connected to or lived in the Torres Strait. The committee also travelled to the Torres Strait to inspect for itself some of the challenges that are faced there and to take evidence from some of the people who live there. So we looked very closely at many of the aspects of the Torres Strait Treaty—the arrangements with regard to the operation of the treaty. I think the report reflects the commitment that the committee made to that matter. There are 35 recommendations in the report covering all aspects of the treaty’s operation.

I will make three broad points about the report. The first and obvious one is that the Torres Strait is a region of high strategic importance to Australia. It is not a region of high visibility. It is not a region that necessarily attracts a great deal of attention, except on occasions when some incident occurs. But there can be no question that this is a region of great importance to Australia’s national security. You might say it is an area where Australia’s international relations actually begin. It is of course the place where we are closest to another country in the international system, which is Papua New Guinea—our closest neighbour and only a matter of kilometres from the northernmost of the Torres Strait Islands. As the report says, this means that it is both a bridge to the nearest country—to Papua New Guinea—and it is our closest international border to another country. It is a place of considerable importance and that means, it seems to me—and I think the committee affirmed this proposition—that we need to pay close attention to any problems, issues or challenges that might emerge in relation to the operation of the treaty or the Torres Strait region.

The second broad observation I would make is that the committee found during its inquiry that the Torres Strait Island Treaty arrangements, generally speaking, are working reasonably effectively. It is a very complicated area of jurisdiction. It is complex because there are not only the treaty arrangements in place there but also several local government authorities whose jurisdiction applies throughout the Torres Strait area, a complex array of environmental and resource management arrangements in place, and 18 island communities with about 9,000 people who live on those communities. I suppose the most striking statistic and the most important factor in this whole region is that there are in the vicinity of 60,000 movements annually, back and forth, across the international border that is in fact the Torres Strait.

This is a very complex area of activity—it is not straightforward by any means—but, despite these complex and difficult arrangements, the committee found that for the most part the Commonwealth agencies work very effectively with one another in trying to manage the challenges of the region. Perhaps it is not surprising that the Commonwealth agencies are confident about the way in which they cooperate with each other in relation to this management, but the committee was generally satisfied that they do that pretty effectively.

I have to say, however, that the satisfaction the Commonwealth agencies have about the way in which the Torres Strait is managed is not necessarily shared by the people...
who live on the Torres Strait Islands. There is a degree of anxiety about the way in which the agencies interact with each other. Indeed, there is a degree of anxiety about the way in which people move back and forth so freely across that international border.

That brings me, generally speaking, to the third point I want to make about the treaty, which is that, while the system seems to work very well and while the committee were generally satisfied with the nature of that system, it does seem to us that this is a region which is under a great deal of pressure. There are pressure points in relation to environment, border security, health issues, biosecurity and a range of other issues. If these pressures are not dealt with then the challenges which they represent might become much more difficult to deal with into the future.

This is a timely report. It identifies a series of challenges which the Australian government, and indeed the Queensland government, and the Papua New Guinean government need to confront. They need to do so soon—sooner rather than later—in the sure knowledge that, if the concerns we have identified in the report are not effectively and properly addressed in the next short period of time, they could become much more difficult challenges. They could represent quite significant security challenges to Australia, and they could represent some challenges in relation to our bilateral relationships with Papua New Guinea. The 35 recommendations in the report are directed towards those concerns. They are directed towards ensuring that the kinds of pressures which now exist within the region can be alleviated and the generally successful arrangements that exist under this regime can continue long into the future.

I thank the members of the committee for the diligence with which they pursued the inquiry, and I also thank the members of the committee secretariat for the work they did in conjunction with the inquiry. As all of us in this place know, the success of committees is often due to the work of the committee secretariat, and this was certainly true in relation to this Torres Strait inquiry. I commend the report to the Senate.

Question agreed to.

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Treaties—Joint Standing Committee—Report 114—Treaties referred on 16 November 2010 (part 1). Motion of Senator Ludlam to take note of report agreed to.


Community Affairs References Committee—Report—The hidden toll: Suicide in Australia—Government response. Motion of Senator Siewert to take note of document agreed to.

Community Affairs References Committee—Report—Consumer access to pharmaceutical benefits. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.

Legal and Constitutional Affairs Legislation Committee—Report—Evidence Amendment (Journalists’ Privilege) Bill 2010 and Evidence Amendment (Journalists’ Privilege) Bill 2010 (No. 2). Motion of Senator Polley to take note of report agreed to.


Regional and Remote Indigenous Communities—Select Committee—Final report 2010. Motion of Senator Bushby to take note of report agreed to.

Agricultural and Related Industries—Select Committee—Final report—Food production in Australia. Motion of Senator Bushby to take note of report agreed to.

Foreign Affairs, Defence and Trade References Committee—Interim report—Australia’s administration and management of the Torres Strait. Motion of Senator Bushby to take note of report agreed to.


Orders of the day nos 1, 3, 5, 6 and 8 to 11 relating to committee reports and government responses were called on but no motion was moved.

AUDITOR-GENERAL’S REPORTS
Consideration
The following orders of the day relating to reports of the Auditor-General were considered:

Orders of the day nos 1 to 12 relating to reports of the Auditor-General were called on but no motion was moved.

ADJOURNMENT
The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order! There being no further consideration of committee reports, government responses and Auditor-General’s reports, I propose the question:

That the Senate do now adjourn.

Glebe Post Office
Senator FAULKNER (New South Wales) (5.41 pm)—Again tonight I wish to speak about the issue of the closure of the Glebe Post Office. Australia Post closed the doors of the Glebe Post Office last Friday. I consider this decision by Australia Post to be reprehensible, and I consider the contemptuous way that local residents have been treated by Australia Post since the announcement of the closure also to be reprehensible.

Last night I informed the Senate that by the 1890s the Glebe Post Office was well established and servicing the community with distinction. I spoke of the history of the postal services in Glebe, a history of tension between locations on Glebe Point Road, in the heart of Glebe, or on Parramatta Road, in the next suburb. It is a rich history of community agitation and government decision making based on providing these essential services to the community in Glebe—until now, until this year.

