INTERNET
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the Senate and committee hearings are available at

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http://parlinfo.aph.gov.au

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

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For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
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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
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                           Hon. Simon Crean MP
Minister for Social Inclusion                  Hon. Tanya Plibersek MP
Minister for Privacy and Freedom of Information Hon. Brendan O’Connor MP
Minister for Sport                             Senator Hon. Mark Arbib
Special Minister of State for the Public Service and Integrity Hon. Gary Gray AO, MP
Assistant Treasurer and Minister for Financial Services and
   Superannuation                                Hon. Bill Shorten MP
Minister for Employment Participation and Childcare Hon. Kate Ellis MP
Minister for Indigenous Employment and Economic
   Development                                    Senator Hon. Mark Arbib
Minister for Veterans’ Affairs and Minister for Defence Science
   and Personnel                                   Hon. Warren Snowdon MP
Minister for Defence Materiel                   Hon. Jason Clare MP
Minister for Indigenous Health                  Hon. Warren Snowdon MP
Minister for Mental Health and Ageing           Hon. Mark Butler MP
Minister for the Status of Women                Hon. Kate Ellis MP
Minister for Social Housing and Homelessness   Senator Hon. Mark Arbib
   Special Minister of State                      Hon. Gary Gray AO, MP
Minister for Small Business                     Senator Hon. Nick Sherry
Minister for Home Affairs and Minister for Justice Hon. Brendan O’Connor MP
Minister for Human Services                      Hon. Tanya Plibersek MP
Cabinet Secretary                                Hon. Mark Dreyfus QC, MP
Parliamentary Secretary to the Prime Minister   Senator Hon. Kate Lundy
Parliamentary Secretary to the Treasurer        Hon. David Bradbury MP
Parliamentary Secretary for School Education and Workplace
   Relations                                      Senator Hon. Jacinta Collins
Minister Assisting the Prime Minister on Digital Productivity Senator Hon. Stephen Conroy
Parliamentary Secretary for Trade               Hon. Justine Elliot MP
Parliamentary Secretary for Pacific Island Affairs Hon. Richard Marles MP
Parliamentary Secretary for Defence              Senator Hon. David Feeney
Parliamentary Secretary for Immigration and Citizenship Senator Hon. Kate Lundy
Parliamentary Secretary for Infrastructure and Transport and
   Parliamentary Secretary for Health and Ageing   Hon. Catherine King MP
   Superintendent of the Australian War Memorial Senator Hon. Jan McLucas
   Parliamentary Secretary for Disabilities and Carers Hon. Julie Collins MP
   Parliamentary Secretary for Community Services Senator Hon. Don Farrell
   Parliamentary Secretary for Sustainability and Urban Water Senator Hon. Nick Sherry
   Minister Assisting on Deregulation and Public Sector Superannuation
  � Minister Assisting the Attorney-General on Queensland Floods
      Recovery                                      Senator Hon. Joe Ludwig
   Parliamentary Secretary for Agriculture, Fisheries and Forestry Hon. Dr Mike Kelly AM, MP
   Minister Assisting the Minister for Tourism    Senator Hon. Nick Sherry
   Parliamentary Secretary for Climate Change and Energy Efficiency Hon. Mark Dreyfus QC, MP
SHADOW MINISTRY

Leader of the Opposition
Hon. Tony Abbott MP

Deputy Leader of the Opposition and Shadow Minister for
Foreign Affairs and 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]
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<td>Hon. Sussan Ley MP</td>
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<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
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<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
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<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>Hon. Sussan Ley MP</td>
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<td>Shadow Minister for Universities and Research</td>
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<td>Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Hon. Bronwyn Bishop MP</td>
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<td>Shadow Minister for Tourism</td>
<td>Hon. Bob Baldwin MP</td>
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<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
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<td>Shadow Minister for Veterans’ Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td>Senator Hon. Michael Ronaldson</td>
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<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Minister for Ageing and Shadow Minister for Mental Health</td>
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<td>Hon. Bronwyn Bishop MP</td>
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<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate</td>
<td>Senator Mitch Fifield</td>
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<td>Shadow Minister for Housing</td>
<td>Senator Marise Payne</td>
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<tr>
<td>Chairman, Scrutiny of Government Waste Committee</td>
<td>Mr Jamie Briggs MP</td>
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<td>Shadow Cabinet Secretary</td>
<td>Hon. Philip Ruddock MP</td>
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<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
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<tr>
<td>Shadow Parliamentary Secretary for International Development Assistance</td>
<td>Hon. Teresa Gambaro MP</td>
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<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
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<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Senator Gary Humphries</td>
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<td>Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee</td>
<td>Hon. Tony Smith MP</td>
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<td>Shadow Parliamentary Secretary for Regional Education</td>
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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

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Senator Hon. Richard Colbeck

Shadow Parliamentary Secretary for Fisheries and Forestry
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers and made an acknowledgement of country.

BUSINESS

Consideration of Legislation

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Public Sector Superannuation and Minister Assisting the Minister for Tourism) (12.31 pm)—At the request of Senator Feeney, I move:

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

Appropriation Bill (No. 3) 2010-2011
Appropriation Bill (No. 4) 2010-2011
Family Assistance Legislation Amendment (Child Care Rebate) Bill 2011
National Vocational Education and Training Regulator (Consequential Amendments) Bill 2011
Schools Assistance Amendment (Financial Assistance) Bill 2011.

I table a statement of reasons justifying the need for the Schools Assistance Amendment (Financial Assistance) Bill 2011 to be considered during these sittings, and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

Schools Assistance Amendment (Financial Assistance) Bill

Purpose of the Bill

Amendments are required to the Schools Assistance Act 2008 (the Act) to extend the existing funding arrangements for non-government schools until the end of 2013, and to extend existing arrangements for capital funding until the end of 2014. This is to provide funding certainty for the non-government school sector in line with the Australian Government’s 2010 election commitment.

Reasons for Urgency

Introduction and passage of the bill in the 2011 Autumn sitting period is necessary to ensure funding certainty for the non-government school sector in line with the 2010 election commitment.

Question agreed to.

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Public Sector Superannuation and Minister Assisting the Minister for Tourism) (12.32 pm)—At the request of Senator Ludwig, I move:

That the government business orders of the day relating to the National Vocational Education and Training Regulator Bill 2010 [2011] and a related bill, and the National Vocational Education and Training Regulator (Consequential Amendments) Bill 2011 may be taken together for their remaining stages.

Question agreed to.

TAX LAWS AMENDMENT (TEMPORARY FLOOD AND CYCLONE RECONSTRUCTION LEVY) BILL 2011
INCOME TAX RATES AMENDMENT (TEMPORARY FLOOD AND CYCLONE RECONSTRUCTION LEVY) BILL 2011

Consideration resumed from 21 March.

In Committee

Senator IAN MACDONALD (Queensland) (12.32 pm)—I know I am interrupting Senator Back, who was in full flight when this debate was adjourned yesterday. I apologise for that, but I think it is important, for those who have not understood the debate so far, to recapitulate what happened yesterday.

Yesterday, for three hours, we asked questions of the minister about the Tax Laws Amendment (Temporary Flood and Cyclone Reconstruction Levy) Bill 2011 and the In-
come Tax Rates Amendment (Temporary Flood and Cyclone Reconstruction Levy) Bill 2011, which will impose yet another tax on some Australians. We were asking questions about why this tax was being levied just on individuals, rather than on multinational corporations. The Greens were very keen about making sure that those multinational companies paid their fair share of tax. The Greens have been railing in this chamber about how these multinational companies rip off huge profits from Australia and send those profits overseas. Yet here is a bill that the Greens and the Labor Party are promoting that taxes individual Australians but not corporate Australians. Whilst the plumber and the electrician will pay the flood tax, BHP, Xstrata and Rio Tinto will not. Whilst the local baker and butcher will pay the flood tax, Woolies and Coles will be exempted.

We asked the minister for three hours last night: what was the policy rationale behind this? We also asked the minister which class of individuals was going to be exempted from the tax. This legislation provides that the minister, on a whim, can decide which Australians are going to pay this tax and which Australians are not. Senator Back, when the adjournment interrupted him, was raising an issue about the north of Western Australia, and I am very keen to hear him complete his question on that. But, with the typical arrogance of this Labor government—a Labor government that, you might recall, Mr Acting Deputy President, had this new paradigm for parliament; they were going to be open and accountable, they were going to address issues and they were going to tell the public what was happening—the minister, when we raised these questions for three hours yesterday, simply refused to answer them.

I know Senator Back has questions. I have some more questions, and I suspect other senators have questions. We want these questions answered. We hope that the minister has had a good night’s sleep and has relinquished the belligerent approach that he adopted last night of just sitting there and simply refusing to answer legitimate questions.

**Senator Sherry**—How can you be belligerent if you are not saying anything?

**Senator IAN MACDONALD**—You did say something. You attacked the messenger, and then you sulked for the rest of the night and refused to answer quite legitimate questions. This bill might well have been able to be dealt with had we had some cooperation from this government that claims it is so accountable. I have other questions, but I know Senator Back is very keen to complete the question he started yesterday, and I look forward to the minister’s answers.

**Senator BACK** (Western Australia) (12.36 pm)—I thank Senator Macdonald for his introduction and for allowing me to continue my remarks and my questions to the minister. The question to the minister goes to who is in receipt of these flood levies. We have asked the questions about floods and other natural disasters. The question was asked last night about drought, and I am very hopeful that we may receive some advice from the minister as to whether natural disaster extends to drought. We do understand. We hope, however, that the minister is going to confirm advice that was received with regard to the bushfires surrounding Perth. That advice, which came via the *West Australian*, was apparently the result of a decision by the Prime Minister, but it would be excellent if the Senate could be apprised of the validity of that point.

Last evening, before the discussion was terminated, I was briefly asking questions about the eligibility under the levy for funding in the Gascoyne region, which was subject to WA’s worst floods in December last
year. I made the point that, under the Australian government natural disaster recovery fund, eventually, by mid-February, I was able to organise a situation in which people did receive their $1,000 per head for adults and $400 for children—which, in fact, then exempted them from paying this levy. Others have already commented, as I will. I am very keen to know from the minister: will the Gascoyne region be entitled to funding under this levy, part of which is a $1.8 billion tax grab from some individuals in Australia—not companies, and not many, but some? Will the Gascoyne region be entitled to funding under the flood levy scheme so that they can put into place mitigation bunding and avoid that disaster—which Emergency Management Australia, taking it upon itself earlier this year, decided to overrule the Prime Minister on and, in their own wisdom, made a decision to not allow that level of disaster recovery funding for the citizens of that place? Fortunately, that has changed. I need to know now whether or not, under this levy arrangement, people of the Gascoyne are entitled to that funding.

I also want to go to a quotation by the member for O'Connor, in the other place, Mr Crook, on 2 March this year. I seek clarification from the minister, as a result of this media release that Mr Crook put out apparently after further discussions with the government. In late February this year, on the tail end of another cyclone coming down the Western Australian coast, the Goldfields region was subject to intense flooding. I was in fact in Kalgoorlie on Saturday and Sunday. To watch the desert greening as a result of that flooding was wonderful. The flood did in fact wash away sections of the transcontinental railway, which was closed for some period of time. Some of the more remote communities in the shires of Laverton, Leonora and Menzies were particularly affected. Mr Crook, to quote from his release, has advised that those shires ‘will be able to access natural disaster support’—no problem there: those arrangements are long in place between the federal and state governments, the natural disaster has been declared and it has been accepted. The question I have of the minister is this. Mr Crook’s release goes on to tell us:

As part of his dialogue with the Government regarding the Flood Levy, Mr Crook has negotiated to ensure a fair deal for WA residents, including:

- Activation of the Australian Government Disaster Recovery Payment … for … the Gascoyne—which he had absolutely nothing to do with. The fact is that the Prime Minister’s decision of 11 February, following my questions in this place, activated that—but, nevertheless, he chooses to take that glory upon himself. The media release goes on—and this may help to answer questions asked by Senator Cormann last night; this is Mr Crook advising us of his dialogue with the government—to say that he also negotiated:

- Exemption from paying the flood levy for flood, fire and storm affected residents in WA …

So we now have another element to this. And he particularly tells us:

This is a very positive outcome and I am pleased to see these communities in need will benefit from the Flood Levy.

I will not read out the rest of his media release, because most of it is spent bucketing me and calling to account what he believed to be ‘political games’ that I was playing—

Senator Sherry—Read it out!

Senator BACK—Well, I will—thank you very much:

Mr Crook also criticised Liberal Senator Chris Back … for playing political games while communities are in need of assistance.

This is after it was the much maligned Senator Chris Back who had arranged the payment under the Australian Government Disaster Recovery Payment scheme for all of the
people in the Gascoyne! So the question I have of the minister extends from that. We had eligibility for flood victims in Queensland. That, as the result of Mr Katter’s intervention to win his vote, went from the Brisbane floods up to North Queensland after Cyclone Yasi, as I understand it. He secured $650 million for his vote. Poor old Mr Crook got nothing for his, largely because he came out and said he would support this stupid levy very early in the piece. But my question now is: is it the case, as Mr Crook has quoted, that he has used his relationship with government to negotiate a good outcome for Western Australians affected by disaster, for flood victims in the Goldfields, for fire affected residents—presumably the bushfires surrounding Perth; and I asked the question last night: does that involve the December fires around Cape Preston, south of Mandurah—and for storm affected residents? Those are the questions that I am anxious to receive answers to. I need to know: what is the extent of what the government is offering, to whom and why? Is it because Mr Crook gave up his vote in favour of the levy early that we now see some attempt by government to square the ledger, after Mr Katter was able to get $650 million in consideration of his vote? I ask the minister, through you, Mr Temporary Chairman: how long is the piece of string? Where does it stop? How much will the levy be? How much will people have to pay? And, coming back to a question asked last night: in a properly managed economy, why do we need a $1.8 billion tax grab from taxpayers when in fact we have a $350 billion budget? And why does this have to be dealt with only weeks before the budget for 2011-12 is brought down by the government?

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Public Sector Superannuation and Minister Assisting the Minister for Tourism) (12.45 pm)—I will respond on a couple of points. Firstly, to Senator Back: he was not here last night for the entire debate.

Senator Back—Correct.

Senator SHERRY—Thank you. I am glad you acknowledge that. Some of the issues that you raised in what was a very, very, very long question were raised and answered last night before your presence in the chamber. Frankly, I am not in the habit and I am not going to get into the habit of repeating and repeating myself. As you know, it is against standing orders and it takes up the time of the Senate inordinately. The last questions you were asking—about how much a levy would be and why it is needed—have been well canvassed, Senator Back, in this debate, not just in the committee stage but during the earlier debate. I do not intend to repeat my contributions of last night and I do not intend to repeat my contributions either in the committee stage or in closing the debate—or indeed the contributions that have been widely canvassed on both sides of the chamber.

In regard to the positions of Mr Katter and Mr Crook, obviously I am not them. I cannot answer for them. If you wish to cross-examine or critique them, that is your prerogative, but your colleagues in the other place can do that. All I know of Mr Katter and Mr Crook is that on this issue they have represented their constituencies effectively. I accept that. They are supporting the government legislation. All that is agreed to is on the public record. The extent to which Mr Crook or Mr Katter put out their press releases is their prerogative. I am not here to comment about what is in their press releases. That is for them to do.

On the issue of the regulatory exemptions: they are on the Treasury website. They are contained in the regulation schedules, of which I have copies here, which are also on...
the Treasury website, so all of that detail is there for you, Senator.

To come back to Senator Macdonald: firstly, he accused me of sulking. In fact, for the first hour I did answer questions, I think reasonably and fairly and comprehensively. I think Senator Xenophon would acknowledge that with respect to his questions and others I did the same. We then had Senator Macdonald engage in what is known as a filibuster. He just repeated himself over and over and over again with questions and arguments that had been heard and answered—so it was a filibuster, Senator Macdonald. If you wish to engage in that, that is up to you. I chose then not to continue to repeat answers I had already given or answers that had already occurred in the debate, and again I do not intend to do that this afternoon. When I conclude my remarks, I will have concluded my remarks and I will sit down. I do not intend to get up again and go back over issues that have already been canvassed.

On the issue of the tax and the method on the base of the tax the government selected, I did answer the question last night. I pointed out that using the income tax system was a matter of fairness, equity and administrative ease. I pointed out that last night and I pointed it out at the very beginning of the evening, Senator, but you still chose to pursue that for some 2½ hours. That is the reason we have done it. In precedent terms, the previous Liberal-National government, of which you were a member, applied a similar type base to its levies with respect to guns and East Timor. I think they were the other two levies that had a similar type base, and I pointed that out last night.

Senator Ian Macdonald—What about containers that you were talking about last night?

Senator SHERRY—Also, I did not interject last night and I have not interjected this morning. You just continue to reflect your rudeness, Senator, in interjecting.

So I did point that out last night. I also pointed out last night that, when you were part of that government, Senator Macdonald, you had another four levies. You had six levies for specific purposes when you were a minister and a backbencher in the previous Liberal-National government. There was a levy on sugar, a levy on milk, a levy on tickets to pay for the Ansett collapse, a levy for East Timor, a levy for guns buyback—and even a levy on containers. I pointed that out last night. Senator Macdonald, as a member of that Liberal-National party government, conveniently forgets, when he criticises us for having one levy, that the government he was a member of had six levies, and that did not include the superannuation surcharge, which they claim was not a tax. All of these issues were well canvassed last night, Senator Macdonald.

In terms of the Greens and the position they postulated, they are not here. That is their prerogative. They are the ones who argued that the levy should apply and the base should be on multinational companies. That was not an argument that the government advanced. There was no speaker from the government who advanced that as an argument, so your contention and your issue are with the Greens. Again, it is up to you, Senator Macdonald. If you want to question them on their particular approach, it is up to you. I am here representing the government. We have chosen the base of the levy. I have answered your questions, and I do not intend to answer repeated questions again this afternoon.

Senator CORMANN (Western Australia) (12.51 pm)—Those comments from the minister are just completely unsatisfactory. He has not answered the very specific question on which this government is creating a whole
lot of confusion. But let me just remind people of what it is we are debating here today. We are debating here today another Labor Party tax which will increase income taxes for all Australians earning more than $50,000 a year, unless they are part of one of the exemption categories. This is a tax which of course is not necessary at this point in time. It is not supposed to come into effect until 1 July 2011, and any government that properly managed its finances, any government that properly managed our public finances, would be considering the revenue needs and spending commitments in the context of the budget. This would be quite easy for the government to do on this occasion. This is a tax which is supposed to raise $1.8 billion not to fund the reconstruction of houses or property of individual Queenslanders but to fund the reconstruction of infrastructure which the state Labor government in Queensland did not properly insure, which is an issue that has been widely canvassed in this chamber.

The only reason why the Labor government are going for this tax is that the Labor Party can see an opportunity to politically get away with it. The Labor Party are looking for an opportunity to get away with yet another tax grab because they work on the basis that, quite rightly, there is a lot of goodwill from people right across Australia towards the necessary reconstruction effort in Queensland, which the coalition supports. Let me make this point very clear: this legislation has got nothing to do with the question of whether or not this investment should be supported, Commonwealth funding into Queensland to assist the Queensland government with reconstruction of their infrastructure. Of course we support that. But we think that any government that manages its finances properly should be able to fund that sort of commitment by reprioritising its current spending commitments. There is a lot of waste and mismanagement across government at present. We have widely canvassed in the past the waste and mismanagement, with the $2.4 billion pink batts program to put pink batts into people’s roofs only to take them out again, and the waste and mismanagement with the school halls. It has been waste and mismanagement everywhere.

We have got this question of who is going to be exempt from paying this tax. I asked a question about this to the Secretary of the Department of Finance and Deregulation in the Senate estimates: would people like those in Kelmscott who were subject to bushfires be exempt from the flood tax? No, said Mr Tune, the secretary of the finance department, not necessarily. I asked: why is that? Mr Tune said:

Well, the government’s decision at the moment is that those who are subject to the floods are exempt from the levy. It would require another decision to alter that.

Following up, I asked:

Only if the natural disaster you were subject to was a flood will you be exempt from the flood tax? If it is any other natural disaster, you are not exempt at the moment?

Mr Tune, the secretary of the finance department, said:

That is the situation as it stands at the moment. This created quite a bit of interest in my home state of Western Australia, to such an extent that a journalist from the West Australian, Mr Andrew Probyn, rang the Prime Minister’s office and asked what the story is. Only those who are subject to a flood event are going to be exempt. What about the people of Kelmscott and other bushfire affected areas in Western Australia? Why do they have to pay the levy? This is what he was told: ‘Julia Gillard has said the victims of the Kelmscott bushfire will not have to pay the national flood levy.’ This was about an hour after the secretary of the finance department
said that they would have to pay the flood levy. An hour later Prime Minister Gillard said that victims of the Kelmscott bushfire will not have to pay the national flood levy. The Prime Minister made the decision last night after a senior bureaucrat said that, although the fire victims qualified for $1,000 disaster recovery payments, they were still expected to pay the levy. ‘A spokesman for Ms Gillard said victims of this year’s WA bushfires would be exempted.’

The minister has now arrogantly said that he is not going to answer any more questions in relation to this. But I asked him this question yesterday and he refused to get up and confirm in answer to my question whether or not the statement that was made by the spokesman for the Prime Minister to a journalist of the West Australian stands. The minister then says this morning, ‘Go to the Treasury website.’ My office went back to the Treasury website today, Minister, and you might want to listen to this. I can see you are trying furiously to get some further advice from your advisers but you could actually do us the courtesy, even if you are not prepared to answer questions, of taking some notice of what is being said in this chamber in relation to this very bad Labor Party tax. You could at least do us the courtesy of listening to the debate, even if you are not prepared to answer questions. That would be a very good start. The arrogance of this government is absolutely breathtaking. Maybe the minister can read the comment in Hansard if he is not prepared to actively participate in the debate.

We went to the Treasury website today, and on the Treasury website there is what is called a flood levy fact sheet. If you want to check it out, Minister, it is


Exemption from the flood levy
Where the person has received an Australian government disaster recovery payment in relation to a flood event in 2010-11, they will be exempt from the levy.

That is on the Treasury’s website today—in direct contradiction to comments made by a spokesman for the Prime Minister in the West Australian on 23 February 2011, about a decision that the Prime Minister made on the run after questions being asked about this at Senate estimates. You can arrogantly say to us that you are not going to answer any more questions, Minister, but quite frankly the people of Western Australia deserve answers to these questions. I tell you something else, Minister: the people who have been impacted by droughts, the people who have been impacted by storms, the people who have been impacted by natural disasters in other parts of Australia deserve answers to these questions. Who is going to be exempt? Can you confirm that it is not just going to be those people who were subject to a flood event? Can you confirm that it is going to be the people that were subject to bushfire in Kelmscott? Can you confirm that it is going to be people who were subject to storm events in other parts of Australia? Can you confirm that it is going to be people who were subject to drought events? And what other natural disasters is the government currently considering for exemption from this ad hoc Labor Party tax grab?

We understand that the Labor Party is always looking for another opportunity to get away with yet another Labor Party tax, but this is a parliamentary democracy. This is a system of parliament where the government is accountable to the parliament and where the government is supposed to answer legitimate questions that are raised by members of parliament to explain the reasons, the rationale and all of the ins and outs of a particular proposal that is before it.
You have not addressed with one single comment this morning the questions that were raised in this chamber last night by a number of senators in relation to the categories of Australians that will be exempt from this tax. I hope that you will reconsider the arrogant statement you made, which was that you are not going to get up to answer any more questions in relation to this, because it has not all been canvassed. As I have outlined, statements were made by the Prime Minister in the *West Australian* on 23 February. I cannot contradict the flood levy fact sheet on the Treasury website today. You are telling us that we should not worry about asking you questions in this chamber. You are telling us: ‘Go to the website’. We have gone to the website, Minister, and the website does not give us the answers we need. So we will do what our job is—that is, ask you questions in this chamber so you can give us the answers we need.

You can shuffle your papers and not even try to engage in this debate in any way whatsoever, but maybe you could interject for a moment and tell us what the answers to these questions are. But if you do not, if you are not in a position to provide an answer to these very legitimate questions, the people of Australia will be able to make a judgment on this, because the people of Australia of course know that this Labor government has made a decision not to pursue this tax through the normal budgetary process, which would have been very easy for you to do. It would have been, to use your words, the administratively easier way to go. But of course the reason we are wasting all these hours of debate in this parliament is that you have chosen to pursue this tax through ad hoc legislation outside any proper, normal budgetary process. You made a decision to whack on this tax because you could see a political opportunity to get away with it.

**Senator FISHER (South Australia)** (1.03 pm)—Minister, I have been listening and I have noted your comment that you will not be on your feet again to answer questions that have already been asked during the committee stage of this debate. As far as I am concerned, the questions that I am about to ask have not been answered, so I would prevail upon your good sense to consider getting to your feet again to answer these questions.

**Senator Sherry interjecting**—

**Senator FISHER**—Please listen, Minister. I am asking these questions because there are many people in our communities across this country who have been affected by their own natural disasters and they are wondering what makes one person’s natural disaster any different from or more disastrous than another person’s natural disaster. I am asking...
the following questions on behalf of those people in states across our country.

My office has visited one of the government’s websites today. We have been to the Attorney-General’s website to look at the national disaster relief fund assistance program. I note that the website talks about a state or territory being able to claim funding under the natural disaster relief and recovery arrangements if a natural disaster occurs. I note that a natural disaster for the purposes of that funding is defined to include a flood, bushfire, earthquake, storm cyclone, storm surge, landslide, tsunami, meteorite strike, tornado. I also note that the Attorney-General’s website today, under the heading ‘Current disasters’, lists the financial assistance that has been granted under that program for flooding and severe weather events from November 2010 to February 2011, part of which period saw Queensland devastated by its floods. I note, Minister, that the website confirms that your government under this program:

... will provide financial assistance to Victorian, South Australian—

my own state—

Western Australian and Tasmanian communities affected by flooding/severe weather in November 2010–January 2011.

That of course is relevant, given that Senator Cormann drew to your attention before the fact that today’s Treasury website confirms that certain consideration will be given to victims of flooding. In what is listed on the Attorney-General’s website as having been provided during that period of time to the people of Victoria, South Australia, Western Australia and Tasmania, I note assistance given to 36 local government areas in Victoria, in alphabetical order beginning with Alpine and ending with Yarrambiack. The assistance given under your government’s program—and I am reading from the website—is in the nature of:

Emergency Grants of up to $1,067 to provide assistance to meet immediate basic needs. These people have clearly been affected by their own version of a natural disaster.

They will get assistance with temporary living expense grants to assist households with the cost of temporary accommodation and living expenses. They will get re-establishment grants for repairs to structural damage et cetera. In my home state of South Australia, assistance under the natural disaster relief and recovery program has been made available for areas affected by severe weather on 7 and 8 December 2010. Personal hardship and distress assistance is being made available in the four local government areas of Clare and Gilbert Valleys, Loxton Waikerie, Mid Murray and The Barossa. That is what your government website says.

For Western Australia—and I declare that my family is still wheat and sheep farming in between Beverley and Brookton in Western Australia—I note that under this program your government, Minister, is extending assistance to 20 local governments, beginning with Beverley and Brookton, where my family continues to farm. Then there are Cuballing, Cunderdin, Dalwallinu, Goomballing, Narrogin, Northam, Perenjori, Pingelly, Quairading, Toodyay, Victoria Plains, Wagin, Wandering, West Arthur, Wickepin, Williams, Wongan Hills and York. That is taken from your website today. The assistance for those communities, Minister, includes: counter disaster operations, personal hardship and distress assistance, restoration of essential public assets, interest rate subsidies for small businesses and primary producers and professional advice grants and freight subsidies for primary producers.

For the purposes of my question today, I finish with Tasmania. Under your govern-
ment’s program, the Tasmanian government has been provided with assistance for 11 local government areas, beginning with Break O’Day and ending, in alphabetical order, with West Tamar. The sorts of personal hardship and distress assistance extended under your government’s program—for which I presume your government considers that there is merit, for otherwise why would you be doing it?—include the same sorts of personal hardship and distress assistance given to the other communities to which I have already referred.

Like Senator Back, it may have taken me a long time to get to my question. But, Minister, that is because there is quite a long list of communities across Australia that your government has seen to fit to assist, and appropriately so, under the natural disaster relief and recovery arrangements. My question, Minister, is this: in respect of those communities in Victoria, South Australia, Western Australia and Tasmania listed on the Attorney-General’s website today—communities that qualified for assistance under your program—will any be exempt from the flood levy? If so, which ones and on what basis? If not, why not?

Senator CORMANN (Western Australia) (1.10 pm)—I can see that the minister is committed to keeping his promise arrogantly not to participate in this debate. He did interject during Senator Fisher’s comments, and very insightful and eloquent comments they were as well, representing very strongly the interests of people right across Australia who were affected by natural disasters. The minister interjected by saying, ‘How long do you want to keep this going?’ Minister, this can be resolved very quickly. It is very clear that the coalition—the Liberal Party and National Party senators—are opposed to this tax and we will vote against it. But, on behalf of people across Australia, we are asking some legitimate questions. What Senator Fisher has just done is read out to you a list of all the areas impacted by natural disasters that are attracting support from the Commonwealth. What you have decided to do as a government is to exempt people who were subject to flood events. According to the Prime Minister’s spokesman, you have decided to exempt people who were subject to bushfires in Western Australia, although you have not been prepared to confirm that on the record during the committee stage debate.

What about all these other people who have been impacted by natural disasters? Do we have to get a newspaper in each region in each state to ring the Prime Minister’s office so that that newspaper can get a change in policy on the run? Do we really have to get the Hobart Mercury to ring the Prime Minister’s office and ask what is going to happen to people in your home state of Tasmania who have been impacted by natural disasters and who are getting support from the Commonwealth but are being asked to pay the flood levy? Do we really have to get the Adelaide Advertiser to ring about people who were impacted in South Australia to the extent that the government is providing assistance through natural disaster relief funding and to ask about whether they are going to get an exemption so that we can get the Prime Minister to make a decision on the run? What is this process? Is the only way that we can get an appropriate decision in relation to exemptions from the flood tax for people who are hurting because they have been impacted by a natural disaster to get a journalist to ring the Prime Minister’s office? Why can a journalist get an answer from the Prime Minister when senators in this chamber cannot even get the courtesy of so much as a comment from the minister representing the government in this chamber when some very legitimate questions are raised?
Minister, there are serious questions here. We understand that you have expanded the exemption from the flood levy beyond those Australians who were subject to a flood event. On the basis of comments reported in the *West Australian*, it seems that it has been expanded to people who were the victims of bushfires in Western Australia in recent times, although you have not confirmed that on the record. I would like you to confirm it on the record during the committee stage debate. Secondly, why should all these other Australians who have been subject to natural disasters to the extent that they have received natural disaster relief funding from the Commonwealth not also be exempt? What is the difference between somebody who been subject to a natural disaster in Queensland or Western Australia and somebody who has been subject to a natural disaster elsewhere? What is the policy rationale for you to pick one and not the other?

Is the only rationale that there was the risk of a bad headline on the front page of the *West Australian* for the Prime Minister and, as such, she made a decision on the run to exempt the very good people in Kelmscott—who deserve the exemption—from the flood levy? So do we need to make sure that there is a risk of a bad headline in all these other parts of Australia before you do us the courtesy of entertaining their plight?

I do not think it is appropriate, Minister, for you to just sit back and ignore the people of Tasmania, the people of South Australia, the people of Western Australia, the people of Queensland and the people in other parts of Australia who have been impacted by natural disasters that do not fall within the narrow definition of an exemption that is currently on the Treasury website. Quite frankly, Minister, the least you should do is clarify the complete inconsistency between what the Prime Minister’s spokesman said to the *West Australian* and what is on the flood levy fact sheet that is currently on the Treasury website.

I say ‘currently’. It might well have been changed while we have been having this debate. It might well be that some good people in Treasury have been following what has been going on in here and they might have realised that there is an inconsistency and they might well have changed it. But as late as 11 o’clock this morning this was the advice on the Treasury website—that the only people who were going to be exempt were persons who had received an Australian government disaster recovery payment in relation to a flood event in 2010-11. The website said they would be exempt from the levy, whereas the Prime Minister’s spokesman said that the Prime Minister made the decision ‘last night’—that is, on 22 February—that Kelmscott bushfire victims would also not have to pay the national flood levy. Of course, she said that after the head of the Department of Finance and Deregulation said that they would have to pay the flood levy, that they were not going to be exempt. The spokesman for Ms Gillard said victims of this year’s WA bushfires would be exempted, and that was reported in the *West Australian* on 23 February 2011.

Minister, give us one objective reason as to why this is. I am very happy for the people of Kelmscott that they are appropriately being exempted, if that is what is going to happen. But I would like you to clarify the inconsistency between what is on the Treasury website and what the Prime Minister’s spokesman is quoted as saying. I want you to explain to the Senate why it is appropriate for those two categories of victims of natural disasters, both receiving natural disaster funding from the Commonwealth, to be exempted and for all the other Australians who have been subject to natural disasters and who are receiving Australian government disaster recovery payments not to be ex-
emptied. What makes all those other Australians less deserving of his exemption? That is a very simple question.

Minister, going back to your question about how long we want to keep this going, we will keep this going until you have provided a proper answer to this question, because people across Australia impacted by natural disasters deserve answers to this question. If you want to know how long we will keep it going, we will keep it going until you have given the courtesy to the Senate and the courtesy to the Australian people of providing an answer to a very legitimate public policy question that the Senate should get an answer to before we are asked to make a final decision on this legislation.

Senator FISHER (South Australia) (1.17 pm)—Minister, I am sorry to say that I am, for what it is worth, offended by your interjection during the earlier asking of my questions. I am offended that you saw fit to allegedly interject with words to the effect of, ‘How long is this going to take?’ I am offended, Minister, because I think Australians are entitled to see from your government fairness and equity. Australians are fair. They will dig in and they will contribute, provided that they see fairness, and they are not seeing fairness from your government and they are not seeing equity—at a time when many of them are facing arguably some of the greatest personal hardship and distress of their working lives. That must be why your government has a program called the natural disaster assistance and recovery program. That must be why your government saw fit to provide assistance for personal hardship and distress.

So, Minister, in addition to my earlier questions, on what basis does the government consider itself able to judge the distress obviously caused to the people of Queensland and New South Wales by flooding in the 2010-11 year? On what basis does your government see fit to attempt to evaluate, in the words of your program, the ‘personal hardship and distress’ suffered by people in Queensland and New South Wales, for example, versus that suffered by others—suffered by the people of Victoria, the people of South Australia, the people of Tasmania and the people of Western Australia, whom your government has seen fit to assist under the natural disaster relief and recovery arrangements? If your government saw fit to assist those communities in their personal hardship and distress, then on what basis— this is my second question for right now—does your government differentiate between those people when deciding whether or not they are to be exempt from the levy to be paid by the Australian people to assist victims of the Queensland flooding?

Minister, let’s get more particular, and I am afraid I can. Let’s look at the wording of your program on the Attorney-General’s website. The assistance being given under the natural disaster relief and recovery arrangements—I hope you are not leaving the chamber, Minister. I am glad you have got to your feet. Are you answering my questions? No, it would appear not.

The TEMPORARY CHAIRMAN (Senator Marshall)—Senator Fisher, would you like to continue?

Senator FISHER—I am just giving the minister a minute, if I may. Thank you, Chair—I will continue. On the Attorney-General’s departmental website today, there is reference to assistance given under the natural disaster relief and recovery arrangements by your government for the ‘severe thunderstorm on 29 January 2011’ to 20 or so local government areas in Western Australia, beginning with Beverley and Brookton, where my family still farms. I note that list
of 20 ends with the local government area of York.

On what basis does your government see fit to differentiate? Under the assumption that these communities are not proposed to be exempted from the Queensland flood levy, on what basis does your government to seek to attribute a different value to, let’s say, a farmer in Beverley or Brookton who had the roof ripped off their farmhouse by the severe thunderstorm of 29 January 2011? Because it happened, Minister. It happened down the hill from my parents’ house. It happened to the next-door neighbour. They lost the entire roof off their house through the severe thunderstorm of 29 January 2011. They also then suffered a deluge from the rain that followed. So, Minister, on what basis do you attribute presumably some lesser suffering and different personal hardship and distress to a family that lost their roof and got the entire contents of their home sodden to people who suffered similarly from the Queensland floods or, indeed, from Cyclone Yasi?

On what basis does your government see fit to evaluate the loss of human life? Not only were there tragedies suffered by our countrypeople in the Queensland floods; there were also tragedies suffered, allegedly—but certainly during the severe thunderstorm that struck—in those 20 local government areas of Western Australia on 29 January 2011. On what basis does your government differentiate between a life lost due to that severe thunderstorm—in the words of your assistants—by a person driving a car in the local government area of York and tragedies that have occurred across our country in other natural disasters, including the floods in Queensland? What is your basis? Please show us that you are able to demonstrate fairness and equity. I look forward to your answer.

Senator IAN MACDONALD (Queensland) (1.24 pm)—If the minister wants to answer, I will accede to him. But I do not notice him making any attempts to answer, so I will ask some other questions.

Senator Cormann—They are looking at other legislation. The government are happy to waste time.

Senator IAN MACDONALD—Oh, they have a bit of a glitch with the legislative program, have they? That is why the minister is simply not answering this. I just want to say to anyone who might be listening to or watching this debate, we are in the committee stage of the debate. That is the stage of the debate where you go through the legislation line by line and you ask the minister to explain it. You ask for the facts to support it. You ask questions. In every other instance I have ever experienced in my long time in the Senate, ministers have got up and tried their best to answer questions.

The minister claimed that he had answered my questions. I have the Hansard from last night, Minister, and I would like you to identify for me, if you could, where in Hansard you answered my questions from last night. You make the bland statement, so typical of the Labor Party, that, ‘I have answered them.’ But when I look at the hardcopy Hansard of last night I cannot see anywhere where you even attempted to answer the questions I asked last night. You had some very serious and legitimate questions from Senator Back, Senator Fisher and Senator Cormann and you simply refused to answer them. Adding to your arrogance and ignorance, you turn your back and talk to others while we are addressing questions to you.

You waved some papers around and said, ‘These papers are on the website, but I have some here,’ so I got the attendant to get these papers for me. People who are listening to
the debate who have a vital interest in the questions we are asking unfortunately cannot see the papers you waved around. But I have the papers that you waved around. I assume they list the people you say are exempted. They say the item for those who are exempted from the payment covers an individual if they are eligible for an Australian government disaster recovery payment under part 2.24 of the Social Security Act and the individual receives that payment by 30 June 2012. They then goes on to list individuals affected by a disaster declared under national disaster relief arrangements. The first item says the item covers an individual if a declaration is made under the national disaster recovery and relief arrangements.

Minister, you have a department of several thousands of people—a dozen of whom are sitting in the chamber assisting you. Why can’t you assist the Senate, those questioners and the people of Australia who have an interest in these questions by answering Senator Fisher? Are the communities she has mentioned subject to that declaration or are they not? It is a pretty simple question. You have a dozen advisers—highly paid public servants—sitting there advising you.

Senator Sherry—Three.

Senator IAN MACDONALD—There are three now. There were a dozen a little while ago.

Senator Cormann interjecting—

Senator IAN MACDONALD—Hopefully they are changing the website, Senator Cormann, now that you have pointed out that the answer the minister gave us last night and this morning is just patently wrong. You have quite clearly demonstrated that. Minister, why can’t you tell the people of Australia and this parliament the answers to the questions we raise?

I am very keen to know where the $1.8 billion that is being raised is going. You say that you cannot answer for the media releases of Mr Katter and Mr Crook that Senator Back rightly raised. But remember that it was your leader’s agreement with those Independents that allowed you to remain as a minister in this government. You are inextricably interwoven with those Independents. They said that they did a deal with your Prime Minister that allowed for $650 million to go to Mr Katter’s electorate. You say, ‘Ask Mr Katter.’ We are not asking Mr Katter; he is not even in this chamber. You should be able to tell us if your government has made that agreement with Mr Katter. It is a pretty simple thing to say, ‘Yes, we did,’ or, ‘No, we did not.’ We in this chamber want to know where you will be spending the $1.8 billion that you are collecting with this new tax that you are hoping to impose under the legislation we are debating today. We want to know where it is going.

I ask another question to add to the list of questions that I am seeking an answer to. Has the department done any assessment on the number of people who will be exempted from the payment of this tax? You told us yesterday that 45 per cent of the revenue in Australia comes from individuals. Can you let me know how many individuals that actually relates to? With the 45 per cent of tax that is recovered from individuals, how many individual taxpayers does that encompass and what is the department’s estimate of the number of individuals who will be exempted? I am trying to work out which of the individuals who pay income tax will be paying the tax and which will be exempted under arrangements that we are still struggling to find out about from you.

Minister, you are in coalition with the Greens political party. I ask you again as you have still not answered this question: why is it that individuals should pay this flood tax levy and not the major multinationals, the companies that contribute some 55 per cent
The Greens believe that these rich mineral resources and the wealth they generate should be shared by all Australians. He went on to say:

These multinational companies that reap these rich rewards should be paying their fair share of tax. He also issued a press release on 16 January saying:

Coal barons should help pay for catastrophes. Minister, this is your coalition partner, the Greens political party. Why are they not helping pay for the Queensland flood recovery? They are exempted—BHP, Xstrata, Rio Tinto. They are not going to pay a cent to this, but the local electrician and the local plumber will be paying a tax. Why is it, Minister, that individuals should be contributing to the recovery payment?

I ask a further question in the hope that you will answer them. Will the money collected by this tax go to individuals or will it simply go to state governments? There is a perception around that is being promoted by the Labor Party that this flood tax levy is going to go out and help people’s homes to be rebuilt and furniture to be replaced. My understanding is that that is not true. It is simply going to the Queensland state Labor government and other state governments for roads, bridges and that sort of thing. Can you clarify that for us, Minister? I think that is something the people of Australia would like today.

To recapitulate, I want to know how many taxpayers pay the 45 per cent figure that you mentioned last night; what is the department’s estimate of those who will be exempted; what is the rationale for charging individuals rather than corporate taxpayers; and have there been deals done on where the $1.8 billion is to be spent—for example, more directly, is the $650 million going to go to Mr Katter’s electorate? Please answer that. If the answer is ‘yes’, I would be delighted. It is an electorate I cover as well, so I would be pleased to hear it. But I also want you to tell me whether it is going to individuals or just to the state government to build roads. I hope that you may be able to answer those questions and at the same time help Senator Cash and Senator Fisher in the very legitimate questions that they have also asked about this particular tax.

Senator XENOPHON (South Australia) (1.35 pm)—I am an Independent and I am here to help, so I am wondering whether I can assist Senator Macdonald and Senator Cormann.

Senator Ian Macdonald—Are you going to answer some questions?

Senator XENOPHON—No, I am not here to answer questions that have been directed to the government. That would be improper. But I do want to refer Senators Macdonald and Cormann, I think quite properly, to the Senate Economics Legislation Committee’s report that was tabled just yesterday on this piece of legislation. I attended that inquiry from the beginning to the very end. It is important to take into account page 10 of that report, which looked at the issue of exemptions. Treasury officials advised the committee that a draft of the legislative instrument has been released for consultation. It identifies those individuals who will be exempted from the levy as being: firstly, recipients of Australian government disaster recovery payments; secondly, individuals affected by disasters declared under the natural disaster recovery and relief arrangements, the NDRRA; and, thirdly, New Zealand citizens holding special category visas who are not eligible for an Australian government...
disaster recovery payment, despite meeting the eligibility requirements.

In the course of the evidence given to that inquiry I asked questions in relation to the Stockport floods in South Australia. People have lost their homes in this flood event that affected this small but very precious and valuable community in the mid-north of South Australia. In response to the concerns raised, Treasury explained that in those areas of South Australia that have been the subject of a declaration made under NDRRA and where at least one of the following conditions was satisfied—the individual was seriously injured; the individual was the immediate family member of an Australian that was killed, the individual’s principal place of residence was destroyed or sustained major damage, the individual was unable to gain access to their principal place of residence for at least 24 hours, or the individual was stranded in their principal place of residence for at least 24 hours—the affected individuals would be covered by item 2 of the legislative instrument.

Mr Robinson from Treasury confirmed that individuals will be exempt from the levy in the sense that, according to the Disaster Assist website, for the severe weather situation in South Australia in early December 2010, NDRRA assistance was declared for the local government areas of the Clare Valley, the Gilbert Valley, Loxton, Waikerie, Mid Murray and the Barossa. So they were the areas covered and they were the criteria for that, and that is at page 11 of the report. That is my understanding and I think that the criteria are set out quite clearly there in the circumstances in which it applies. There are effectively two streams that would apply as to who would be exempt from it, and those declarations are usually made at a state level as part of the NDRRA.

I am quite comfortable about the administrative arrangements made. Obviously, there are issues about the administrative simplicity in terms of people being able to apply for an exemption and that is something that I think the government is acutely aware of. You do not want it to be onerous. With regard to Senator Cormann’s and Senator Back’s quite proper concerns for their constituents in Western Australia in relation to bushfires, I do not think it is contingent on the Prime Minister or a member of the government making a statement as such. If there is a declaration given for a particular area under the NDRRA arrangements then that would apply.

I think there have been other comments made, quite reasonably, about mitigation. If you look at the NDRRA document, and in particular the new NDRRA determination that was tabled yesterday—which took a number of weeks of very intense negotiations between my office and the government—you will see it sets out guidelines for those relief arrangements where the whole issue of mitigation is a principal concern. Reference is made to paragraph 2 of the guidelines: ‘A fundamental principle of the current arrangements is that they should not be seen as a disincentive to plan, mitigate or allocate resources for natural disasters nor discourage governments, individuals or businesses taking out insurance to protect their assets.’

I hope I have been able to assist the committee in relation to some of the concerns that have been raised. The report of Senate inquiry that was conducted recently by the Senate Economics Legislation Committee sorted out a number of these quite legitimate concerns that have been raised by my colleagues this morning, in particular Senators Cormann, Macdonald and Fisher. I hope that is of some assistance to the committee consideration of this bill.
Senator CORMANN (Western Australia) (1.40 pm)—I really admire—constructive as ever—Senator Xenophon’s attempts to do the minister’s job when the minister, representing this Labor government which wants to whack another tax on the Australian people, is too arrogant to answer some legitimate questions. Senator Xenophon has, in his attempt to do the job for the government, added further complication to it.

I go back to the question. I am very well aware of the Senate committee report into this. It of course refers to a draft legislative instrument and talks about consultation. But we have got no idea what the final decision is. What we do know, though, is that the Prime Minister was well able to make an ad hoc decision when she was asked a question by journalists from the West Australian in relation to bushfire victims in Western Australia. It is a decision we support. We think this is a bad tax. We will oppose this tax. We do not think this tax should go ahead. We think that the government should re-prioritise its wasteful spending in other areas. However, if this tax is to become law then we think that people who have been impacted by natural disasters across Australia should be exempt from paying this tax. It does not make sense for the government, with one hand, to hand out taxpayer dollars to assist people who are in financial distress as a result of a natural disaster, and then to say, ‘We are going to take the money back from you because we are going to hit you with the flood tax—with an increase in your income tax.’

I am aware that the Senate Economics Legislation Committee has canvassed these issues during its deliberations and I am aware of the evidence that was given by Treasury. But the evidence given by Treasury, with all due respect, does not, until we are told otherwise by this government, represent government policy. At this stage all we have been told is, ‘We’ve got this draft list of people who may or may not end up in the final legislative instrument.’

I go back to what is currently on the Treasury website—unless, of course, Treasury has now removed this flood levy fact sheet—which says that those people who are going to be exempt are those who have received an Australian government disaster recovery payment in relation to a flood event in 2010-11’. It says that those people will be exempt from the levy. That is very narrow. That is the advice on Treasury’s website as we speak.

We also have, as a second piece of commentary from the government, the statement from the Prime Minister’s spokesman to the West Australian newspaper to say that victims of the Kelmscott bushfire would also not have to pay the national flood levy. But as Senator Fisher previously outlined in the chamber—very eloquently, I might add—there is a whole series of people right across Australia who are impacted by natural disaster events and who are receiving from the Commonwealth government assistance in order to help them deal with the financial distress they have experienced. In Victoria there is natural disaster assistance available for 36 local government areas: Alpine, Ballarat, Benalla, Buloke, Campaspe, Central Goldfields, Gannawarra, Glenelg, Golden Plains, Greater Bendigo, Greater Geelong, Greater Shepparton, Hepburn, Hindmarsh, Horsham, Hume, Indigo, Loddon, Mansfield, Mildura, Mitchell, Moira, Mount Alexander, Moyne, Murrindindi, Northern Grampians, Pyrenees, Strathbogie, Swan Hill, Towong, Wangaratta, Warrnambool, Wodonga, Wyndham, Yarra Ranges and Yarriambiack. These are local government areas where people have been receiving natural disaster relief funding and the government has said nothing
as to what the status is of Australians in those areas in terms of an exemption from the flood tax.

What about people in South Australia? Again, Senator Fisher made the point very eloquently about people in the areas of Clare, Gilbert Valleys, Loxton Waikerie, Mid Murray and The Barossa. What about people in Western Australia that were subject to a severe thunderstorm on 29 January 2011? They have received natural disaster relief funding, and there are 20 local government areas there: Beverley, Brookton, Cuballing, Cunderdin, Dalwallinu, Goomalling, Narrogin, Northam, Perenjori, Pingelly, Quairading, Toodyay, Victoria Plains, Wagin, Wandering, West Arthur, Wickepin, Williams, Wongan Hills and York. In Tasmania, the minister’s own home state, 11 local government areas have been receiving natural disaster assistance from the federal government.

Senator Sherry—I live in one—my property actually flooded.

Senator CORMANN—For the minister’s benefit, I will say what those local government areas are. He might not be aware of people in his home state who have been the subject of this natural disaster relief assistance, but they are from 11 local government areas: Break O’Day, Burnie, Central Coast, Devonport, Dorset, Kentish, Latrobe, Meander, Northern Midlands, Waratah-Wynyard and West Tamar.

So, Minister, it is a very simple question. Senator Xenophon has very helpfully pointed you to the evidence of Treasury officials stating that some of these people may be exempt. But can you confirm in this chamber for us today that all these people who received natural disaster relief funding from the Commonwealth will be exempt from the flood tax? To be honest, the way these decisions have been made so far is highly unsatisfactory. Initially the decision was that it would be only those who had been subject to a flood event. Then the minister, at risk of a bad headline the next day in the *West Australian*, made a decision on the run, on the spot, to exclude and exempt the good people of Kelmscott who had been subject to a bushfire tragedy.

Senator Xenophon—that’s not right, though.

Senator CORMANN—that is exactly right. Senator Xenophon, I will read you through this sequence again for your benefit. On 22 February at Senate estimates, I had the following interchange with the Secretary of the Department of Finance and Deregulation: Senator CORMANN—Would people like those in Kelmscott who were subject to bushfires be exempt from the flood tax?

Mr Tune—No, not necessarily. That is the government’s—

Senator CORMANN—Why is that?

Mr Tune—The government’s decision at the moment is that those who were subject to the floods are exempt from the levy. It would require another decision to alter that.

Senator CORMANN—Only if the natural disaster you were subject to was a flood will you be exempt from the flood tax? If it is any other natural disaster, you are not exempt at the moment?

Mr Tune—That is the situation as it stands at the moment.

That afternoon, on the back of those comments, a journalist from the *West Australian* went to the Prime Minister’s office and asked, ‘Why is that?’ I will read the first three sentences of a story that appeared the next day in the *West Australian*:

Julia Gillard has said the victims of the Kelmscott bushfire will not have to pay the national flood levy. The Prime Minister made the decision last night after a senior bureaucrat said that although the fire victims qualified for $1000 disaster recovery payments, they were still expected to pay the levy. A spokesman for Ms Gillard said victims of this years WA bushfires would be exempted.
That is what I call policy on the run, Senator Xenophon. I am very happy for the good people of Kelmscott, but I want to know about people in all these other parts of Australia that have been subjected to natural disaster events. If the government has made a decision that all of them are going to be exempt, why wouldn’t the minister very simply get up and say, ‘All of those Australians in all of those areas across Australia that are receiving natural disaster relief assistance from the Commonwealth will be exempt from having to pay the flood tax’? Why wouldn’t the minister just get up and say that?

I might be a naturally suspicious person when it comes to promises made by the government. But if the minister got up now and said, ‘We have made a decision that all of those people impacted by natural disasters across Australia will be exempted from the flood tax,’ then I would take his word and the word of the government for it. But he has not said that. He has not been prepared to say that. He has not even been prepared in the debate today or last night in the committee stage to confirm that the bushfire victims in Kelmscott would be exempted. To make things more complicated, the Treasury, on its own website, is saying that only those Australians subject to a flood event will be exempt. It would not take the minister much to clarify this. I can only assume that the government has not got much legislation that they have to deal with in this chamber, because clearly the minister is not interested in cutting through this, in providing a sensible answer to a legitimate question that has been asked to make sure that the Senate can get on with other business.

We know that the coalition is going to vote against this tax, but we want to know whether or not people in areas impacted by natural disaster across Australia will be exempt. It is a very simple question which has a very simple answer. I am conscious, Senator Xenophon, of what Treasury officials said during the committee inquiry as to what is in the draft legislative instrument. I want to know whether the government has made a decision in relation to all these other people. It has been able to make a decision in relation to the people in Kelmscott in Western Australia. Why can’t it make a decision in relation to people impacted by natural disaster in Victoria or in South Australia or indeed in the minister’s own home state of Tasmania?

I can only draw one conclusion from this: the government does not want to exempt all these people across Australia who have been impacted by natural disasters and the government is planning to hit all these people with this flood tax. I can only assume that the government is quite happy to provide financial assistance to people who have been subject to a natural disaster, because they are in financial distress, and then turn around and take back the money by imposing this flood tax.

If this is not the government’s plan, it is very simple for the minister to resolve this. All the minister needs to do is get up and provide an answer. It is very simple. It comes down to this, Senator Xenophon. The very simple question is: has the government made a decision and can the government give a guarantee that all Australians who have been subject to a natural disaster and who are receiving an Australian government disaster recovery payment in relation to any natural disaster, as defined on the Attorney-General’s website—that is, a bushfire, an earthquake, a flood, a storm, a cyclone, a storm surge, a landslide, a tsunami, a meteorite strike or a tornado—will not be required to pay the flood tax?

If the minister can find it in his heart to actually provide reassurance to Australians
who are impacted by these sorts of events across Australia that, yes, they will be exempt and that, no, they will not be required to pay this tax, then we can progress this debate. But this minister is too arrogant to provide an answer to a very simple question, which is highly relevant for many, many people right across Australia. The government know how to whack on another tax, but they do not know how to be accountable in the parliament for the impact it has on people across Australia. There is a very specific question before this chamber which relates to those Australians who have been impacted by natural disasters that are not classified as flood events.

Senator Xenophon, I really do hope that you share the coalition’s view that this is an issue that should be clarified by the government before the Senate is asked to make a final decision on this legislation. The federal government have been able to make statements in relation to those Australians who were subject to flood events and they have been able to make a decision in relation to those Australians impacted by bushfires in Kelmscott in Western Australia. I am very pleased that they have decided to exempt victims of bushfires in Kelmscott. But why can’t the government make similar decisions in relation to all those other Australians who have been subject to natural disaster events in all those other parts of Australia, including in the minister’s own home state of Tasmania, as we have been able to identify during this debate?

Why would the government not take this opportunity to provide reassurance to those people across Australia who have been victims of a natural disaster who are in financial distress to the extent that the federal government provides assistance to them through the Australian government disaster recovery payment program? Why would the government not be able to tell the Senate, here and now, that all these people will be exempt?

It is a very simple question and it is a question that deserves an answer. People across Australia would form a very dim judgment of this government if it persists with its refusal to provide an answer. If the Prime Minister can make a decision on the run, because she is worried about a bad headline in the *West Australian* the next day, to exempt people in Kelmscott who have been victims of bushfires, why can’t she make a decision in relation to all these other victims of natural disasters in other parts of Australia? It is a very simple proposition which the minister should very carefully consider. I can see, Senator Xenophon, that you are very keen to jump up and do the minister’s job again and provide some explanation— *(Time expired)*

**Senator SHERRY** (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Public Sector Superannuation and Minister Assisting the Minister for Tourism) *(1.56 pm)*—I will answer. I have answered on a number of occasions, as you well know, Senator Cormann and Senator Macdonald. The answer is yes. This debate, along with other, so-called questions, which has now gone on for about an hour and a half and which went on for three hours last night—

**Senator Cormann**—On the third reading!

**Senator SHERRY**—on the third reading. Senator Cormann, I sit and listen patiently to you; I do not interject. But you sit down after asking an alleged question which is more in the nature of a speech. I think for those Australians who are listening to this debate, this is a time for questions, not long speeches. I pointed out last night, in the first hour of the debate—I answered the questions—that many of the questions that were being asked
had in fact been asked before and had been dealt with in the second reading debate.

Senator Ian Macdonald—You don’t answer them!

Senator SHERRY—Senator Macdonald interjects again. I listen courteously to him, but he interjects. The opposition have made long, rambling speeches about issues and have asked questions which have already been put before the Senate and have been answered. We are seeing a filibuster. The opposition are not willing to accept that the majority of the Senate chamber, on the second reading debate, supported the legislation. They are not willing to accept that. They are trying to prevent the legislation going to a third reading vote. If they want to do that, that is their prerogative. It is known as a filibuster. We have now been engaged in it for some 4½ hours. If that is the way the opposition want to behave—they know they do not have the majority in the Senate; they do not want to put it to the final vote. Let us see what the final vote is. All these issues have been canvassed, after some 4½ hours of debate. If you want to continue with this approach, that is your prerogative. This legislation will be debated and discussed in the way you are doing so for the rest of the week. No other business will be undertaken. It may in fact mean that the Senate has to come back for an extra week of sitting. If you want to persist with this approach—4½ hours of filibustering by Senator Macdonald and Senator Cormann—so be it. I am perfectly happy to sit here and answer questions. I have done so. I have answered the questions and if you want to continue to ask questions in this form for another four hours or another four days, so be it. I will sit here and, at the appropriate time, I will respond.

Progress reported.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator FERGUSON (2.00 pm)—My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Carr. Yesterday at 1 pm, Minister Bowen told the ABC that:

There’s some final checks to be done, final headcounts and those sorts of processes but they are moving towards being confident.

Later in the day, the AFP said:

… it is premature for me to comment on any active search plans for detainees that may potentially remain at large outside the centre.

After coming into this chamber and telling us that all escapees had been returned, can the minister tell us once and for all how many escapees have been accounted for?

Senator CARR—Senator Ferguson, what I indicated to you in the chamber yesterday was that there had been advice that there was a small group of people outside the detention system and that the AFP had briefed, just before question time, that people had been returned. Today I am advised that the AFP have advised, following a headcount of detainees at the north-west point overnight, that some discrepancies have been identified. As a result, a broader recount is currently being conducted across the facilities on Christmas Island. Up to four people may be unaccounted for, but the work is still in progress and this will take some time. In addition, Christmas Island police continue to undertake expanded patrols within the Christmas Island community.

The PRESIDENT—Minister, are you finished?

Senator Chris Evans—He answered the question.

Senator FERGUSON—You might have thought so, Minister. Mr President, I ask a supplementary question. Is the minister
aware of reports that officers from the Acacia Prison in Western Australia were sent to Christmas Island to assist in securing the facility after mass rioting? What protections were put in place by the government to ensure that prisoners did not escape or run riot while the guards were off doing the government’s dirty work?

Senator CARR—I indicated to the chamber yesterday that the AFP were in control of the detention centre at the request of the Department of Immigration and Citizenship and that they would remain in control until they were satisfied that order had been restored. As to arrangements with other prisons within Western Australia, I do not have any information.

Senator FERGUSON—Mr President, I ask a further supplementary question. Will the minister now concede that the government not only has lost control of our borders but also has absolutely no idea of what is going on and that, if the government had stopped the boats by bringing back temporary protection visas, this mess would have been avoided?

Senator CARR—I do enjoy the simplistic nonsense that we hear from the Liberal Party on quite complex issues. We have seen a growth in the number of people coming to Australia and that has put stress on the system. The minister is dealing with that in a very open and transparent manner. He is being very clear about the determination of the government to ensure that these issues are dealt with properly and consistent with our international obligations. Suggestions that we can just stop the boats, as the Liberal Party would assert, are completely nonsensical in the circumstances we currently face. Senator Ferguson, I suggest that you try to go beyond the slogan and actually deal with the substance of the issues.

Budget

Senator CAMERON (2.04 pm)—My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister outline to the Senate the importance of maintaining a sound fiscal strategy that will return the budget to surplus? How does this compare with other strategies and are there any risks to achieving this strategy?

Senator WONG—I thank Senator Cameron for the question. This is a government that understands the importance of fiscal discipline, particularly when we know over the medium term that the economy will be nearing capacity. It is sensible for a government to ensure that it brings the budget back into surplus and that is why the government is putting in place the fiscal strategy that has been announced. I am very interested to notice the interests of the opposition on this because on this issue they are all talk and no action.

Opposition senators interjecting—

Senator WONG—Listen to all the ‘guffaws’. The opposition might like to laugh when they remind the Australian people that they went to the last election with a nearly $11 billion black hole in their election costings. Perhaps they would like to remind the Australian people that their flood package had $700 million in double counting. They might remind the Australian people that they are blocking savings measures here in this chamber that come close to $5 billion.

Yes, they have gone very quiet. They talk the talk but will not walk the walk. They talk the talk but will not make the hard decisions. With a $10.6 billion black hole, blocking $5 billion in savings and $700 million in double counting in their flood package they have the temerity to come into this chamber and tell this Senate that they are the party that are fiscally responsible. What a complete joke! One wonders where some of their spokes-
Honourable senators interjecting—

The PRESIDENT—I remind senators that shouting across the chamber is disorderly. If you wish to participate in the debate the time is post question time.

Senator CAMERON—Mr President, I ask a supplementary question. Can the minister outline for the Senate any examples of risks to fiscal discipline?

Senator WONG—The risk to fiscal discipline is the opposition. That is the risk to fiscal discipline. It is very interesting. My counterpart, Mr Robb, who I think we should call ‘the Great Pretender’ when it comes to fiscal responsibility, talks the talk. He says: ‘Spending, spending, spending; more commitments, bigger deficit, off into the future using all of the mining industry money. What a disgrace. What an absolutely irresponsible, inconsiderate, highly politicised approach.’

Honourable senators interjecting—

The PRESIDENT—On both sides! If people in the chamber wish to participate in debate the time is post question time. I just remind senators of that. Senator Wong is entitled to be heard.

Senator WONG—When Mr Robb speaks of an absolutely irresponsible, inconsiderate, highly politicised approach, he could be speaking about his own party room where, for some reason, as shadow minister for finance he let through an $11 billion black hole on the election costings. He has let through $700 million of double counting in the floods package, which I notice he did not appear at—that was interesting. He has let through $5 billion of blocked savings measures and now he is allowing Senator Ronaldson— (Time expired)
better known as her citizens assembly speech, in which the Prime Minister said, ‘I will not allow our country to be held to ransom by a few people with extreme views that will never be changed.’ Why, then, did the Prime Minister not only break her promise that there would be no carbon tax under a government she leads but, in so doing, also break her promise not to allow our country to be held to ransom by a few people with extreme views?

Honourable senators interjecting—

The PRESIDENT—When the sensitivities have died down we will proceed. It does not help either side to be interjecting or responding to interjections.

Senator CHRIS EVANS—Again I am surprised that the opposition have got nothing to contribute to policy debate in this country and are making themselves increasingly irrelevant. It is the case that there are sometimes extreme views, or views that I regard as extreme, held in politics. There are many on the opposition benches whom I regard as holding extreme views. I find the Liberal Party’s industrial relations policy to be an extremist policy—one that seeks to attack workers in this country. At the moment Senator Abetz has been put on the leash and told to say nothing. I understand why you might keep him under wraps, particularly if you are trying to lift your vote. We know extremists still run the Liberal Party’s industrial relations policy. If you want to debate climate change and extremists, we are happy to debate that at any time, because we see Senator Bernardi, still on the front bench of the Liberal Party, who represents some of the most extreme views in Australian politics—not just, I might say, on climate change, but on issues of race and religion as well.

Senator Fifield—A point of order on relevance, Mr President: the question related to the government’s alliance with the Greens. To the best of my knowledge, the government is not in alliance with the opposition.

The PRESIDENT—That is a debating point; it is not a point of order.

Senator CHRIS EVANS—Mr President, I was directly addressing Senator Fifield’s comments about extremes and the question of the climate change debate. We have seen the right-wing extremists of the Liberal Party take over. They do not market Malcolm Turnbull, largely because of the right-wing control in the Senate. The Senate Liberal Party has been taken over by extreme right wingers who are responsible—

Senator Fifield—Name them!

Senator CHRIS EVANS—I am happy to name them, Senator, but it would take a long time because you are overrepresented here—there are no moderates left. There are no liberals left in the Senate Liberal Party. So when we have a debate about climate change we debate with you: the extremists. We are happy to talk about extremist views, because the Liberal Party has abandoned serious public policy debate in an attempt to appeal to extremist views. (Time expired)

Honourable senators interjecting—

The PRESIDENT—When there is silence on both sides we will proceed. Senator Fifield is entitled to be heard in silence.

Senator FIFIELD—Mr President, I ask a supplementary question. I again refer the minister to Prime Minister Gillard’s promise to ‘not allow our country to be held to ransom by a few people with extreme views’ and also to the views of Fiona Byrne, who, as Greens Mayor of Marrickville, has signed up to a ban on commercial, cultural and sporting contacts with Israel and who, as the Greens candidate for Marrickville in the upcoming state election, has advocated a New South Wales trade boycott and sanctions...
against Israel. Does the minister agree that Ms Byrne’s views on Israel are yet another example of extreme Greens views?

The PRESIDENT—The minister can answer only those parts of the question which apply to the portfolio. I invite the minister to answer those parts.

Senator CHRIS EVANS—Clearly the question has no relevance—asking me what a Greens mayor has to say. The Labor Party always supports religious freedom and does not believe that any racial group or religious group ought to be vilified on the basis of their views. It is something I encourage the Liberal Party to return to in their policy. I encourage them to call to heel many of their members, like Senator Bernardi, and not to encourage those sorts of politics in Australia. We sought bipartisan support in this parliament for a climate change response. We worked hard throughout the last parliament to get bipartisan support. What we have now—

Opposition senators interjecting—

Senator CHRIS EVANS—The original question was about climate change.

Senator Fifield interjecting—

Senator Conroy—That is the most irrelevant question on the planet. How can you possibly say—

The PRESIDENT—Senator Conroy, I do not need your help.

Senator Fifield—Mr President, I rise on a point of order as to relevance. The question related to Israel and to a boycott on the state of Israel. I fail to see how views on climate change or policies to address that have any relevance at all.

Senator CHRIS EVANS—On the point of order, Mr President, I ask you how a question about the state of Israel could have followed from the primary question which was about a carbon price, a statement by the Prime Minister and the Greens’ views in this parliament. The opposition continues to abuse parliament and question time with these silly little political games. I am happy to answer any question that comes my way but to take a point of order about relevance after that pitiful performance and then to ask a supplementary question that has nothing to do with the original question really turns question time into a farce. The opposition ought to examine its performance.

Senator Abetz—Briefly, on the point of order, Mr President, I understand the Leader of the Government’s difficulties but there can be no doubt in anybody’s mind that the preliminary question was about the extreme views of a certain political party. Senator Fifield referred to extreme views twice in his preliminary question.

Senator Cameron interjecting—

Senator Abetz—I do not need guidance from a zombie. I do not need guidance from the leader of the zombies.

Honourable senators interjecting—

The PRESIDENT—Order! On both sides, I need order.

Senator Abetz—Mr President, on the point of order, Senator Fifield made it very clear in his preliminary question that he was talking about extreme views as enunciated by the Prime Minister. It was a matter that she deemed appropriate to talk about in her role as Prime Minister. It is therefore quite disingenuous of the Leader of the Government to suggest that it is not relevant to her portfolio responsibilities when she in fact addressed those very issues as the Prime Minister of the country. As a result, the minister should be brought back to the question and asked to be directly relevant, as required by sessional orders.

The PRESIDENT—Before you start, Senator Ludwig, I remind senators that
points of order are to be just that and are not a time for debating the issue. I will listen to points of order and then I will give the appropriate ruling on the points raised.

Senator Ludwig—Thank you, Mr President. On the point of order, there are two points to the point of order: the first, dealing with Senator Abetz’s point of order, is that there is no point of order by Senator Abetz. Senator Abetz was in fact debating the point that was raised. Senator Evans raised in his point of order that the supplementary question did not flow from the primary question. That point was made and the transcript will demonstrate that. He tried to demonstrate that it did. The second matter—

Honourable senators interjecting—

The PRESIDENT—If people want to discuss and debate this, the end of question time is the time to do it. As I said, I am prepared to listen to the points of order but when people debate them across the chamber and people intervene in the point of order being taken by someone from either side, it develops into nothing more than a debate across the chamber and completely defeats the purpose of the point of order.

Senator Ludwig—On the second point, that the minister, Senator Evans, was being directly relevant to the question that was raised, the question was raised in such a wide political context, talking about extreme views of political parties, that Senator Evans could remain very closely and easily within the gamut of that question by the answer that he gave. If the opposition is going to continue to ask such broad political questions which cover extreme views, covering a wide range of matters within the question, then Senator Evans is entitled to answer that part of the question that he can, trying to be directly relevant to the question asked.

The PRESIDENT—At the outset of the supplementary question, after it had been finished and before I called Senator Evans, I did point out to Senator Evans that he needed to address those parts of the question that were relevant to the portfolio. On this occasion I believe there is no point of order. Minister, you have 16 seconds remaining to continue the answer.

Senator CHRIS EVANS—As I was making clear, the government reject extremism in Australian politics. We condemn a range of statements that have been made, including those from some on the opposition front-bench on race and religion. (Time expired)

Senator FIFIELD—Mr President, I ask a further supplementary question. I refer to the fact that Senator Brown, the leader of Labor’s alliance partner, the Greens, has repeatedly campaigned for and talked up Ms Byrne and has failed to condemn her extreme views on Israel. Will the minister join with the coalition in condemning Senator Brown’s failure of leadership and repudiate—

Government senators interjecting—

The PRESIDENT—Order! I am going to hear the question in silence, whether you like the question or not. Senator Fifield, start again. I would like to hear the question.

Senator FIFIELD—I refer to the fact that Senator Brown, the leader of Labor’s alliance partner, the Greens, has repeatedly campaigned for and talked up Ms Byrne and has failed to condemn her extreme views on Israel. Will the minister join with the coalition in condemning Senator Brown’s failure of leadership and repudiate these views on Israel?

The PRESIDENT—Again, I invite the minister to answer that part of the question that is within the standing orders.

Senator CHRIS EVANS—Mr President, I am going to ask you to have a look at the relevance of these questions. The suggestion that I ought to be commenting on what Sena-
tor Brown did or did not do with a member of his party is way out of line in terms of my responsibilities in representing the Prime Minister. The Labor Party’s position on the state of Israel, the support for its right to exist and its support for religious freedom in this country has been longstanding and remains. We have always condemned extremist views and those include views that encourage anti-Semitism. That has always been our position; it remains our position. It has always been my personal position. I think all members of the parliament ought to think about the contributions they make to questions of race and religion in this country. Some leadership from all sides of politics would be helpful for the nation’s politics. (Time expired)

Broadband

Senator STERLE (2.25 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister provide the Senate with an update on the federal government’s Regional Backbone Blackspots Program in Western Australia?

Senator CONROY—I thank Senator Sterle for his ongoing interest in this issue. The Gillard government’s $250 million Regional Backbone Blackspots Program continues to deliver for rural and regional Australia in a way that those opposite, particularly those down in the far corner from the Nationals—the country cousins of the Liberals—were never able to deliver. This program is helping to deliver the first building blocks of the National Broadband Network on the mainland of Australia through the rollout of 6,000 kilometres of fibre backbone across regional Australia, and has already laid 4,000 kilometres of fibre.

I am delighted to update the chamber. Just a short time ago I was in Geraldton for the opening of the 449-kilometre link between Perth and Geraldton. This project has been delivered on time and on budget. The high cost of backbone infrastructure is one of the biggest hurdles to delivering affordable broadband services to families and businesses in regional Australia—a situation that was allowed to fester and grow under the former coalition government’s reign of telecommunications terror. Before the new link was built, backhaul charges were 12 times more than they are today and the service being offered had just one-third of the bandwidth capacity. The new fibre backbone will allow retailers to compete on a level playing field. This program has delivered for families and small businesses. It is delivering to thousands upon thousands of regional Australians in both Western Australia and right across Australia. Those opposite who oppose this should hang their heads. (Time expired)

Senator STERLE—Mr President, I ask a supplementary question. Can the minister expand on what the Regional Backbone Blackspots Program means for families, businesses and their local communities?

Senator CONROY—Building competitive backhaul to regional Australia is all about generating more competition, allowing retailers to offer better speeds, better value and improved performance. People in Geraldton are already reaping the benefits of this new fibre backbone.

Senator Ian Macdonald—What is it going to cost?

Senator CONROY—I am glad you asked that, Senator Macdonald. The Gardiner family were the first customers signed up to the new services from Westnet that are now available. As a result of this new backbone infrastructure, they are now getting 10 times the speed and double the download cap for the same monthly price. This is what Mr Gardiner had to say—
Senator Abetz—It is an introductory offer.

Senator CONROY—This is not an introductory offer. Mr Gardiner said, ‘Our teenage daughters use the internet extensively for their high school studies and my wife and I use email, pay bills, shop and keep in touch with the family.’ (Time expired)

Senator STERLE—Mr President, I ask a further supplementary question. Can the minister outline to the Senate what impact the Regional Backbone Blackspots Program will have in other parts of regional Australia?

Senator CONROY—Just last week I also announced that the Victor Harbor link in South Australia has been completed. That is another 129 kilometres of fibre backbone with the potential to benefit a further 27,000 people. This was delivered, again, on time and on budget. We have routes in Darwin, south-west Gippsland and Broken Hill on track to be completed at the end of the year—again, on time and on budget. There are 109 communities across the length and breadth of this country that will benefit from this, despite the opposition of those in the coalition.

Senator Ian Macdonald—Have they got costs on them?

Senator CONROY—They are towns that you used to care about, Senator Macdonald—places that you used to campaign for. They are going to be getting access to ten-times better services at the same price with double the download cap. That is what you are trying to turn off. (Time expired)

Carbon Pricing

Senator PAYNE (2.30 pm)—My question is to the Minister for Social Housing and Homelessness. How many low-income earners in private rental accommodation, who are already coping with rents rising well above inflation, does the government expect to be pushed over the edge into social housing by the government’s carbon tax?

Senator ARBIB—You can hear it a mile away—here comes the scare campaign. Once again, Senator Payne raises the carbon scare campaign. They tried it yesterday in the House of Representatives and they are trying it again here.

Opposition senators interjecting—

The PRESIDENT—Order! It would help the chamber if those on my left desisted.

Senator ARBIB—Once again, they take the low road in terms of policy. Senator Payne knows full well the amount of investment that the Gillard government is putting into social housing as part of the stimulus—the stimulus that coalition senators voted against and which right now is providing 19,300 public housing homes for people on housing waiting lists. Also, 50 per cent of those are going to people who are homeless or at risk of homelessness. This is the commitment that the Gillard government has to social housing. All Senator Payne has is a scare campaign.