Last night I also shared with the Senate the story of Miss Minnie Knott, who served behind the counter when the new Glebe Post Office building opened in January 1886. I am gratified by the interest of senators and members of the public in Minnie’s career, and I have been asked if I can share with the Senate a little more of her experiences. As a matter of fact, I can. A Mr H. Robinson, formerly postmaster at Summerhill, replaced Miss Knott as Glebe postmaster in 1906. Through no fault of her own, Miss Knott was transferred to a less senior role in the post office. I am sorry to say that this was because of the policy of the day to limit the wage of female employees to no more than £160 per annum.

By the early 20th century, Glebe Post Office was a hive of activity. At that time, the telephone was becoming popular in Glebe
and the post office was the logical place to put the new Glebe telephone exchange. A 1909 report mentioned that a room measuring 25 feet by 15 feet, detached from the post office, was operating as Glebe’s telephone exchange, servicing 592 local businesses and residences. In those days, the post office moved with the times. Now, the post office just moves.

The Glebe Post Office was then the centre of the village. The tram used to stop right outside. The bus stops there today. Locals coming home in a cab need say no more to the cabbie than, ‘Turn left at the post office,’ or, ‘Just drop me off a little after the post office.’ Everyone knows where it is. Why wouldn’t they? It has got the now misleading words ‘Glebe Post Office’ in huge masonry letters out the front. The words form the centre point of a magnificent colonnade porch added to the building in 1887 during Ms Nott’s tenure, constructed by Murray Bros, the builders, for just £187. But time moves on, so perhaps I will give a bit more recent history.

My research shows that after the corporatisation of Australia Post in 1889 the Glebe Post Office building was sold in 1990 to Wah Shing Industrial Australia Pty Ltd for $1.36 million. This might have been the beginning of the end, because I have been informed by one source that by 2010 Australia Post was paying an annual rent of $517,000, but I assure the Senate that I intend to get to the bottom of that.

When Australia Post was corporatised by the Hawke government in 1989, the then Minister for Transport and Communications, Ralph Willis, said this during his second reading speech:

It is an integral feature of the reform package for GBEs that commercial performance is the primary responsibility of the enterprises. However, it does not detract from Australia Post’s social responsibility to provide universal service—that is, to deliver its community service obligations. I note that section 27 of the Australian Postal Corporation Act 1989 states that, in view of the social importance of the letter service, the service is reasonably accessible to all people in Australia on an equitable basis.

The Glebe Post Office adjoins the Glebe estate, a vast network of streets and lanes with thousands of public housing residents. Until its closure, Glebe Post Office served those from the estate and did so for those living there for generations. Pensioners, people with disabilities and many disadvantaged people in our local community relied on the post office. They relied on it to cash cheques, pay bills and send and receive letters and parcels. The truth is that many of these people do not have access to a computer, let alone know how to use one. Let me make it clear that there are many residents of Glebe who are simply too old or too sick or too frail or too disabled to make the long trip to the Broadway Shopping Centre. So the decision to close the post office is devastating for those people. It will affect their lives in ways decision makers in Australia Post will never understand, even if they do give a damn—and I have seen no evidence of that. What happened to those words enshrined in legislation by this parliament? I repeat them: ‘reasonably accessible to all people in Australia on an equitable basis’.

With Glebe closing, Australia Post has allocated an additional one full-time equivalent position to the nearest post office in the Broadway Shopping Centre while at the same time removing 3.5 full-time equivalent positions previously at Glebe. In other words, 2½ jobs have been lost. One employee has been redeployed and one made redundant. What a rotten, rotten way to treat loyal staff.

I would also like to express my concern at Australia Post’s decision to close the Turramurra and Woollahra post offices in recent
weeks, also in Sydney. While I do not have personal knowledge of the circumstances of those communities, I do support the efforts of local residents in those communities and their parliamentary representatives to hold Australia Post accountable. In the case of Turramurra and Woollahra, there have been no staff additions at nearby post offices. In what can only be described as a pathetic concession by Australia Post, the corporation has agreed to monitor business and queues at the Bondi Junction, Paddington and Wahroonga post offices. No doubt, Australia Post is very, very smug about solving the problems of the queues in the Glebe Post Office. There have been complaints—you can see them in the archives—for more than a century about queues in Glebe. Well, no more complaints, no more queues, no more post office.

Wilson, Mr Patrick Shaun

Senator MASON (Queensland) (5.51 pm)—Tonight I want to tell a story to the Senate. It is not a happy story. It is an embarrassing story, but it is an instructive story. Most of all, it is a cautionary tale that must be told. In early 2008 my neighbour, a Mr Patrick Shaun Wilson—a New Zealand citizen—approached me and others to invest in an unlisted company called NewZeal Corporation, registered in New Zealand. The company proposed to market a complementary medicine to treat attention deficit hyperactivity disorder, commonly known as ADHD. Given the possible side effects of current treatments, the project seemed a worthwhile one. To encourage investment, Mr Wilson was keen to assure me that the board of directors included eminent people such as Sir Roger Douglas, a former New Zealand finance minister, who was to be chairman of the board, and Mr Tom O’Brien AM, a former managing partner of Ernst and Young accountants, as well as Ms Frances Wilson-Fitzgerald, Patrick Wilson’s sister and owner of Mollies, a boutique hotel in Auckland.

Following an offer from Mr Wilson and encouraged by the make-up of the board of directors, in early 2008 I agreed to become a director. I also purchased a significant number of shares in the company. So far, so good. Over the subsequent months Mr Wilson made many promises and gave many assurances. Any problems that were raised or issues that emerged were explained away. As some of these issues were never resolved, the majority of directors, myself included, resigned in late 2009 and early 2010. Even so, Mr Wilson continued to be given the benefit of the doubt.