We make absolutely no apology for putting forward a policy to put a price on carbon. It is the right thing to do and it is the right time to do it. The government of course has talked about support for households, has talked about support for effective businesses. That is something that the government will pursue and that will be discussed over time. In the meantime, while that is all being discussed and negotiated, we will reject the scare campaign of Mr Abbott, the Leader of the Opposition, and reject the scare campaign Senator Payne is running throughout the housing sector.

Senator PAYNE—Mr President, I ask a supplementary question. Given that the Housing Industry Association estimates that the government’s carbon tax will add $6,240 to the cost of building an average house
based on a starting price of $26 per tonne, how does the minister expect developers to absorb those costs and to keep up with the increasing demand for social housing?

Senator ARBIB—Senator Payne is quoting from a report from the Housing Industry Association from 2008. We totally reject the figures they have put forward. It is impossible for any organisation to come up with those sorts of figures given that there has been no price set on carbon. There are no details yet in terms of household assistance, and that was not taken into account in any way by the Housing Industry Association. We know that the coalition have one policy here—they have a scare campaign. That is it. It would have been nice if Senator Payne and coalition senators, being so concerned about social housing, had voted for the stimulus—19,300 homes and 80,000 repair and maintenance jobs on homes. The coalition rejected that. (Time expired)

Senator PAYNE—Mr President, I ask a further supplementary question. Can the minister advise how many workers in emissions-intensive trade-exposed sectors will lose their jobs as a result of the government’s carbon tax, and if so how many? Can the government guarantee that no-one will be worse off under the great big carbon tax?

The PRESIDENT—The minister can answer that part of the question that impacts on the portfolio he represents.

Senator ARBIB—I am surprised by the question because it is outside my portfolio.

Senator Payne—Multiskilling!

Senator ARBIB—Well, the Multi-Party Climate Change Committee is currently looking at the issue of a price on carbon. They will certainly be looking at the details in terms of the establishment of a price. They will also be looking at household assistance and assistance for businesses that are affected. Until that time, I think any questions from Senator Payne are premature. Again, I totally reject, as does the government, the scare campaign that Senator Payne and the Leader of the Opposition are running.

Asylum Seekers: Christmas Island

Senator HANSON-YOUNG (2.36 pm)—My question is to the Minister representing the Minister for Immigration and Citizenship. When was the government first made aware of concerns regarding the impact of overcrowding and a lack of resources in the Christmas Island detention facility?

Senator CARR—I understand there was an earlier report to the government, and I am trying to find the date that was provided. I will come back to you on the specific date on which that was provided.

Senator HANSON-YOUNG—Mr President, I am surprised, considering how much this issue is being spoken about by both the government and its own agencies, that the minister does not have that information. I ask a supplementary question. As a signatory to the refugee convention, Australia is required to assess claims for protection equally, regardless of the mode of arrival. Given the massive cost associated with offshore processing, why does the government insist on maintaining offshore processing regimes rather than processing people’s claims here on the mainland?

Senator CARR—I thank the senator for her question. It has been the government’s longstanding policy to deal with offshore assessments through a proper process which is consistent with our international obligations. Nothing has changed in that regard and nothing is likely to change in that regard.

Senator HANSON-YOUNG—Mr President, I do not believe that the minister really answered the question. The question was: what was the justification? Having said that, I ask a further supplementary question. Given the principle that detention will be a
last resort and for the shortest practical time—this is not what happens, of course—does the government now recognise that time limits must be placed on detention to avoid chronic overcrowding and lengthy delays in processing? Will the government consider time limits on detention?

Senator CARR—The government is ensuring that each individual applicant is treated properly, fairly and in a reasonable way while also ensuring that the necessary checks are undertaken in regard to identity, health and other matters that relate to the welfare of the individual and the welfare of this country. Nothing is going to change in that regard. We will ensure that those processes are undertaken thoroughly and that is exactly what the minister is seeking to do at the moment. There have been some delays and the minister has indicated there has been some lengthening of that process due to the number of persons arriving. I think it is appropriate that the minister is seeking to reduce the time people are kept in detention, but nothing will be done which compromises the security of this country or sees the individuals concerned treated in any way which does not ensure that the proper checks are undertaken.

Carbon Pricing

Senator COLBECK (2.39 pm)—My question is to the Minister for Industry, Innovation, Science and Research, Senator Carr. I refer the minister to his statement on 1 October 2007 that industries need certainty for long-term investment and they need to know that an emissions trading scheme will not disadvantage them. In light of the minister’s statement, when will the government be in a position to provide certainty on the date when all the details of its carbon tax will be released, which industries it intends to compensate and the criteria it will use to determine that compensation?

Senator CARR—I thank the senator for his question. What the government does recognise is that there needs to be a price on carbon to provide the necessary incentive to see a transformation of this economy so that we can deal properly with the challenges facing this country in the 21st century. We have to be concerned to ensure that industry is able to adapt to those challenges. As a consequence, we have announced a policy framework, with a start-up date of next year, for a new carbon price which will in turn lead to the development of an ETS in this country.

To ensure that there is proper consultation with business, a business roundtable has been established to ensure the business community is able to engage directly with government on those matters. Further advice is being sought through a council on carbon-intensive trade-exposed industries, which is meeting again this Thursday. So there is a process under way to allow for proper consultation and the details of the program will be announced when that consultation has been concluded. If you are in the business of consultation, you cannot proceed by making ultimatums. That may well be the Liberal Party policy; it is not the Labor Party policy. Our intention is to ensure there is a proper process of engagement with industry and with the community and that is exactly what we are doing.

The announcement on 23 February outlined a high-level architecture for the framework within which the Multi-Party Climate Change Committee could start that process of discussion. Legislation has been introduced to this parliament and there is an opportunity for detailed discussions to take place and establish a starting price for carbon and the assistance arrangements for households and industry. (Time expired)
Senator COLBECK—Mr President, I ask a supplementary question. Is the minister aware of analysis conducted by JP Morgan which found that a carbon tax would slash between 1.9 per cent and 4.6 per cent from average earnings per share for Australia’s top companies in its first year of operation? How do these figures compare with the government’s calculations for the impact of a carbon tax?

Senator Ludwig—On a point of order, Mr President—

The PRESIDENT—I was about to deal with this. I was about to say that the minister can answer that part of the question which pertains to his portfolio.

Senator Ludwig—On a point of order, Mr President: the difficulty is that you have invited the minister to answer that part of the question which relates to his portfolio. As I heard the question, it did not relate to any part of his portfolio. What it sought to do was use Minister Carr’s portfolio as a way of asking the representative of the Minister for Climate Change and Energy Efficiency to answer the question. The issue is this: we started first with the primary question, which was exactly the same in that it purported to ask the minister to address an industry certainty question but was really about climate change and then, secondly, the supplementary question dropped completely the pretence of being about industry issues and went straight to climate change. The question should be directed to the portfolio minister or the representative of the portfolio minister.

The PRESIDENT—Order! This is now debating the issue. I have ruled that the minister need answer that part of the question that relates to his portfolio. The minister is in the position where he can answer the question.

Senator CARR—Thank you, Mr President. I would be delighted to assist in advising the Senate of the hypocrisy of the Liberal Party on this issue. What you have here is a transparent attempt for the climate change deniers—

Senator Brandis—Mr President, I raise a point of order on relevance. The question asked was whether the minister was aware of a fact, that is, an analysis by JP Morgan, and the effect of that analysis on the government’s calculation. On no basis can an attack on the Liberal Party for alleged hypocrisy be either relevant or directly relevant to whether the minister is aware of the JP Morgan document or how the JP Morgan document relates to the government’s own analysis.

The PRESIDENT—Order! There is no point of order. On the occasion of the last sitting week I took time to remind both sides of the chamber about the need to have questions that conform with the standing orders. On that occasion I said I believed there was a lot left to be desired in the questions complying and conforming to the standing orders. I do not want to be pulling every question up. That is not going to assist the process. I am very tolerant of the questions that are asked and I am endeavouring to give as much leeway as humanly possible. But I remind both sides, again, of the questions that are asked in this place, their conformity with standing orders and that they are being asked to the appropriate minister. I cannot direct to whom the questions are asked, so I ask the minister to continue with his answer and draw the minister’s attention to the question and to that part of the question that he may wish—

Senator Abetz—Mr President, I rise on a point of order. With great respect to what you have just said, I think most people in this chamber and those listening would agree that the minister who has specific responsibility for industry in this country also has responsibility as a result for Australia’s top companies because they are represented in the in-
dustry portfolio. That is why this was such a very relevant question and some of the commentary, with respect, that came from the chair made, by implication, a suggestion that this question was not on all fours with the standing orders. It clearly is and the minister should be asked to respond to it.

Senator Conroy—Mr President, on the point of order, Senator Abetz is simply seeking to cover his embarrassment of the fact that their tactics committee actually asked a question to the wrong minister, again. You have accurately said that the minister should answer only those parts of the question which are relevant. I would put to you, Mr President, that it is very hard to be relevant to a question which is irrelevant to your portfolio. I invite you to dismiss Senator Abetz’s point of order.

The PRESIDENT—Order! Senator Conroy, I already, quite some time ago, invited the minister to answer those parts of the question that are directly within the purview of his portfolio.

Senator CARR—Mr President, you have been extraordinarily tolerant. There is no doubt about that. The tolerance with this question is demonstrated again. This is a matter that, of course, is the province of Senator Wong in representing the minister in this chamber. What I can say to the chamber is that we as a government and I as the Minister for Innovation, Industry, Science and Research are working closely with industry to ensure that we have a carbon price which is easy to administer and which is designed to minimise both the compliance costs and the implementation risks, but at the same time expand the opportunities for new jobs, new industries and new opportunities for the Australian people to face up to the great challenges that this country is trying to deal with. (Time expired)

Senator COLBECK—Mr President, I ask a further supplementary question. Is the minister also aware of analysis conducted by Frontier Economics which found that a carbon tax set at $25 a tonne would directly cost at least 45,000 jobs in emissions-intensive and trade-intensive industries in Australia alone? Can the minister guarantee there will be no job losses as a result of this great big carbon tax and can the government guarantee that no Australian will be worse off under the great big carbon tax?

Senator CARR—There could be nothing more serious than the question of jobs and living standards for the Australian people. That is why we take this issue—

Honourable senators interjecting—

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

Senator CARR—What this government are about is ensuring that working people have a stake in the future. Those opposite are actually taking the view that they have no future. You are making an assumption that we can do nothing about climate change. You are working on the premise that, if you frighten people enough, nothing will be done about climate change. We know that not to be a policy that is viable. Jobs in Australia will continue to grow with a carbon price that incorporates appropriate assistance arrangements. We will get the necessary co-investment arrangements in place with new technologies and new processes implemented into the Australian economy and transform this society to deal with those challenges, maintain living standards and maintain high-wage, high-skilled jobs for the Australian people. (Time expired)

Superannuation

Senator STEPHENS (2.51 pm)—Mr President, my question is to the Minister representing the Minister for Financial Services
and Superannuation, Senator Sherry. Can the minister outline to the Senate the plans the Gillard government has in place to boost and secure the retirement savings of Australians? How is the Gillard Labor government helping families save with simpler low-cost superannuation?

Senator SHERRY—To put it at its simplest, the government has announced policies that will ensure that the average Australian worker currently aged 30 can expect up to $40,000 more in retirement income from their superannuation. That is contained in the Gillard government’s Stronger Super package. It is a very comprehensive response to the Super System Review, more commonly known as the Cooper review. That was an election promise made by the Gillard Labor government. We will also be increasing the superannuation guarantee from nine to 12 per cent over eight years by 2020. Importantly, we will be refunding the 15 per cent contributions tax that is currently paid by low- and low-middle-income earners. This is particularly iniquitous and unfair. Low- and low-middle-income earners who pay no effective marginal income tax pay a 15 per cent contributions tax. Millions of low- and low-middle-income earners will effectively pay no tax on their superannuation contributions.

The Stronger Super package includes the introduction of a new low-cost and simple default product called My Super. There will be heightened duties for superannuation trustees and financial planners and other advisers, and also support for the Cooper review’s SuperStream proposals. The average cost of a transaction—that is, the administration and movement of moneys in the system at the moment—is $35 per transaction. I think there are 100 million transactions in a year. So the system is clearly inefficient. Currently there are an average of three superannuation accounts for every working Australian—33 million accounts for almost 12 million Australians. (Time expired)

Senator STEPHENS—Mr President, I ask a supplementary question. Can the minister advise how the Gillard government is charting a clear path for future superannuation reform and providing certainty to both the industry and to fund members?

Senator SHERRY—Once they are minimised and removed, the inefficiencies reflected by double or triple administration and investment fees, higher fees than are necessary, it is estimated that the reforms announced by the Gillard Labor government will save members $2.7 billion a year in fees. Lower fees mean higher retirements incomes for all Australians. SuperStream will improve the back office processing of superannuation. It is estimated that will save up to 25 per cent of the administration costs and again that will equal a saving in the system of approximately $1 billion a year. There are an estimated 5.8 million super accounts currently containing $18.8 billion in lost superannuation moneys—an issue that has been long untouched by previous governments. (Time expired)

Senator STEPHENS—Mr President, I ask a further supplementary question. Can the minister advise if he is aware of any obstacles or threats to the Gillard government’s historic reforms to the superannuation scheme?

Senator SHERRY—The funding of the increase in the superannuation guarantee will come at a significant cost to government revenue. The abolition of the contributions tax that is currently paid by low- and middle-income earners is another very important fairness and equity measure. These two measures cost significant expenditure on the budget. They are being funded as part of the tax package announced by this government, which is funded by the mining resource rent
tax. Obviously, if the mining resource rent tax fails to pass the parliament—and cer-
tainly we know that those opposite, the Lib-

eral-National Party, oppose that tax and the

revenue that flows from it—there will be no

increase in the superannuation guarantee.

There will be no abolition of the tax that

low- and low-middle-income earners cur-

rently pay on their contributions to super.

That is the Liberal-National Party’s position.

(Time expired)

Asylum Seekers

Senator TROOD (2.56 pm)—Mr Presi-
dent, my question is to the Minister repre-
senting the Attorney-General, Senator

Ludwig. Can the minister confirm reports

that an agreement has been reached with

ASIO to ensure that the 900-odd detainees at

Christmas Island found to be refugees but

waiting for security checks will be processed

within the next six weeks? Does the minister

agree that the delay in completing these

checks is a massive failure of policy and a

reflection of the fact that the Labor govern-

ment is no longer able to manage Australia’s

borders?

Senator LUDWIG—I thank Senator

Trood for his question. ASIO’s priority and

responsibility is to ensure that Australia’s

security is not compromised. Security as-

sessments therefore must be thorough and

ASIO is working closely with DIAC on the

visa security assessment case load and

agreed priorities. ASIO relies on DIAC to

prioritise the case load so that it can be ad-

dressed. ASIO regularly reviews and revises

the allocation of resources to security as-

sessments as required through the rear-

rangement of resources. ASIO, I am advised,

is able to respond to changing priorities and

increases in workload where it is needed. So

processing times, as I have said before in this

chamber, do vary in accordance with several

variable things such as the circumstances of
each individual case, the size and complexity

of the case load and the external factors be-

yond ASIO’s control.

At the outset I reject the premise of the

question. What ASIO is doing is working

through the prioritised case load to ensure (a)

that there are thorough security checks and

(b) that they do work with DIAC to prioritise

that work to ensure that they meet individual

circumstances. This is what the opposition

seem to miss in this: the time taken to proc-

ess will vary depending on the individual

circumstances of each individual case. It will

vary because of the necessity to either gain

information and wait for a response or alter-

atively the type or size or complexity of the

individual case itself. So that is an explana-

tion for the time it will take to assess cases.

(Time expired)

Senator TROOD—Thank you for that

circumlocution, Minister. Perhaps you could

mention six weeks in your answer. I ask a

supplementary question. Can the minister

assure the Senate that, in its haste to make up

for its massive policy failure, the rigour of

the security assessments will not be com-

promised and that Australians can be confi-

dent that no-one will be released from deten-

tion who has not been cleared?

Senator LUDWIG—What the opposition

failed to appreciate in the first question I an-

swered, and the second question I am going

to respond to, is that the security assessment

process is and remains an important element

of Australia’s robust border security regime

and will not be compromised. That is what I

said at the outset and we continue to do that.

I know the supplementary question really

rewords the first question, but I will continue

nevertheless.

The Australian public expects nothing less

than that we will not compromise our border

security and we will not compromise on the

required checks that need to be done. With
the security assessments over recent months there has been ongoing collaboration between the Australian Security Intelligence Organisation and the immigration department to streamline security checking arrangements and to reduce processing time without compromising national security.

Senator Brandis—Mr President, I have waited until the minister has almost exhausted his time before taking this point of order. But what the question asked was whether Australians can be confident that no one will be released from detention who has not been cleared. That is the issue that he has not addressed. He has not addressed that issue. He can either give that assurance in the terms asked of him or he cannot.

Senator Chris Evans—Mr President, on the point of order. I just refer the senator to the Hansard. If he had been listening, Senator Ludwig directly provided the answer, which is that there would be no compromising of the current security arrangements. That is a direct answer to the question.

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

Senator Ludwig—I have answered the question.

The PRESIDENT—You have answered the question.

Senator Trood—Mr President, I ask a further supplementary question. Given that the expedited assessments are likely to place increased pressure on ASIO, can the minister assure the Senate that this will not compromise ASIO’s other responsibilities? Can the minister assure the Senate that the reallocation of resources within ASIO will not compromise Australia’s national security?

Senator Ludwig—What ASIO have done is divert significant resources to undertake security assessments within the way that they will manage their portfolio and their responsibilities. National security remains, and continues to remain, an important element of ASIO’s work, as are the security assessments that they do with DIAC, prioritising that work to ensure that they can process those on time. When ASIO does work through and conduct those security assessments, it does so with DIAC to ensure that they can process it in accordance with the work that is being set by ASIO and DIAC to ensure that the work continues.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS
Carbon Pricing
Australian Greens

Senator Fisher (South Australia) (3.03 pm)—I move:

That the Senate take note of the answers given by the Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans), the Minister for Sport (Senator Arbib) and the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked by Senators Fifield, Payne and Colbert today.

I might as well start off by commenting that I find it absolutely remarkable that Senator Arbib, the minister, in his response to Senator Payne, would dare mutter the words ‘here comes the scare campaign’ when Senator Payne was asking the very proper question about the impacts of the carbon tax on public housing recipients. How dare Minister Arbib suggest, ‘Here comes the scare campaign.’

The scare campaign is the government’s and the government’s very own. Forget about ‘here comes the opposition scare campaign’, because ‘Here comes the sun’ is as sophisticated as the government scare campaign. That is all it is: a scare campaign as sophisti-
icated as: ‘Here comes the sun. Therefore thou shalt have a carbon tax’—a carbon tax with no detail. It is a carbon tax at what price per tonne? We do not know. The government’s carbon tax adviser himself, Ross Garnaut, speculates that it will be something between $20 and $30 a tonne.

Who will have to pay this carbon tax? For now, apparently not agriculture. That has to reassure the nation’s farmers. Who will be exempt from having to pay the carbon tax? Who else? Which other industries? We know not. How much extra will people have to pay at the bowser and at the supermarket if a carbon tax is to be imposed? We know not. Who will be compensated? And by how much? Who will not be compensated? We know not. What we know—and all we know—is the government scare campaign: ‘Here comes the sun; thou shalt have a carbon tax.’ We know a bit more though. We know that this government is hell-bent on expending taxpayer funds on an advertising campaign. You could ask: for what? They have funded all these experts to tell them about the carbon tax.

We still do not know the details of it so who is the government going to call? Minister Combet says, ‘Thank you, Senator Nash, now I will not call ghost busters. I will not call myth busters. Who I will call is spin meisters.’ Minister Combet said overnight that the government is examining ‘a number of options for public communications’—about a scare campaign and a policy intent about which we do not know the detail. So Minister Combet said the government is examining ‘a number of options for public communications’ and that this will involve contact with public relations agencies as was ‘standard practice’. You are not wrong about that, Minister. So when this government knows not they call in the spin meisters. That is where they go for their answers, which is a bit intriguing given that the same minister told the Australian public some two weeks ago on *Lateline*:

> It is perfectly valid when developing an important public policy like this that you release your policy intentions in the way that we have...

So he has conceded that is all the government has: a scare campaign—here comes the sun, thou shalt have a carbon tax. It is full of intention but no detail; we do not know it yet. But a public communications firm might help with the detail—let’s hope so—because this government is going to spend our taxpayer funds on advertising it. Will the advertising campaign cost $30 million or perhaps $40 million? Will it cost the amount that you set aside to advertise your ETS?

Will your advertising campaign cost $30 million, the $30 million that was set aside for the last aborted campaign? Or what about the $13 million that your government spent on advertising the failed GROCERYchoice, on the policy intent to go ahead with choice which ultimately came to nothing? What about the government’s botched and bungled—and, thankfully, subsequently aborted—Home Insulation Program? What about the millions of taxpayer dollars spent promoting that program? What about the government’s failed Green Loans program? What about how much money this government spent advertising the Green Start program, which never started? So how much money is this government now going to spend on a policy intent, a scare campaign, that is no more sophisticated than here comes the sun and thou shalt have a carbon tax?

***Senator Jacinta Collins*** (Victoria—Parliamentary Secretary for School Education and Workplace Relations (3.09 pm)—I say, on the same matter, that Senator Fisher might want to move away from themes such as ‘here comes the sun’ or the Hokey Pokey or the time warp and seriously address the matters that have been before us
in question time. However, I must say that, given the opportunity to review several questions asked by the opposition, we do need to seriously address what is an obvious scaremongering campaign.

Let us look at the nature of those questions today. We had them on Christmas Island escapees, political extremism and the impact of the carbon tax. Unfortunately, in this taking-note session we did not even have Senator Fisher understanding the question that had been asked by her colleague Senator Payne. Senator Payne did not, as Senator Fisher indicated, ask the question in relation to the impact of the carbon tax on people in public housing or social housing. Her question was about how many people in housing generally would be shifted into social housing. So please, Senator Fisher, before you put on a performance like that at least understand the question that your colleagues have actually asked. But I thank you at least for the opportunity to reflect on the quality of those questions.

Mr Deputy President, I was somewhat surprised by the nature of your question. I would ask you to reflect on how you question the government when you refer to people such as prison officers doing the government’s ‘dirty work’. It is no wonder that we characterise the nature of these questions as a scare campaign. When the government brings additional resources to Christmas Island to deal with the problems and the trauma—and we all know of the trauma suffered by some of those people who are on Christmas Island—it does not assist in any policy sense or in any reasonable government sense or in any reasonable opposition sense to have that characterised as doing the government’s ‘dirty work’. I would expect better from any senator in this place.

Then we moved on to the discussion about political extremism. The answer from the government here highlighted that there is political extremism across the full political spectrum and that we have seen much of that as well. I agree with Senator Evans that here in Australia fortunately we have been able to proceed politically with a level of political moderatism. If we want to promote extremism, then the opposition can attempt scare campaigns such as this and continue to try to. But I have come across in recent times several examples of where people among the general public have been led to completely misunderstand the nature of a minority government. The reason that they completely misunderstand the nature of a minority government is the way in which this opposition characterises what one is. We in this place all know what minority government is, but there is no excuse at all for the way in which some members of the opposition, particularly those that I would class as having a more extreme perspective, seek to characterise the nature of the arrangements in this parliament. We had an election result and the government has gone on to move forward and deal with the consequences of that election result. We have an opposition though who seek to take advantage of those consequences by scaremongering and using every opportunity they have to misrepresent the circumstances both in this parliament and in the policy perspectives that we are dealing with.

Let me reinforce the messages from the ministers in today’s question time in response to some of those issues. As I said, Christmas Island was also one of the themes in today’s question time. Border security has not and will not be compromised. That is very clear. This government will avoid political extremism. We will avoid political extremism on both sides of the political spectrum, and I wish the opposition would take the same approach.

Finally, this government will take responsible action on climate change. Despite a
scaremongering campaign from those opposite, we will take responsible action, we will consult broadly in relation to the mechanisms we use and any scare campaign that suggests otherwise because there are not answers right now—because we will have comprehensive consultation and engagement—is simply that, scaremongering by the opposition, who should know better.

Senator WILLIAMS (New South Wales) (3.14 pm)—I rise to contribute on taking note of the answers to questions today. How embarrassing it must be for the Labor government. Prime Minister Julia Gillard said, ‘There will be no carbon tax under the government I lead.’ That was on Channel 10 on 16 August 2010. But now Prime Minister Gillard has announced that there will be a carbon tax. That raises the question, if there is going to be no carbon tax under the government that Ms Gillard leads, who is leading the government? She is obviously not, because she has said, ‘There will be no carbon tax under any government I lead.’

Of course, it went on. On the Friday before the election, Ms Gillard stated categorically, ‘I rule out a carbon tax.’ It was on the front page of the Australian on 20 August 2010. Treasurer Wayne Swan said, ‘What we rejected is this hysterical allegation that somehow we are moving towards a carbon tax.’ That was on Meet the Press on 15 August 2010. Mr Swan again, on 12 August 2010, on The 7.30 Report, said: ‘We have made our position very clear. We have ruled it out.’

But now it is in. This is a broken promise of the Prime Minister and the Deputy Prime Minister. Of course, now they are throwing around the lollies—the compensation. First it was Minister Combet, then Minister Crean: 100 per cent of the tax collected will go toward compensation to households. And now Professor Garnaut has said that 50 per cent—that is his recommendation—will go to households. It is amazing to have an economist who is such an expert on science. He has read one side of the equation. I wonder if he ever listened to Professor Latif, one of the key advisors to the IPCC, who said that in actual fact the globe has been cooling from the late 1990s and will continue to cool for the next 10 to 20 years. No, they are not allowed to listen to that; they only listen to one side, obviously—Professor Garnaut.

This carbon tax, according to the spin put on it by the government, is to bring certainty into Australia. As my leader, Warren Truss, said, ‘The only thing certain about the carbon tax is shifting industries overseas.’ We had an announcement in February that there will be a carbon tax. Prime Minister Gillard and Minister Combet, flanked by the de facto Prime Minister of Australia, Senator Bob Brown, and his deputy, Senator Milne, and the Independents—Rob Oakeshott and Tony Windsor—announced that we are going to have a carbon tax. One would have thought that all those who were there are in agreement. But now Mr Windsor is moving away, saying, ‘We might not have a carbon tax.’

This certainty is going to be put out to Australian businesses, industries and investment. This is what they are trying to create: certainty. How much will a carbon tax be? Will it be $20, or $26 or $30? Will it go on fuel? If it is $26 and it goes on fuel, that will be another 7c a litre. What will that cost regional Australia? In towns near where I live, everything comes in on the road; there is no rail. All the groceries, all the supplies, all the food and all the products that are in our electrical stores all come in on the road, and of course everything goes out on the road. All the beef from Bindaree Beef at Inverell, off to export every day of the week, goes out on the road. Are we going to look at an extra 7c a litre on fuel? This is a certainty.
But it gets worse. After three to five years we are going to an emissions trading scheme whereby the price of carbon will be determined by the dealers on the world market. Will it be $20 a tonne or will it be $200, as the NAB flagged at one stage? This is going to bring certainty? We have a fluctuating world price, and the size of your electricity bill will determine how the traders are going on the world market. And they call this certainty. This is just outrageous. Certainty is the last thing it will deliver. The one thing that can put certainty into our economy is to never have a carbon tax or an emissions trading scheme. But no, this is a certainty being flagged by the government.

About 30 billion tonnes of CO2 are produced each year from the burning of fossil fuels. Australia produces around 370 million tonnes. If we lower ours by 70 million tonnes, what is it going to do if the rest of the world stays the same? It will bring CO2 from about 380 parts per million down to about 379 parts per million. And that is going to save the world and stop it heating up? That is outrageous.

Senator HURLEY (South Australia) (3.19 pm)—The questioning today, regardless of the wider question but certainly on any issues to do with the carbon tax or emissions trading scheme, were confused, misleading and illogical, and I think that sums up the quality of debate from the opposition on this issue. I respect that the opposition is caught in a bit of a bind. Within that side of parliament there are markedly different views about climate change and global warming, and there have been some quite markedly different policy views expressed about the coalition position as well. The coalition members must be anxious about standing up and saying anything in case their leader changes policy the next day and they are caught back in the old system. So they stand here in this place and spout rhetoric, grab on to whatever slight titbit of information might come from one of the industry groups who are lobbying for their own industry’s position and try to use that to shore up their own position.

In fact, I am a bit surprised that they have raised the issue today, given the latest poll, which seems to show that they are losing support. One of the key reasons the coalition is losing support generally is this very issue. It seems that people are not responding well to the direct action proposal of Mr Tony Abbott. They are not responding well to the way the coalition is dealing with this issue, and who could blame them? Where does the coalition stand? Where is the logicality of its position? It is nowhere.

The Labor Party has announced that there will be a carbon tax and the overall design and mechanism of how it will work. We are asking for input from key groups. We are asking for input from everyone. The Prime Minister has even offered the coalition some role in all of this, which has been refused. Once the overall architecture has been announced, those industry groups who are now vigorously lobbying, as is their right, to have some input into the design will have it. The government is going out there consulting. Time after time in this place I hear the Liberal Party asking for more consultation. The population have got consultation in this time and within a particular framework. One of the bits of that framework, as the Prime Minister has made very clear, is that lower income households will not suffer as a result of the imposition of a carbon tax. Assistance will go to households.

We have also stated that assistance will go to emissions-intensive, trade-exposed industries. We will not export jobs offshore. That was indeed one of the bases for the emissions trading system that was previously proposed under the previous parliament. No-
one is going to sacrifice 45,000 jobs, I think the figure was, offshore. That is not what is proposed and the coalition know it, but they want to embark on a scare campaign because they have not got a substantive policy to deal with it. Their direct action policy, given their commitment to a five per cent reduction in emissions by 2020, will cost $30 billion. Who is going to pay for that? How is that going to be paid? Mr Abbott has proposed cuts in programs, but we all know that that will not be adequate. And where do you go into the future with that?

We have a problem in the coalition, as illustrated by Senator Williams, who clearly does not believe in climate change. There are others in the party opposite who do believe in climate change. Where do you go? We do not know and I do not think the population of Australia knows. (Time expired)

Senator RYAN (Victoria) (3.24 pm)—Here we go again. When the Labor Party are in trouble they pretend they are not the government. They talk as if they are the opposition and they talk about this side of the chamber. All we hear from them are key phrases. It must be depressing on the other side of this chamber to have a different message about the carbon tax almost daily. We have heard different excuses and reasons and now, finally, they have gone back to the Hawke era. We have got the spirit of Bob Hawke, with Ross Garnaut coming out here to give them some momentum in this debate.

The term ‘scare campaign’ is nothing more than a fudge for Labor being in trouble. The truth here is that the Labor Party has broken an explicit promise. There was no qualification and there was no doubt. It was said directly into the camera, as contrived and rehearsed as everything else that comes out of this Prime Minister’s mouth. You know that that broken promise made the difference last year and, just like all the botomised state governments that are falling around the country, you hope that the Australian people will forget it. But they will not forget your duplicity and they will not forget your cowardice in refusing to take this to the people the way the coalition did with its tax package in 1998. You are simply hoping against hope that the Australian people will give you a free pass.

I would like to examine some of the arguments put forward by this government—some of the many arguments we have heard over the past few weeks, but we do not know if they will be the same ones we will hear next week. It might take another spirit from the Hawke government to come back to give them that argument. We apparently need to introduce a price on carbon because forcing up the price of electricity and fuel will lead to a substantial decrease in its use. As if the 50 per cent increase in power prices in my home state of Victoria over the past three years was not going to do it, the government wants to chuck on another 40 per cent in the next three years. What sort of economic sense does it make when you do not take into account the evidence that is already out there in the public domain? ‘The stone age did not end because we ran out of stones’ is an old economists’ truth. The other thing is that the stone age did not end because they introduced a stone tax or a stone trading system.

Pushing up the price of electricity by a few hundred dollars for each household is not going to lead to the technological breakthroughs we need if we are going to move to the greater use of renewable or low-emissions energy. This government knows that. This contrived market, this contrived price signal, is nothing more than a tax grab, and there is real concern and fear about this in the community. Only two Saturdays ago I and a number of my colleagues—Senator Fifield and Senator McGauran—were at a rally outside the Prime Minister’s electorate
office in Werribee in the western suburbs of Melbourne. Over 500 people turned out that day to protest. As someone who grew up in the western suburbs of Melbourne, I can tell you that these are not people who regularly come to a rally. But there was genuine community anger because there was fear for their jobs, fear for their businesses and fear for their cost of living. They have worn the cost of this federal Labor government over the past three years, they have worn the cost increases by state Labor governments over the past decade, and they know what is coming next. They know that it is only going to get worse.

This government throws around the word ‘reform’ as if reform were somehow a lifeboat from the disaster they are in and the leaking ship that is this government. The ALP yell ‘compensation for the introduction of this new tax’. Let us just sit back and think of that for a second, compared to the history in this country. They are going to introduce a new tax and they are kind enough to give you back half of it, but only to those select Australians they approve of. Yet again the people on the other side of this chamber seek to divide Australia between those who they think are worthy of paying more tax—and having some of it given back to them—and those who they think are not. That is consistent with the divisive approach the Labor Party has always taken. When the coalition introduced the GST—I was not in this chamber at the time—10 taxes were abolished. Tell me: what taxes are going to be abolished when this carbon tax is introduced?

Senator Abetz—None.

Senator RYAN—Apart from you, Senator Abetz, I hear crickets from the other side of the house—the deafening silence of truth. The truth is that they are only interested in the tax grab.

The compensation is nothing more than a con. As well as it being a con that you are going to introduce compensation for a tax you are introducing, you know that the carbon price is meant to rise. You know that this carbon tax is meant to increase in price, so the compensation you allegedly are promising—a worthless promise for people tomorrow—will be worth nothing in two or three years time as you jack up the carbon price. This government will be condemned by the Australian people.

Question agreed to.

PETITIONS

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

Marriage

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

We, the undersigned petitioners, call on the Senate to support the definition of marriage as currently contained within the Marriage Act (1961)

In support of Marriage as currently defined in the Marriage Act (1961)

Noting the following:

- that marriage is currently defined in the Marriage Act (1961) as being ‘... the union of a man and a woman to the exclusion of all others, voluntarily entered into for life,’ each element of which is essential to the integrity of marriage and each of which was inserted into the Marriage Act on a bipartisan basis in 2004;
- that marriage is one of the great institutions on which our society is built;
- that marriage provides for a stable family and is the umbrella under which children are nurtured and grow; and
- that marriage is worthy of protection and support;

We, the undersigned petitioners, call on the Senate to support the definition of marriage as currently contained within the Marriage Act (1961)
by Senator Barnett (from 16,449 and 57 citizens)

Brain Tumours
To the Honourable President and members of the Senate in Parliament assembled: The petition of the undersigned shows:
That each year in Australia approximately 1400 people are diagnosed with a primary malignant - brain tumour and many others develop a so-called ‘benign’ brain tumour, or metastases (secondaries) to the brain from another cancer elsewhere in the body.
That the diagnosis of a brain tumour can have a devastating effect on the individual and their caregivers because of the often poor prognosis and that brain tumours are the only cancer to affect both a person’s mental and physical capacities.
That brain tumour patients and their caregivers require special attention within the health system, hearing in mind that these tumours cannot be screened for or detected early, nor prevented by lifestyle changes, and can randomly affect the young and old, male or female.
Your petitioners request that the Senate:
1. Urgently provide funding for the creation or positions of brain tumour care coordinators who will be able to assist the patient during their journey with a brain tumour:
2. Provide for the rapid evaluation—and approval and subsidisation where appropriate—of new therapies which are available to brain tumour patients overseas but not yet available in Australia.
3. Dramatically increase the amount of research funds available for the study of brain tumours and ways of providing better support for patients and their caregivers.
4. Enable all brain tumour patients to be informed of the availability of clinical trials and provide them with easy access to these trials if they so wish.
5. Acknowledge that all children returning to school after treatment for a brain tumour have special needs and require the services of clinical psychologists and associated therapists working in liaison with teachers and parents. This assistance should be subsidised and automatically offered to all parents after the child has received treatment.

by Senator Ryan (from 46 citizens)

Petitions received.

NOTICES
Presentation
Senator Pratt and Hanson-Young to move on the next day of sitting:
That the Senate—
(a) acknowledges the Government’s continued commitment to improved media representation of women through the 2010 launch of the Voluntary industry code of conduct on body image (the code);
(b) recognises that body image is an important health and wellbeing issue, as evidenced by research, including:
(i) the recently released report, Australian Guides say … 2010: An insight into the minds of girls and young women in Australia today, which shows that 63 per cent of girls aged 10 to 14 years, and 75 per cent of those aged 18 to 30, believe that the media think the most important aspect of being a girl is to look ‘pretty and thin’ and that pressure to look good was listed by survey respondents as one of the top 10 worst things about being a girl,
(ii) Mission Australia’s National survey of young Australians 2010: Key and emerging issues, which states that body image is the top personal concern among 11 to 24 year old Australians, a highly regarded survey which had 50 240 participants, with 53.9 per cent of the respondents being female,
(iii) research published in 2000 by the Faculty of Health, Queensland University of Technology, which showed that anorexia nervosa is the third most common chronic illness after obesity and asthma for adolescent girls in Australia, and
(iv) a report published in the Annual Review of Medicine, dated February 2010,
which states that anorexia nervosa has the highest mortality rate of any psychiatric order with the death rate higher than that of major depression;

(c) applauds the important work of Equality Rights Alliance, led by YWCA Australia, to promote and strengthen the code; and

(d) notes that as Australia’s largest network of organisations advocating for women’s equality, women’s leadership and acknowledgement of the diversity of women, Equality Rights Alliance celebrated 100 years of International Women’s Day held on Tuesday, 8 March 2011, with ‘Sharing Young Women’s Stories’, a project to promote positive body image.

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

That the President’s ruling that remarks by Senator Brandis in the Legal and Constitutional Affairs Legislation Committee on 16 March 2011 offended standing order 193 and constituted offensive language, be appropriately responded to by a withdrawal of the offending words by Senator Brandis in the Senate, within 24 hours.