Little did we know that Mr Wilson did not deserve the benefit of the doubt. You see, Mr Wilson was not who he held himself out to be: an honest—if freewheeling—entrepreneur. No. Patrick Shaun Wilson is a con man, pure and simple. Mr Wilson’s mask only started to slip in late 2010, when one of the shareholders managed to dig up a reference to Patrick Shaun Wilson in the Hansard of the Queensland Parliament of 10 March 1999. There, the then Minister for Tourism, Sport and Racing, the Honourable Bob Gibbs MLA, describes Patrick Shaun Wilson as being ‘well known to authorities’, having ‘left a trail of liquidated and bankrupted companies behind’. The minister then goes on to describe Mr Wilson as ‘notorious’, ‘unscrupulous’ and a ‘shonk’. Well, Mr Gibbs was right.

But I only wish the activities of Mr Wilson were more readily known. You see, he is a man who moves through life leaving little trace. But a few more details about Mr Wilson have now emerged. Patrick Shaun Wilson started out as a loan shark in Auckland in the 1970s. Later he saw an opportunity in breeding thoroughbred horses. As a 1987 New Zealand television expose on Wilson...
shows, Wilson conned the Board of Directors of the Strathmore Group, including Sir Russell Pettigrew. He ran the company into the ground, billing it for siring rights of horses he owned at rates vastly above the market price, heavily favouring his stallions and in some cases using rights legitimately belonging to the company for personal gain. With the Strathmore Group in a state of collapse, Wilson attempted to sell horses as assets of that company, which lawyers later discovered ‘had never existed; were not, at that time, owned by that company; and to his knowledge were dead at the time of the agreement’.

After Wilson was exposed in New Zealand he fled to the United States, where in 1990 he had a civil judgment of US$103,248 awarded against him in Kentucky for unpaid agistment of thoroughbreds. Having already burned his bridges in New Zealand and the United States, he decided to seek new opportunities in Queensland. One of them was in the area of ADHD and complementary medicine, and he decided to commence the scam—or, as con men term it, ‘the sting’. History then repeated itself. Once again, the only person to benefit from the company was Patrick Wilson. It was the same modus operandi as with Strathmore Group and the rest: build a web, find a few credible people for the board of directors—one credible director will attract more—and exaggerate your contacts and bona fides within the industry.

More importantly, and far more insidiously, Mr Wilson likes to compromise people—his business associates, fellow directors, employees and even potentially troublesome shareholders. Mr Wilson is not beyond threatening people, having people followed and setting them up. He has employed professionals who have been struck off or have already worked for a shonk and either do not care or cannot complain.

Wilson’s sister, Ms Frances Wilson-Fitzgerald, is a jarring note. She is, ostensibly, a respected businesswoman, a proprietor of a five-star boutique hotel, Mollies, at 6 Tweed Street, St Marys Bay, in Auckland, New Zealand. She is a patron of the Auckland Opera Studio. But she is, in fact, the founder of NewZeal Corporation. Having established the company in 2007, she gave control to her brother Patrick Wilson in January 2008. The registered address of the company is still the address of her hotel: Mollies. Not only did she pass control of NewZeal Corporation to Patrick Wilson but she also agreed to be a director. In fact, she remains a director to this day. What has never been answered by Ms Wilson-Fitzgerald is how she could agree to be a director of a company and hand over the running of that company to her brother, who is a notorious con man well known to New Zealand authorities and a former bankrupt. Ms Wilson-Fitzgerald knows all this, and she would know much more still. Yet she agreed to be part of the scam. She provides her brother with cover and respectability.

It started to become too hot for Mr Wilson, so he put the Brisbane unit he lives in on the market a few weeks ago. You might have guessed it: the unit is owned not by Patrick Wilson but by Ms Wilson-Fitzgerald, and it is currently under contract for just under $2 million. Mr Wilson, the former bankrupt, has little money; no, it is all held by Ms Wilson-Fitzgerald and a family trust. Ms Wilson-Fitzgerald is not only the enabler of the con but also Mr Wilson’s bag lady. What sick synergy drives this disgraceful operation I cannot divine, except to say that sunlight might kill its excesses.

Up until tonight the Wilsons have been able to avoid accountability. Patrick Wilson has lived in different jurisdictions and is involved in various enterprises. He has never, except in 1987 in New Zealand, attracted
much media attention. Even with the advent of the internet he has managed to avoid its web. He has flown under the radar. What has contributed to his success as a scammer so far is that he can be very charming and confident. He spins a web of credibility. His emotional intelligence is acute. He has all the attributes of a sociopathic con man. And his sister is an accomplice—his bag lady, the aider and abetter of the scam. Patrick Wilson has conned real estate agents, businessmen, lawyers, shopkeepers, neighbours, retirees and others, ordinary people who have little recourse. And he has left a trail of bad debts around Brisbane. He is a disgrace.

These matters are notoriously difficult and expensive for shareholders and creditors to prosecute. I have instructed my solicitors not to proceed further in this matter. But I understand that regulatory authorities have been contacted. I do not like people coming in to this country and ripping off its people. I will continue to keep an eye on the activities of the Wilsons.

Environment

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (6.01 pm)—After Senator Mason’s contribution, I think this may be somewhat of an anticlimax. I refer to an Australian Stock Exchange announcement of 31 January entitled ‘Bloodwood Creek Environment Update’. It comes from the company Carbon Energy. It begins:

Carbon Energy Limited … advises that it has received a notice from the Queensland Department of Environment and Resource Management (DERM) extending the date for a final decision on the Company’s amended Environmental Authorities to 11 February 2011.

This statement goes on to refer to the underground coal gasification program that this company is involved in on the Darling Downs. I draw the Senate’s attention to the last couple of paragraphs of the statement:

The Company also notes recent media commentary referencing unsubstantiated accusations by a former employee of Carbon Energy, Mr John Wedgwood, regarding environmental compliance at the Company’s site.

It goes on to note that Mr Wedgwood is no longer working with the company, although throughout his employment he was responsible for the company’s environmental compliance. It is not the matter of the dispute between Mr Wedgwood and the company Carbon Energy that has motivated me to speak tonight, but rather the program for underground coal gasification that the company is involved in, which involves both of those parties.