Senator Farrell to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to provide a framework for reducing the environmental and other impacts of products, and for related purposes. Product Stewardship Bill 2011.

Senator Chris Evans to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to regulate higher education, and for other purposes. Tertiary Education Quality and Standards Agency Bill 2011.

Senator Chris Evans to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to deal with consequential and transitional matters arising from the enactment of the Tertiary Education Quality and Standards Agency Act 2011, and for other purposes. Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Bill 2011.

Senator Trood to move on the next day of sitting:

That the time for the presentation of the report of the Select Committee on the Reform of the Australian Federation be extended to 20 June 2011.

Senator Trood to move on the next day of sitting:

That the Joint Standing Committee on Migration be authorised to hold a public meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 24 March 2011.

Senator Bilyk to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to deal with consequential and transitional matters arising from the enactment of the Tertiary Education Quality and Standards Agency Act 2011, and for other purposes. Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Bill 2011.

Senator Trood to move on the next day of sitting:

That the Select Committee on the Reform of the Australian Federation be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 24 March 2011.

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

That the Senate—

(a) acknowledges the success of the Deafness Technology Demonstration Forum in Parliament House on 19 August 2009, and notes the interest expressed by parliamentarians in technologies to enable deaf students to better participate in mainstream education;

(b) draws the attention of senators to recent progress in further development and application of the ‘Ai-Live’ system, which combines voice recognition software with trained re-speakers to deliver real time word accurate text translation or captioning of speech to the student and its successful application in schools and further education;

(c) recognises the transformative impact that technology has had on the engagement and learning of deaf students with access to the technology, who as a result are now able to understand and follow what their teacher or lecturer is saying in real time;
(d) notes that state and territory education departments have indicated in principle commitment to a national pilot of Ai-Live in high schools, which would see them meeting 75 per cent of the costs; and

(e) calls on the Federal Government to provide supplementary funding, to cover technology, infrastructure and support costs, to enable a national pilot of Ai-Live to commence.

**Senators Siewert** and **Xenophon** to move on the next day of sitting:

That the Senate—

(a) welcomes the launch of the Australian Churches Gambling Taskforce on Tuesday, 22 March 2011;

(b) raises concern at the significant impacts of problem gambling on our community, including relationship breakdown, mental health issues, unemployment, debt and financial hardship, theft and social isolation, with an estimated cost to our community of $4.7 billion a year;

(c) notes the Productivity Commission’s findings that:

(i) for every problem gambler, on average seven other people are adversely impacted as a direct result, and

(ii) of the 600 000 Australians who play poker machines on a weekly basis, approximately 15 per cent are problem gamblers and account for around 40 per cent of expenditure on the ‘pokies’, with an estimated average loss of $21 000 per problem gambler per year, and another 15 per cent are at risk of becoming problem gamblers; and

(d) commends the ongoing effort to introduce a national pre-commitment scheme for all electronic gambling machine venues and expresses hope that we can reduce the impacts of problem gambling on those vulnerable to gambling addiction, their families and loved ones.

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

That the following matter be referred to the Rural Affairs and Transport References Committee for inquiry and report by 2 November 2011:

Operational issues arising in the export grain storage, transport, handling and shipping network, with particular reference to:

(a) any risks of natural, virtual or other monopolies discouraging or impeding competition in the export grain storage, transport, handling and shipping network, and any implications for open and fair access to essential grains infrastructure;

(b) the degree of transparency in storage and handling of grain and the appropriateness of any consequent marketing advantages;

(c) equitable access to the lowest cost route to market, including transport options;

(d) competition issues arising from the re-delivery of grain;

(e) the absence of uniform receipt, testing and classification standards and practices and any implications for growers and/or for Australia’s reputation as a quality supplier;

(f) equitable and efficient access to the shipping stem; and

(g) any other related matters.

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

That the Senate—

(a) notes the past statements by the Prime Minister (Ms Gillard) in relation to Government advertising, specifically that ‘Labour will end the abuse of taxpayer funded government advertising’;

(b) expresses its regret at the hypocrisy on display as a result of the Government having confirmed it is developing options for an advertising campaign related to its planned carbon tax; and

(c) states its clear opposition to any such taxpayer funded advertising campaign prior
to consideration by the parliament of the Government’s carbon tax proposal.

Senator Fifield to move on the next day of sitting:

That the Senate—

(a) notes:
(i) the boycott of Israel instigated by Marrickville Council – part of the Global Boycott Divestments and Sanctions (GBDS) – banning any links with Israeli organisations or organisations that support Israel and prohibiting any academic, government, sporting or cultural exchanges with Israel,
(ii) letters from Marrickville Council to Members of Parliament asking them to support the GBDS, and
(iii) reports of the intention of the Greens Marrickville Mayor, Ms Fiona Byrne, to seek to extend the boycott of Israel to the entire state of New South Wales;
(b) acknowledges that Israel is a legitimate and democratic state and a good friend of Australia; and
(c) denounces the Israeli boycott by Marrickville Council and condemns any expansion of it.

Senator Cormann to move on the next day of sitting:

That the following matters be referred to the Finance and Public Administration References Committee for inquiry and report by 6 May 2011:

(a) capacity and ability of AHPRA to implement and administer the national registration of health practitioners;
(b) performance of AHPRA in administering the registration of health practitioners;
(c) impact of AHPRA processes and administration on health practitioners, patients, hospitals and service providers;
(d) implications of any maladministration of the registration process for Medicare benefits and private health insurance claims;
(e) legal liability and risk for health practitioners, hospitals and service providers resulting from any implications of the revised registration process;
(f) liability for financial and economic loss incurred by health practitioners, patients and service providers resulting from any implications of the revised registration process;
(g) response times to individual registration enquiries;
(h) AHPRA’s complaints handling processes;
(i) budget and financial viability of AHPRA; and
(j) any other related matters.

Withdrawal

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting the Attorney-General on Queensland Floods Recovery) (3.29 pm)—I want to withdraw business of the Senate notice of motion No. 2 to refer a bill to a committee and I seek leave to make a short statement.

Leave granted.

Senator LUDWIG—I understand that the preferred method of dealing with this issue is to allow the debate on the second reading of the bill during debate on private member’s bills and then refer it to a committee. I am in the hands of the Senate and that seems an appropriate way of dealing with these matters. I foreshadow that I will circulate a second reading amendment which has that effect so that the chamber is on notice. In that way everyone can then understand the process that will be adopted before we get to the Thursday private member’s bills so that there will be no surprises for the Senate.
COMMITTEES

Environment and Communications References Committee

Extension of Time

Senator FISHER (South Australia) (3.31 pm)—by leave—I move:

That the time for the presentation of the report of the Environment and Communications References Committee on the adequacy of protections for the privacy of Australians online be extended to 24 March 2011.

Question agreed to.

Electoral Matters Committee

Meeting

Senator McEWEN (South Australia) (3.31 pm)—At the request of Senator Carol Brown, I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 23 March 2011, from 9.30 am to 10.45 am, to take evidence for the committee’s inquiry into the conduct of the 2010 Federal Election and matters related thereto.

Question agreed to.

Cyber-Safety Committee

Meeting

Senator McEWEN (South Australia) (3.31 pm)—At the request of Senator Wortley, I move:

That the Joint Select Committee on Cyber Safety be authorised to hold a public meeting during the sitting of the Senate on Thursday, 24 March 2011, from 9.30 am to 10.30 am.

Question agreed to.

Scrutiny of New Taxes

Meeting

Senator PARRY (Tasmania) (3.32 pm)—At the request of Senator Cormann, I move:

That the Select Committee on the Scrutiny of New Taxes be authorised to hold a public meeting during the sitting of the Senate on Thursday, 24 March 2011, from 10.30 am to 12.30 pm.

Question agreed to.

Economics References Committee

Extension of Time

Senator PARRY (Tasmania) (3.32 pm)—At the request of Senator Eggleston, I move:

That the time for the presentation of the report of the Economics References Committee on the impacts of supermarket price decisions on the dairy industry be extended to 20 April 2011.

Question agreed to.

NOTICES

Postponement

Senator CORMANN (Western Australia) (3.32 pm)—by leave—I move:

That general business notice of motion No. 199 standing in my name for today, relating to a proposed tax summit, be postponed till 23 March 2011.

Question agreed to.

FEMALE BOARD APPOINTMENTS

Senator HANSON-YOUNG (South Australia) (3.33 pm)—I move:

That the Senate—

(a) notes that:

(i) women make up only 25 per cent of board appointments in Australia, and

(ii) of that figure, only 10 per cent of the Australian Stock Exchange 200 companies have female directors, and only 8 per cent have female executives;

(b) recognises that:

(i) women in the workforce face many issues, including pay equity, the impact of unpaid work and family responsibilities on their careers and the disparity in retirement savings, and

(ii) improving the levels of female leadership in corporate Australia will help to drive change in all of these areas; and

(c) calls on cross-party support to take the lead and phase in meaningful quotas in boardrooms around Australia.
Senator CASH (Western Australia) (3.34 pm)—I seek leave to make a short statement on the motion.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator CASH—The coalition will not be supporting the Greens motion. The coalition is committed to fostering a culture within our nation where women are full and active participants in all spheres of public and private life across a wide range of decision-making positions. The coalition believes that the high-level appointments of women should recognise merit and excellence rather than be based on some unilateral quota which could be intended or interpreted to placate women rather than promote excellence and advance the cause of Australian women.

We hold the view that the appointment of women to boards for reasons other than merit or excellence could be counterproductive and work against the long-term interests of women. We believe that encouraging skilled and talented women to contribute to this country’s decision-making processes is a far more effective way of increasing women’s participation than relying on arbitrary quotas.

The coalition believes that there is no job women should not aspire to. However, a woman should never be appointed to a role in an attempt to justify or satisfy an arbitrary quota or some presumed politically correct position. Using women to justify or satisfy an arbitrary quota is demeaning to women and has the potential to hinder the aspirations of women and develop a second-class of citizen.

We need to foster the opportunities that give women real choices in life and encourage female talent to make it to the top. The coalition prefers to see this done by giving women a fair go to demonstrate their special skills, aptitudes, capacities and abilities, not by having to rely on a mandated quota. Quotas can be a crude, blunt instrument that have the effect of failing to promote ability or excellence and can ultimately let firms off the hook.

Quotas can work against the interests of women rather than address problems and create policies and opportunities designed to help women balance work and family life. As the opposition shadow spokesperson for women’s interests, I hold the view that there should be no room for gender based discrimination in Australian workplaces, but I stress that the interests of women are not necessarily served by implementing arbitrary quotas. We must all strive to make a difference by encouraging skilled and talented women to aspire to higher profile and more challenging roles.

Senator XENOPHON (South Australia) (3.36 pm)—I seek leave to make a brief explanation.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator XENOPHON—I indicate that I do not support the motion in its current form but I do believe that the impact of quotas in jurisdictions where quotas have been imposed ought to be assessed. There ought to be a thorough examination of the potential benefit of quotas and other mechanisms to remove the discrimination and barriers to women in board positions that this motion seeks to achieve. I think what the motion seeks has merit but I am concerned that there ought to be a thorough examination of the impact of quotas and other mechanisms in other jurisdictions in order to achieve the desired outcomes of this motion.

Senator HANSON-YOUNG (South Australia) (3.37 pm)—Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.
Senator HANSON-YOUNG—I appreciate the clarification from the coalition spokesperson on the status of women as to the coalition’s position on this, because we know that the shadow Treasurer, Joe Hockey, has indicated his support for this particular measure being put in place. I would hate to think that the comments that were made by the opposition spokesperson on the status of women mean that she is in some way saying that the women of Norway are demeaned because this type of system has been put in place there. I accept that Senator Xenophon is not totally dismissive of this idea and, if he would like to move for a Senate inquiry, I am sure we could get the facts and figures and the evidence on the table.

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

The Senate divided. [3.42 pm]
(The Deputy President—Senator the Hon. AB Ferguson)

| Ayes.......... | 5 |
| Noes.......... | 33 |
| Majority....... | 28 |

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

NOES
Adams, J. Back, C.J.
Barnett, G. Bilyk, C.L.
Brown, C.L. Cameron, D.N.
Cash, M.C. Cormann, M.H.P.
Eggleston, A. Ferguson, A.B.
Fielding, S. Fifield, M.P.
Furner, M.L. Hurley, A.
Hutchins, S.P. Joyce, B.
Kroger, H. Ludwig, J.W.
Marshall, G. McEwen, A.
McGauran, J.J. McLucas, J.E.
Moore, C. Nash, F.
O’Brien, K.W.K. Parry, S. *
Polley, H. Stephens, U.
Sterle, G. Troeth, J.M.
Williams, J.R. Wortley, D.
Xenophon, N. * denotes teller

Question negatived.

COMMITTEES

Economics References Committee
Reference

Senator XENOPHON (South Australia) (3.45 pm)—I seek leave to amend business of the Senate notice of motion No. 3 by deleting the word ‘foreign’ in subsection (b).

Leave granted.

Senator XENOPHON—I move the motion as amended:
That the following matter be referred to the Economics References Committee for inquiry and report by 30 June 2011:

(a) whether such an acquisition would be in the national interest;
(b) whether the 15 per cent ownership cap on the ASX is appropriate;
(c) whether the revised proposed composition of the merged board and governance arrangements (as announced on 15 February 2011) are appropriate;
(d) the Government of Singapore’s interest in the SGX and its role in the proposed merged entity;
(e) what impact such an acquisition might have on Australia’s ability to attract investment; and
(f) any other related matters.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.45 pm)—I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator JOYCE—The National Party has serious concerns about the Australian
Stock Exchange and the Singapore Stock Exchange merging—in a takeover. However, we believe that, because the matter is before the Foreign Investment Review Board and those discussions are commercial-in-confidence, it is not the appropriate time for an inquiry. We see a great avenue for the time after FIRB has reported and Mr Swan has given his verdict as to whether he believes this should go forward. We would support an inquiry in the time before it comes back to the Senate to remove the 15 per cent ownership limit. The inquiry would investigate why it would be in Australia’s interests to have the commercial centre of the Stock Exchange moved from Sydney to Singapore, its merchant banks and stockbroking firms taken from our nation and placed in another nation. That is why at this point we will not be supporting this inquiry, but we put on notice that we envisage we will support it in the next four weeks or so—unless Mr Swan does the bleeding obvious and stops this going forward.

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

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator XENOPHON—I appreciate the comments and the sentiments expressed by Senator Joyce in relation to this matter. However, I believe it is appropriate to proceed with such an inquiry at this stage for a number of reasons including, notwithstanding that the Foreign Investment Review Board is looking at this matter now, that the committee could do some very useful work looking at the 15 per cent ownership cap of the ASX and whether it is appropriate, what role the government in Singapore plays in relation to the Singapore Exchange, what role it will play in any proposed merged entity and what impact such an acquisition could have on Australia’s ability to attract investment. I believe useful work could be done by the committee notwithstanding that the matter is still being reviewed by the Foreign Investment Review Board. It is in the public interest to look at these matters sooner rather than later.

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

The Senate divided. [3.49 pm]

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

| Ayes | 6 |
| Noes | 33 |
| Majority | 27 |

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

NOES
Abetz, E. Adams, J.
Back, C.J. Barnett, G.
Bilyk, C.L. Brown, C.L.
Cameron, D.N. Cash, M.C.
Cormann, M.H.P. Eggleston, A.
Feeney, D. Ferguson, A.B.
Fielding, S. Fifield, M.P.
Furner, M.L. Hurley, A.
Hutchesins, S.P. Kroger, H.
Ludwig, J.W. Marshall, G.
McEwen, A. * McGauran, J.J.J.
McLucas, J.E. Moore, C.
Nash, F. O’Brien, K.W.K.
Parry, S. Polley, H.
Stephens, U. Sterle, G.
Troeth, J.M. Williams, J.R.
Wortley, D.

* denotes teller

Question negatived.
Rural Affairs and Transport References Committee

Reference

Senator MILNE (Tasmania) (3.52 pm)—

I move:

That the following matters be referred to the Rural Affairs and Transport References Committee for inquiry and report by 8 April 2011:

(a) the science underpinning the technical assumption that *Apis cerana*, the Asian honey bee, cannot be eradicated in Australia;

(b) the science underpinning the assumption that the Asian honey bee will not spread throughout Australia;

(c) the science relating to the impacts of the spread of the Asian honey bee on biodiversity, pollination and the European honey bee; and

(d) the cost benefit of eradication of the Asian honey bee.

Question agreed to.

MEETINGS OF THE SENATE

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.52 pm)—I move:

That when the Government, or any other senator, intends to rely on the clauses under standing orders 55(2) to (5) relating to an unscheduled meeting of the Senate, leaders of all parties or independent senators shall be consulted in a timely manner prior to the summoning of the Senate.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting the Attorney-General on Queensland Floods Recovery) (3.53 pm)—I seek leave to move an amendment to the motion.

The DEPUTY PRESIDENT—Is leave granted?

Senator LUDWIG—I was just trying to send it off to the Procedure Committee.
suggestion and, in fact, we actively supported it.

This, unfortunately, is yet again an indication of the Australian Greens approach— it is all about me, it is all about the Greens, rather than looking at the sensitivity of the moment. In the sensitivity of the moment we in this place were able to share, at the same time, two minutes silence with our cousins across the Tasman in the wake of the Christchurch disaster. It did not require us to prepare speeches or anything of that nature and I thought it was a proper and decent thing for the government to suggest. It was a suggestion we were willing to conform with and expedite. That this motion is still before us and is still being pursued is an unfortunate reflection of petulance.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.56 pm) by leave— It is unfortunate that Senator Abetz would take this totally wrongly and respond in a nasty and pejorative way to a motion which is about improving the procedures of the Senate. Let me put it on record that we were totally in agreement with the government’s decision to hold two minutes silence at the same time as the people of New Zealand. In fact, had we been in government we would have held two minutes silence around the country, not just in this parliament.

However, arising from that comes a procedural issue of all parties being notified and consulted when the Senate is called at an extraordinary time or out of hours. This is good practice, it has not necessarily been done in the past and I think it needs to be instituted. I would be very happy to agree to the Procedure Committee looking at the matter. Senator Abetz has done himself and the coalition no good at all by his quite nasty and irrelevant intervention. I will be supporting the reference. It can do nothing but good to have the Procedure Committee look at the matter.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting the Attorney-General on Queensland Floods Recovery) (3.58 pm) by leave— The government will not be supporting the motion itself. We do think it is a matter that should be referred to the Procedure Committee. On that basis I will foreshadow a motion to refer the matter to the Procedure Committee. I will lodge it today, for tomorrow, and we will deal with it in due course.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.59 pm) by leave— In view of Senator Ludwig’s excellent suggestion, I seek leave to withdraw my motion.

Leave granted.

EAST TURKISTAN AND TIBET

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.59 pm) I move:

That the Senate—

(a) notes the reported Chinese crackdown on democracy advocates in East Turkistan and Tibet following democratic protests in the Middle East; and

(b) asks the Minister for Foreign Affairs (Mr Rudd) to confirm with Chinese authorities:

(i) the substance of the charges leading to the 2007 arrest of Mr Ablikim Abdiriym, the son of Uighur advocate Ms Rebiya Kadeer,

(ii) whether Mr Abdiriym has suffered prolonged solitary confinement and torture as reported by Amnesty International late in 2010,

(iii) whether Mr Abdiriym has recently received medical treatment, and

(iv) when Mr Abdiriym is due to be released.
Question put.

The Senate divided. [4.04 pm]

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

Ayes.......... 6
Noes.......... 31

Majority....... 25

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

NOES
Adams, J. Barnett, G.
Bilyk, C.L. Brown, C.L.
Cameron, D.N. Colbeck, R.
Eggleston, A. Farrell, D.E.
Feeney, D. Ferguson, A.B.
Fielding, S. Fifield, M.P.
Furner, M.L. Hurley, A.
Hutchins, S.P. Kroger, H.
Ludwig, J.W. Marshall, G.
McEwen, A. McGauran, J.J.J.
McLucas, J.E. Moore, C.
Nash, F. O’Brien, K.W.K.
Parry, S. * Polley, H.
Stephens, U. Sterle, G.
Troeth, J.M. Williams, J.R.
Wortley, D.

* denotes teller

Question negatived.

HIGH SEAS BOTTOM TRAWLING

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

That the Senate—

(a) notes:

(i) deep sea bottom trawling can be a highly destructive fishing practice causing enormous damage to deep sea corals, rare and unique species, fish populations and sensitive bottom habitats,

(ii) the Senate on 11 October 2006 unanimously endorsed the Australian Government position to put in place measures on protecting high seas biodiversity through proposing a series of bans on high seas bottom trawling;

(iii) in December 2006 the United Nations (UN) called on all fishing nations to ban bottom trawling in vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals until it had been assessed that there will be no significant adverse impacts and that in 2009 the UN General Assembly reinforced the need for environmental impact assessments of bottom fisheries on the high seas and to ensure that vessels do not engage in bottom fishing until such assessments have been carried out,

(iv) Australia has not yet completed scientific environmental assessments for the South Pacific Ocean or the Southern Indian Ocean yet it allows Australian flagged vessels to undertake high seas bottom trawl fishing in these areas, which is in clear contravention of UN resolutions which have been supported by the Australian Government, and

(v) that in 2011 the UN General Assembly will review actions taken by states, including Australia, to protect vulnerable marine ecosystems of the high seas from destructive fishing practices such as bottom trawling;

(b) expresses concern that the Australian Government is failing to implement the bipartisan policy of protecting the biodiversity of the high seas from destructive fishing practices such as bottom trawling;

(c) urges the Government, as a matter of priority, to:

(i) complete and make public the required scientific assessments for the South Pacific and Southern Indian oceans as a matter of priority,

(ii) put in place a ban on all Australian bottom trawl fishing on seamounts and other vulnerable marine ecosystems until it can be shown scientifically that
such fishing will not damage fragile marine ecosystems, and

(iii) advocate and support a complete UN ban on all high seas bottom trawling until thorough scientific and publicly available assessments have been undertaken and appropriate, effective conservation and management objectives are in place.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting the Attorney-General on Queensland Floods Recovery) (4.07 pm)—by leave—the Australian Fisheries Management Authority has commissioned a benthic impact assessment for the southern Indian Ocean and South Pacific regions. This will be completed by midyear and will allow the Australian government to make appropriate management decisions consistent with the United Nations General Assembly’s resolution on bottom trawling fishing. In the interim, the Australian Fisheries Management Authority has adopted stringent conservation and management measures designed to prevent significant adverse impact on vulnerable marine ecosystems.

Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Asylum Seekers

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

The Gillard government’s complete and absolute loss of control over Australia’s borders and its failure to adopt policies to deter people smugglers and return order to immigration detention facilities.

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

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

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

Senator CASH (Western Australia) (4.09 pm)—To understand the gravity surrounding today’s matter of public importance, it is very important to set the scene. We need to understand properly what the state of Australia’s detention network was when the Howard government lost office in 2007 and then look at the state of the detention network in March 2011 under the Gillard government and after the Rudd government.

These are the facts. When the Howard government lost office, only four people who had arrived illegally by boat were in detention in Australia. Let us compare that to March 2011 under what is now the Gillard Labor government. Today, that figure is more than 6,300 and that includes more than 1,000 children. The annual budget has increased sevenfold since Labor came to power. That is Australian taxpayers’ money that is being utilised to pay for Labor’s policy failings. There has been a total budget blow-out of over $1 billion. That is $1 billion of taxpayer’s money by which this government has underestimated costs when forecasting the number of asylum seekers who would come to Australia under its policies.

Of the more than 10,000 people who have turned up by boat since this government came to power, only 160 have been returned to their countries of origin. When considering the Labor government’s border protection policy, this is what Australians are now faced with. Christmas Island is beyond capacity. It is so beyond capacity that the AFP
have requested that the port be closed because they cannot afford to have any more people coming to the island.

The Labor Party are now opening detention centre after detention centre after detention centre on the mainland—without any consultation with the communities that are going to be affected. We all know that universal offshore processing is now history. We know that because the Labor government’s new policy, as of yesterday, is to ensure that the boats do not go to Christmas Island but are brought directly to the mainland. Detainees are escaping from detention centres on Christmas Island and, when you actually ask the minister how many have not been accounted for and how many are still on the loose on Christmas Island, the Minister representing the Minister for Immigration and Citizenship stands in this place and says that, quite frankly, he does not know. I will be honest with you—I do not think the minister actually cares either. That is an absolute disgrace.

When questioned about the failure of the government’s border protection policies, the government tries to counter its failures with a massive spin. We all saw the Department of Immigration and Citizenship’s advertisement on page 28 of yesterday’s Australian. What was it doing? It was seeking applications for an additional six public affairs and media officers, those positions paying between $56,000 and $117,000 a year. It would be laughable if it were not true. When will those on the other side understand that you cannot spin your way out of policy failures of this magnitude? Talking of spin, what did the minister say last Thursday? Following a night of rioting by some asylum seekers on Christmas Island, Minister Bowen came out with:

… the situation on the island as we speak is calm.

I do not know if Christmas Island residents would necessarily agree with Mr Bowen. After another night of rioting, the minister said:

At no stage during the week have I underplayed the seriousness of this situation.

We all know that those words have now come back to bite him. Then there was the statement by the Prime Minister, who was in complete, total and utter damage control. The Prime Minister said that the situation on Christmas Island was all under control.

Let us have a look at the situation on Christmas Island. We had the use of tear gas and beanbag rounds, we had mass breakouts, we had fires, we had rock-throwing and we had protests. We still have detainees that are potentially on the loose on Christmas Island. That is the definition, under a Labor government, of a situation that is under control. That is an absolute indictment of those opposite that they would dare to say to the people of Australia and, in particular, to the people of Christmas Island that that is a situation that is under control.

Then the minister could not help himself. He went further and said: ‘I take responsibility for it and I take responsibility for making sure the situation is under control going forward.’ Well, if the minister is going to put his money where his mouth is, if the minister is actually going to live up to this so-called responsibility that he says is his alone, then the minister needs to stand before the Australian people and have the guts to admit to them that, under the Labor government, there has been a complete, total and utter breakdown of border protection policy. But we all know that the minister does not have that guts. The minister does not have the guts to actually stand before the Australian people and admit that, under this government, Australia’s borders are no longer secure.
I was reading a comment from the Christmas Island community leader, Kane Martin, who probably would like to speak with Minister Bowen in relation to his statement that the situation is calm and under control, because this is what Kane Martin said:

People are locking their doors, people are locking their cars ...

Now while this might seem like a small thing on the mainland, this is essentially the core of what it is to be a Christmas Islander—to have that sense of freedom, to have that sense of safety and to have that sense of community all around us. It’s certainly been challenged at every level. That is an absolute disgrace, and it is the sole fault of the Gillard Labor government. The bad news for Australians is that this is a situation that need never have occurred. I go back to what the situation was in 2007 when the Howard government lost office. Those on the other side are very quick to throw statistics at us and say, ‘But under your watch you had thousands arriving.’ Do you know what? Yes, we did. You are right—yes, we did. But unlike those on the other side we had the guts, we had the stomach to stand up and make some very, very tough policy decisions. Once we had made those decisions we had the guts and the stomach to stand by those decisions.

We all know what the result of those decisions was. It is a statistical reality that the boats stopped coming. That is something that those on the other side cannot deny. It is also a reality that, when those on the other side decided to wind back the Howard government’s strong border protection measures, the boats started coming again.

There is only one way forward and that is for those on the other side and for the minister to realise, to stand up, to have some guts and to re-adopt the Howard government’s strong border protection policies. Despite the Prime Minister’s pathetic protestations Australia’s borders are not safe. As at 4 February 2011 there were 6,659 people in immigration detention. This is an appalling record and continues to confirm that Gillard Labor is failing to protect Australia’s borders. (Time expired)

Senator MOORE (Queensland) (4.19 pm)—I think today’s debate has reached a new low when someone from the opposition can actually say that our minister does not care.

Senator Cash—I didn’t say he didn’t care.

Senator MOORE—You said the actual words and we will be able to review—

Senator McGauran—He doesn’t care.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Order! Senator McGauran, you cannot seek the call by putting your hand up and I do not want you interjecting. Senator Cash was heard in silence and I expect Senator Moore to be heard in silence too.

Senator McGauran interjecting—

The ACTING DEPUTY PRESIDENT—Order! Senator McGauran, I am actually addressing my remarks to you directly. You might do me the courtesy of listening. Cease interjecting and I will give Senator Moore the call.

Senator MOORE—Thank you, Mr Acting Deputy President, and we will review the Hansard to make that clear as it demonises the debate, as we know. Today we heard lots of rhetoric and very colourful language. I forgot how many times the words ‘guts’ and ‘stomach’ were mentioned in the previous contribution. I lost track after seven times.

Basically we have a debate today about the issue of detention and about the policies that this government has put in place since we were elected. They are policies that we
went, very openly, to the Australian people with. It interested me that the previous contributor kept talking about the minister taking responsibility, stepping up and using his guts and stomach, but I got the impression that what that meant was having courage to come forward and talk with the Australian people about what was going on.

I do not believe there has been a minister who has had more public commentary on the issues of his portfolio over the last couple of months than Minister Bowen. Consistently he has run the line that our policy is part of an international response to the issue of refugees. One of the things that the opposition cannot understand is that our policy is looking at responding and working with refugees through the UNHCR, using the internationally accepted processes and ensuring that the law is fulfilled but most importantly that there is compassion. Senator Cash did talk about the statistics but I am not going through a statistical argument; we have had that. We know how many people have come in and how many boats have arrived. We have seen the stunning press releases that have been issued every time by the opposition. We saw the splendid imagery in recent times that was showing large red boats attacking our—

Senator McGauran—We saw the imagery: boats crashing up against rocks.

The ACTING DEPUTY PRESIDENT—Order! I will ask senators to refrain from interjecting. I again remind senators that Senator Cash was heard in silence and I think—

Senator Feeney—Which shows enormous restraint.

The ACTING DEPUTY PRESIDENT—I would ask all senators to cease interjecting.

Senator MOORE—We have a coalition that is determined to demonise people who have an absolute right to seek refuge. Once they seek that right, it is our law to ensure that they fulfil the aspects of refuge. It is a straightforward process. We work under international guidelines using our law to ensure that people who are claiming refuge have a right to that process. Not everybody receives that outcome, but under Australian law they receive the process.

We have had more boats coming; no-one denies that. Minister Bowen actually talks to the Australian community about that. He talks about the numbers. In fact there have been great efforts made in the last six months to ensure that we work with community organisations in Australia so that children who have been unfortunately caught up in this process by travelling on boats with parents, or most sadly alone, have protection while they are in our country. Through that whole process the core principles of law are retained and that has caused delays; we acknowledge that. That is one of the worst aspects of dealing closely with the law in the refugee process. We have to ensure that our security is maintained and that has been the guiding principle at work in our government law.

However, we have always felt that there needs to be a balance. The previous government’s process did not feature a balance. The temporary protection visa process seems to be the hallmark now of all the arguments being put forward by the opposition—a magic imposition of temporary protection visas will automatically stop boats. It is not such a straightforward equation, though it is a pretty good logo and it has been used consistently in media releases by various spokespeople from the opposition.

We have to understand the international situation, something which people on the other side reject consistently. They have a limited understanding of history and selectively pull out dates and times when there
were periods of migration and refugee boats coming to Australia and when there were not. They do not take into account what is happening in our region. They do not take into account what was happening in Afghanistan. They do not take into account what is happening in Sri Lanka. They do not take into account any of the features that force people to make the desperate decision to throw themselves on our mercy by seeking refugee status. It is not an easy decision.

Somehow we seem to be able in these debates to differentiate between numbers and boats and people. I cannot do that. Our government does not do that. It accepts its responsibilities and understands that the numbers are all people and they must be treated with the full respect of the law. They must understand their rights through that process and there must be a clear understanding by all involved of what is in the law, what the objects of the legislation are and what the outcome will be if they are judged to be refugees under the UNHCR guidelines or if they are not. If they are not, there are processes for returning them to their home country. That is clear. The minister explains it consistently in the media, but if you have a political agenda and you are determined to demonise people who are in that situation, of course you are going to have the kind of conflict and outrage that we have heard and will continue to hear from the other side.

Certainly it is important that this argument is understood in the community. Minister Bowen is taking up that argument in the media and also in the community through community organisations, local meetings in townships and with different people who need to know exactly how the system works. If you only take the grabs in the media that we have now, the vision that is being put out for political purposes, the people of Australia will not understand the issues around refugee status.

We need, as a community, to ask the questions. We need to meet with the people who are in this situation as much as we can. Once you meet with people who have gone through the refugee process and talk with them, those statistics take on a human form and you can understand the background to their decision, the processes they have undertaken to seek a better life, how they have fulfilled the requirements of the UNHCR to determine that they are genuinely in a refugee situation and how they have fulfilled the requirements of the Australian government. Minister Bowen has made those requirements clear. People have to pass health checks to ensure that they are healthy. People have to pass security checks to verify their true identity and to ensure they do not offer a security risk to our country.

Instead of all the yelling and all the talking about keeping our borders safe, look at the situation and look at the people who are involved. See those who have made the decision, through horrific situations in their home countries and their family areas, to actually get on the boats. Funnily enough, we always focus on the people who are on the boats. These discussions never look at the statistics and see the number of people who come into our country without the appropriate visas and approvals who have not been on the boats and identified as asylum seekers. All the debate, all the anger, all the discussion about guts and stomach seems to focus around those people who are on boats. They need to understand how the system works. Certainly that is a responsibility for our government, but not our government alone. The Australian government is proud of the role it takes in the international community working with other countries who are facing these issues about the flow of people who are seeking refugee status in their own lands. We need to work collectively in an international way to get the best possible practice, to ensure that
the whole debate does not get derailed by emotion or by political rhetoric, and to understand the true definition of someone who is seeking refugee status and the responsibilities of responsible nations to accept their status. We need to have strong policies that reflect UN best practice and treat people with respect but always with full regard for the law.

Senator BERNARDI (South Australia) (4.29 pm)—Let me start my contribution to this debate by saying I agree with some aspects of what Senator Moore said. Firstly, the government have been entirely consistent for their period of office and that is consistently wrong in their approach to how they are treating refugees and protecting Australia’s borders. There is ample evidence of that which I will get to shortly. Also Senator Moore claimed that the process that the refugees or unauthorised arrivals in this country were undergoing was in full accordance with the law. She is absolutely right. It is in accordance with the law because this government changed the law. It changed the law that stopped the boats from coming and stopped providing incentives for people smugglers and for unauthorised arrivals to try to get to this country. That was offshore processing and temporary protection visas.

This government changed the law and the boats started coming in overwhelming record numbers. What Senator Moore failed to address—and may have inadvertently misstated the position on—is the fact that we are complying with our international obligations to the point that the first safe port of call for people seeking refuge is to arrive in our country. To my knowledge, none of the people coming on these boats first arrives in Australia without going through another nation. If they are fleeing Afghanistan, they go to Pakistan or Malaysia, and they normally end up in Indonesia. They pay their tens of thousands of dollars to the people smugglers right along the way. They dispose of their identity documents if they have them and then they hop on a boat to come to Australia.

That is not a legitimate claim for asylum in my book if you have travelled through three other countries and paid your way. You are not fleeing oppression in Indonesia. You are not fleeing the Taliban. You are just seeking to get to Australia by not waiting in the appropriate refugee camps that are available in many places. Every one of these people that jumps the queue by paying the money and claiming asylum in this country stops a person who is doing the right thing and is appropriately putting themselves through the proper system, a person who probably cannot afford to pay the people smugglers and fuel their outrageous trade. That is enough of addressing Senator Moore’s concerns.

The Labor Party are caught in a very inconvenient truth. I recall the day when the facility on Christmas Island was built and it was derided and mocked by the Labor Party as a white elephant. Yet the detention centre on Christmas Island has never been fuller. The minister himself has acknowledged there were over 3,000 people in that facility when it was only built for 2,500. The results are stark. Last week they came back to haunt all Australians because last week buildings were damaged there, fires were lit. There were violent approaches to the Australian Federal Police by the people that are detained on Christmas Island. There were seven days of riots—250 of these people set buildings on fire and threw makeshift explosives at police and still this government will not condemn them. Nearly 200 Australian Federal Police officers had to be flown in and quell the rioting. They had to deliver tear gas ammunition and more police to the island through the Royal Australian Air Force. A number of these asylum seekers escaped. According to the Prime Minister that is okay because they are on an island; they cannot go anywhere.
Tell that to the poor residents of Christmas Island. Yet just today we have learned that an official head count still cannot account for all the people. There must be some hiding around Christmas Island. This government do not even know where they are.

The facts are that detention centres right across this country are full to overflowing. There is no offshore processing anymore. There have been three boats in the last five days. The most recent of them hopped onto the Christmas Island bypass lane and received its escort directly into Darwin. This is outrageous. It is a catastrophic policy failure not just because Australia’s borders are being breached without authority and, despite what Senator Moore says, without a legitimate claim to asylum because it is not the first safe port of call. What is happening is the outrageous waste of taxpayers’ money in dealing with these problems, the fact that people being forced to put their lives in jeopardy are encouraged to do it. You want to talk about the pull factor. The pull factor is the great way of life we have in this country and this government’s lax way of dealing with their policy failures.

The other concerns that I know many Australians share are in the words of Mr Bowen, the Minister for Immigration and Citizenship, about the processing of claims of the rioters. He said:

… a small group of detainees have made it clear that they would continue violent action until they were granted visas. Of course, we cannot enter into those sorts of discussions. We do not let that sort of behaviour influence our consideration of visa applications.

I have two responses to that. The first is ‘nonsense’ and the second is ‘you should’. It is nonsense because people on the Oceanic Viking were blackmailing the previous Rudd government saying, ‘Unless we get a special deal we are not coming off and we are going to go on a hunger strike.’ Did they get a special deal? Yes, they certainly did. We all forget the emotional blackmail that was played against the government and the government folded. I would like to play cards against this government because they are hopeless.