Underground coal gasification involves burning the coal seam underground in the presence of steam and oxygen. The resulting chemical reaction produces ‘syngas’, which is a mixture of methane, carbon monoxide and carbon dioxide. This gas is usually used for running a gas-fired power station, which would be built nearby. The Carbon Energy plant at Kogan was part of a three-plant trial of underground coal gasification allowed by the Queensland government. The other two were Cougar at Kingaroy and Linc Energy at Chinchilla. Cougar has been shut down by the state government because of pollution issues.

The Carbon Energy plant at Kogan hit problems on 2 December 2008, according to information I have been given. This is the order of the events of those problems, which is effectively similar to what is outlined in a Carbon Energy interim board report which I have circulated to the whips of the government and opposition and which I seek leave to table.

Leave not granted.
Senator BOB BROWN—I should say to the chamber what is obvious: we are way ahead of schedule here tonight and I was expecting to be speaking in an hour or two's time. I circulated this 100-plus page document only a short while ago, and Senator Abetz, on behalf of the opposition, has asked for more time to look at it. Under those circumstances, I hope that it will be considered for tabling when the Senate next resumes.

Senator Abetz—Senator Brown, if you will allow me to interject for the Hansard, yes, that is what we will be doing.

Senator BOB BROWN—Thank you.

The PRESIDENT—Interjections are normally disorderly, but I will allow it on this occasion.

Senator Abetz—You are most gracious, Mr President. Thank you.

Senator BOB BROWN—There was a blockage in the vertical injection well that carried air onto the coalface, which made it difficult to maintain ignition in this project. The company decided to drill down a second injection well to connect up with the first injection well in order to bypass the blockage and get air to the 'reactor'—that is, the ignition site—of the project, which effectively burns coal underground. Instead of connecting with this pipe, the second injection well hit gasification and a 'huff and puff' explosion occurred. Hydrogen and steam blew back up the pipe. By inference, the reactor had moved from its original position, which it definitely is not supposed to do. I repeat that a reactor is an underground conflagration. That situation is called a 'nightmare scenario' in underground coal gasification circles, because it means it is out of control. During this time, bubbles of carbon monoxide and carbon dioxide were observed on water at the surface 100 metres from the plant. This gas had probably made its way to the surface through cracks and fissures that were probably created by that explosive process called 'huff and puff'.

The second reactor also began to die—that is, to cease to burn—and so the company drilled a third injection well. They pressurised this to 3,600 kPa, nearly twice the hydrostatic pressure. The pressure inside the chamber should be just slightly below that of the outside hydrostatic pressure. Otherwise, if the inside pressure is too low, underground water will flow in. It will flow out if the inside pressure is too high. Water flowing through and out of the chamber means the contaminants created by the chemical reactions—and these include benzene, toluene, xylene and phenolic compounds—will get into the local aquifers. In this case, I am told, the reactor continued to die and was finally shut down in about April 2009. The five-megawatt power station built to run on the gas produced by the plant did not work because there was no gas. The Department of Environment and Resource Management was not told about most of this—that is, the explosive event and the over-pressurisation. I understand it was also not told that much of the underground water monitoring system did not work.

These are allegations which I have not personally been able to attend to, but I am sufficiently concerned about the matter to draw it to public notice. From Mr Wedgwood’s allegations, but also from the company work, I am concerned that there were possible specific breaches of the environmental management plan. The plan called for two key items—firstly, operating the gasification face below local hydrostatic pressure. This is the principle, as I have already said, that the pressure fed into the reactor at the face of the panel should not exceed the hydrostatic pressure of the groundwater surrounding the gasification process. The theory was that no contaminants would be driven out into the water table, as water was always
coming into the chamber as a result of the pressure difference.

However, in reality, the pressure could go anywhere because the reactor was not across the panel face, having followed several unpredictable paths, including back up the horizontal injection well where it was struck during the drilling of the second vertical well. The hydrostatic pressure was not known. The water report submitted to the government was tendered without a definite baseline, permitting flexibility as to authorised levels. Even estimations of hydrostatic pressure levels were exceeded, especially when trial results were needed for Australian Stock Exchange announcements in regard to targeted gas production rates. It was also consistently exceeded when the failing vertical injection wells—the first and especially the last one—would not establish an air path to connect with the reactor. The result of these activities would be the driving of contaminants into the water table, and that is a matter of considerable concern.

Secondly, there is the reactor shutdown process, which required that the panel would be shut down by a process that flushed steam across the panel reactor face and steadily lowered the chamber pressure until the gas coming up the product well proved that there was no more production or remaining contaminants in the chamber. In reality, a number of unstructured reactor chambers linked by a number of unknown paths simply died by ceasing to produce gas. When the production air was turned off, groundwater would have entered and exited in an uncontrolled manner via multiple points along the faces of the chambers and any associated linking fissures.

The problem here is that, if these assertions are true, contamination of the groundwater is indeed possible. There is possible continuing contamination underground which has not been removed. The reactor that was supposed to produce energy got out of control. These are matters of considerable concern, and many people on the Darling Downs have a great deal of concern about the rapid spread of the coal extraction process that this involves. It is a matter that should be under public investigation and I hope the Queensland authorities are well acquainted with these facts in the ongoing investigation.

Ovarian Cancer

Senator BILYK (Tasmania) (6.11 pm)—Tonight I rise to speak about a subject that is very near to my heart and that affects many women in the Australian community, and that is ovarian cancer. Ovarian cancer is a disease we hear little about, but it causes great heartache in our community, affecting the lives of many. For a disease that so often flies under the public radar, the facts surrounding the prevalence of ovarian cancer are quite staggering. Every 11 hours an Australian woman will die from ovarian cancer, three Australian women are diagnosed with ovarian cancer every day and on average one in 77 Australian women will develop ovarian cancer in her lifetime. I have been one of those women.

Some 20 years ago, at the age of 32, I was undergoing surgery and it was discovered that I had the beginnings of ovarian cancer. Obviously I had to undergo some much more radical surgery, but I am very pleased, of course, and proud to say that I am a survivor. It was probably the first time that I had had such a dramatic illness, but I did recover fully and I am one of the lucky ones. Unfortunately, with ovarian cancer that is very often not the case. It is a particularly aggressive form of cancer, and 800 Australian women—mothers, grandmothers, sisters and daughters—lose the battle against this insidious disease each year. Beyond the suffering
of the individuals affected by the disease is the suffering of families and communities, the loved ones of those with the disease who have to deal with the trauma of their suffering and, in many cases, their loss.

There are a number of factors that are considered to increase the risk of ovarian cancer. These include: being over the age of 45, although girls as young as seven have been diagnosed with the disease and, as I said, I was only 32; never having taken the contraceptive pill; never having been pregnant, or having only few pregnancies; having a high-fat diet, smoking and being overweight—and I am afraid some of those do apply to me; a history of cancer in the family; and being of Ashkenazi Jewish decent. One of the most tragic aspects of ovarian cancer is that there is no early detection test. A pap smear test does not screen for ovarian cancer. A number of tests can be performed that can suggest if ovarian cancer is a possibility, including the CA-125 test and a transvaginal ultrasound. However, these tests cannot be used to screen for or diagnose ovarian cancer and the disease can only be confirmed at the point of surgery.

The first indication that most ovarian cancer patients have that they have the disease is when symptoms start to appear. If discovered early, a majority of women affected will be alive after five years; however, 75 per cent of women diagnosed with the disease are diagnosed at an advanced stage. It is therefore vital that Australian women familiarise themselves with the symptoms of the disease, and consult their doctor if symptoms appear. The four most common symptoms of the disease are: increased abdominal size or persistent bloating; unexplained abdominal or pelvic pain; difficulty eating or feeling full quickly; and needing to urinate often or urgently, or a change in bowel habits. Other symptoms include: vague but persistent stomach upsets such as wind, nausea, heartburn or indigestion; vaginal bleeding; weight loss or weight gain; and excessive fatigue.

February marks Ovarian Cancer Awareness Month. That is why I stand tonight to speak on this issue. It is a community health initiative of Ovarian Cancer Australia, a national not-for-profit organisation that provides support and advocacy for those affected by ovarian cancer and is the peak national body for awareness and prevention of the disease. Ovarian Cancer Australia serves a number of vital functions: to support women with ovarian cancer, their family, friends and carers with compassionate support programs, and practical resources; to educate communities and individuals about the disease and increase their awareness of symptoms and the latest treatment, research, and clinical trials from across Australia; and to advocate to improve outcomes, treatment and quality of life for women with ovarian cancer.

Ovarian Cancer Australia’s major fundraising and awareness event is the Teal Ribbon Day. Held on 23 February, it is an opportunity for members of the community to support Ovarian Cancer Australia, and those suffering with the disease, by wearing a teal ribbon. Tax deductible teal ribbons are available from Chemmart, Spotlight and Napoleon Perdis or can be purchased online from www.ovariancancer.net.au, or ordered by phone by calling 1300 660 334. In conjunction with the Teal Ribbon Day, Ovarian Cancer Australia are urging people to hold an ‘Afternoon Teal’, an afternoon tea event which seeks to raise awareness of, and to raise funds to fight against, ovarian cancer. Ovarian Cancer Australia’s ‘Afternoon Teal’ event provides an opportunity for businesses, social groups and community groups of all persuasions to become more aware of ovarian cancer, while raising funds. Awareness posters and brochures for the ‘Afternoon
Teal’ event are also available through the website I just mentioned.

These fundraising activities by Ovarian Cancer Australia are vital to funding their awareness programs and support services that help both patients and their families. These programs and services include: community awareness campaigns and campaign materials; resilience kits—a free resource for women with ovarian cancer; support groups that provide an opportunity for women with ovarian cancer to discuss common issues, share stories, gain more information, and receive emotional support to help cope with their diagnosis and treatment; a rural and regional telesupport service; an online forum where women can discuss their experiences of the disease; and support materials for families and friends of women affected by ovarian cancer.

I appeal to all my fellow parliamentarians to support this worthy cause and raise awareness and funds through holding an ‘Afternoon Teal’ event, wearing a teal ribbon on Teal Ribbon Day, or simply by discussing the symptoms of ovarian cancer with your friends. Who knows whose life they may be saving?

BUDGET
Consideration by Estimates Committees Meeting

The PRESIDENT (6.19 pm)—I remind honourable senators that legislation committees will meet in the week beginning 21 February 2011 to consider additional estimates. Details will be on the Senate website. The Senate stands adjourned until Monday, 28 February at the new time of 10 am.

Senate adjourned at 6.19 pm

DOCUMENTS
Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Civil Aviation Act—Civil Aviation Regulations—Instruments Nos CASA—
06/11—Instructions – V.F.R. flights conducted by Fugro Airborne Surveys Pty Ltd [F2011L00209].
EX03/11—Exemption – recency requirements for night flying (Network Aviation Pty Ltd) [F2011L00129].
EX14/11—Exemption – Christopher Thomas Keating [F2011L00210].

Competition and Consumer Act—Consumer Protection Notice No. 11 of 2011—Permanent Ban on Children’s Products Containing More Than 1% Diethylhexyl Phthalate (DEHP) [F2011L00192].

Customs Act—Tariff Concession Orders—
1042168 [F2011L00205].
1044225 [F2011L00191].
1044626 [F2011L00207].
1044632 [F2011L00197].
1045124 [F2011L00194].
1045276 [F2011L00196].
1045417 [F2011L00195].
1045489 [F2011L00198].
1045695 [F2011L00199].
1045922 [F2011L00208].
1046228 [F2011L00200].
1046809 [F2011L00201].
1046941 [F2011L00202].
1047267 [F2011L00203].


Lands Acquisition Act—Statement describing property acquired by agreement for specified public purposes under section 125.

Judiciary Act—Legal Services Amendment Directions 2010 (No. 1) [F2011L00187].

Migration Act—Migration Regulations—Instruments IMMI—
10/080—Classes of persons [F2011L00206].
10/092—Organisations that may sponsor Short Stay Business Visitors [F2011L00204].
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Indonesian Police Force

(Question No. 341)

Senator Bob Brown asked the Minister representing the Minister for Defence, upon notice, on 8 December 2010:

(1) (a) What support does the Australian Government provide to the Indonesian Police Force, including the unit known as Detachment 88 (D88)?; (b) On what date was that support first provided?; and (c) Can a breakdown be provided of support in subsequent financial years, separating funding for D88 from other support?