The second part of Minister Bowen’s statement is:

We do not let that sort of behaviour influence our consideration of visa applications.

I am telling you that you should. You should let it influence it because if people are prepared to throw bombs at police whilst they are in detention being assessed for security concerns, if they are prepared to escape from lawful detainment, if they are prepared to break the law to get here, if they are prepared to set fire to buildings and hurt their fellow refugees or asylum seekers, are they really the type of people we want to have in this country? That is a legitimate question, and I know it is one that many people ask, yet we do not have an answer or any embracing of this legitimate question by this government. We simply have an approach that we can build more detention centres or asylum centres, however you want to describe them. We will provide the welcome mat for more people to get in with people smugglers and ply their vile trade.

There is no question there are many legitimate refugees in the world, and many countries are struggling with this precise issue. But Australia had this issue solved. We had an orderly assessment process under the previous government and that was changed, on an ideological whim, by this government and it has proved to be a catastrophic failure. We know they do not have the will, the strength or the courage to actually change it back. We know they have the rhetoric. We know they have their plan for the East Timor regional detention centre, but, of course, that is not going to come to fruition because Kevin 11—sorry, Mr Rudd—is responsible
for negotiating it and he does not want a bar of it. So we know it is another flawed and failed policy smokescreen to divert attention from the catastrophic failure of this government to secure Australia’s borders. You want to have a sensible debate on this but the first part of having a sensible debate is admitting there is a problem. *(Time expired)*

**Senator BILYK** (Tasmania) *(4.37 pm)*—Before I go to the gist of my speech, I have to point out to Senator Cash—having listened to her, and she was rather dramatic again, talk about how many boats came—that of more than 240 boats that arrived under the Howard government only seven were turned back.

**Senator Cash**—We stopped them. That is the point.

**Senator BILYK**—They stopped coming because global circumstances changed, Senator Cash. If you do not understand that you should not be here. We know that the Taliban regime fell at the end of 2001 and millions of Afghans were able to return home. So you are really rewriting history with this supposedly wonderful life under Howard and you need to make sure you get your facts straight.

To go further into the matter of public importance as submitted by Senator Fifield that is before us today, I find it slightly misleading. I say that because it tries to link two separate matters: the control of Australian borders and the issue of maintaining order in our immigration detention centres. I can only assume that Senator Fifield has chosen to link those two topics because those opposite never ever miss the opportunity to take advantage of an unfortunate situation and score political points from it. So I can only guess that the coalition strategists were thinking ‘here’s a chance for us to score another political point about border control’ and yesterday, and again today in question time, we saw them attempt that. It is really quite unbecoming. I agree with what you said, Mr Acting Deputy President Marshall, in your speech yesterday, that it is quite sickening to see people try and make political advantage from the human suffering and misery of others. I thought that was a great speech. I did listen intently to it and it is a shame that some of those on the other side did not listen so well.

But, as I have stated, it is important to point out that these are two separate matters. So this MPI actually addresses two completely separate issues and as such I will deal with each issue in turn. First of all we have Senator Fifield, who knows that the only people to blame about the situation at the Christmas Island Immigration Detention Centre are those detainees who perpetrated the violence and unrest there. But Senator Fifield asks the Senate to note the Gillard government’s ‘failure to return order to immigration detention facilities’. We have the Australian Federal Police in control at the Christmas Island now. They are doing all they can to work to restore the security and safety of the facility and to ensure that it can go back to normal operations. The goal is to return the responsibility to the Department of Immigration and Citizenship and Serco as soon as possible and they will remain on the island until that aim is met. As for those who participated in the riot, their violence is unacceptable and will not be tolerated by this government.

I am sure that Senator Bernardi actually knows that but he chooses to scaremonger and run scare campaigns about the fact that he thinks everybody that is detained and is seeking asylum automatically gets to stay. He knows that is not true. He knows that there are processes that they have to go through and he knows that one of those processes is about good character. So he should not stand up and carry on and do this scaremongering, which the opposition have...
been doing so much of in the past few years. It is the only approach they have and it is quite an abysmal effort.

So, as I said, we have the AFP working to restore the security and the safety of the facility and to ensure that it can go back to normal operations. As I also said, the goal is to return the responsibility to the Department of Immigration and Citizenship and Serco as soon as possible. The Minister for Immigration and Citizenship, Chris Bowen, has made it very clear that, under the Migration Act, there is a character consideration that comes into play to determine whether somebody should be granted a visa. The AFP is conducting its own investigations and criminal charges may be laid by the Director of Public Prosecutions. This is something to be considered by any immigration detainee who may consider engaging in violent behaviour.

The government has been aware for some time of the pressure being faced at the Christmas Island detention centre and we have been working hard to relieve that. Taking account of recent circumstances, we are moving more people onto the mainland. Last year and earlier this year, the government announced new mainland facilities in Western Australia and the Northern Territory. The minister has announced an independent arms-length review into the protests and escapes at Christmas Island and the preparedness and response of the department and Serco. This review will be led by two eminent former public servants, Dr Allan Hawke and Helen Williams, and, like the minister, I have great faith in their ability to oversee this review.

The opposition will continue to score political points in the meantime because that is really the only thing they know how to do. Of course, trying to encourage the opposition to develop sensible policy instead of engaging in political opportunism is like trying to teach etiquette to Sir Les Patterson. It is all a bit rich coming from a coalition whose immigration policy is little more than a three-word slogan. There is no greater example of the coalition’s political opportunism than the way they have tried to make out that the latest arrivals will be given greater legal rights than those processed on Christmas Island. It has been made clear, in legal advice to the minister, that when people are processed originally at Christmas Island or Ashmore Reef they continue to be processed as offshore entry arrivals. If they are transferred to the mainland once the process has begun, it has no impact on the way they are processed.

I will now turn to the issue of border protection and the number of unauthorised arrivals. There are a number of driving forces, as the opposition well knows, on the number of people seeking asylum in Australia. It depends on the situation in different parts of the world. For example, the number of Sri Lankans arriving in Australia has fallen as a result of improvements in circumstances in northern Sri Lanka. Italy had arrivals of 8,000 asylum seekers last month, more than they received in the whole of 2010. This was not due to any change in Italian immigration policy; it was to do with regional push factors, particularly events in northern Africa. Similarly, Australian domestic policy has no influence on the numbers of unauthorised arrivals in Australia. People fleeing persecution are desperate, and they will try to enter Australia regardless of our domestic immigration policy.

The coalition knows this but that does not stop them from unashamedly using the politics of fear and trying to beat up immigration issues for their own political purposes. What they do not seem to get on that side of the chamber is that our humanitarian visa processing regime is not a punitive regime. If there is any punishment that should be dished out it is to the vile people smugglers
who trade in human misery. But the opposition is pretty intent on returning to the harsh treatment of asylum seekers that they meted out while they were in government. The opposition has not quite understood that people actually need to flee their homelands and seek a life elsewhere. They have not understood that these people have suffered human misery, torture, human rights abuses or maybe starvation—maybe one of those or maybe a mixture of those things. I stop sometimes and think it would be really interesting to walk a mile in those people’s shoes. I doubt that anyone on the opposition side, if they were walking a mile in those people’s shoes, would not use every resource they had to try to make sure that their children and their family could get to somewhere safe.

I find those on the other side to be not so caring. They purport to care in varying situations, but they want to return to the days of the Pacific solution. They want to detain people on Nauru at phenomenal taxpayer expense. They would have us return to the days of indefinite detention and temporary protection visas, of having asylum seekers grappling with uncertainty over their future or languishing in legal limbo for years on end. They would have Australia’s Navy turn back the boats, obviously putting the lives of those on board at risk. And for all the suffering this would cause, guess how many fewer boats would leave Indonesia’s shores. Not one.

Instead of the simplistic, punitive solution offered by the federal opposition, there is another way. The Bali process is a great opportunity for all the foreign and immigration ministers in the region to come together and tackle the issue of people smuggling. We are looking for an endorsement of our proposal for a regional solution to what is a regional and international problem. We want a framework of countries to work together to break the people smugglers’ business model.

(Time expired)

Senator EGGLESTON (Western Australia) (4.48 pm)—The Gillard government has failed miserably to protect our shores from the scourgé of people smugglers. Yesterday the 215th illegal boat since the Gillard government took office was intercepted in Australian waters. At this rate, our northern waters will soon rival the English Channel as one of the busiest sea lanes in the world, the Indian Ocean having become the express lane on the highway for illegal boats. As I said, the Gillard government has failed to protect our borders. As other speakers have also said, it has failed to make even the slightest inroad into reducing the number of people landing illegally on our shores. Since the Gillard government took office, more than 10,000 illegal immigrants have arrived in this country by boat.

For months now we have heard talk of a regional solution. Kevin Rudd first raised this and approached the government of Indonesia about setting up a regional facility in East Timor to process illegal migrants, but nothing has come of that. It is a farce. It is something that is not going to happen. As a consequence of Labor’s failure, our detention centre is stretched beyond its capacity. The recent riots on Christmas Island outraged Australians and left this small, normally idyllic community wondering what its government had done to cause this riot to be foisted upon them. Since taking office, the government last year suffered a cost blow-out of more than $1 billion in detention centre running costs, a sevenfold increase over the costs during the period of the Howard government. A significant amount of this cost has been for the addition of a staggering 4,900 beds to detention centres at a cost of some $400,000. If only this were 4,900 new hospital beds, 4,900 new police officers or 4,900 new teachers, but sadly it is not. It is a
waste, in effect, of 4,900 beds for illegal queue jumpers. More boats, more spending, less protection and less control—that is the Gillard government’s approach to border protection.

This contrasts very starkly with the reasonable and respected policies the Howard government developed over its 11 years in power. When the coalition government left office, just four people who had arrived illegally by boat were in detention. Today that figure is more than 6,300, including more than 1,000 children. In the last five years of the Howard government just 18 boats entered Australian waters illegally. Compare that figure to the armada of boats that is now coming down from Indonesia to Christmas Island.

The question we have to ask ourselves, and which has been alluded to by other speakers, is whether it is push or pull factors that are contributing to the growing tide of illegal boats. To my mind it is very much pull factors. The changes the Labor regime has made to our previously highly effective border protection policies have meant that those policies and the protection of our borders have collapsed under the Rudd and Gillard governments. As it stands, people smugglers know that they can get people to pay large amounts of money for a seat on a boat to Australia knowing full well that once on our shores there is a very good chance that they will stay here and have access to our state provided health, education and housing services, which is one of the reasons why people find it attractive to come to Australia.

I suggest that the return of temporary protection visas, or TPVs, utilised to great effect by the Howard government, would be a responsible and considered approach the present government could take to reverse its current policy failure. But both the Gillard government, and the Rudd government before it, have indicated that they have no intention of reintroducing temporary protection visas, in spite of the great success they brought. Under the temporary protection visa policy, persons who are fleeing from persecution in their homelands could come to Australia until the situation in their homelands improved and then they were returned to their own countries. This occurred with refugees from Kosovo and also from East Timor.

One of the other effects of the influx of great numbers of illegal refugees has been that the number of humanitarian migrants that Australia takes has been reduced because the number of refugees per annum is taken off the total of our refugee intake of some 15,000 people per year.

There is no doubt that Australia is rolling out the welcome mat and the people smugglers are lining up to bring more and more refugees here on the promise of permanent residency under the soft policies of the ALP government. The Australian people expect their government to protect their borders. This government is not doing that.

Senator FURNER (Queensland) (4.55 pm)—I rise to speak on this matter of public importance and contribute to the debate on this important issue. It is an area that the Labor federal government focuses on. The government is sincerely concerned about these issues. With respect to the number of boats that are entering our waters the government is sincerely interested in and concerned for the health and wellbeing of those refugees in the centres that house them whilst they are here. To listen to some of the rhetoric I have heard since this debate commenced, you would think that we have lost control and that there is an invasion happening. The previous speaker spoke of an armada of boats. I have seen some of these boats coming to our shores and there is nothing like an armada of
boats coming down to enter our nation—far from it. I suggest these scurrilous and false accusations being put forward by those opposite are just another example of the scare campaigns they run when there is no logical example or policy put forward to deal with the particular issue. We have heard more examples of those scare campaigns over the past few days in dealing with other issues like the carbon price. So, once again, it is just the latest in a long line of concentrated efforts by the opposition to distort the facts, manipulate tragedy and create fear in the electorate at the expense of the Australian people. If the opposition’s scaremongering is to be believed, it would seem that an invasion is imminent as, apparently, a ‘complete and absolute loss of control’ has rendered our national borders non-existent.

It is this accusation of loss of border control that I wish to address first. Last year I was very fortunate to participate in the Australian Defence Force Parliamentary Program, which involves the Border Protection Command in Northern Australia, and I know that some of the members opposite me have gone down the same path and been involved in parliamentary defence programs. It is basically a tripartite arrangement between the three forces: the Royal Australian Air Force, the Navy and the Army. They are given the task to protect our borders. I must say that our Defence Force is highly professional with committed and competent personnel who do their job extremely well protecting our borders. The ADF assets protect this vast northern area of Australia’s maritime domain from security threats including irregular maritime arrivals; maritime terrorism; piracy, robbery and violence at sea; compromises to biosecurity; illegal activity in protected areas; illegal exploitation of natural resources, such as illegal fishing; marine pollution; and prohibited imports and exports. That gives you an idea of the range of activities they perform. It is not solely just focusing on boat arrivals of refugees trying to come to this wonderful nation of ours from places where they are oppressed. It is a case of dealing with all these other activities that Border Protection Command do, and they do them well.

There are 400 ADF personnel in the area. I was fortunate enough to be on the HMAS Bathurst at the time, in June of last year. You may remember that around June we were leading up to the possible announcement of a federal election. A couple of my colleagues from the House of Representatives were on board HMAS Armidale and HMAS Bathurst and they enjoyed the same opportunity as me to see our personnel perform their duties.

These 400 ADF personnel work on the sea, in the air and on land to protect Australian borders. Customs are also involved in helping and cooperating with the agencies to protect our borders. On the second day we also went up in an AP-3C Orion maritime patrol aircraft which went over the reefs. During that particular surveillance exercise we saw an illegal fishing boat—not a boat of refugees. The fishing boat was identified and processes were followed. The boat was photographed and the material was sent down to the areas of control and surveillance. There is no doubt that that boat would have been approached by the local Armidale boats in the area and dealt with.

Our Defence Force are doing an excellent job up north. We have seven Navy Armidale-class patrol boats in that area as well. To appreciate the job they have to do you really need to recognise the area of coverage. It is not just a case of roaming around the north of Queensland, Northern Territory or Western Australia; they have 10 per cent of the world’s surface to cover. That is the area of coverage that our ADF have to manage—it is a huge area.
One of my colleagues from the House of Representatives, the member for Dickson, asked one of the personnel on the boat what would happen if we turned the boats back. The logical answer from those Navy personnel was that the people would destroy their boats. They would damage their motors or put holes in the hull—whatever it took to be rescued. This is the issue we need to deal with when the opposition leader, Mr Abbott, makes statements about just turning the boats back. Logically, you cannot turn the boats back because of the desperate situation of the people on them. They do not want to turn back. They want to be dealt with, they want to be managed and that is how we handle this situation.

During the Howard government era, 240 boats arrived carrying more than 13,600 asylum seekers. It is vexatious for those opposite to claim that they dealt with the migration and asylum seeker situation. The truth is that they did not deal with that situation. In fact, boats stopped coming as a result of global circumstances. As we know, the Taliban regime fell at the end of 2001 and millions of Afghans were able to return home. Yet the opposition decided to go ahead and build the centre on Christmas Island at a cost of $400 million. Naturally, they planned ahead because they realised this was an issue so they built that detention centre 2003.

To return to the issue of turning the boats back, I understand only seven boats were turned back under the Howard government. So the view that turning the boats around is a silver bullet is just a fallacy. After 2003 there were no boats turned around—none whatsoever. The reintroduction of the temporary protection visa is also a con. Do not think that that is a matter that will be resolved and used to stop the boats. Only three per cent of the 11,000 people who were granted one under the Howard temporary protection visa program ever left Australia.

We then had the magic bat phone—or in this case it was Mr Abbott’s boat phone. He was going to somehow pick up a phone and say, ‘We’ll assess this boat that is coming to our shores and we will make a decision about it.’ Once again, having been on an Armidale-class boat, the HMAS Bathurst, I understand that is not possible. It is about time the opposition came up with some responsible policies to deal with this particular issue. (Time expired)

Senator KROGER (Victoria) (5.05 pm)—In contributing to this debate, I would like to comment on two words which have been used frequently by those on the other side: ‘compassion’ and ‘scaremongering’. It has been implicit in the suggestions of many on the other side, including Senator Collins and Senator Moore, that they are the rightful custodians of compassion. I would like to ask what is the measure of compassion? Why is it that those on the other side of this chamber believe that they are the unique bearers of compassion?

I would suggest that the best measure of compassion in this debate is the effectiveness of the border protection policies of this government. Over the last two years we have seen the total unravelling and implosion of the border protection policies of this government. There is no greater example of that than what we have seen in the last couple of months. The second word, ‘scaremongering’, has been used frequently by Senator Collins and Senator Bilyk. Their suggestion is that there is not a problem and that the coalition have been heartless and scaremongering on this. That is a total denial of what is happening.

There was nothing compassionate about the boat which tragically smashed against the rocks earlier this year when many lost their lives. We were all appalled to watch the TV footage as we saw the residents of Christmas
Island trying to rescue those people. There is nothing compassionate about a policy that is actually encouraging the vile business of people smugglers making a bob out of people who are destitute and seek a future here in Australia. There is nothing compassionate about that, nothing whatsoever. There is nothing compassionate—and it is not scaremongering—about the destruction of the Christmas Island facility that we saw on TV. We have heard that 250 rioters went rampant and not only destroyed a lot of that facility but risked the lives of many in the process. We also heard from local Christmas Island resident Kane Martin about his concerns and the concerns of the residents on Christmas Island for their personal safety. There is nothing compassionate about a policy that does not put the rights of Australian citizens first. There is nothing compassionate about that, nothing whatsoever.

I suggest we are seeing a total unravelling of this. The Pacific solution under the Howard government did work. It meant that by 2004 we did not have one child in detention. It meant that we did stop the boats. We have heard that people do not like the mantra, but the bottom line is that the Pacific policy solution did dissuade people smugglers from bringing boats to Australia. They knew what the consequences were. In the end, there was no business. More to the point though, in the end we did not have children in detention—none of us likes to see that. It was a solution that worked and I suggest to Senator Furner that perhaps he look at the statistics. We have heard that it is not compassionate to look at the statistics, but I think you will find that the statistics speak for themselves. We do not want an armada of boats coming from Indonesia, risking the lives of those looking for a better future. We want refugees to explore the United Nations sanctioned refugee camps and approach asylum to this country in a lawful way.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Time for this debate has now expired.

DOCUMENTS
Tabling
The Clerk—Documents are tabled in accordance with the list circulated to senators. Statements of compliance with the continuing order of the Senate relating to departmental and agency files are tabled.

Details of the documents appear at the end of today’s Hansard.

COMMITTEES
Migration Committee
Membership
Message received from the House of Representatives notifying the Senate of the appointment of Mr Georganas to the Joint Standing Committee on Migration in place of Mrs D’Ath.

FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE REBATE) BILL 2011
First Reading
Bill received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (5.11 pm)—I move:
That this bill may proceed without formalities and be now read a first time.
Question agreed to.
Bill read a first time.

Second Reading
Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (5.12 pm)—I move:
That this bill be now read a second time.
I seek leave to have the second reading speech incorporated in Hansard.
Leave granted.
The speech read as follows—

Today I am introducing a bill that will, for the first time, enable families to access the childcare rebate at least on a fortnightly basis. As a result around 700,000 Australian families will now be able to receive this crucial assistance at the time their childcare fees are due.

Importantly, many families will be able to receive this payment weekly as the majority of childcare services submit attendance information weekly. Families will also be able to choose to have their childcare rebate paid directly to their childcare service to receive an immediate fee reduction, or directly into their bank accounts.

From July this year families will have the choice of four options for receiving the childcare rebate. They may:

• Elect to have their childcare rebate payment made to their childcare service on an up to fortnightly basis on their behalf as way of a fee reduction;
• Elect to receive their childcare rebate payments direct to their bank account on an up to fortnightly basis;
• Have their childcare rebate made to their bank account quarterly;
• Have their childcare rebate payment made annually as a lump sum payment.

This will ensure families have the maximum flexibility to manage their childcare costs within the family budget.

For the first time childcare services will be able to receive the rebate on behalf of families—delivering a direct fee reduction for those families that elect this method of payment. We know that families will welcome this option—98 per cent of families currently choose to receive childcare benefit this way.

To ensure that families do not accumulate any unforeseen debts as a result of overestimating their income, this bill also contains amendments to temporarily withhold 15 per cent of each rebate payment for families receiving a higher than zero rate of childcare benefit. This is consistent with current arrangements for quarterly childcare rebate payments, where the final quarterly payment may be used to offset any childcare payment debts incurred by a family.

This measure builds on the Australian government’s massive investment in improving the affordability of early education and care.

Overall, we are providing $14.9 billion to help 800,000 Australian families annually with the cost of child care, through the childcare benefit and the childcare rebate. This includes $8.7 billion over four years to 2013-14, to reduce childcare fees for low- and middle-income earners under the childcare benefit and $6.2 billion to assist working families with out-of-pocket childcare expenses under the childcare rebate.

In 2008, we delivered on our election commitment to increase the childcare rebate from 30 to 50 per cent of out-of-pocket costs, from a maximum of $4,354 to $7,500 per child per year. Members of this House would recall that under the Howard government families could only claim a maximum of $4,354 per child per year—some 72 per cent less than under the Gillard Labor government.

We also know that as a result of this measure, out-of-pocket costs, after subsidies, for a family with one child in long day care and earning $55,000 a year, have fallen from 13 per cent of their disposable income in 2004 to seven per cent in 2010.

We also increased the frequency of childcare rebate payments to families from yearly to quarterly, so families would not have to wait until the end of each year to receive assistance with their childcare fees.

Under the Howard government, families had to wait until the end of the year to receive this important assistance.

When it comes to improving the affordability of child care our record stands head and shoulders above those opposite. Overall we have committed more than $18 billion over four years in funding for early childhood education and child care—more than twice the amount provided in the last four years of the Howard government.

The Australian government has an unapologetically ambitious agenda to improve access to affordable, quality early education and care for Australian families. This measure will ensure that families are able to receive their childcare rebate
payment at the time they incur their childcare fees and help manage their family budget.

Debate (on motion by Senator Feeney) adjourned.

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE REGULATORY LEVIES LEGISLATION AMENDMENT (2011 MEASURES No. 1) BILL 2011

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE REGULATORY LEVIES (CONSEQUENTIAL AMENDMENTS) BILL 2011

PERSONAL PROPERTY SECURITIES (CORPORATIONS AND OTHER AMENDMENTS) BILL 2011

First Reading

Bills received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (5.13 pm)—I indicate to the Senate that the Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies Legislation Amendment (2011 Measures No. 1) Bill 2011, the Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies (Consequential Amendments) Bill 2011 and the Personal Property Securities (Corporations and Other Amendments) Bill 2011 are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have one of the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (5.14 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—


This bill amends the Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003 (the Safety Levies Act) to impose levies on offshore petroleum titleholders to enable the National Offshore Petroleum Safety Authority (NOPSA) to recover the costs associated with undertaking the regulatory functions in relation to the integrity and safety of wells and well operations conferred on NOPSA by a combination of amendments to the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (the OPGGS Act), which came into force in November 2010, and regulations made under the Act.

Honourable members will recall that last year Parliament passed legislation augmenting NOPSA’s functions to include the functions conferred by the OPGGS Act and its associated regulations with respect to non-occupational health and safety structural integrity for facilities, wells and well-related equipment. The amendments gave NOPSA regulatory responsibility for all aspects of structural integrity of petroleum facilities, wells and well-related equipment. The amendments also clarified that an occupational health and safety duty of care applies to titleholders in relation to wells and well-related equipment. NOPSA has responsibility for monitoring and enforcing this titleholder duty of care.

Following on from the legislative changes to NOPSA’s functions and responsibilities, Part 5 of the Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations will give full effect to these changes by transferring regulatory functions and
powers relating to management of well integrity and well operations to NOPSA.

NOPSA is funded on a full cost-recovery basis with levies raised from the offshore petroleum industry. It is crucial that NOPSA is resourced adequately to undertake its functions. The uncontrolled release of hydrocarbons from the Montara platform in August 2009 demonstrated that the regulator of offshore wells and well operations must have sufficiently skilled and experienced staff available to effectively and diligently discharge their regulatory responsibility wherever well operations are taking place.

The levies that are currently imposed by the Safety Levies Act are facility-based, payable by the facility operator and confined to occupational health and safety. These levies do not extend to funding NOPSA’s regulation of wells and well operations of titleholders under the OPGGS Act and Part 5 of the Resource Management and Administration Regulations.

These new levies imposed by this Bill will ensure that NOPSA is able to recover costs associated with undertaking the extension of its regulatory functions.

Three new well-related levies, an annual well levy, a well activity levy and a well investigation levy are imposed by this Bill.

• The annual well levy will recover NOPSA’s general regulatory costs associated with undertaking its functions in relation to the integrity of wells and well-related equipment. It will also cover NOPSA’s general costs associated with monitoring and enforcing compliance with the titleholder OHS duty of care in relation to wells.

• The well activity levy will recover NOPSA’s costs associated with the assessment and approval of specific well activities under Part 5 of the Resource Management and Administration Regulations.

• The well investigation levy will cover excessive regulatory costs reasonably incurred by NOPSA in investigating well-related incidents. It will only apply where NOPSA’s costs, when conducting an inspection in relation to a breach or suspected breach of the titleholder duty of care in relation to wells, exceeds $30,000.

In light of the issues arising from the Montara incident, the Australian Government is committed to ensuring that NOPSA has sufficient powers and capability to effectively regulate all aspects of well integrity and well operations, pending the establishment of a single National Offshore Petroleum regulator. Collection of these levies from titleholders who carry out well operations will ensure that NOPSA is adequately resourced to fulfil its well-related responsibilities under the OPGGS Act and associated regulations.

The title of the Safety Levies Act will change to the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003, to reflect the expansion of its content to include levies relating to wells.

Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies (Consequential Amendments) Bill 2011


The Regulatory Levies Amendment Bill amends the Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003 to impose levies on titleholders to allow NOPSA to recover costs associated with undertaking its augmented regulatory functions in relation to wells and well-related equipment. The consequential amendments to the OPGGS Act in this Bill will enable effective calculation and collection of the new well levies.

In particular, the Bill provides for application of a late payment penalty where either a well investigation levy, annual well levy or well activity levy remains wholly or partly unpaid after the day it becomes due and payable.

This penalty is designed to ensure that levies are paid on time. Given the importance of NOPSA’s function in regulating safety and integrity matters for the offshore oil and gas industry and the fact it is funded through levies, it is critical that it is
adequately resourced through the timely payment of levies by industry.

Personal Property Securities (Corporations and Other Amendments) Bill 2011

The Personal Property Securities (Corporations and Other Amendments) Bill 2011 is the final set of amendments to the Personal Property Securities Act (PPS Act) and consequential amendments prior to the Personal Property Securities (PPS) regime coming into effect this year.

The PPS Act, which was passed by the Parliament in 2009, created one national law with one set of rules governing interests in property other than land that secure debts or other obligations. The effect of the PPS Act is to simplify over 70 Commonwealth, State and Territory laws, common law and the rules of equity, which govern security interests in personal property. It will also replace the many registers of personal property security interests that complement these State and Territory Acts, with the PPS Register.

PPS reform is a significant part of COAG’s deregulation agenda. The reform will deliver major benefits for business and consumers by reducing transaction costs, making lenders more willing to accept different kinds of personal property as security for loans and facilitating the extension of credit to borrowers.

Two sets of amendments to the PPS Act and consequential amendments to the Corporations Act have been passed since the PPS Act was enacted in 2009. The regime now requires some further amendments to take into account the practical realities of commercial practice, before the reforms take effect in October 2011.

The purpose of the Bill is to make amendments which have been raised by stakeholders and practitioners to ensure that all aspects of the regime are appropriate for users and take into account of their particular business practices.

The Bill makes a number of minor and technical amendments, including:

- clarifying certain definitions
- correcting drafting errors
- inserting operational provisions about the use of the PPS Register
- clarifying that the intention of the regime is not to interfere with existing rights under the Corporations Act.

The Bill also introduces certain practical measures to ensure that the regime is appropriate for users, including amendments to facilitate consumer access to data held on other databases to confirm whether a motor vehicle is stolen or written off.

The Bill also provides an additional method for states that have not yet referred power to the Commonwealth with respect to PPS to be able to ‘adopt’ the relevant version of the PPS Act and refer power to the Commonwealth to make subsequent amendments to the PPS Act.

Conclusion

A comprehensive and consistent national PPS system will benefit many sectors in the Australian economy. These reforms will streamline the way in which lenders conduct their businesses, facilitate the extension of credit to borrowers and reduce borrowing costs. I am pleased that this last set of amendments necessary to effect PPS reform has been prepared so that the regime can take effect in October of this year.

These proposed amendments have been the subject of detailed consultation with stakeholders through the Committee process and I would also like to thank the individuals and organisations who participated in the consultation process. I note that these amendments have also been agreed to by States and Territories, through the Ministerial Council for Corporations and the Standing Commission of Attorneys General, in accordance with the Personal Property Securities Inter-Governmental Agreement.

Ordered that further consideration of the second reading of these bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

Ordered that the Personal Properties Security (Corporations and Other Amendments) Bill 2011 be listed on the Notice Paper as one order of the day, and the two remaining bills be listed as separate orders of the day.
EDUCATION SERVICES FOR OVERSEAS STUDENTS LEGISLATION AMENDMENT BILL 2010 [2011]

Returned from the House of Representatives

Message received from the House of Representatives returning the bill without amendment.

COMMITTEES

Environment and Communications Legislation Committee

Report

Senator POLLEY (Tasmania) (5.16 pm)—On behalf of the Chair of the Environment and Communications Legislation Committee, Senator Cameron, I present the report of the committee on the provisions of the Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011, including additional comments by coalition senators, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BUDGET

Consideration by Estimates Committees

Report

Senator POLLEY (Tasmania) (5.17 pm)—Pursuant to order and at the request of the chairs of the respective committees, I present reports from all legislation committees in respect of the 2010-11 additional estimates, together with the Hansard record of the committees’ proceedings and documents received by committees. I move:

That the reports be printed.

The ACTING DEPUTY PRESIDENT (Senator Kroger)—The question is that the motion be agreed to.

Senator IAN MACDONALD (Queensland) (5.17 pm)—I want to speak very briefly on this motion for the legislation committees’ reports on estimates.

The ACTING DEPUTY PRESIDENT (Senator Kroger)—Senator Macdonald, I have just been advised that we need to put the motion first and then we will come back to you.

Senator IAN MACDONALD—I thought there was a motion moved to print them and I am speaking on the motion to print them.

The ACTING DEPUTY PRESIDENT—You wish to speak on the printing of the reports?

Senator IAN MACDONALD—Yes.

The ACTING DEPUTY PRESIDENT—If that is your intention then please proceed.

Senator IAN MACDONALD—It is. Thank you, Madam Acting Deputy President. I appreciate your advice and the advice of the Clerk, through you. That was a motion moved by the government and I simply wanted to speak to the motion of printing. Clearly, these reports need to be printed. But, in the printing of them, we should underline in the reports the area where each committee indicated that departments should get back to them with answers to questions on notice. It has become a continuing scandal under this government that these estimates committees set a date for the answering of questions put on notice by these estimates committees yet, in the three or four estimates committees that I follow regularly, you find that it is almost at the next estimates committees—well outside the date—before the answers start trickling in.

When you inquire of the public servants why it has taken them so long for them to answer the questions, why they have not abided by the orders of the Senate to put in answers by a certain date, most of the public servants, in a very embarrassed way—and they all have different styles of equivocating
on this—make it clear that they have done their duty and presented the answers prior to the relevant date, but that the ministers then sit on them in their offices until the day before or occasionally the day after the next Senate estimates committees are going. This is something that this government has become renowned for. It is endemic. The government treats this Senate and the orders of this Senate with absolute contempt and it is typical of the way this government treats the Senate with contempt in so many other ways. In supporting the motion to print the documents, I urge that the agreements of the committees to have responses by a particular date be underlined and printed in bold.

Question agreed to.

COMMITTEES

Community Affairs Legislation Committee Report

Senator POLLEY (Tasmania) (5.21 pm)—On behalf of the Chair of the Community Affairs Legislation Committee, Senator Moore, I present the report of the committee on the provisions of the Human Services Legislation Amendment Bill 2010, together with documents presented to the committee.

Ordered that the report be printed.

TAX LAWS AMENDMENT (TEMPORARY FLOOD AND CYCLONE RECONSTRUCTION LEVY) BILL 2011 INCOME TAX RATES AMENDMENT (TEMPORARY FLOOD AND CYCLONE RECONSTRUCTION LEVY) BILL 2011

Consideration resumed from 21 March.

In Committee

Senator CORMANN (Western Australia) (5.22 pm)—After an hour and a half of going around and around in circles in committee last night, two minutes before question time the minister finally decided to come off his high horse and answer the questions that quite legitimately had been posed by senators. I refer specifically to the question of whether he could give an ironclad guarantee on behalf of the government that all Australians who have been subject to natural disasters and who are receiving natural disaster assistance payments from the Commonwealth will be exempt under this legislation. Two minutes before question time he finally answered, ‘Yes.’ He could not bring himself to resolve that issue earlier.

The reason that the opposition have been persistently asking questions in relation to this is that the information available to the people of Australia on the Treasury website up to this point in time has been saying that an exemption is only available to those who have been the victim of a natural disaster which is a flood event. I am very pleased that finally the minister has provided clarification to the Senate on this. I cannot quite understand why it took him so long. He could not have had that many other legislative priorities to deal with. Having noted the minister’s assurance in the context of the conflicting information that has been in the public domain, the opposition are happy to leave it here.

However, we are obviously not happy with flat tax. We do not support it. We will vote against it. We urge the Senate to vote against it. We think that the way this flat tax is being put forward is not the way to handle our public finances. It is an ad hoc Labor Party tax which will be imposed on all Australians earning more than $50,000 a year, unless they are in one of those areas that are exempt. We do not think that this is the way to run the financial affairs of the nation. To those people who may be listening, I make the point again that Liberal-National senators
stand for lower taxes. This government will always look for an opportunity to whack on another Labor Party tax whenever they think they can get away with it politically.

**Senator IAN MACDONALD** (Queensland) (5.24 pm)—In the last couple of days there have been floods in Bega on the South Coast and in the Burke Shire in the Gulf of Carpentaria. Minister, will people in these areas be relieved of payment of this tax? As I understand it, a natural disaster relief declaration has to be made by the state governments. If that is done and payments are made to people in those areas by 30 June 2012, they will be exempted from payment. I seek the minister’s confirmation of that.

I also point out that I asked the minister a question that I have asked him several times. The minister did not want to answer it for some reason. Yet, as Senator Cormann pointed out, it can be very easy for the minister to answer. We have wasted 4½ hours in this chamber asking the minister a question, yet one minute before question time he gave some answers. It was pretty easy when it came to it.

I also want an answer from the minister on the number of individual taxpayers who will contribute to this tax. How many individual Australians earning more than $50,000 will pay the tax and how many of that number does the department estimate will be exempted because of the exemptions in the provision before the chamber?

**Senator XENOPHON** (South Australia) (5.27 pm)—I support this legislation. This flood levy has correctly arisen as a result of the actions of the Queensland government in failing to insure the public assets of Queensland, the infrastructure that is owned by taxpayers, because the Queensland government—unlike Western Australia, South Australia, New South Wales, Victoria and the Australian Capital Territory—failed to take out insurance over their assets. As a result of the negotiations I entered into with the government, there is now a new determination in the natural disaster relief and recovery arrangements. These are very significant changes—new guidelines and significant clauses—that will require the states and territories to go through a very rigorous, robust and transparent process to ensure that they do the right thing when it comes to protecting their assets. Because of those safeguards, I believe that this is going to be the last flood levy we will ever need to pass in this place. I think that is a good piece of public policy. It is a good reform.

As a result of this reform, I believe that the states and territories all have to act to the highest prudential standards and act responsibly when it comes to their assets. Senator Macdonald was quite right when he was very critical of the Queensland government over their abject failure to appropriately insure their assets. That is why there is a shortfall. That is why $1.8 billion needs to be found to cover this—of which Queensland only needs to pay a quarter under the current natural disaster relief and recovery arrangements. That will change as a result of the arrangements in the new determination. That is unambiguously good for the protection of taxpayers’ assets. Ultimately, it is a good thing in terms of ensuring that taxpayers will not have to be looking at flood levies in the future with these new arrangements.

**Senator SHERRY** (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Public Sector Superannuation and Minister Assisting the Minister for Tourism) (5.29 pm)—Yes, it has been a long discussion, and most of the issues were discussed prior to the last four or 4½ hours either in the committee hearings on the bills or the broader debate. Senator Macdonald has asked about two issues, and I understand both were discussed in the committee hear-
ings. At that point in time I understand the witnesses were unable to give a response to him.

On the total number of taxpayers who will pay the levy, we will take that on notice. I can expect to have an answer for Senator Macdonald in the next few days on that issue. On the total number of people who will be exempt from the levy because they are in disaster declared zones, we do not know what the total number is. The ATO will obviously, in their delivery of the tax, carry out that calculation as the tax is implemented and collected. Then we will be in a position to give Senator Macdonald that figure. I will take it on notice and when that figure becomes available through the ATO we will provide it, and we should be able to provide the other figure to you in the next couple of days.

This was all explained to the committee hearings on the legislation, so why we need to go through these issues again today, other than for Senator Macdonald to conduct a filibuster, which has been all too obvious in the last four to five hours, is beyond me.