(2) (a) What support does the Australian Government provide to the groups in Kopassus, including the units known as Detachment 81 and Sandi Yudha?; (b) On what date was that support first provided?; and (c) Can a breakdown be provided of support in subsequent financial years?

(3) (a) What defence equipment or other equipment is provided to D88, Detachment 81 or Sandi Yudha?; and (b) Can an itemised list be provided of the type and cost of items provided to each of the three groups?

(4) Has any training been provided for each of the three groups: D88, Detachment 81 and Sandi Yudha?; if so, for each group what are the details of this training, including dates, location and numbers of Australian personnel involved?

(5) Can an outline be provided of the policy objectives that the Australian Government aims to meet in providing support to these units.

(6) (a) Does the Australian Government require the Indonesian Government to report on the activities and achievements of either D88, Detachment 81 or Sandi Yudha?; and/or (b) Is any independent evaluation or monitoring of the activities required by the Australian Government under the terms of its support for any of the units?

(7) Has the Australian Government sought or received any advice about its legal obligations under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) and, in particular, the obligations of Australian Government agencies in providing funding or training to foreign officers or units that may be in contravention of the Convention?; if so, can details of the nature of the advice sought or received be provided?

(8) What is the Australian Government’s response to allegations that D88, Detachment 81 or Sandi Yudha have been used to repress the activities of peace activists in West Papua, the Malukas and elsewhere in Indonesia?

(9) (a) Has the Australian Government sought or received any advice about allegations of the use of torture by D88, Detachment 81 or Sandi Yudha during their operations?; if so, can details of the nature of the advice sought or received be provided?; and (b) Has the Australian Government raised this issue with the Indonesian Government in any way?; if so, can the details be provided of the nature of any representations made to the Indonesian Government?

Senator Chris Evans—The Minister for Defence has provided the following answer to the honourable senator’s question:

The Australian Defence Force regularly undertakes counter-terrorism training with the Indonesian Special Forces (Kopassus), principally the Kopassus unit known as Unit 81. Kopassus Unit 81 has the most effective capability in Indonesia to respond to a hijack or hostage incident in Indonesia. In the event of
such an incident, the safety of Australians could depend upon effective cooperation between Indonesian
and Australian forces.

Since joint counter-terrorism training resumed in 2006, its focus has been annual counter-hijack and
hostage recovery exercises, held alternately in Australia and Indonesia, and increased to twice annually
in 2010. Australia provides a limited quantity of ammunition to Unit 81 which is used during these ex-
ercises only.

Since 2002, a small number of Kopassus personnel have also undertaken study or training in Australia
on an individual basis.

Australia recognises Indonesia’s achievements in promoting respect for human rights during the last
decade-plus, including within the Indonesian Armed Forces. Australia supports this process. Where the
Australian Government learns of human rights allegations of concern in Indonesia, it raises these with
the Indonesian authorities. Australia supports the prosecution of individuals who have committed hu-
man rights abuses.

All Australian engagement with Kopassus emphasises professionalism, respect for human rights and
respect for the laws of armed conflict. Australia limits cooperation with individuals about whom there
exists information of human rights concern. All potential visitors to Australia are subject to health, char-
acter and national security assessment under the Migration Act 1958.

Australian cooperation with the Indonesian Police Force unit known as Detachment 88 is a matter for
the Minister for Home Affairs.

Australian Rail Track Corporation

(Question No. 352)

Senator Ludlam asked the Minister representing the Minister for Infrastructure and Trans-
port, upon notice, on 13 December 2010:

With reference to rail upgrades in New South Wales by the Australian Rail Track Corporation (ARTC):

(1) Has there been any reduction in transit time for the Brisbane to Sydney XPT over the past 3 years
due to various track upgrades undertaken by the ARTC; if so, by how many minutes.

(2) Is any reduction in transit time for the Brisbane to Sydney XPT planned over the next 5 months due
to various track upgrades undertaken by the ARTC.

(3) Has there been any reduction in transit time for the Casino to Sydney XPT over the past 3 years
due to various track upgrades undertaken by the ARTC; if so, by how many minutes.

(4) Is any reduction in transit time for the Casino to Sydney XPT planned over the next 5 months due
to various track upgrades undertaken by the ARTC.

Senator Carr—The Minister for Infrastructure and Transport has provided the following
answer to the honourable senator’s question:

(1) Following completion of ARTC’s Centralised Train Control System and removal of the electric
staff system between Casino and Greenbank, in October 2009 the Brisbane to Sydney XPT was re-
timetabled to arrive 45 minutes earlier at Broadmeadow.

(2) No. The North Coast Curve Easing project being undertaken by ARTC as part of the Rail Produc-
tivity Improvements Package, announced in the 2010-11 Budget, will result in transit time reduc-
tions for XPT services from late 2011.

(3) No.

(4) No. The North Coast Curve Easing project being undertaken by ARTC, as part of the Productivity
Improvements package announced in the 2010-11 Budget, will result in transit time reductions for
XPT services from late 2011.
Broadband, Communications and the Digital Economy  
(Question No. 354)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 13 December 2010:
Given that the draft ‘national disability strategy’ released during the 2010 election committed the Government to the promotion of universal design principles in government procurement, what steps is the department taking to adopt the principle of disability accessibility in all of its procurement and request for tender contracts.

Senator Conroy—the answer to the honourable senator’s question is as follows:
The Department’s standard contract terms and funding deeds (except in the minimalist form) require compliance with relevant legislation, including the Disability Discrimination Act 1992.
The Department’s standard tender templates and tools used to generate non-standard tender documentation also contain clauses to this effect. Draft contracts are supplied with all standard requests for tender.
All purchasing specifications of property or services that directly impact on the lives of people with disabilities incorporate accessibility requirements.
The Department is also required to comply with the Commonwealth Procurement Guidelines, Appendix A, Item 16 which states that “procurement of property or services from a business that primarily exists to provide the services of persons with a disability” are exempt from the Commonwealth Mandatory Procurement Procedures.
The Department has not had the opportunity to utilise this exemption to date.

Foreign Investment Review Board  
(Question No. 358)

Senator Ludlam asked the Minister representing the Treasurer, upon notice, on 13 December 2010:
Given that the function of the National Contact Point (NCP), as an executive arm of the Foreign Investment Review Board (FIRB), is to promote the OECD Guidelines for Multinational Enterprises (the Guidelines) and ‘good corporate responsibility’, and to investigate complaints about the behaviour of individual companies in the context of these guidelines:

(1) Since its inception what is the annual operating budget and staffing (full-time equivalent) of the NCP.
(2) How many investigations have been dealt with by the NCP since 2000.
(3) What is the department doing to support the current review of the Guidelines.
(4) What is the Australian Government’s position on calls to strengthen the text of the Guidelines with regard to human rights, free, prior and informed consent, due diligence, supply chains, transparency and disclosure.
(5) While the NCP does not utilise ‘penalties’ against companies it has found to be in breach of the Guidelines, would the Treasurer’s support options such as the withdrawal of Export Finance and Insurance Corporation support.
(6) What amount has the NCP invested to date in promoting the Guidelines and ensuring responsible business practice amongst Australian companies.
(7) Will the Government make available additional resources to support the office of the NCP to more effectively promote the Guidelines to Australian businesses operating overseas; if not, why not.
(8) Will the Government consider reforming the NCP in order to enable greater promotion of the Guidelines and implementation of joint fact-finding and improved mediation services when grievances are forthcoming.

(9) Will the Government consider reforming the NCP so that it becomes independent of those parts of Government, for example the FIRB, whose role it is to promote and fund international business opportunities.

Senator Wong—The Treasurer has provided the following answer to the honourable senator’s question:

(1) The Australian National Contact Point is located in the Foreign Investment and Trade Policy Division (FITPD) of the Treasury. FITPD currently has 38 staff. Resources are made available for NCP functions as required.

(2) Four specific instance complaints have been completed and a further two are on-going.

(3) In mid 2009 several consultation meetings were held with interested parties to inform of a process of consultation established by the Investment Committee of the OECD as part of a review of the Guidelines. Invitations to comment on revised drafts of the Guidelines have been sent to over 50 interested parties. Further face to face consultations will be held in early 2011.

(4) The Australian Government supports the modernisation and strengthening of the Guidelines to reflect business and societal changes since the Guidelines were last reviewed in 2000.

(5) The Guidelines are voluntary guidelines and are not in any way a judicial mechanism. The Export Finance and Insurance Corporation (EFIC) operates and makes its decisions under the Export Finance and Insurance Corporation Act 1991.

(6) As indicated in question 3 above, interested parties including major Australian businesses and peak business bodies are included in consultations regarding the review of the Guidelines. The Australian Government promotes responsible business practice, not only through the Guidelines, but also through the Australian Competition and Consumer Commission, the Australian Securities and Investments Commission, Fair Work Australia and the Human Rights and Equal Opportunity Commission.

(7) Resources are being and will be applied to promoting the Guidelines to Australian businesses as required.

(8) The Australian Government is committed to promoting the Guidelines as a vehicle for responsible business practices and will continue to co-opt resources of all types, including where necessary, mediation services, to provide agreed outcomes to specific instance complaints where possible.

(9) The NCP is separate and independent of those parts of Government whose role is to promote and fund international business opportunities. The Foreign Investment Review Board is an advisory board whose task is to advise government on the regulation of inwards investment to Australia.

United Nations Human Rights Committee
(Question No. 360)

Senator Hanson-Young asked the Minister representing the Attorney-General, upon notice, on 14 December 2010:

Can the Minister confirm whether Australia has acted on the United Nations Human Rights Committee (the Committee) request for the Government to respond to the substantive merits of the case against Sheikh Mansour Leghaei who was deported to Iran on 27 June 2010; if not, can an explanation be provided as to the delay in complying with the Committee's rule establishing a six month time period for State Parties to respond to communications under the Optional Protocol to the International Covenant on Civil and Political Rights.

QUESTIONS ON NOTICE
**Senator Ludwig**—The Attorney-General has provided the following answer to the honourable senator’s question:

The Australian Government has not yet provided its response to the Committee’s request for submissions on the merits of the communication lodged by Dr Leghæi, although significant work has been undertaken on the response.

By letter dated 16 November 2010, the Committee requested that Australia forward its submission in this matter no later than 17 January 2011. The Government responded to that letter on 22 November 2010 advising the Committee that its response to this communication was under consideration, and that the Government will submit the response to the Office of the High Commissioner for Human Rights by 17 January 2011. The Government’s response is close to completion and the Government intends to submit it as soon as possible.

**Uranium Mining**  
*(Question No. 362)*

**Senator Ludlam** asked the Minister representing the Minister for Health and Ageing, upon notice, on 17 December 2010:

With reference to the resolution passed at the September 2010 Congress of the Nobel Peace Prize winning International Physicians for the Prevention of Nuclear War (IPPNW) in Basel, Switzerland, calling for an end to uranium mining on human rights and public health grounds stating:

‘Uranium ore mining and the production of uranium oxide (yellowcake) are irresponsible and represent a grave threat to health and to the environment. Both processes involve an elementary violation of human rights and their use lead to an incalculable risk for world peace and an obstacle to nuclear disarmament.’

The International Council of IPPNW therefore resolves that:

IPPNW call for appropriate measures to ban uranium mining worldwide.

(1) Has the Australian Radiation Protection and Nuclear Safety Agency made, or been requested to make, any analysis of this development.

(2) What is the view of the Minister or the department on this position.

**Senator Ludwig**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) No, the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has not commenced, nor has it been requested to make, an analysis of the International Physicians for the Prevention of Nuclear War (IPPNW) recent resolution in relation to uranium mining. ARPANSA is however engaged, as part of its core functions under the Australian Radiation Protection and Nuclear Safety Act 1998, in assessing the radiological impacts of Uranium mining on the health of mine workers, including through the Australian National Radiation Dose Register, as well as the effects of uranium mining on the environment.