Senator IAN MACDONALD (Queensland) (5.31 pm)—The arrogance of the government comes through again. This may have been discussed at the committee hearing, but I was not at the committee hearing. In fact the majority of senators were not. The rules of Senate debate provide that this is the time when senators can question the minister. In fact one of the questions I just asked was in relation to the floods happening now at Bega on the South Coast of New South Wales and at Burketown up on the Gulf of Carpentaria. They are happening now; they were not happening when the committee met. How could these questions possibly have been answered then? We see this arrogance when the government is dealing with legitimate questions of the Senate—and we are paid to be here on behalf of the people of Australia to ask these questions.

The importance of the question seems to have escaped the minister. We are supposed to be collecting $1.8 billion through this new Labor government tax. But the more people who are exempted from it, and exempted for appropriate reasons, the fewer people will be left in Australia to pay the tax. In fact, horribly as it has turned out, in the last few months there are not many parts of Australia that have not been disaster declared. We might end up finding that there are only 100,000 individual Australian taxpayers who are going to pay this levy, in which case it is not going to raise the $1.8 billion that this government seeks. It may well be that we have been through this whole exercise, this lengthy debate, to recover a pittance of the money that the federal government is expecting.

The minister has now agreed to take my questions on notice—that is great; we will get the answers to them long after the legislation is dealt with by the Senate. That is a great deal of help. I asked him these questions last night, so why could he not have taken them on notice then? He has a department of 3,000 people who surely could have got the answer for him within a couple of hours. But here is the arrogance of the Gillard government.

I would like to know what the government is likely to collect. I know how departments work, and they would have made an assessment. Sure, they do not have all the facts, but they would have had to have made an assessment to brief the minister and say, 'Look, if you are exempting these people and, given the number of areas that have been declared disaster areas, that will take out X number of Australians and that means only Y Australians will pay, so what chance have we got of collecting the $1.8 billion that the govern-
ment seems to need?’ As I read the legislation, if there is another disaster, heaven forbid, up until 30 June 2012, the people affected will be exempt too. It may—heaven forbid, as I say—end up that nobody in Australia is paying this levy. It is typical of the government’s shoddy legislation and of the shoddy way that the Gillard government treats the parliament and the Australian people.

In the expectation that the minister, true to the form he has shown to date, will not answer the questions I have raised, I want to make some other remarks before the bills proceed. I remind senators that this is legislation to impose yet another new Gillard Labor government tax. It is absolutely unprecedented in the history of an Australian parliament. Never before have we imposed a special tax to pay for recovery from any natural disaster. Never before has it happened. We have had cyclones, we have had floods, we have had droughts, we have had earthquakes through the whole of our history, but never before have we ever paid a separate tax for the recovery. It has been paid for by governments of the day, Liberal, Labor, Callithumpian or whatever, out of the normal taxation revenue of government.

This government collects something like $350 billion every year in tax. Surely, out of that $350 billion this government collects from taxpayers, they could have found $1.8 billion. We did not have to have another new tax for what started off being a single disaster, the Queensland flood. It just demonstrates that this government’s answer to any issue, any calamity or any policy question is: ‘Let’s impose another new tax.’ The government has already announced that we will be having a mining tax later this year and now we will have the flood tax—all new taxes. And we are going to have a carbon tax as well, a carbon tax from a Prime Minister who solemnly swore before the last election: … there will be no carbon tax under the government I lead.

So what faith can you put in any promises made by Ms Gillard and her ministers? That is what this bill is about—imposing a whole new tax on the Australian public.

I am going to try one more time and ask the minister why it is that this tax is only being paid by individual taxpayers. If it came out of the general revenue, out of the $350 billion collected each year, then BHP, Rio Tinto, Xstrata, Coles and Woolworths would all pay their share of the tax. And that seems fair in Australia—companies pay tax and individuals pay tax. But this tax, for some reason which nobody can explain to me—I have asked and asked and asked—is not being levied on these big multinational companies, these giants of Australian industry. It is only being levied on individuals. So I repeat: the butcher and the baker will have to pay the tax from their hard earned income, but Coles and Woolworths, with whom they compete, will not have to pay the tax. Coles and Woolworths get off scot-free. What is it about Coles and Woolworths that makes the Labor Party not want those companies to pay their fair share? Xstrata, BHP, and Rio Tinto are all very big investors in Australia. I am very grateful they are here, these multinational companies, and I am pleased that they make good profits, but why are they being let off scot-free? What is it between the Labor Party and those multinationals that they are allowed to escape this disaster recovery levy or tax without putting in a cent? Individuals—the people in here, the attendants, senators, people listening to this broadcast—have to pay the tax, but Coles and Woolies, BHP, Xstrata and Rio Tinto do not pay a cent. Tell me the sense of that.

I simply cannot believe it. I can believe the Greens would vote for that—because they are an absolute policy vacuum. But I am absolutely amazed that the Independents
have fallen for this. What rationale do you have for charging individuals and not the corporate giants? When I have asked Senator Sherry this before, he has not answered the question. All he has done is get up and say, ‘Your government put a levy on containers.’ Yes, they did. ‘They put a levy on milk bottle sales.’ Yes, they did. ‘They put a levy on pounds of sugar.’ Yes, they did. ‘They put an Ansett levy on airfares.’ Yes, they did that—but everybody paid that, whether a corporate giant or a little person using the airline or using a container. Mind you, there were not too many ordinary Australians using containers. Those levies were across the board. This levy, which could easily have been imposed on everyone through the general taxation regime, is not being imposed on the corporate giants. How does that make sense? If only someone could explain to me what the policy rationale for that is. That is why the coalition is totally opposed to this new tax of the Labor government. The Labor government is addicted to taxing and addicted to spending. This all comes about because a state Labor government, regrettably the Labor government in my home state of Queensland, was so bad at financial management that it is broke and it cannot pay for the recovery. Senator Xenophon very skilfully extracted, during the course of this debate, the admission that the Queensland government could not pay the $50 million to $55 million needed for an insurance premium. So they went uninsured and, as a result of that, the Queensland government cannot afford to do what governments are supposed to do. But their mates in the federal Labor Party have come in and whacked this tax on individual taxpayers—not on the corporate giants but on individual taxpayers—and we have to fork out.

I hope that the people of Australia understand that this tax is unnecessary. Reconstruction should have been paid for out of general revenue. This is a new tax, but it is not a tax like other taxes, which are levied across the board, including on corporate Australia—the big guys. It is only going on the individual Australians who earn more than $50,000. You do not have to be in a very highly paid job these days to get $50,000. Those individual Australians have to pay this new tax of the Gillard Labor government because the Gillard government is simply incapable of managing money. So I ask the minister yet again what that is all about.

I repeat my question: what were the department’s estimates of who would be exempted from this and did they take into account the floods happening as we speak in two parts of Australia and—I hope this does not happen—the other disasters that could well happen between now and 30 June 2012? As I say, I hope further disasters do not happen, but it could well be that not one Australian is paying the tax. This is, again, typical of the incompetence and stupidity of this Labor government that cannot be trusted with money.

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Public Sector Superannuation and Minister Assisting the Minister for Tourism) (5.44 pm)—Although all of these points have been answered well in previous hearings, debate contributions and committee hearings, Senator Macdonald chooses to persist on a couple of specific points. On the Bega issue, if in fact the Bega area is declared a disaster zone, it would be exempt from the tax. My advice from Treasury is that, despite the exemption in this case and in previous exemptions, it is estimated that it will not materially affect the estimated revenue collection of $1.8 billion.

The tax is a progressive tax and is income based. It is fair and equitable and efficient.
That is the reason the government is determined to use that as the tax base in the same way as the guns levy and the East Timor levy were applied. We considerably debated other levies under the previous Liberal-National Party government. There were levies that did not affect everyone as applied by the previous Liberal-National Party government. The Ansett levy applied to tickets. Clearly, many people in the community would not have flown and, therefore, would not have paid the levy. Not everyone drinks milk, surprisingly. The superannuation surcharge, through definition, did not apply to everyone.

There is a mixed record, but on this occasion we believe that the base of the tax is fair, equitable and efficient. I have taken the two questions on notice. Clearly—and this is obvious, Senator Macdonald, from the Bega example—we are not in a position to give the total number of people exempt. We cannot do that today but as soon we have the figure from the ATO we will provide it for you on notice.

Bills agreed to.

Bills reported without amendments or requests; report adopted.

**Third Reading**

Senator SHERRY (Tasmania—Minister for Small Business, Minister Assisting on Deregulation and Public Sector Superannuation and Minister Assisting the Minister for Tourism) (5.48 pm)—I move:

That these bills be now read a third time.

Question put.
The Senate divided. [5.52 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes............ 34

Noes............ 32

Majority........ 2

**AYES**

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

**NOES**

Abetz, E.
Back, C.J.
Bernardi, C.
Boyce, S.
Colbeck, R.
Cormann, M.H.P.
Ferguson, A.B.
Fisher, M.J.
Johnston, D.
Kroger, H.
Mason, B.J.
Minchin, N.H.
Parry, S.
Ronaldson, M.
Scullion, N.G.
Trood, R.B.

**PAIRS**

Carr, K.J.
Evans, C.V.
Ludwig, J.W.
Lundy, K.A.
Wong, P.

**Humphries, G.**

**Fierravanti-Wells, C.**

**Brandis, G.H.**

**Bushby, D.C.**

**Boswell, R.L.D.**

* denotes teller

Question agreed to.

Bill read a third time.
FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE REBATE) BILL 2011
Second Reading

Debate resumed.

Senator NASH (New South Wales) (5.55 pm)—I rise this evening to make some remarks regarding the Family Assistance Legislation Amendment (Child Care Rebate) Bill 2011 and I am very pleased to do so. The shadow minister for child care and early childhood learning, Susan Ley, the member for Farrer, is responsible for this in the other place. The childcare rebate is available for families and it covers a percentage of the—

The ACTING DEPUTY PRESIDENT (Senator Kroger)—Senator Nash, can we just hold it there. There is just way too much noise in the chamber. Could senators who are leaving the chamber please do so quietly. Thank you, Senator Nash.

Senator NASH—Thank you, Madam Acting Deputy President. It is available to cover a percentage of the out-of-pocket expenses associated with approved child care. The aim is to assist parents who are working, studying or undertaking training by providing that extra financial assistance that they need. It covers 50 per cent of those out-of-pocket expenses.

Before the last election the coalition committed to change the payments, which currently happen quarterly, to weekly payments. We certainly believe that a weekly payment is going to be far more beneficial for families who are struggling, as many of them are, to meet the costs of child care. It certainly seemed appropriate and the right thing to do to support the move to have that rebate paid weekly. This is about affordable and accessible child care for parents. It is interesting to see—and the coalition is very pleased that the government has followed our lead—that this bill requires the change in those payment to a weekly or fortnightly arrangement. The bill says it can be either a weekly or fortnightly arrangement because that depends on whether the childcare centres’ reporting is weekly or fortnightly. The majority are done weekly.

The rebate under this bill can also be paid directly to the provider. That is an option that has not been available before and one that we support in terms providing assistance to those childcare providers. Of course, if those parents choose to have the rebate come directly to them, that will continue to be the default mechanism and the rebate will still go to those parents. It is about helping parents. It is about ensuring that they have ease of access to that funding mechanism from the government. As I said, we support that from the government and we are supportive of that aspect of the bill.

It is interesting that this legislation to ease the way these payments happen for parents is actually even more necessary for parents because of the government’s changes to the childcare rebate. What we have seen them do recently, through a bill that was debated here recently and is still before the Senate, is to decrease the childcare rebate from $7,778 down to $7,500. The government has also cut the indexation for that rebate completely.

I did make some comments in the last sitting around that bill on that aspect. I certainly believe it shows that this government is out of touch with the needs of families out there in our communities, particularly our regional communities. What we have seen from this government is a cutting of the rebate through that other legislation and taking away the indexation completely. This government should be doing more to assist families with their childcare costs and childcare expenses. They should be making it easier, not making it harder. Parents will welcome this speedier mechanism for that childcare
rebate because at least it will be one thing—one very small thing admittedly—that will assist to ease some of their childcare burden.

I know many of our families out there in the communities have been quite astounded by the fact that the government would actually move to cut the childcare rebate. I know many families in regional areas were quite furious that the government would move to cut that. When the government talks about assisting families and assisting working families and then turn around, drop the rebate and cut the indexation simply just does not make sense if this government really believes that families need to be better assisted.

The government has said that $86.3 million will be saved by those changes that it has made. The government claim that they need that funding to fund the national quality framework. It seems quite extraordinary that this government would be identifying funding that is going to make it more difficult for parents to fund the national quality framework, especially when you compare it to some of the waste and mismanagement that we have seen under this government. It was $81.9 million that has been wasted by this government administering an emissions trading scheme that does not even exist. It is no wonder that families out in our communities are at least perplexed and probably at worst furious with this government where they need to strip $80 million off families by lowering their payments for the childcare rebate when they have wasted around the same amount of money administering an emissions trading scheme that does not even exist.

If this government had any ability at all to manage the economy properly we would not need to see that cut in those childcare rebates to go towards funding the national quality framework. We only have to look at things like the pink batts debacle, the Home Insulation Program—$2.4 billion that has been wasted and mismanaged in that program. Yet here is the government ripping $80 million away from Australian working families to pay for another program because they have wasted and mismanaged so much money in other areas. We only have to look at things like the BER, the school halls, the Building the Education Revolution, Madam Acting Deputy President Fisher. I know you have been very focused on that and making sure that people out there in the Australian community are aware of the waste and mismanagement. It is about a $1.7 billion blow-out on the school halls program. Yet here we have the government—

Senator McLucas—Have you talked to any parents?

Senator NASH—I will take that interjection. Senator McLucas asked me if I have talked to any parents. I think Senator McLucas would know that I talk to parents very regularly out there in our regional communities, having been one myself. They may well love the program, Senator McLucas, but you know as well as I do that they hate the waste and mismanagement. Interestingly, when we compare the private sector and what they have managed to do and the public sector through the state government, the waste and mismanagement in the state government sector has been nothing short of appalling. It is no wonder that we see this absolute disaster in New South Wales of a Labor government when they mismanage programs like that so badly.

The point is that the Australian people are absolutely astonished that the government can waste billions of dollars on the one hand and yet on the other hand expect Australian working families, through cuts to their childcare rebate, to pay for the national quality framework. I think anybody with any sense and sensibility would see how incredibly stupid that is. If the government had just
managed to in any way, shape or form manage the economy properly they would not need to be putting this pressure on Australian families. Next they will be raiding the kid’s piggy banks saying, ‘Quick, we need a bit more money, where can we drag it out of next?’ Instead of focusing on the proper management of the economy, they do as they always do and move to taxes, move to raiding, move to cutting programs like the childcare rebate. It is simply not acceptable.

That leads me to the national quality framework itself. It is all interrelated in one way or another. It is all about child care. It is all about how government addresses the needs of the childcare sector. With the national quality framework, we believe that it sounds good if every childcare worker has to be qualified and there has to be an increase to staff to child ratios. Sure it sounds good and we all want the best system possible, but the policy needs to be realistic. I made some comments about this in this place recently. There is a critical shortage of qualified workers, and there has been some talk about exemptions—not a lot of detail around that. But if we have a requirement for every childcare worker to be qualified when we have something like three out of 10 alone in Victoria who are not, how on earth are we going to provide the workforce for those childcare centres? We have hundreds of centres currently searching for qualified staff and we are going to particularly see the impact of this on rural and regional communities. I was recently up on the North Coast chatting to a lady there. Senator McLucas will be pleased to hear I was again out on the ground talking to people in these centres.

Senator McLucas—I do not doubt it.

Senator NASH—Thank you, Senator McLucas, I will take that. For the Hansard record Senator McLucas did indicate that she didn’t doubt that I spoke to those people out in the communities and I thank her for that.

The lady who was in charge of the childcare centre had 15 years experience in this centre and was working 12-hour to 13-hour days and had an amazing connection with and a real love for these children that she was looking after. It was a brilliantly run centre. Yet she has no formal qualifications, so she is in this limbo land at the moment—and I am sure there are many senators, even on the other side of the chamber, who would agree with me that this is an issue that needs to be addressed—of not knowing if she is going to have a job next year, if she is going to be able to apply for an exemption and how it is all going to work. I think we need to be very clear as to what we hear from government about how this situation is going to be managed, because we all support improving quality but we have got to be practical and realistic in how we deliver that improved quality. So we will certainly be listening very closely to the government as to how those exemptions are going to be applied and how that is going to impact on those childcare centres.

The National Quality Framework for Early Childhood Education and Care is going to put increased pressure on families. That is very disappointing for people out in our communities, particularly those in our regional communities, when what they need is assistance. They need things to be made easier and not harder. The cut to the childcare rebate is going to affect about 20,700 families. While the government have all the arguments up their sleeve about why this is a good thing, it is interesting to note that Childcare Alliance Australia has indicated, from the work that they have done, that about 74 per cent of parents will have some difficulty in meeting the $13 to $22 a day extra cost that is going to be put on their families.
That is something that we really need to be very aware of. If we allow things to get more difficult for our families in terms of being able to access child care then it is going to be harder for parents to return to the workforce, to manage that juggling between work and family. I think many of us in this place know that juggling between work and family, and it is certainly not something that relates only to this place. Families right across the country are having to balance their work commitments with their family commitments. Many choose to do it and many have to do it, but we in this place have to be very mindful of that and we need to be mindful that any of the decisions that the government takes and any of the policies that the government wants to put in place through legislation should be of benefit to those families. There should not be policies that are going to make things more difficult. Increasing the costs, so making it more difficult to access those childcare places, is by any stretch of the imagination a step backwards for those families.

I and many others in this place including, I am sure, Senator Hanson-Young, who is down at the other end of the chamber, have all faced the issue of having children in child care. It is vitally important that we get it right. On that basis, the coalition certainly believes that the government should reconsider the national quality framework to put some practical common sense into it, to put some realism into the requirements of that framework. As I said, we are all supportive of improving quality right throughout the childcare sector, but it has got to be sensibly done. There have got to be measures that improve opportunities for families and parents and in the meantime do not place a greater burden, an unnecessary burden, on the operation of childcare centres. We certainly believe that indexation should be reinstated immediately. To cut indexation simply to find some money to be able to fund the national quality framework, given that this government has wasted billions and billions of dollars, is simply absurd and quite abhorrent to many of the Australian families out there in the community.

It is interesting to note as to that national quality framework that the bill has not yet been passed but apparently Centrelink has already enacted the reduced rebate, which means a lowering of those dollars being paid to parents. It is really quite extraordinary, and I stand to be corrected if that is not the case but I do understand that indeed it is the case, that the government would move to have Centrelink do that before the legislation has actually been passed. I am sure colleagues on the other side will correct me if I am wrong about that. If I am right, I think it is an extraordinarily arrogant act of government to move down that path, to enact this before this place has even had the opportunity to deal with the legislation.

As for the bill before us and the related childcare measures, the government made promises before the 2007 election that they simply have not kept. The government said that they would make child care more affordable. We can see from the fact that the rebate is being cut that that is simply not the case. There is no way anyone can argue with that. Before the election they said they were going to make child care more affordable. Now they have cut the rebate, which is going to make it harder. Senator Williams, you do not have to be a rocket scientist to figure out that is going to make it more difficult for families.

Senator Williams—Not at all.

Senator NASH—So that is a promise that simply was not kept by this government.

Senator Williams—Another one!

Senator NASH—Yes, thank you, Senator Williams, and I will get to that. The govern-
ment also promised an additional 260 childcare centres. I think we all remember the Kevin07-version Prime Minister. Are we going to go to a Kevin11-version Prime Minister? Who would know? The Kevin07-version Prime Minister promised to fix the double drop-off and have 260 more childcare centres.

Opposition senators interjecting—

Senator NASH—That woke up everybody on the other side, didn’t it, Senator Williams?

Senator Williams—Yes.


Senator Williams—No.

Senator NASH—We have got 38—another broken promise from the Labor government. While we are on broken promises the best one—I cannot let this one go by, Senator Williams—is about the carbon tax. What was it that the Prime Minister said? Let me refresh my memory: ‘There will be no carbon tax under any government I lead.’ What do we have now? This has really woken the other side up, Senator Williams.

Senator Williams—It is so embarrassing for them, isn’t it?

Senator NASH—I know they defend it. It relates to the issue of government not being trustworthy when it comes to child care, because they have a track record. I think it relates perfectly, Senator Williams, because the government has a track record of this and cannot be trusted to deliver a decent environment, a decent framework, for the childcare sector, which is what we are seeing.

The cutting of the rebate is obviously going to create real difficulties for families. We support the legislation before us today because, as I said, it was our policy going up to the last election that we would change the payment arrangements to weekly rather than quarterly. I am happy to say it: that is a good thing. But when you compare this with the other measures that the government has in place for child care, it is clear that the government simply does not understand the needs of families in this community. It simply does not understand the pressures that families are under. It cannot possibly understand, because it is going to make it harder for the families, not easier. Certainly those families out there, particularly in the regional centres, are incredibly disappointed that this government has not recognised the needs of the families and has not recognised that the lower rebate is going to be a very difficult impost for them. This government should simply reconsider all of that as it moves forward.

But I will commend the government. The bill before us today is a good move forward. We have seen the move to weekly or fortnightly payments under this legislation, which I am sure will be appreciated by families. We will look to see the government reconsider some of the other measures they have in place for the childcare sector and for families and children right across the country.

Senator HANSON-YOUNG (South Australia) (6.16 pm)—I rise today to speak in favour of the Family Assistance Legislation Amendment (Child Care Rebate) Bill 2011. To finally see some legislation in this place to deal with this issue is a welcome move. Of course, back in June last year, before we took a break before the last election, the Senate actually amended a piece of legislation to do exactly this—to bring forward the payments for families. So the Senate has indeed already agreed that this is a good idea. Unfortunately, because of antics in the House, we were never able to deal with that piece of
legislation and get it moving for families sooner. After the Greens’ amendment went through this place and got stuck in the House, we went to an election. During that election campaign the government—the Prime Minister herself—announced that this would be a new government policy: to bring forward childcare rebate payments from quarterly to fortnightly. That was exactly what the Greens had already amended the legislation to do, but we have had to wait until March the following year to see the government fulfil that promise to families.

But it is a welcome step. Finally we are starting to see some common sense coming out of this. Look at the cost of child care to families across the country. We know that families are paying anywhere from $80 to $150, $200 or $300 a week in childcare costs, depending on the centre, the number of children and the number of days. That means that some families are waiting for three months to get their $1,800 back through their childcare rebate. That is a lot of money and a big chunk of the family budget to be waiting on every quarter as opposed to every fortnight, even though we know that most people pay their childcare fees monthly if not fortnightly.

So it is going to make a big difference. It will put money back into the pockets of families, giving them the ability to manage their budgets better and the flexibility they need, as well as ensuring that they can give their child the care they choose on the basis that they can afford it. So this is all a very good thing. It is unfortunate that this place agreed to do this in June last year, yet it has taken until March the following year for the government to agree. But there you go; that is the way this place works. Sometimes, even though the parliament decides that something is a good thing, it still takes the executive a little while to catch up.

We really want to see the Senate agree and support this piece of legislation again, because it is really important. Many of us, including several people in this chamber—Senator McLucas and Senator Bilyk—have spent a lot of time working on these issues in the past. Most would agree that the way we currently structure and pay for childcare services and early childhood education in this country would, if you were going to start from scratch, be done differently. You would start to fund the services and the quality frameworks and ensure that we have the best quality care. That is the link you would make. We are not there, but we can try to make some things easier for families in the meantime. Bringing forward those rebate payments from quarterly to fortnightly is definitely going to help.

I want to put forward here in the chamber a warning that we need to make sure we do not go backwards on this and that we see this as an opportunity to keep making things better and reforming the system. The last thing we want to see is any measure in the upcoming May budget that would make it more difficult for families to afford the costs of early childhood education and care. Let us not make it more difficult. Let us use this as an opportunity to say, ‘Yes, we agree that children in this country—the youngest citizens—deserve the best start.’ That means ensuring that families can afford to give them the care that they deserve and that they need to manage their daily lives. We all know the stories of working families juggling all those different commitments. Let us not make it harder; let us make it easier. This is a good first step towards doing that. Let us make sure that when the May budget comes around, this area of the childcare rebate—early childhood education and care—is not seen as a pot to dip into for further budget saving measures. I do not think that would be a good look for anyone.
Let us accept that this was a good idea. The Greens amended the legislation in the first place and the Senate agreed. Finally we have got the government to take it on board. Fantastic. Let us tick it off and move on. Let us start to get the money that families deserve back into their pockets. But let us also have an eye to how we can continue to make things better, easier and of course carry out delivering on those quality framework issues. I believe that we have to ensure that we are investing as much as possible in the care that we give our children in those really crucial years from zero to five. That means that we do need good quality standards. We do need good child-to-carer ratios. There must be quality standards in centres that must be adhered to across the country so that our kids are given the best quality care and the best start to life.

That kind of reform needs to be funded and it should not just end up being whacked on at the end of the bill for families to cover. If we believe as a country that the best way to give a child the best opportunities we have to start it in those early childhood years. That means not trying to find ways of saving money in that pot. It means that we have to put a bit more money in to ensure that early childhood education and care is the best it can possibly be and that Australia values it and sees it as an investment. The effort that we put in at this end pays off at the other end. We know it does. Students who graduate from high school and go on to TAFE or university are going to be much better equipped and resourced, and they will be able to do anything if they are given a good start in the beginning. That means investing in the early years and not waiting till the end and hoping that you can catch up there. It needs to be done right at the beginning.

I commend the bill to the chamber. It is a good initiative. Let us get on and start making this area of early childhood care and education something that we do not just talk about but invest in. That means we are going to have to put a bit more dosh in the pot to ensure that we can fund the system properly.

Senator BILYK (Tasmania) (6.24 pm)—I thank the previous two speakers for their contributions. I am one of, I understand, only two people in this chamber who have actually worked in the childcare industry—and here comes the other one in the door now: Senator Jacinta Collins. I am happy to be corrected if that is not the case. Senator Collins and I have both worked in the childcare industry. In fact I spent 12 years in the industry—

Senator McLucas—Three!

Senator BILYK—Sorry, Senator McLucas. I apologise. There are three people in this place who have worked in the childcare industry. I did say that I was happy to stand corrected, so my apologies to you.

Having spent 12 years in the industry both in the ACT and in Tasmania I would like to speak about the Family Assistance Legislation Amendment (Child Care Rebate) Bill 2011 and the important changes it makes to Australia’s system of childcare assistance payments. As we have heard from other speakers tonight, these are the really formative years and people have to be able to afford their child care.

The Gillard government is certainly making sure that people are more able to afford their child care by giving them a choice. It is an important change for Australian parents and it is an important change for Australian families. It gives Australian families choice and flexibility as to how their childcare rebate payments are made. It allows families to choose a frequency of payments and a rebate method that suits them. It builds upon the significant reforms the government has already made in improving the affordability of early education and child care. It is the most
critical area, I believe. It shapes a person’s future so it is absolutely critical that child care is not only of a high quality but affordable.

This legislation will make paying for childcare services easier for around 700,000 Australian families. It shows that the Australian government understands the needs of families, because it gives families access to the childcare rebate when they need it most: when the child care fees are due. This bill will make a number of key changes. The first is that it will allow families to choose how their childcare rebate payment is made. Under the arrangements introduced by the Howard government, families had no choice as to when the payment was made. They had to wait until the end of the financial year to receive this very important payment whether it was convenient or not. For the majority of families it was not convenient.

Senator Nash mentioned that she thought Centrelink might be already enacting this procedure. I have not heard that from anywhere. I stand to be corrected, but maybe Senator Nash is confused, because the Labor government introduced changes to allow families the choice of receiving quarterly payments. So maybe she is a bit confused about that. Now we are again expanding the range of choices that families have.

With the passing of this bill, from July 2011 families will have a number of options in regard to when and how they receive their childcare rebate payments—options that they can choose to suit their needs in the circumstances of their families. Firstly, they can have their childcare rebate payment paid fortnightly direct to an approved childcare service provider on their behalf by way of a fee reduction. As at June 2010 there were around 14,000 approved childcare services in Australia, including long day care, family day care, outside-school-hours care, occasional care and in-home care. This is the first time that these various childcare service providers are able to receive the rebate on behalf of families. This will significantly reduce the up-front costs of child care. Currently, 98 per cent of families receive their childcare benefit this way, and it can be assumed that many families will wish to take up this option, not least because it is probably the most convenient.

Families can elect to receive their childcare rebate payment directly into their bank account following the submission of the approved childcare service’s usage report to the government. Childcare service providers are required to submit their usage data to the government fortnightly, although the majority actually report weekly. That means that those families that choose this option will be paid their childcare rebate either fortnightly or weekly, depending upon when their chosen childcare service provider does their reporting.

Families can elect to have the child care rebate deposited into their bank account quarterly. This gives parents a significant quarterly payment which they can rely upon to meet expected household expenses. Finally, families can continue to receive their payments annually as a lump sum payment, as many currently do. Some families may prefer to stay with this option and, if this is the most convenient option, it is right that they be allowed to keep it that way.

Families currently receiving the child care rebate will be contacted prior to the commencement of the financial year to ascertain their preferred method and frequency of payment. Those who are unable to be contacted will default to their current quarterly or annual payments. To ensure fairness, families that were unable to be contacted and, consequently, were unaware that they were able to change the method of payment,
will be allowed to change their payment method during the first year of operation.

The next major change is that this protects families from accidentally accumulating debts. In the past, some families have accumulated unforeseen debts due to mistakenly underestimating their income—a situation that has caused many families financial stress and heartache.

This bill includes a safeguard, which is the temporary withholding of 15 per cent of each child care rebate payment for those who are on higher than the zero rate of child care benefit, to ensure that families do not incur such a debt. This will ensure that families will not have to deal with the shock of receiving a significant debt due to changes in their taxable income, by offsetting any potential debts that may arise. This is a fairer mechanism than the current arrangements for the child care rebate, where the final quarterly payment is withheld until the end of financial year reconciliation.

The bill will make the payment of the child care rebate simpler for the many families who elect to have their child care rebate payment paid directly to their childcare service provider. Never before has this option been made available to Australian families. Currently, a family earning $80,000 per annum, with one child in full-time care, faces $240 per week in out-of-pocket childcare costs while waiting for their child care rebate to be paid quarterly or annually. By opting to have their child care rebate paid directly to the childcare service provider or paid into their own bank accounts fortnightly, these costs drop to around $138 a week—a significant sum for families trying to meet their day-to-day expenses.

The bill also allows families to change their payment method if they meet with exceptional circumstances, such as hardship or family break-up, part way through the financial year. The government understands that families are not static, that family income and expenses change and that flexibility is required for households to meet their expenses. A lump sum payment that may have been convenient at the start of the financial year may no longer be convenient, and families should not be tied to a payment delivery type that no longer meets their needs.

These changes continue the government’s unprecedented investment in child care and early education. It is this government that understands just how important investment in child care and early education is for Australian families. It is the Labor government that understands just how much child care costs take out of the family budget and it is the Labor government that understands that Australian families need flexibility and assistance.

It is also the Labor government that is providing them with this flexibility and assistance. We are providing $14.9 billion over the next four years through the child care rebate and the child care benefit to assist 800,000 Australian families annually to pay for the costs of child care. This includes $8.7 billion over the four years to 2013-14 to reduce childcare fees for low- and middle-income earners under the child care benefit and $6.2 billion to assist working families with out-of-pocket childcare expenses under the child care rebate.

It was this government that in 2008 delivered on our election commitment to increase the child care rebate from 30 to 50 per cent of out-of-pocket costs, from a maximum of $4,354 to a maximum of $7,500 per child per year. This is a fundamental change to this payment and it highlights the difference between us and the opposition. Under the Howard government, families could claim a maximum of only $4,354 per child per
year—some 72 per cent less than under the Gillard Labor government.

It is this government that is delivering decreases in the cost of child care for families. As a result of increasing the child care rebate for out-of-pocket costs, after subsidies, for a family earning $55,000 a year with one child in long day care, costs have fallen from 13 per cent of disposable income in 2004 to seven per cent in 2010. Changes like these show that the government understands just how significant a cost child care is to families and their household budgets. It is changes like these which show that the government is doing everything in its power to reduce these costs for Australian families. Australian families have never had access to more financial assistance with child care than they have under this government. And now, thanks to this legislation, they will have even greater access and even greater choice.

In closing, because Senator Nash did get off the track a bit over there and started talking about all sorts of things, I would like to publicly say thank you to the workers in the childcare industry, who work very hard to deliver quality care to Australian children and to give them the best start that they can in their early education. As other people have mentioned tonight, it is very important for the future of Australia that we continue to have an affordable and quality childcare system in Australia. Certainly, the Gillard government is moving to make sure that we continue to improve it all time.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations (6.35 pm)—I thank senators for their contribution to this debate. I must say, though, Senator Nash, that I heard most of your contribution, which I would reflect was truly audacious. I am sure we will get some tedious repetition of the rhetoric that was covered in other matters that may be soon before us. I was very pleased to hear that you do indeed talk to parents and I thought, somewhat glibly, that some of my closest friends are parents. But, truly, in relation to the Family Assistance Legislation Amendment (Child Care Rebate) Bill 2011 and the general agreement to progress what I think is a very sensible matter, I think we will keep it as light as that.

As others have highlighted, this bill will for the first time enable families to access the child care rebate no later than fortnightly, and in many cases earlier than that. This has been a particular public policy venture of mine since the Howard government introduced the child care rebate and parents needed to wait until the tax year after the tax year in which they had expended those costs. As a result of this measure, as has been highlighted by others, around 700,000 Australian families will be able to receive this essential assistance at the time when their childcare fees are due. Importantly, many families will be able to receive this payment weekly, as the majority of childcare services submit attendance information weekly.

From July this year families will have the choice of four options for receiving the child care rebate. Families will be able to elect to have their child care rebate payments made to the childcare service fortnightly, at a minimum, on their behalf as a way of fee reduction; to receive their child care rebate payments directly into their bank account fortnightly, at a minimum; to have their child care rebate made to their bank account quarterly; or to have their child care rebate payment made annually as a lump sum payment. By providing families with these choices, the Australian government is ensuring that families have significantly more flexibility to manage their childcare costs within their family budget.
For the first time, childcare services will be able to receive the rebate on behalf of families, delivering a direct fee reduction for those families that elect this method of payment. Currently 98 per cent of families choose to receive the child care benefit this way. To ensure that families do not accumulate any unforeseen debts as a result of over-estimating their income, this bill also contains amendments to temporarily withhold 15 per cent of each rebate payment for families receiving a higher than zero rate of child care benefit. This is consistent with current arrangements for the quarterly child care rebate payments, where the final quarterly payment may be used to offset any childcare payment debts incurred by the family. This measure builds on the government’s impressive record of improving the affordability and quality of early education and care and it will be widely welcomed by Australian families.

In 2008 we delivered our election commitments to increase the child care rebate from 30 per cent to 50 per cent of out-of-pocket expenses, from a maximum of $4,354 to $7,500 per child per year, a significant benefit to families and childcare affordability. Under the Howard government, families could claim a maximum of only $4,354 per child per year, which was some 72 per cent less than under the Gillard Labor government. I highlight these points to stand in contrast to the claims that Senator Nash was outlining earlier and to her rhetoric. The point I made earlier was that we have also increased the frequency of the child care rebate payments to families from yearly to quarterly and now to fortnightly, which is far better than in 2004, when families had to wait 18 months or so before they saw any support. Senator Nash may talk to parents, but many parents I talk to who were involved with childcare providers still remember the complexity of and the wait they had for childcare payments. At this stage I should mention that Senator Bilyk referred to herself and to me working in child care, and I should clarify that my involvement was in outside-school-hours care rather than in long day care—although outside-school-hours care is relevant here as well.

Overall, the Commonwealth is providing $14.9 billion to help 800,000 Australian families annually with the cost of child care through the child care benefit and the child care rebate. This includes $8.7 billion over four years to 2013-14 to reduce childcare fees for low- and middle-income earners, under the child care benefit, and $6.2 billion to assist working families with out-of-pocket childcare expenses, under the child care rebate. As a result of this massive investment, we now know that, since 2004, out-of-pocket costs for families earning $75,000 have reduced from 13 per cent of their disposable income to seven per cent in 2010. I think this point warrants repetition, given some of the rhetoric earlier, because there has been a huge increase in the affordability of child care in recent years. Fortunately, with a relatively considerable income, long day care is not a cost I need to meet, but for the many families who have significant childcare costs, some of whom have been referred to by other senators, this figure is very important. When people raise in debates the childcare costs to providers, it needs to be remembered that a significant proportion of those can be met by the Commonwealth government’s rebate, so in this debate we really need to be looking at issues around the out-of-pocket expenses faced by families. Indeed that is a critical and important issue amongst the issues of childcare service delivery such as improving the quality and the standards. The costs of improved quality and standards are at the very minimum met by a 50 per cent contribution from the Commonwealth through the child care tax rebate. Let me re-
iterate this point: as a result of Labor’s massive investment in child care, we now know that, since 2004, out-of-pocket costs for families earning $75,000 have reduced from 13 per cent of their disposable income to just seven per cent in the year 2010.

In conclusion, there are a few points that I would return to. When it comes to improving the affordability of child care, our record stands head and shoulders above the record of those opposite. Through this bill we will give 700,000 Australian families real and immediate assistance with child care. It is important that that assistance occurs at the time they incur their childcare fees. But it is also important, in conclusion, to go into some of the broader areas covered by Senator Nash in, I reiterate, some of her rhetoric. I remember the years 2003 and 2004, when I was working as shadow minister for children and youth. The minister at the time was Larry Anthony, and I recall that there was an agenda for early childhood that the Howard government paraded and paraded with no action, to the extent that the sector became more and more frustrated. The only action at that stage was the growth and further growth of organisations like ABC child care, whom of course Larry Anthony then went to work for.