(2) The Department of Health and Ageing supports the current program of ARPANSA to assess the radiological impacts of uranium mining on health of people and the protection of the environment.

**Wikileaks**  
*(Question No. 363)*

**Senator Ludlam** asked the Minister representing the Attorney-General, upon notice, on 17 December 2010:

(1) To what extent have Australian assets and/or resources been used in attempts to bring down or jam the websites, Wikileaks.org or Wikileaks.ch.
(2) What Australian assets and/or resources have been used to determine if the Wikileaks’ website has broken any Australian or other national or international laws.

(3) When did the Australian investigation (or any other investigation supported by the Australian Government) into the legality of the actions of Wikileaks begin.

(4) Why is the Australian Government investigating Wikileaks and/or supporting an investigation of Wikileaks.

(5) What has the investigation cost to date.

(6) Was the Government asked to investigate Wikileaks by the Government of the United States of America (US) or any representatives of the US Government.

**Senator Ludwig**—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) None.

(2) On 30 November 2010, the AFP commenced an evaluation of material that became available through Wikileaks. On 17 December 2010, the AFP completed its evaluation of the available material to 17 December 2010, and has not identified the existence of any criminal offence where Australia would have jurisdiction. A total of 6 AFP staff were involved in this evaluation.

(3) See answer to question (2).

(4) As I have previously stated, due to the serious nature of the disclosures it was prudent for the Australian Government to consider whether any Australian laws may have been breached. It is both appropriate and necessary for the Australian Government to investigate whether documents published by the Wikileaks’ website may include national security sensitive information that could prejudice the national security interests of Australia.

(5) As noted in my response to question (2), a total of 6 AFP staff were involved in an evaluation of material that became available through Wikileaks. Exact costings are not yet available.

(6) No.

**Securency**

(Question No. 365)

**Senator Ludlam** asked the Minister representing the Minister for Trade, upon notice, on 17 December 2010:

With reference to assistance to Securency provided by Austrade:

(1) Has Austrade or any of its overseas trade commissioners ever helped arrange travel, accommodation, visa applications and other expenses for foreign government or central bank officials as part of assistance provided to Securency; if so, can a list be provided outlining: (a) to which countries this assistance applied; (b) when it took place; and (c) to which countries the officials were travelling.

(2) Did the Austrade officers involved in arranging this assistance to Securency make efforts to ensure they were not breaching Australian law on bribery of foreign officials when arranging or helping finance travel, accommodation, visa and other expenses for central bank, government and other officials that Securency was seeking to impress.

(3) Has Austrade ever helped source visas from the United States of America for foreign officials to who Securency was trying to sell its banknote products; if so, what was the country or countries of origin of these officials.

(4) Did Austrade help finance or arrange travel for Securency’s Vietnam agent Mr Anh Ngoc Luong to travel overseas in regards to Securency’s business affairs; if so, when.
(5) When did Austrade learn that Mr Luong was regarded as a likely officer in the Ministry of Public Security of Vietnam.

(6) When did Austrade pass this information about Mr Luong’s likely official role in the Vietnamese government on to Securency.

Senator Conroy—The Minister for Trade has provided the following answer to the honourable senator’s question:

(1), (2), (3), (4), (5) and (6) The Australian Federal Police (AFP) is undertaking an ongoing police investigation. The AFP has requested Austrade not to provide the information sought at this time in order to protect the integrity of that investigation.

Medicare

(Question No. 368)

Senator Siewert asked the Minister representing the Minister for Human Services, upon notice, on 12 January 2011:

(1) Why do Medicare cheques have the Medicare card holder’s personal details printed on them, when the attached letter already contains all the required details.

(2) Have concerns about personal privacy been raised with Medicare as a result of such information being available on Medicare cheques.

Senator Arbib—The Minister for Human Services has provided the following answer to the honourable senator’s question:

(1) When a claimant submits an unpaid account to Medicare Australia, the claim is processed and a ‘Pay Doctor via Claimant’ cheque made payable to the provider, is issued and sent to the claimant. ‘Pay Doctor via Claimant’ cheques are made up of three parts with a perforation separating each part for the claimant’s convenience.

The first part is the claimant statement. The person who is liable for the cost of the service keeps this part for their records.

The second part is the provider statement, which is given to the doctor who provided the service.

The third part is the cheque itself. When the cheque is deposited by the doctor, it is separated from the provider statement, which is retained and used by the doctor to reconcile the patient’s account.

The following details are printed on the front of the cheque:

• the name of the doctor the cheque is drawn in favour of;

• the amount of the cheque; and

• reference details containing the name and Medicare address of the patient.

The claimant is required to forward the cheque and the provider’s statement to the doctor, but doctors often receive ‘Pay Doctor via Claimant Cheque’ without the associated statement.

In this case, the detail printed on the ‘Pay Doctor via Claimant Cheque’ assists doctors to reconcile the payment to the patient’s account. If the patient’s detail were to be removed from the cheque, a doctor would be unable to reconcile the patient’s account.

(2) Yes, Medicare Australia has received one formal complaint about privacy concerns related to this matter. Medicare Australia has investigated these concerns at length with both health professionals, and the Office of the Privacy Commissioner.

It was determined that the inclusion of customer names and address on pay doctor via claimant cheques does not contravene current privacy legislation or existing privacy principles. This is be-
cause the pay doctor via claimant cheque does not display the Medicare item and therefore is not sufficient to identify the nature of a patient’s treatment.

**Defence: Staffing**

(Question No. 2521)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 11 January 2010:

For the period 1 July to 30 September 2009, 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 Faulkner**—The Minister for Defence has provided the following answer to the honourable senator’s question is as follows:

The average cost per recruit for the period 1 July to 30 September 2009 is $12,999 per recruit across Army, Navy and Air Force.

This is an average based on the total direct expenditure by Defence Force Recruiting in the period 1 July to 30 September 2009 ($25.309m) divided by the total number of uniformed personnel recruited to the Australian Defence Force through Defence Force Recruiting in this period (1947).

Whilst 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.