So I think the credibility that this opposition has in child care needs to be very seriously questioned. They can criticise other measures that this government has undertaken whilst supporting this bill, but what they can never claim is that they actually acted on a national agenda for children. This is a very important and critical issue for the Labor government and we will continue down this path. It may well be that there are measures that need to be addressed that will not benefit 100 per cent of Australians, but we cannot be criticised for not having a national agenda, a national plan for significantly increasing the affordability and the quality of childcare services for Australian families.

Within that broader context, we return to the issue immediately before us, which is improving the regularity of payments for Australian families. This issue has a long history, dating back to when the Howard government first introduced the rebate at 30 per cent. It is now 50 per cent and families no longer have to wait 18 months, up to two years, before they see the assistance that should be immediately associated with their expenses in supporting their children. 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.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Ludlam)—Order! It being almost 6.50 pm, the Senate will proceed to the consideration of government documents.

Department of Agriculture, Fisheries and Forestry

Senator BACK (Western Australia) (6.47 pm)—I rise to speak with great pleasure to the Department of Agriculture, Fisheries and Forestry’s report to the parliament on livestock mortalities—or, I will say, livestock deliveries—during exports by sea for the reporting period of July to December 2010. I would like to place on record for the Senate the outstanding figure that 99.9 per cent of 408,700 cattle were successfully delivered from Australia to their end ports, and 99 per cent of 1.5 million sheep were so delivered. It is an outstanding result, particularly when you consider that the actual gross live weight of those who arrived was greater than 100 per cent of what the purchaser bought in the first place.
I compliment the many people in the trade for this outcome—the producers, transporters, feedlot managers, shippers, veterinary service providers and those responsible for the overall supervision of the trade. More than $1 billion of gross regional product comes directly from the live export trade, and there is a further $1 billion or more in the multiplier in regional Australia for people who would otherwise not gain reasonable employment in that sector. Our cattle go principally from the Northern Territory, northern WA and Queensland to Indonesia, Israel and Jordan. I am pleased to say that during this six-month period there was the introduction of a new market—Turkey. What a wonderful success that has been, both for Australian exporters and also for the Turks themselves. Sheep are principally going to the Middle East.

I will comment briefly on a couple of aspects associated with welfare and again make the observation that Australia stands unique in the world for the attention given over many years to improvements in health, welfare, husbandry and nutrition of cattle and sheep in the markets to which we send our livestock. There is continual improvement. Nobody else does this. Can we continually improve? The answer is yes. We have come a long way. I am the first to say that we can do better. We can do better, for instance, in slaughter handling of cattle, and we are already investing in this area, in Indonesia, Egypt and other places. We are using Australian technology and expertise. The challenge is there for us to improve. Can we do better with sheep? Yes, we can, but it will be a different form, simply because the demand by the customer for the sheep product, in the main, is different.

I will comment briefly on food security in the time available. I saw email evidence from the Turkish government at the time we introduced the cattle trade to that country pleading for us to pull out all the stops because of their urgent need for protein. That brings me to the point about chilled or frozen versus live export. There is a continuing and growing need for both. It is absolutely wrong for people to be saying we can replace the live trade with the frozen or chilled product. We cannot, and it is important for this country and for our farmers, producers and exporters that this trade continue.

The point has been made that we could phase out the live sheep trade in my home state of Western Australia. Let me tell you, for the last 30 years competition between meat and live exports has underpinned the value of the sheep market in our state. It is already in a parlous state because of drought conditions affecting cropping, and if we were to lose the live export trade it would be a very severe blow. Anybody naive enough to say that if we were to stop the live export trade those in the meat trade would continue to pay the same price for the carcass, as many have said, does not know very much about competitive markets. I have spoken previously in this place about the need for the live trade in markets where electricity supplies are unreliable, affecting freezers and chillers, and also in markets where most of the consumers, particularly of sheep, are what we would call 'wet market' consumers. They do not have refrigeration in their own homes and the markets themselves very often do not have chilling or freezing facilities.

Time does not allow me to respond to many of the negatives that have unfortunately come out in this parliament and in the wider community. There is misinformation, wrong information and an attempt to remove the viable income of many producers in this country. I commend this report to the Senate.

Question agreed to.
Consideration

The following order of the day relating to government documents was considered:


ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Ludlam)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Women

Senator POLLEY (Tasmania) (6.53 pm)—In many ways Australia has taken great steps forward in the recognition of the role of women in our society and in progress towards equality between men and women. As early as 1894, women were able to vote and be elected to the parliament of South Australia. Federally, these rights were endorsed in 1902, but it was as late as 1926 before all states recognised the right of women to be elected to parliament.

A conflict of the size of World War I forced change to the traditional relationship of men and women and created an appreciation of the importance of women in our communities. This change reinforced the activism of women from the 1880s onwards. The Australian Women’s Suffrage Society was formed in 1889. During World War I, Norway and Denmark confirmed the right of women to vote. The United Kingdom, Germany, Czechoslovakia, Austria, the Netherlands and Canada followed soon after, at the end of World War I. However, progress has been slow. ‘Equal pay for equal work’ was not recognised until 1969. Not until 1984 was the Sex Discrimination Act passed, outlawing discrimination on the basis of gender.

The Labor government endorses the principles of equality. The recently introduced parental leave provisions are just another example. The Hon. Kate Ellis MP recently introduced a range of measures to assist with the process of equality in our workforce. However, discussion of these measures is for another time and place. In 2006, 54.8 per cent of tertiary positions were offered to women. In 2008, 30 per cent of small businesses were operated by women and 57 per cent of Public Service positions and 36 per cent of senior positions were occupied by women, but only 12 per cent of senior private sector positions were and the percentage of women as board members was even lower. So there is still a way to go.

However, today I particularly wish to recognise the organisations and women who have been added to the Tasmanian Honour Roll of Women. The honour roll was created in 2005 not only to recognise the significant contribution of these women and organisations to Tasmania, Australia and even internationally but also so that these prominent women will be seen as role models by young women and encourage them and assure them that such achievements are attainable and, in fact, very desirable. In 2011, women’s organisations have been included for the very first time, to recognise the contributions that organisations have often made to the advancement of women’s issues. A further 24 women have been added. Sadly, six of these inductions are posthumously awarded. I would like to mention each of these esteemed figures but time will not allow me to fully acknowledge or give due justice to each of these inductees.

This year the Australian Women’s Land Army, Tasmanian division, 1942-45, and the Hobart Women’s Health Centre were the two organisations recognised. The AWLA—often called ‘Land Girls’—comprised young women who volunteered to work as rural
labour to offset the labour shortages on farms. The AWLA recruits initially faced reluctance and scepticism from the farming community. However, after formal farm training, the women valiantly took on exhausting dawn-to-dusk work, eventually earning great respect from the farmers they assisted. The AWLA did not receive the same recognition as other women’s services. It was only in 1985 they were able to march in Anzac Day parades, and in 1995 these women became eligible for Civilian Service Medals.

The Hobart Women’s Health Centre has taken a holistic approach to women’s health and has been at the forefront of taking health issues out of surgeries and into the community. The centre acknowledges the impact of societal influences such as income, education, gender, sexual orientation and isolation on health outcomes for the individual. The centre has continuously lobbied for improved services and programs that meet women’s needs. Nutrition and body image programs, the Encore breast cancer program, support groups for endometriosis and lymphoedema sufferers, and programs for older women are examples of the centre’s work.

Of the 24 women inducted onto the honour roll, three have represented their communities at either state or federal level. Sadly, Sue Napier, who was inducted, passed away last year. Elected in 1992 using the slogan ‘The best man for the job is a woman’, her experience in education was an invaluable asset as she served in a range of portfolios. She became the first female Deputy Premier, Leader of the Opposition and Leader of the Liberal Party in Tasmania. Sue Napier will be remembered as a woman of integrity who fought against discrimination and championed the cause of the disadvantaged.

Prior to her election to state parliament in 1993, Peg Putt was the Director of the Tasmanian Conservation Trust. As a politician, Peg spearheaded campaigns around Aboriginal rights, women’s rights and the need to preserve Tasmania’s natural heritage. From 1998 to 2002, Peg was the sole elected Tasmanian Greens representative in the Tasmanian House of Assembly. Peg’s contribution to the Tasmanian parliament was recognised by voters in the 2002 state election, when four Tasmanian Greens were elected, gaining the Tasmanian Greens official parliamentary party status.

In the late seventies, the former Labor senator for Tasmania Kay Denman became a volunteer member of the Mersey Leven Community Welfare Planning Group. The group had an extensive brief focusing on social welfare issues. This led to her involvement with the inaugural committee of Mersey Leven Family Day Care, and she fought for children with disabilities to be cared for in day care facilities. This voluntary work opened up Kay’s interest in social justice issues. Kay has also been a staunch advocate for those suffering from asbestos related diseases. Having grown up in Railton, she has seen firsthand the devastating effect these diseases have on our community.

Elizabeth Clark has had a long history of service to her community with the Girl Guides, the Rural Youth Organisation, the Cressy Progress and Improvement Association, the Cressy indoor bowling club, the Cressy amateur swimming club, the Howard Hill support group and the Cressy Anglican Women’s Fellowship. Elizabeth joined the Cressy branch of the CWA in 1982 and rose through the ranks to serve as state vice president from 2003 to 2006 and state president from 2006 to 2008.

Margaret Findlay received her award for architecture. She personally designed more than 60 residences to suit the requirements of employees of the Australian Newsprint
Mills, or ANM, staff in New Norfolk. Margaret was the first woman in Tasmania to qualify as an associate of the Royal Australian Institute of Architects and was the first registered female architect in Tasmania. In 1945, Margaret was appointed Instructor in Architectural Draughtsmanship at the University of Sydney, the only female instructor at the school.

In 1953 Johanna Coy was appointed as Tasmanian Nutrition Officer in the Department of Health Services, a position she held for 34 years. During this time Johanna was the only nutritionist in Tasmania. She published over 50 papers, working on them in her own time. Papers included ‘Dietary Survey of Tasmanian School Children’ in 1957, a great year, and ‘Food—Problems of Pollution’ in 1977.

In the early 1970s, Connie Curtain became involved in the Talire Special School, which her daughter, Margaret, had attended. She also became actively involved with the Retarded Citizens Welfare Association. In 1978, Connie was awarded the title of RCWA Tasmanian Woman of the Year. Connie accompanied southern Tasmanian teams to the Special Olympics instate, interstate and overseas. Unfortunately, she passed away in 1989.

There is a long list, so I will seek leave to incorporate the remainder of the list of women and their achievements in the Hansard. I want to reiterate that these women have helped shape our Tasmanian community, and I commend these women and organisations to the Senate, the Tasmanian community and Australia as a whole as wonderful role models. I seek leave to have the list of women and their achievements incorporated in Hansard.

Leave granted.

The document read as follows—

Sue Blackburn is recognised internationally for her research and expertise in microalgae, microscopic plants that are critical to the health of marine and freshwaters.

Sue heads the Australian National Algae Culture Collection (ANACC) and leads related research on microalgal diversity, life cycles, eco-physiology, population dynamics, harmful algal blooms, culturing and bioapplications including biofuels and omega-3 oils at CSIRO Marine and Atmospheric Research (CMAR) in Hobart.

Susan also participated in the Women in Science in Secondary Schools initiative to encourage girls to participate in science.

In 1999 Amabel Fulton with her husband David started a successful consultancy company Rural Development Services (RDS). RDS provides research, development and education services to the agriculture and seafood industries. In recognition of her work, Amabel was awarded the Telstra Tasmanian Business Women’s Award in the innovation category in 2008 and was the Rural Industries Research and Development Corporation Rural Women’s Award runner-up in 2008.

Elizabeth Fulton is the developer of Atlantis, an ecosystem model which in 2007 was rated by the United Nations Food and Agriculture organisation as the best of its kind in the world. Her modelling framework is the first in the world that gives equal attention to the biophysical and human components of the system.

Helen Gee was a founding member of the Wilderness Society and the Convener of the Lake Pedder Restoration Committee. Helen has been a campaign officer for the Tasmanian National Parks Association, a Convener of the South East Forest Protection Group, a Councillor with the Australian Conservation Foundation, and member of the Tasmanian Wilderness World Heritage Consultative Committee.

Auntie Dulcie Green is an elder of the Tasmanian Aboriginal community and the knowledge and skills of shell stringing has been passed down through generations of her family. Her work has been exhibited widely including an international exhibition developed between the National Museum of Australia, Stories from Australia, and the Guangzhou Museum of Art in China in 2002.
Karen Hall is a passionate and inspiring woman who has displayed courage and determination in assisting a range of community groups in North-East Tasmania.

She has been a lobbyist and promoter for many means—the Women’s Timber Support Group, Forest Industries Trauma Support Group, Tasmanian Forestry Week and is a Board Member of Tasmanian Forest Contractors Association and is a founding and current active member of the North-East Tasmanian Branch of Timber Communities Australia.

Eileen Johnstone—Throughout her life she continued to develop her professional learning and her musical knowledge in all its form was extraordinary. Eileen was acknowledged by the Australian Music Examination Board as one of its senior examiners.

Mary Knowles moved to Rossarden to escape serious domestic violence. She was actively involved with Volunteer Ambulance Service and became State President of that organisation.

Mary was an Executive Member of the Distance Education Parent Association for 13 years with five years as State President.

A member of the Cancer Screening Consumer Reference Group for seven years and has been involved with Greater Esk Tourism as President and currently as Secretary.

Mary Lodder 1853-1911. Her obituary in the Examiner “A member of many learned societies, and known to almost every shell collector in Australia, as well as in many foreign countries, her scientific attainments would have made many a smaller character more widely known. But so quietly was her work done that … few grasped the scientific possibilities she possessed.”

Jessie Luckman was awarded a Medal of the Order of Australia in 1997 for her services to the community and to music as a performer and broadcaster.

As a foundation member of the Tasmanian Conservation Trust she has been an active conservationist concerned with many Tasmanian issues.

Margaret Mack was a founding member of the Tasmanian Branch of the Australian Physiotherapy Association, a committee member from 1952-1981, President in 1978-79, the Australian delegate to the World Council of Physical Therapy from 1959-1967, and Vice President in 1967.

Margaret was a Board member of the newly opened St Giles Home for Crippled Children for 35 years.

She was awarded a Medal of the Order of Australia in 1984 and a Governor’s Commendation in 1992 for her long devoted service to children with disabilities.

Throughout her career, Bea Maddocks experimented with sculpture, photography and drawing, but is best known as one of Australia’s finest printmakers exploring the natural environment, Aboriginal Australia and Australian history.

In 1985, Austra Maddox was the first female elected as Branch Secretary of the Administrative and Clerical Officers’ Association. She continued to be re-elected as the union grew through various amalgamations into the Community and Public Sector Union.

She became the first female President of the Tasmanian Trades and Labor Council in 1993, and continues her union involvement as a Life Member of the Community and Public Sector Union. She is also a member of the Unions Tasmania Women’s Committee and the Union Choir.

Patricia Ratcliff has been a passionate protector of heritage buildings and an historian. In the Furneaux group she was instrumental in the reconstruction of Wybalenna Chapel. Patricia was a founding member and inaugural Secretary of the Launceston Historical Society. She also introduced the John West Memorial Lecture in conjunction with The Examiner newspaper at this time.

Patricia was awarded a Medal of the Order of Australia in 2004 for service to the preservation of heritage buildings and to the recording of historical events in Tasmania.

Kim Schneiders began developing arts programs for students with disabilities at St George’s Special School, for which she won a National Excellence in Teaching Award.

She established Interweave as a not-for-profit community arts organisation with a strong educa-
tional and community focus. Interweave has provided a vehicle for numerous arts projects and events in the Launceston area.

In 2008, as part of the Community Achievement Awards, Kim won the Qew Orchards Outstanding Achiever Award.

Joan Webb’s life has covered many areas, teaching, developing adult education programs, involvement with tourist and hospitality industry in the Tamar valley, a writer of books and poetry and member of the West Tamar Council.

At age 84 she completed a Graduate Certificate in Education and is currently completing her Masters degree.

Susan Wijffels has made fundamental advances to the measurement and understanding of the role of the ocean in climate change and the climate of Australia.

Susan is internationally recognised as an expert on the Indonesian Throughflow, ocean warming and freshwater changes and transport, and our regional boundary currents. As a research leader at CSIRO, Susan was the CSIRO coordinator for the Quantitative Marine Science Joint PhD Program with the University of Tasmania.

I commend all of these women and organisations to the Senate.

Hill, Alderman Maurice, OAM, PHF

Senator COLBECK (Tasmania) (7.03 pm)—I would just like to associate myself with the remarks of Senator Polley in relation to the women inducted last week. There are some brilliant achievements there, and the comments were very well made.

My contribution tonight is to pay tribute to a really good friend of mine who unfortunately passed away two or three weeks ago, Alderman Maurice Hill OAM, PHF—PHF meaning Paul Harris Fellow—who was the Deputy Mayor of the City of Devonport. Maurice’s community achievements are legend at a local level, and he was given a more than fitting tribute and sending off by his local community, by Rotary International and by all his very, very good friends.

This presentation perhaps should have a classification warning, not necessarily for anything bawdy, but it does demonstrate how times have changed over Maurice’s 65 years. Maurice enjoyed life to the full. He lived it well, but he got the most out of it too. Some of the things that Maurice did during his time would not be considered politically correct today, but he was a man of his times and he certainly made a significant contribution to the city over the years. I just make the point that he lived a good life and he lived it well, and I do not want people to be offended by some of Maurice’s antics. I just make that point.

Just to summarise his community involvement, he was a member of the Apex Club of Devonport from 1963 to 1977. He was a member of the Mersey Rowing Club from 1963 to 1967, having previously rowed for Grammar and been a member of the winning Head of the River crew. From 1964 to 1989 he was a volunteer fireman for the Tasmanian Fire Service. We have heard some fantastic stories about Maurice and his family association. He was awarded the National Medal in 1985 for diligent long service to the community in hazardous circumstances, including in times of emergency and national disaster. He was a board member of the Mersey General Hospital, something he was very proud of. From 1982, he was a justice of the peace; from 1992 to 1996, a member of the Queen Elizabeth II trust for young Australians; from 2002 to the time of his passing he was an alderman of the Devonport City Council and from 2007 he was deputy mayor; and in 2009 he was awarded the Order of Australia Medal for service to Rotary International, to local government and to the community of Devonport, something that I know he was very proud of and certainly deserved.

I met Maurice through a number of forums, but I got to know him really well
through Rotary. We were both members of the Devonport North Rotary Club. I will just put a couple of his achievements—because they are many—in respect of Rotary on the record. He was a Rotary group study exchange leader, a district governor of Rotary, a district governor nominee-designate trainer for Australia, a trustee of the Australian Rotary Foundation Trust, an Australian representative for new model Rotary clubs, a seven-time international convention attendee as a Rotary International president representative and the Rotary International health and hunger taskforce coordinator for Australia, New Zealand and the South Pacific.

From a personal perspective, I will talk about some of my memories of Maurice. I remember on election night in 2001 that he was the first person to congratulate me on being elected to the Senate. It was about 10.30 pm, the broadcast was coming to an end for the night, and Peter Costello made the comment that Richard Colbeck would get elected to the Senate. I was not all that confident of that, but Maurice said that, because Peter Costello had said I was going to get elected, that was going to be the case. I am very happy that it was the case, but it was just one of those things where Maurice was more than confident about the outcome, and he was the first person to congratulate me on my election. And he sometimes reminded me of that.

He had a great sense of humour. In the local paper last year, in 2010, there was an article about the sale of Victoria Parade in Devonport. For those who do not know Victoria Parade, it is highly valued parkland in the community along the Mersey River. Maurice Hill was in the paper with the general manager of the council and a local real estate agent, Esley Dunham, talking about the sale of the Mersey foreshore, Victoria Parade, by a Scandinavian developer by the name of Loof Lirpa. Needless to say the phones lit up at the newspaper and at the council from those who did not realise that Loof Lirpa is actually April fool spelt backwards. But the front-page story did cause a bit of excitement in the newspaper. Those were the sort of things that Maurice liked to participate in.

He loved his children and his family. In fact, I would have to say he actually worshipped them. His involvement in Rotary, particularly inducting new members and helping them to get involved, to become part of the club, was really something that he was very well known for. Don Maurice, who was on the President of the Senate’s staff when Paul Calvert was President, and worked for me for a while, rang me after Maurice passed away and said that the skills that Maurice showed at home were also on display abroad. He was an extraordinary orator. He could give speeches without any notes. He had done his research, he could just digest all the information and then regurgitate it. I do not know too many who were his peer in that respect, and he was certainly highly valued in the Rotary community. Those skills were also demonstrated outside.

I would just like to put on the record quickly some comments from other members of the Rotary club. We had a fantastic meeting a couple of weeks ago to commemorate Maurice’s life and involvement in Rotary. A number of Rotarians put some things on the record. Maurice loved fast cars, and Mac Russell, who worked with his family, recalled his love of fast cars and getting from point to point in the quickest time possible—although, when he was going to the east coast, which is probably a three- or four-hour trip from Devonport, it was known to take up to 11 hours because he would stop at every pub along the way, just to make sure they were sufficiently lubricated. You could not do that these days—I understand that—but that was the way Maurice liked to get from one side of Tasmania to the other. He was a
great salesman, and both Mac and Gerald O’Dea recalled that. Gerald recalled the day he went in to pick up a favourite record and came out with the record, a stereo and having joined Apex at the same time. So Maurice had great skills in that capacity.

In 1990, the Rotary club that we were involved with—Devonport North—was organising the opening day entertainment for the World Rowing Championships. Maurice found a little business in Hobart that was making tin cups. The debate was whether we bought 1,000 or 2,000. It took us some time to make that decision, as you might understand, in a Rotary club. We were making a fairly significant investment. But this was a really old business. They were doing all this stuff by hand. It was effectively a little tin can made by hand, everything soldered together. We sold 2,000 of these things that day. We could have sold 4,000. But Maurice was always one to go for the upper scale as far as the decision making was concerned. It proved to be a real symbol of our involvement in the opening day for the World Rowing Championships.

John Thorn, who was a district governor, said of Maurice that he lived the four-way test better than almost anybody else. The four-way test—I mentioned it in my first speech and it is a pretty good set of principles—goes like this: is it the truth; is it fair to all concerned; will it build goodwill and better friendships; and will it be beneficial to all concerned? And I think John Thorn was right, Maurice did live that better than most, and it is a real tribute to him.

Leon Wootton told us of a number of things: Maurice’s capacity as a really good friend; his self-deprecation; and his desire to make sure that his bowel cancer was well understood and that people did the best for that. One day when I saw him and asked him how he was going he said: ‘Well, mate, I’m pretty good. The doctor told me I was supposed to be dead last week’. Eighteen months on, he was still going. He once said that he had picked up a jar of Vegemite and it had a longer expiry date than he did.

I would like to offer my condolences to Roz and to his family, whom I know he adored. I think it is fitting that Maurice is remembered in this way. I am sorry I do not have more time to complete a bit more detail, but I really would like to pay my respects to his family and all those who knew and loved him.

Building the Education Revolution Program

Senator BILYK (Tasmania) (7.14 pm)—‘A dream come true. Our school wasn’t crumbling but this brings us into the 21st century in terms of how we can teach our students.’ Those are the words of Blackmans Bay Primary School Principal, Mr Anthony Burrows, from May 2009 when the then Minister for Education, Julia Gillard, visited the school to announce $14.7 billion in funding for Australia’s schools. Mr Burrow’s quote sums up the importance of providing our children with modern facilities so that they can achieve the best possible results. I was fortunate enough to be at Blackmans Bay Primary School as the announcement was made. It was a school which was very close to where I lived when I lived in Blackmans Bay, and both my children attended Blackmans Bay Primary School for their primary school education. The school, which is in southern Tasmania, received a combined $2,644,664 under the National School Pride, NSP, and Primary Schools for the 21st Century, P21, programs. The school had new classrooms built, the hall transformed and purchased new IT equipment. I was also able to attend the official opening on 5 November last year.
The Building the Education Revolution, or BER, as it is known, has been a huge success, and the BER in my home state of Tasmania is no exception. It is the single largest element of the Australian government’s $42 billion Nation Building Economic Stimulus Plan. The government implemented the stimulus plan to support jobs in the short term and to invest in economic growth for the future. It was a decisive step which, combined with other measures already implemented, was required to tackle the global financial crisis. The $16.2 billion BER program was destined to modernise schools throughout the delivery of necessary infrastructure and in doing so support local jobs and stimulate investment.

The Labor government is committed to providing a world-class education system to all Australians. This is vital, especially for our children, and I spoke earlier about that with regard to very early education. If we want them to have the best chance in life, to have as many options as possible, then they have to have a world-class education system. I believe our children are entitled to modern facilities in which to learn. Our teachers deserve to have the best facilities to support them in educating their students, and parents want to know that their children are attending schools that are well equipped for their learning.

Across Australia, around 24,000 projects have been developed as part of the initiative, which also includes the $821.8 million Science and Language Centres for 21st Century Secondary Schools program, the SLC program. Under the P21 element, funding has been approved for 10,509 projects in 7,938 schools. Projects undertaken include new libraries, multipurpose halls, classrooms and the refurbishment of existing facilities. Under the SLC element, funding has been approved for 537 schools to refurbish or construct new science laboratories or language learning centres, while the NSP program has provided funding for 12,668 projects in 9,479 schools. The NSP has funded the refurbishment of buildings and the construction or upgrade of fixed shade structures, covered outdoor learning areas, sporting grounds and facilities and green upgrades. In my home state of Tasmania, the government has spent approximately $439 million on 594 projects. This has included 290 projects under the P21, 273 projects under the NSP and 30 science and language centres under the 21st Century Secondary Schools program.

At the end of 2010, more than 424 Tasmanian schools had completed construction on individual projects, and students have already had the benefit of using modern, state-of-the-art learning facilities. Another 170 schools have facilities that are under construction and their students will soon have room to learn in a more effective environment or be able to enjoy multipurpose facilities that can host a range of activities. Across Tasmania more than $327 million will have been spent on improvements to government schools, more than $73 million on Catholic schools and $38 million on independent schools. The BER has been an enormous success across the nation and Tasmania is no exception. I have had the opportunity to visit a number of schools to see the results of the BER money. Every school I have visited has been thrilled with the results—every school.

Teachers, students and parents are all benefiting from the new facilities. The broader community is also benefiting from the BER, as one of the requirements of the program was that facilities are made available for use at low or no cost. The Tasmanian government is supporting this initiative by covering not-for-profit community groups with public liability through the summer. Some of the schools I visited include Blackmans Bay Primary School and Channel Christian School, both in the electorate of...
Franklin; Goodwood and Timsbury Road primary schools in the electorate of Denison; and Dodges Ferry Primary School in the electorate of Lyons. And there are quite a few more still to come.

In October last year I represented the federal government at the opening of the Goodwood and Timsbury Road primary schools BER project when Senator Carol Brown was unavailable. The schools, which are co-located, received $1,225,000 under the NSP and P21 elements of the BER. Goodwood Primary received a new library and had outdoor facilities upgraded. A library is not only a vital source of information for children but also a place for collaborative learning. On 29 November 2010 I was honoured to be able to attend two BER openings. The first one was another school in the electorate of Franklin, quite close to my office, Channel Christian school, and the project was officially opened by the federal member for Franklin, Julie Collins MP. The school received a total of $1.6 million under the BER and welcomed a new library as a result. The school now has more space for school productions and other events.

Later in the day I was delighted to officially open the Dodges Ferry Primary School project on behalf of the federal member for Lyons, Dick Adams MP. Some of the students spoke about their experiences with the new facilities and it was also pleasing to see people who had been involved in earlier stages of the project return to celebrate the completion. The school received a total of $2,650,000 under the NSP and P21 elements of the BER. The money was used to build new classrooms, a refurbished library and some new play equipment. The school has also improved access for people with disability. The Dodges Ferry Primary project supported the employment of 20 people.

Another school that received funding under the BER was Woodbridge School, in the Franklin electorate. This school now has a new hall, refurbished playgrounds and car park, as well as new student lockers. The project at Woodbridge employed 18 people. While on the subject of employment opportunities, recently a tradesperson came to my office and told me that he had been to many schools as a result of the BER. He is just one of many people who have found employment or seen an increase in trade because of the BER. As a result of the BER, builders, carpenters, architects, landscapers, electricians and plumbers have all been in high demand. Suppliers of school resources, such as smart boards and lockers, have also benefited as have companies that manufacture and sell floor coverings and other products.

Another school in my local area that received funds under the BER was the Glen Huon Primary School. The school community were very excited about the new multipurpose hall that they received as a result of the BER. Prior to the construction of the hall, the school had to have separate assemblies because there was not a room big enough to cater for all the students. They had to rearrange classrooms so there was room. Obviously, this was difficult for the children. On wet days it meant that they had to play in the classroom, which was already set up for the assembly. I was really pleased to be able to attend the opening of the hall and to see the school community gathered as a whole. They were just so excited about their new facility.

It is important to emphasise the excitement and pride felt in school communities as they use their new facilities. At official openings, staff and students have spoken about their new facilities and the impact they are having, as well as giving visitors a tour. I am very much looking forward to attending the opening of a number of other schools. As a politician, you do jobs that you do not neces-
sarily like to do, but going to these schools, seeing the excitement of the kids and the parents and teachers being so thankful for these new facilities is really amazing. I am really pleased to be part of a Labor government that is providing our children with the best facilities possible for their education. I am pleased to be part of a Labor government that is supporting schools, regardless of whether they are government, Catholic or independent schools. I am pleased to be part of a Labor government that is supporting schools, regardless of whether they are in our big cities or our small country towns. The Labor government is proud of what it has achieved with the BER. We have moved education into the 21st century, we have protected Australia’s economy during the global financial crisis and we have strengthened our economic future.

Multiculturalism

Senator BERNARDI (South Australia) (7.24 pm)—Australia is a country that has benefited greatly from diversity. Being from migrant stock, I have personally benefited from migration and the infusion of other cultures into our nation. Yet, while our culture is drawn from many countries and customs, it is still one thing: it is a culture made up of a set of core values that should be reflected in every living room right across the nation. These values are grounded in the rule of law, democracy, freedom of religion and equality of all people. So, when talking about a national culture, we need to focus on what binds us together, such as our language and social inheritance, for as Abraham Lincoln said, ‘A house divided against itself cannot stand.’

When migrants come to Australia we should, as Roger Scruton says, ‘welcome them into our culture, not beside or against it’. It is not enough for us to be what David Cameron calls a ‘passively tolerant society’—that is, a society that says to people, ‘You can do as you wish, even if you breach our common social covenant, as long as it is within the law.’ A country will never be united, it cannot be strong and confident, if it follows that path. Cameron went on to say: … a genuinely liberal country does much more. It believes in certain values and actively promotes them.

He went on:

It says to its citizens, this is what defines us as a society: to belong here is to believe in these things. Now, each of us in our own countries, I believe, must be unambiguous and hard-nosed about this defence of our liberty. Australians should always be ready to say ‘no’ to the path of isolation and separatism and ‘yes’ to embracing our common values. It is right for us to ask therefore: what benefits come to our country when we encourage people to isolate themselves from their fellow citizens? How does separation help us to maintain a society that needs to be united by our shared values to be ready to tackle the future? I will always, unashamedly, advocate for core Australian values, a strong and cohesive society and a united Australia. Yet in today’s age, defending Australia’s cultural institution and values is not without personal risk. For to do so requires questioning the practices and ideologies that threaten Australia’s social compact and that threaten the things that bind us as Australians together. Of course, we need to respect individual freedoms and we must also recognise that, as Australians, we share in and are all part of a shared culture, a shared language and shared values. But we must be able to critically examine actions and ideologies when they are at odds with our own standards. While we can be colourblind in all aspects of our society, we cannot afford to be behaviourally blind.

Why then is it that when people question the values or practices or conduct of those
who subscribe to beliefs that are against our way of life, our democracy, our values, it is to subject themselves to personal slurs? If the cost of raising legitimate community concerns, whether or not others actually agree with the question raised, leads to lies, smears, irrational accusations of racism and bigotry then we really do have a problem with free speech in this country. Too often we see hysterical and empty responses rather than sober and rational debate that deals with the subject matter itself. The question is: why? Are we so afraid to distinguish between right and wrong that we will not even allow debate to take place? What are we afraid of admitting or actually discovering? That perhaps morality is not a relative thing and that our culture is unique and is worth preserving and defending? That there is an opportunity to learn from the mistakes of other nations? Surely we can only do so if we can examine those errors in a critical and open light. Frankly, I do not want to see Australians lose the things that bind us together. I do not want to see Australia go down the path of so many other Western democracies that are now struggling to maintain their national identity. Take Britain, for example. Britain’s chief rabbi sums it up like this:

The British started seeing their own history as an irredeemable narrative of class, snobbery, imperialism, racism and social exclusion. It was in this atmosphere that, in the 1970s, multiculturalism was born. It said: there is no need to integrate. This, says the rabbi, led to the disintegration of national identity. He continues:

Multiculturalism, entered into for the noblest of reasons, has suffered from the law of unintended consequences. By dissolving national identity it makes it impossible for groups to integrate because there is nothing to integrate into, and by failing to offer people pride in being British, it forces them to find sources of pride elsewhere.

Letting people separate themselves from society will not make Australia stronger. Allowing people to devalue Australian culture will not make us more united. Sitting idly by while our society becomes more fragmented will not make Australia a better place to live. A strong, confident Australian identity is a source of pride and provides a sense of belonging. So why wouldn’t we be prepared to fight for it? Why wouldn’t we challenge those who seek to undermine it? We simply cannot afford to be afraid to speak out against those who seek to undermine our national identity and our shared culture and values.

It is little wonder that Australians feel as if they are trapped in what I call the whisper zone. What is the whisper zone? It is a product of political correctness. Those who speak publicly—normally these are people of a conservative or traditional viewpoint—are too often shouted down, mocked and derided simply for expressing a point of view that does not align with the political correctness brigade. This has the effect of silencing people because they are afraid of being intimidated and ridiculed. They are reduced to whispering their views to others.

I have consistently defended the Australian way of life, including freedom of religion. I have also questioned the public indulgence of practices and ideologies that I do not agree with, and I have endured all sorts of abuse for simply voicing that opinion. As a politician, I am not precious; I do have a very thick skin. I can handle the insults that are aimed at me and, indeed, exposing the hypocrisy of others is strangely empowering. But somehow it seems okay for other members of this parliament, including Senator Xenophon, Senator Bob Brown, the former Prime Minister, Kevin Rudd, and even Senator Chris Evans and more, to voice their concerns about particular religious groups, but it is not okay for me to express my own concerns. These are concerns that have been expressed right around the world—in many
cases they have been expressed too late to have done any good.

While words of abuse from this government, which demonstrate to me just how out of touch they are with mainstream Australia, do not bother me, I do worry about the effect that their actions have on the wider Australian community. How many people have witnessed the personal slurs and illogical charges of racism and bigotry towards me and are now too scared to voice their own opinions for fear of being vilified too? Every time I speak out in defence of our values I receive a wave of support from everyday Australians who share my concerns, but they tell me they are too afraid to speak publicly. Time and time again we hear conservative voices—voices that seek to protect our traditions and way of life—shouted down by those who simply do not have room for another opinion. The important issues are lost in a blitz of character assassination, vitriol and misrepresentation.

I say: no more. It is time for us to break out of the whisper zone because what is at risk if we stay silent is simply too precious to lose. We cannot afford to lose our culture or our guiding principles. We cannot afford to lose the unity that comes from our shared values and sense of community. Compared to a financial balance sheet, a cultural balance sheet is almost impossible to restore once it is lost. We have to take a stand; otherwise we risk going down the same path as some other Western nations. Of course we can continue to celebrate diversity but when uncritical tolerance undermines that which unites us, we cannot and we should not stay silent. As David Cameron said:

At stake are not just lives, it is our way of life.

**Tuberculosis**

Senator CAROL BROWN (Tasmania) (7.34 pm)—I rise to discuss the global epidemic of tuberculosis, TB, and particularly its effect on women. While I will share with you some of the key achievements that have been made in the fight against TB, AIDS and malaria, I also want to frame the challenges we will continue to face in the future.

It is timely that I deliver this speech in the lead-up to World Tuberculosis Day, coming Thursday, 24 March. It is a day that marks the anniversary of the discovery of the cause of TB and the first steps taken towards diagnosing and curing the disease. The World Health Organisation uses the annual World TB Day as an opportunity to promote the global plan to stop TB by 2015. The theme for World TB Day 2011 is transforming the fight towards the elimination of TB, with the aim to inspire innovation in TB research and care. To consider how we might transform the fight it is first important to frame the challenge before us.

Tuberculosis is a curable and preventable disease. The TB infection is spread by coughing, sneezing, laughing and even singing. Alarmingly, TB kills around 1.8 million people each year, and almost half of those fatalities are in the Asia-Pacific region. The most recent estimates indicate approximately one-third of the world’s population is infected with the bacteria that causes TB and there are 9.4 million new cases of TB each year. Additionally, TB is the leading cause of death for people with HIV-AIDS in developing countries. To compound that, only 4.1 per cent of people living with HIV-AIDS are screened for TB each year.

TB is the third-leading cause of death for women in developing countries. The disease is most prevalent in women in the 15 to 44 year age bracket—the time when they are economically and reproductively active. TB therefore disproportionately affects pregnant women. The prevalence of the disease heightens the risk of death during childbirth and infant mortality, and it perpetuates the
transmission of the disease from mother to child.

Due to a range of socioeconomic and cultural factors, TB is more likely to go undiagnosed in women. This is partly attributable to the gender bias of some physicians who view TB as a male disease and partly because women are less able to access qualified health services. There is also evidence which suggests biological differences in women may produce different immune responses, symptoms, signs and outcomes to men, which may complicate diagnosis and treatment.

A lack of education, particularly patient education, also complicates diagnosis and treatment of TB. One study in Pakistan, for example, found that some women did not understand it was necessary to provide mucus for a sample for TB screening and instead just used saliva. This distorted the diagnosis of TB and thwarted timely access to treatment. In developing communities, women’s social role places them at a higher risk of contracting TB than men. Evidence suggests that, as a result of indoor cooking in confined spaces with biomass fuel, a woman’s respiratory system is weakened and they are therefore more susceptible to developing active TB. Women are further disadvantaged in the fight against TB by treatment options which are not gender sensitive. Women who are diagnosed with TB then face additional social and economic challenges as they battle to care for themselves and for infected and affected family and community members. As we continue to transform the fight towards the elimination of TB, it is vital that we work to support women in developing communities to combat this disease. We need to consider taking steps such as screening pregnant women for TB, improving patient education, investing in research on gender sensitive treatments and improving the diagnosis of TB in women. All of these form part of our future challenges.

Whilst there is always more that can be done, it is also important that we reflect on the significant progress that has been made in the fight against TB. In 2002, the Global Fund to Fight AIDS, TB and Malaria was established. The global fund operates as a partnership between governments, the private sector and affected communities to finance international health interventions to fight AIDS, TB and malaria, and in turn to reduce poverty and support sustainable development. Since the establishment of the fund we have seen significant progress in the fight against AIDS, TB and malaria. Recent data from the World Health Organisation’s Global tuberculosis control report indicates that incidence rates of TB are falling globally in all regions except for South-East Asia, where the rate has stabilised. Mortality rates fell by around 35 per cent between 1990 and 2009, and current projections indicate that the mortality target could be achieved in all WHO regions except Africa—and even in Africa mortality rates are falling.

The prevalence of TB is falling globally in all six WHO regions. There is the potential to reach the target of halving the 1990 prevalence rate by 2015 in the region of the Americas, the Eastern Mediterranean region and the Western Pacific region. We have made progress in case detection and treatment success and in raising awareness amongst TB patients of their HIV status. According to the 2009 report Scaling up for impact: results report by the Global Fund to Fight AIDS, TB and Malaria, comprehensive prevention, treatment and care programs have been supported in 137 countries. The data indicates that, as at December 2008, 3.5 million people who would have died of AIDS, TB or malaria were still alive as a result of the intervention supported by the global fund. Through 2009, six million peo-
people with active TB were able to access treatment, and 1.8 million people were supported to access combined HIV and TB services. All this presents compelling evidence that we are making significant progress.

Notwithstanding the progress that has been made, we do face significant challenges into the future, not just in the fight against TB but in our effort to eradicate poverty and promote sustainable development. We know that drug resistant strains of TB are emerging due to inadequate treatment and that cases of multi-drug-resistant TB and extensive-drug-resistant TB have been found in almost every country in the world. We therefore need to find ways to resource research into TB treatment. New breakthroughs in diagnostic testing that we should embrace in the fight against TB have also emerged.

As I have mentioned, World TB Day is on Thursday, 24 March, and a motion will be moved by Senator Louise Pratt and me as part of World TB Day. The motion will call for Australia to increase overseas aid to 0.5 per cent of GNI to ensure that the resources for TB, as well as for AIDS and malaria, are sufficient to achieve the goal of significantly reducing the number of people suffering from these diseases. The motion also calls for Australia to facilitate adoption of the new Xpert TB diagnostic testing tool in South-East Asia. The Xpert diagnostic tool is the first new diagnostic strategy in over 100 years. It cuts the time for diagnosis of TB from several weeks to less than two hours and is highly accurate—recent field tests have increased the number of correctly diagnosed TB sufferers by 30 per cent. The tool is able to identify multi-drug-resistant strains of the disease earlier and will be a vital resource in rural areas that have been further disadvantaged by diagnosis and treatment delays. Xpert was endorsed by the WHO in December last year, and it follows that such a breakthrough in diagnostic testing will significantly assist in the fight against TB globally.

Most significantly, however, the new tool will assist with diagnosis in South-East Asia, which, as I outlined earlier, is the only one of the six WHO regions in which the incidence rate of TB is stable rather than falling. Given how far we have come in the fight against TB, we should feel confident about facing future challenges. I hope that colleagues across the chamber will support the motion on World TB Day and help us play our part in contributing to the political pull to transform the fight against TB.

**Building the Education Revolution Program**

Senator McEWEN (South Australia) (7.43 pm)—Tonight I would like to inform the Senate of how the federal Labor government’s Building the Education Revolution Program has been a great success in South Australia. The BER was announced by the federal government just over two years ago, in 2008, and it was a key part of the federal government’s response to the global financial crisis. Of the government’s $42 billion Nation Building Economic Stimulus Plan, the BER was the single largest element—an investment of $16.2 billion into 24,000 projects in some 9,479 schools across Australia.

In South Australia, the BER provided funding for 1,680 projects in 1,147 schools across the state. From Alberton to Ardrossan, Ceduna to the Copper Coast and from Prospect to Port Lincoln, schools across both metropolitan and regional South Australia welcomed this once-in-a-lifetime opportunity to build new, modern, adaptable facilities. South Australia received funding of $944,797,764 from the BER and it is a testament to the vision and energy of the Rann Labor government and to the determination of the state, Catholic and independent school systems in South Australia that the opportu-
nity that the BER provided was immediately recognised, grasped and acted upon.

The purpose of the BER was to:

...provide economic stimulus through rapid construction and refurbishment of school infrastructure and to build learning environments to help children, families and communities to participate in activities to support achievement and develop learning potential.

I can confidently say that those aims have been well and truly met in South Australia. I will get to what the BER has meant for students and school communities shortly, however I would first like to reflect on how the BER provided economic stimulus by supporting the construction industry. An article in the esteemed Adelaide newspaper the Advertiser, not usually a friend of Labor, on 3 February illustrated this. That report of the BER noted that 141 builders who registered for work with the BER were allocated one or more projects ranging from the smaller $250,000 jobs to those which cost around $4 million. Out of just 437 projects, there were 1,571 subcontractors engaged and a total of 15,182 workers employed. Of those 15,182 workers employed, 1,883 were apprentices and a further 96 were of Indigenous background.

Jobs within the building industry were not only retained but also created and schools and communities are now reaping the benefits of their new or upgraded facilities. Mr Rob Stewart, executive director of the South Australian Master Builders Association, said at the time when the BER funding was introduced that the industry was trying to come to terms with the economic slowdown. He said:

I think the outcome of that—that is, the BER—was it probably saved a few building contractors from going out of business.

The coordinator-general of the initiative in South Australia, Mr Rod Hook, agreed that the BER saved jobs. He said:

How many builders would have had to put people off if this work was not out there?

Since late 2009, I have had the privilege of visiting many of the schools across South Australia to represent the federal government to open the Building the Education Revolution projects. I have had the opportunity to visit Catholic, independent and state schools across metropolitan Adelaide and regional schools, including in the Riverland, and I can proudly say with my first-hand experience that South Australian schools have made the most of the government’s investments. At many of those openings I have spoken to builders, contractors and architects who have told me how the BER meant they could keep on their employees, keep their businesses going, and how they made connections and relationships with schools in their communities that were going to be relationships for the long haul. More than one builder has told me how they were surprised and dismayed at the state of our schools after years of neglect and lack of funding. They and their staff would voluntarily—often out of hours—come back to the schools where they had worked on BER projects to do small repairs, to replace taps and lights and replace paving and do other maintenance jobs because they were now a friend of that school community and just wanted to keep on helping.

I have numerous examples of positive feedback that I received at BER openings but I have chosen just a few tonight to share with the Senate. For example, Ms Belinda Provis, Principal of Adelaide’s Seymour College—a well-regarded private independent girls’ school in the electorate of Sturt—said their new Junior School Resource Centre and ICT suite that were constructed as a result of funding from the BER were ‘a wonderful addition’ to the school. Kerry White, Princi-
pal of the Holy Family Catholic Primary School in Adelaide’s northern suburbs, said that as a result of the BER their school had built an entire new classroom block that was a ‘cost effective structure with superb functionality’.

At Hillcrest Primary School in the electorate of Sturt the school community was thrilled with their new resource centre and had taken advantage of the spirit of rejuvenation at the school to build, with the support of community businesses, a community garden, which was the pride of the very multicultural community in that area. I enjoy every one of the BER openings that I attend. They are always very entertaining, but that one was more entertaining than most.

At Linden Park Schools, also in the electorate of Sturt, I was joined at a very convivial community opening of their BER facilities by the local Liberal member of the state parliament, Ms Vickie Chapman—indeed Ms Chapman has been to more than one BER opening in her electorate. I was also joined at that opening by the member for Sturt in the federal parliament. For those who do not know, that would be the Hon. Christopher Pyne MP. That would be the same Mr Christopher Pyne who voted against the Economic Stimulus Plan in this very federal parliament. No matter that he did not support the BER, and indeed has railed against it as we know, Mr Pyne turned up to this opening and was given the opportunity to say a few words. It is worth repeating some of what Mr Pyne said that evening. He said:

I am very pleased to be part of the opening of these new school buildings. This has been a tremendous effort between state government, the previous federal government, which put funds into this school, and the current federal government.

He went on to say:

A great school is made much better by having tremendous facilities.

He also said:

...and the facilities that Linden Park School now has are second to none in the state, certainly in my electorate, and it is going to be the gold standard for all the other primary schools across my electorate—from Burnside Primary right through to Dernancourt Primary. And I’m sure there’s going to be a great cavalcade of people coming through Linden Park School to see what a marvellous job you have done here in making this school even greater.

So there you have it. The Liberal member for Sturt, Mr Christopher Pyne, one of the loudest opponents of the BER, who voted against the Economic Stimulus Package, was right there, front and centre of the Linden Park Schools community at the opening of their new facilities, clamouring for some of the glory.

As I have said, I have had numerous examples of teachers, students, school councils and community members who have shared with me their joy at being able to participate in the Building the Education Revolution. I would hesitate to guess that I am probably one of the few members of parliament who have had the opportunity to celebrate the opening of a BER project with the opposition spokesperson for education at that time who has taken every opportunity to rail against the Building the Education Revolution, and of course we know he voted against the package that enabled the program to happen. It has been a bit of a highlight of my career not just to visit the BER openings but to be there with the member for Sturt.

I would like to congratulate all of the school communities in my state of South Australia who saw the wonderful opportunity that the Building the Education Revolution could provide to local schools and who made sure that they took the opportunity when it was presented to them to deliver the best possible facilities for students, teachers, parents and communities around those schools.
It gives me great joy every time I go to a BER opening to speak to all of those school communities and see how enthusiastic they are about the BER, and to hear them say, ‘Please go back and tell Prime Minister Gil-illard how much we are grateful for what has been done for education in Australia.’

Building the Education Revolution Program

New South Wales Election

Senator WILLIAMS (New South Wales) (7.53 pm)—I would like to quickly respond to Senator McEwen’s comments about the Building the Education Revolution and say a bit about New South Wales, where 56 per cent of the complaints about the BER came from. I have said I will not go to one BER project opening unless it is a private school because private schools have managed the money far better than the public system has in New South Wales. I am reminded of the school at Manilla, just out of Tamworth, where they spent $1.8 million. Think about this: $300,000 will build a good four-bedroom brick home. So for $1.8 million you should get six good brick homes. What did they get for $1.8 million? They got two demountable classrooms that were brought in on a semitrailer. It gets worse. On election day last year I went to the little town of Kingstown where $300,000 was spent at the school on a building 10 metres by eight metres with virtually nothing in it. That money would have built a good four-bedroom brick-veneer home; it built a hall, 10 metres by eight metres.

This Saturday, 26 March, is election day in New South Wales, where there are four-year fixed terms. I can assure you that when you look at the current New South Wales government, you will think four years is a hell of a long time to wait for an election. I can see Senator McGauran laughing. Senator McGauran, four years in New South Wales is like 50 years when you have to wait for an election to get rid of a government that is incompetent and corrupt, that has former members of parliament in jail and has blown its budget. Let me give you some details. Nineteen high-profile premiers, ministers and members have gone in the past few years. Today we read of another developing scandal: a land deal of over $12 million involving Mr Robertson—supposedly the new up and coming leader for the Labor Party.

Since August 2005, New South Wales has had three premiers, six ministers for police, five ministers for health, five ministers for roads, four ministers for education and three ministers for transport—all in just over five years. New South Wales debt has risen from $15 billion in 2003 to a projected $55 billion in 2014. In 1995, Bob Carr promised to halve hospital waiting lists or resign. Since then they have closed 2,600 hospital beds and the number of people waiting for elective surgery has doubled. It has gone from bad to worse. I live in Inverell, two hours drive north of Tamworth. Our hospital is governed from Newcastle, 4½ hours drive away. When the new government gets in, we look forward to bringing the management of our hospitals back to local people—the local doctors, nurses, solicitors, accountants and volunteers, the sorts of people who ran our hospitals for 140 years and did a great job. But Bob Carr said: ‘They have to go. We’ll let the bureaucrats run them.’ The cost of living has increased in New South Wales. Electricity prices are soaring.

Just prior to shutting down the parliament, Treasurer Eric Roozendaal sold off the electricity in New South Wales for some $5.5 billion. Former Treasurer Michael Costa was going to sell it for around $30 billion. Of course, he pulled the plug and walked out, taking the bullet for then Premier Morris Iemma. Treasurer Roozendaal sold it off for $5.5 billion and Premier Kristina Keneally
then shut parliament. Why? Because a legislative council committee was going to investigate the sale. Shut parliament and there is no committee and no investigation. Dirty tricks there.

New South Wales accounted for 22 per cent of Building the Education Revolution projects and was responsible for 56 per cent of the complaints. A national survey shows that 64 per cent of New South Wales voters hold the Keneally government responsible for the state’s transport problems. We can talk about health, transport, law and order, police numbers or roads that are deteriorating; they have failed every category of responsibility in delivering for the people of New South Wales. They have been such a bad government that 500 people a week have been leaving the state and moving to Queensland, moving interstate. Hence, we have lost two federal seats over the past four years from New South Wales that have been transferred to Queensland, where there are now two extra federal seats. That has happened because the government was driving the population out of the state.

Prime Minister Gillard hoisted the white flag asking voters not to give the coalition too big a blank cheque. Already the Prime Minister has said, ‘It is all over red rover.’ I even hear the bookies are already paying out on the result on Saturday. Bob Hawke pulled the pin on them a long time ago. Former Senator Graham Richardson conceded defeat in May last year. Premier Kristina Keneally is saying, ‘I showed 23 MPs the door.’ But she is now getting text messages saying, ‘We resign.’ I would love to read the text messages. There would be some bright language there saying, ‘We actually resigned. You did not show us the door.’

I was in the Cessnock electorate last week. I met two young family men who were irate with Labor. They were electricians who had voted Labor all their lives. They said, ‘Not this time and never again.’ Their roads are an absolute disgrace, and yet that area in the Hunter Valley has returned so much money to the government from exploration licences and royalties from all the coal they are sending out by the trainload—100 million tonnes of coal a year go down that train line to Newcastle for export, and they are going to double that to 200 million tonnes a year within five years. Won’t that cool the globe, Senator McGauran! Imagine that—200 million tonnes of coal; a doubling of exports. They must be going to use it for horse bedding or something, because if they burn it they will be heating the earth or raising the water levels and those sorts of things. So the Labor government of New South Wales says ‘Let’s double the export of coal; it won’t affect climate change’. That is a bit different from what many in this place say.

Three days before the government went into caretaker mode Mr Roozendaal, the New South Wales Treasurer, appointed the vice president of the New South Wales Labor Party, Michael Williamson, to the State Water Corporation. It is ‘jobs for the boys before we go’. The New South Wales government has been an absolute disgrace. There are 93 seats in the legislative assembly; let us hope that, come Saturday night, the seats Labor have left are numbered in single digits.

Before closing I want to refer to Barry O’Farrell and Andrew Stoner. Barry O’Farrell, opposition leader and soon to be Premier, is a great coalitionist. His wife was the daughter of a National Party member of parliament, so he says his children are actually coalition children. Barry O’Farrell has done a great job working closely with Andrew Stoner as a true coalition. You will notice that whenever Barry O’Farrell speaks he refers to the Liberal and National parties, and he talks about the development and repair of
regional New South Wales. The roads are deplorable; they are disgraceful. As for the hospitals, 2,600 beds have been closed—yet Labor were the ones who were going to fix the health system. In actual fact former Prime Minister Kevin Rudd was going to fix the hospital system by the middle of 2010, but that never eventuated either.

Saturday is going to be a very interesting day. The people of New South Wales are angry. They have seen the corruption, the waste of money, the building of debt and the neglect of the people. Labor have put themselves before the people of New South Wales. It is not as though the people are going to desert the Labor Party—the Labor Party has already deserted the people of New South Wales. This Saturday the people of New South Wales are simply going to get even.

It will be a hard job for Barry O’Farrell and Andrew Stoner when they are elected to government. There are a lot of problems and they cannot be fixed overnight. Serious infrastructure funding will be needed, many millions of dollars will be required for our hospital system and police numbers are down in many areas. The other day I met with police in Tamworth. They need five extra police now, just to carry out their duties. Law and order is something we grew up with but it seems to have evaporated over 16 years of Labor in New South Wales.

I look forward very much to the election on Saturday. I know the people on the other side of this chamber are ducking for cover. They have not been out campaigning. You cannot see any New South Wales senators and federal members of parliament—they are staying at arm’s length. They have run up a hollow log like a rabbit with a greyhound chasing it. They are getting out of the way; they do not want to be associated with New South Wales Labor so they are distancing themselves. They are from the same mould, they are from the same party, they are from the same union movements, but now Labor’s federal representatives are saying ‘Take them out, get rid of them and then we might be able to renew our reputation in this place’. That will not happen because they are the same party, the same people with the same policies. Saturday? Bring it on!

Grey, Ms Eleanor (Betty), OAM

Senator O’BRIEN (Tasmania) (8.03 pm)—Whilst it is tempting to respond to the rant we just heard from Senator Williams, I have something much more important to deal with. I want to talk about Eleanor Grey OAM, better known as Betty. Tasmania lost Betty, a trailblazer in education and a committed community worker, when she passed away last Sunday, 20 March.

Betty was born in Queenstown, Tasmania, on 9 August 1923 and trained as a teacher at the Phillip Smith Training College and the University of Tasmania. She taught at Huonville Area School and Smithton High School—talk about opposite corners of the state!—before being required to resign from the teaching service, as women were required to do at the time, to have her family.

After returning to the education department she was appointed Senior Mistress—something Betty described as a ‘horrible sexist term’—at Launceston Matriculation College. This was an innovative time in Tasmanian education, with the creation of years 11 and 12 colleges in the government system, and Betty was a committed and enthusiastic part of making it work. She was later appointed vice principal of another pre-tertiary school—Launceston’s Alanvale College.

Betty was also active within her professional associations and the community. She was a life member and served as vice president of the Tasmanian Teachers Federation, the secretary of the Northern Branch of the...
Retired Teachers Association, a member of the Australian College of Education, a life member of the AFUW Tasmania, a member of the World Education Fellowship, the inaugural AEW Tasmania representative at the Tasmanian College of Advanced Education, a member of Adult Education (Northern Group), a life member of University Women Graduates, a member of the Women’s Health Network of Launceston, a charter member of the Zonta International Club of Launceston, the assistant secretary of the National Council of Women, a member of the National Foundation for Australian Women, a member the Tasmanian Women’s Consultative Council, a member of the Advisory Council of the School of Nursing, a member of the Penguin Club, Friends of the ABC, Theatre North and Amnesty International, and secretary of the Launceston Croquet Club. That is quite a list.

Betty was also a dedicated member of the Australian Labor Party and a great advocate for its many causes. She became a life member of the ALP and served as president and secretary of the South/West Launceston branch, and she was also secretary for more than 20 years of an organisation known as the National Council of Women and Zonta International. Later she was most appropriately inducted as a member of the Tasmanian Honour Roll of Women. She will be sadly missed by her colleagues and her wonderful friends in the Launceston branch of the Australian Labor Party Sisterhood.

In recent years, Betty did not enjoy great health. My staff and I, over the past few years, have missed her weekly visits to my office, which occurred after she had had her hair done. Impeccably dressed, she would come to the office to check that everything was in order and finish her visit with a ritual glass of red wine prior to heading off to catch a bus home, with her usual ‘Carry on then’ leaving us with big smiles on our faces. My staff would always expect a panicked call from her at election time asking what she should do with her postal vote which she had spilled her coffee over. Every time she would simply wipe it clean and pop it in an envelope to the AEC with a note of apology.

I would like to share with you a particular social occasion that Betty enjoyed with the ALP Sisterhood, whose original members have an average age of 80 years but which also includes some much younger members, including members of my staff. Those members—women on my staff—recalled that they picked Betty up along with other members of the sisterhood to attend the theatre. They all went for dinner prior to the show and then made their way to the theatre. At the end of the show, close to midnight, they decided to head for a nightcap at a local wine bar. At around 12.45 am, members of my staff thought they had best start rounding up the ladies to get them home. With great gusto, Betty asked, ‘Where are we off to now?’ and was most indignant that it had been decided that it was home time. Such was Betty and her social agenda, even at a very late stage in her life.
Betty was a great helper at all the functions held in and around my office. In fact it would not have been a Labor Party function without Betty’s fruit-and-walnut loaf, purchased at Townsend’s bakery, and seeing her working busily in the kitchen prior to the function and after it.

I hope this gives a true picture of Betty’s contribution to society. She had a wonderful sense of humour and, as I said earlier, she did enjoy theatre and, when she was active in the community, had hearty discussions with people from all walks of life. Most of all, we will miss her smile. Betty is survived by her daughter Pam, her grandchildren Emma and Brian and her great-grandchildren Thomas and Toby. Her husband Keith and son Alan predeceased her. Her funeral is to be held this Friday, 25 March, at the Funeral Chapel of JA Dunn in Brisbane Street, Launceston. I am sure it will be very well attended.

**General Practice**

*Senator McGauran (Victoria) (8.10 pm)*—The waste and incompetence of this government is manifest. Every department is touched by it and the reasons can always be traced back to one very common factor and that is that political advantage riddles every decision made by the government. It infects their minds. We can rarely find any financial decision or budget outlay that is carried out based on sound financial reasons, need or national interest. The government’s announcement of its superclinic program, with outlays of hundreds of millions of dollars, is one of the more profound examples of waste and political bias. The superclinic program is simply no way to run a government or to use taxpayers’ money. The government’s 2008 budget papers piously promised:

People living in GP Super Clinic locations (in a diverse range of areas, from what might be considered traditionally ‘remote’ in Mount Isa to areas with expanding populations such as Palmerston in the Northern Territory, to other regional centres and rural locations including Geelong, the Riverina and Ipswich) will benefit from improved access to integrated primary health care services, which will complement and enhance health services available in these communities.

You can see from those budget papers that the program was primarily for remote and regional areas. These were the pious beginnings of the government’s plan to spend, initially, $280 million on 36 superclinics. Then, in 2010, the Gillard government committed a further $370 million over four years for another 28 superclinics. So that is some 64 superclinics at a cost of hundreds of millions of dollars. This program is not supported by the AMA. It was reported last year, for example, that the Tasmanian branch of the Australian Medical Association said that the superclinics were unsustainable. The *Mercury* reported:

The state president … predicted the Clarence clinic would be forced to close within five to 10 years.

He said the Whitlam government had set up community health centres offering every conceivable service under one roof, like the super clinics.

He went on to say that they would not get enough doctors to make them viable and that after 10 years they would all be sold off. He said that the superclinics were a complete reflection of the Whitlam government policy. There are two key reasons why the superclinic program is a rort and ought to be closed down or, at the very least, scaled down and brought back to a more worthy intent—namely for superclinics to be established in the rural and remote areas that are in need. Firstly, the government clinics are not so super. Only one clinic out of seven built and operating—out of a promised 64—is running after-hours services. So they are not running after-hour services, let alone the 24-hour services that were expected from them. They are not so super when a measly two out of the seven operating—of the prom-
ised 64—are providing universal bulk-billing. So they hardly represent establishments for the needy.

The second reason the superclinic program ought to be abolished is that the locations bear absolutely no relationship to the need, as was the pious intent first stated in the budget papers. In fact, my claim that there is no method—at least not financial—nor needs related formula is borne out by the statements of the minister and the department head. The Secretary of the Department of Health and Ageing said, I believe, in a recent Senate estimates committee hearing that the criteria for selecting sites was a matter for the government, not her department. She was saying ‘the government’ but meant ‘the minister’s office’ or even ‘the cabinet’, but not her department. There is no formula to it. Health Minister Nicola Roxon was forced to concede that her department—and this is through FOI—did not do any research on the GP services before she chose the sites and allocated some $650 million. In response to a question on notice from the opposition the minister, through Mr Andrew Southcott, said:
The Department of Health and Ageing did not undertake an analysis of existing primary healthcare providers.

It is a very ad hoc decision-making process. In my state of Victoria there are two prime examples of mismanagement and waste of taxpayers’ money in locating superclinics. I have spoken about the Berwick superclinic location in this chamber before. It has not been built and, even though it has been years behind schedule, it should never be built. I refer to my Hansard of 17 June 2010 in regard to the Berwick clinic which said:
The government clinic will be located on the grounds of the Monash University Berwick campus on the corner of Clyde Road and Kangan Drive ...

Within three minutes of this proposed superclinic is another private superclinic. Within another five minutes down the road there is yet another superclinic. So it is already a well-serviced area. You might think that there may be a shortage of doctors in the area. But there is not. Under the government’s own formula it is not an area with a shortage of doctors. Why would you think the government would build another superclinic and waste all that money in an area that is not short of services? Because it is a Labor marginal seat, that is why.

The other example is at South Morang and Mill Park. There is a proposed clinic for South Morang, another suburb of Melbourne, to which $3.7 million has been allocated. Yet just five minutes down the road is the largest private superclinic, I believe, in Australia. Within five minutes of that are three other clinics. They are not as big but they are clinics that operate very much along the lines of superclinics. Already there are four clinics within an area of five minutes of each other. How close to them do you think the government are going to build their new proposed superclinic? It is within minutes by car and virtually next door to the already existing superclinic at Mill Park. Why would they do that? Is there a shortage of doctors or services in that area? No. It is a Labor held seat. The minister has already conceded that this is not done on a needs basis. There is no formula to this at all. This is just another example of the whiteboard approach, which went into the political lexicon many years ago in the previous Labor government, the Keating Labor government.

This is no different, but now we are dealing with hundreds of millions of dollars. It would be impossible for the government to ignore the private operators that service the particular areas of the two examples I have given. It would be impossible for the government to not know, not only that they are
well serviced, but that there is not a shortage of doctors in these areas. Why are they setting up these superclinics in these areas? I can only say that it is for base political reasons. That is why this program ought to be ground to a halt and abolished.

**New Farm, Queensland**

Senator MOORE (Queensland) (8.19 pm)—Mr Acting Deputy President Barnett, I am in your grace, again, and I do accept your generosity, as always, in taking the chair. Tonight I want to talk about the celebration called New Farm Recovers. On Sunday, 27 February the New Farm community gathered at the wonderful Powerhouse precinct on the Brisbane River to remember, to share, to have joy and celebration and, most importantly, to have hope for the future after the devastation of the floods in the region. My friend, Councillor David Hinchliffe, said:

It’s very important after a major traumatic event like this to come together and help re-build community. ... There’s a lot to learn from an event like this. There’s also quite a bit of community spirit that has emerged. We don’t want to lose that.

This day was coordinated by many people in the New Farm region as well as businesses and the schools—both the New Farm State School and the Holy Spirit School—who came and gave their usual wonderful song performances. Their parents were singing every word and dancing every step along with them. To the Principal of New Farm State School, Virginia O’Neill and the Principal of Holy Spirit School, Nick Gallen, I congratulate you and your school communities who were so public and evident in the work that was done in the recovery around the New Farm area.

I also commend the work that is being done in those school communities by the young people, some of whom had never seen the kind of destruction that occurred, not just in New Farm, though we were spared much of the devastation. Through the media they saw what had happened in their city, and both of those schools and school communities are working with the children and young people to ensure that they understand and acknowledge the trauma caused to young people in these circumstances.

The day was a great success. There was so much joy. There was a real sense that the community understood what had happened. They also wanted to thank so many people who had been involved in working through the issues. We saw those images in Brisbane of the volunteer army. They were known as the mud army and that was a truly appropriate name when you saw how they emerged at the end of a day of labour. On the streets of New Farm on the day after the floods had moved through, hundreds of people were there who came to our region to help. Many of them had never been in the region before; they were there to help. Many of them had great memories of the wonderful New Farm Park and the facilities around the Powerhouse; they wanted to come and give back and to help share so that we could rebuild. So there was a great sense of appreciation and gratitude.

The day after the floods hit our region, there was an immediate call to action, coordinated largely by the local councillor David Hinchliffe, the local state member, Grace Grace, and a number of the local businesses, such as the real estate agents from the local area, came together because they wanted to help. They wanted to identify where there was a need. In this case, I really want to express my great gratitude and appreciation to the wonderful New Farm Neighbourhood Centre. We often have to say thank you to the New Farm Neighbourhood Centre. It has been around since 1986 and it is a real hub of community spirit in our region. It is also a place of safety for so many people who go
there to share and to get support. They also know that is a place where they will have someone with whom they can speak. This established process was extraordinarily helpful during this time of crisis. Much of the local community activity came through the New Farm Neighbourhood Centre. To the board of directors led by president Michael Drummond, CEO Fiona Hunt and community development coordinator Robyn Lawrence, who actually only took up her role the week that the floods occurred, and to the amazing group of dedicated volunteers at the New Farm Neighbourhood Centre, thank you. You are the heart of New Farm. You provide us with hope and you come together to help us all.

In the days immediately after the floods there was great activity at the New Farm Neighbourhood Centre. A local fund was set up to help people who were in that region. Over $4,000 was distributed to over 60 people who came and got immediate help. They were also able to use the facilities at the centre and, as I constantly restate, benefit from the sense of security and support that is so important in our centre. The New Farm Neighbourhood Centre was there in force on our day of recovery and it was there once again surveying the people around us, asking them what future help it could provide and what their needs were, because the New Farm Neighbourhood Centre will be with us into the future providing that help.

On New Farm Recovers day we were also very privileged to have the launch of a fantastic document: Silver lining: community development, crisis and belonging: exploring the role of community development in Queensland’s recovery from the January 2011 floods. This was coordinated by the Under 1 Roof, Community In Action group. This group is truly remarkable. It was set up under the leadership of the Rotary Club of Fortitude Valley and works to facilitate the involvement of community agencies, residents and businesses in ending homelessness. It has a real focus on the issues of homelessness in our community, which is prominent in the areas around New Farm and Fortitude Valley. This group draws people together, builds professional knowledge and commitment and engages realistically at the local level.

They had a very clear strategy on the day. They were there to explore:

- Strategies to build on the community spirit already demonstrated during the flood crisis.
- Strategies to help restore and strengthen the social fabric and create an even stronger foundation for future challenges and crises.
- Community building ideas to help people with residual trauma, fears for the future and grief for what has been lost.
- Strategies to strengthen the community’s ongoing capacity to show leadership, plan and engage with government, business and other stakeholders about solutions to the problems created by the floods.

This program engaged with people who were there, who knew their community and who had immediate knowledge and professional skills to build for the future. Sixty-three people attended this workshop in their own time and they did not waste that time. A large number of recommendations came out around key strategies. Again, the core feature was building and developing local community to work with people—not on people and not for people, but with people. These recommendations will now be considered at the local level and also I think at the city council through David Hinchliffe and at the state level through Grace Grace.

On the day of recovery there was a remarkable unity amongst the community, and local government, state government and federal government were all there, not just to talk about the future, but to share their own experiences. The councillor, the state mem-
ber, the local federal member, Therese Gambaro, and I were there together. I think it is a great message for people that times of need and crisis are not the time for political difference; they are the time to share, to build and to work for the future.

There will be a strong future for our region. There will be a strong future for our community because the basis was already there. Places like the New Farm Neighbourhood Centre and organisations like Under 1 Roof are already part of the dynamic community that could see what had occurred, could work with the people to identify their needs and, as I think has been stressed, particularly work with people’s vulnerabilities, because fear and worry were most evident in people’s responses to what was an amazingly traumatic event. When we saw the issues and talked with the people at the local evacuation centre at the exhibition grounds, we saw a large number of community organisations: the wonderful Micah organisation, Lifeline, the Salvation Army, the Muslim community, and local Christian groups were all there together. They were there to provide personal support, to listen to people’s stories and to ensure that they would get the support, immediately and into the future, that they need.

I am proud to be a resident of New Farm. It is a wonderful place and stories like those I have described briefly tonight were reflected all across Queensland. I congratulate and thank all the people who were involved and I want to end with another quote from Councillor David Hinchliffe:

As we face the future, we need an open mind and the same spirit of goodwill and commonsense that all the volunteers showed immediately after the flood.

Let us hope that, in the years ahead, we will look back and speak not only of the “Great Flood of 2011”—and we do like talking about great floods in Queensland—but equally of the “Great Recovery”.

Donor Conception

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations (8.29 pm)—Thank you, Mr Acting Deputy President Barnett. It is perhaps appropriate that you are in the chair at the moment because I speak this evening about the rights of children—the right of a child to know who they are and where they come from. It is a fundamental right, so fundamental that I imagine it is something we rarely consider. I know my biological mother and my biological father and that gives me a strong sense of my genetic, social and cultural heritage. That is the case for the overwhelming number of Australians and rightly so.

What about the estimated 60,000 donor conceived children in Australia who have been denied access to that basic information—our ‘genetic orphans’ as they have been called? Information about their family, their roots, their medical history and their identity is important. As one donor conceived child reflected in recent Senate hearings:

Everybody is entitled to know who their parents are, but we are not.

I would at this stage commend Senator Barnett and Senator Crossin for the recent inquiry addressing this very important issue because sadly not everyone agrees that children have a right to know their biological parents.

On Christmas Day last year, 63-year-old Sir Elton John and his partner had a child, proudly boasting that they do not have a clue which man is the biological father. ‘Neither of us care,’ partner David Furnish said. ‘The important thing is that he is healthy and happy and loved,’ he said. ‘We’ve already
got a couple of great children’s books about how families come in many shapes and sizes. ’ Maybe Sir Elton John and his partner do not care, but we can be sure that one day little Zachary or similar children will be asking questions such as, ‘Where did I come from and who and where is my mother?’ Sadly, Zachary will never know, with Sir Elton and his partner proclaiming that they wanted to ‘respect’ the anonymity of the biological mother.

Closer to home, the Australian magazine recently ran a cover story about same-sex families. One couple comprising two men used an egg from an anonymous donor in India to have their daughter Rani, who will never know her biological mother. The magazine reported:
Silver anklets in Rani’s name are the only clues to an exotic heritage.

The two men say that they have chosen anonymity ‘to limit problems and confusion for their daughter’. In the same article, Megan Peters and Leanne Ferguson explain how they created their son, importing sperm from a US donor after an online search through thousands of profiles, settling for a blond-haired, blue-eyed professional whose identity might never be revealed to the son he’s fathered.

It is clear that in this brave new world of reproductive technology anything might go. As the Australian reported:
Tales of creation are mind-blowing. Insemination is being done at home with syringes of sperm provided by friends or strangers; eggs and wombs are being sourced on the internet through the international fertility market; extended family members are responding in innovative ways.

But amid this murky so-called ‘creation’ of children, and society being told to accept genderless parenting and families of ‘many shapes and sizes’, the wellbeing of children has been lost. Children are guinea pigs in a dangerous social experiment where the only ‘rights’ that are being considered are the ‘rights’ of adults.

Recently the Senate Legal and Constitutional Affairs References Committee published its report entitled Donor conception practices in Australia. The first people born through the use of these technologies have now reached adulthood and have used the inquiry to call for change. The report is disturbing reading. It is an important report and one the government and state governments must act on for the sake of our children. We live in an adult world and the focus in the world of reproductive technology has been on the so-called ‘rights’ of adults to a child, completely ignoring the rights of a child to a mother and a father and to know that mother and father.

In the report Ms Elizabeth Marquardt from the Centre for Marriage and Families in America says:
Donor conception … functions much more like a market. Rather than being an institution or centred on the best interests of the child …. donor conception operates around the desires and rights of parents to acquire children.

The report concludes that the current system of regulating donor conception practices in Australia is failing donor conceived people. It called for these children to have access to the identity of their donor parents by means of a national register. As the Donor Conception Support Group of Australia put it:
It is a basic human right to know of one’s origins. Every person should have a right of access to information and to contact … those who make up their biological and social heritage, enabling them to complete a picture of themselves and their identity.

It is appalling that in Tasmania, Queensland, the ACT and the Northern Territory there are no laws at all regarding donor conception practices. Even in situations where records do exist, such as Victoria, many donor con-
ceived children are unable to access these records. In Victoria donors were anonymous before 1988. Donor conceived children born between 1988 and 1997 have the right to access information about the donor if the donor agrees. Only those born after 1997 have an absolute right to information.

Twenty-one-year-old Victorian Riley Denham is one of the lucky ones. At 18, Riley’s parents gave him paperwork that indicated his biological father, Roger Clarke, would be interested in meeting any of his offspring. For Mr Clarke there was never any doubt that he would tick the ‘yes’ box about whether he would want to meet any eventual offspring. He told the Age last month:

I believe children should always have the right to know their biological beginnings.

Victorian woman Kimberley Springfield, aged 27, is not so fortunate. A mother of two young boys, Ms Springfield is unable to know about her biological father because prior to 1988 sperm donors were completely anonymous. The only ‘rights’ were the donor’s right to anonymity. How wrenching for Ms Springfield, who told the Age last month:

“This is information I want to share with my boys. It is a part of their history, but it’s also tens of thousands of Australians who have been put in the position of having a vital part of who they are locked away in a clinic file. It really just feels like a violation of human rights.”

Similar sentiments can be found in a submission from an 11-year-old boy who said:

The only reason I may never know who my dad is, is because someone in the government doesn’t understand how important it is or just can’t be bothered ... There are many times that I cry as I need to know who my biological father is.

Notably, it is not only the availability of information that is the issue but the right to access it. I would stress here, because of a recent Victorian case, the capacity to proactively access rather than rely on bland administrative processes that cannot be flexible enough. Whilst preserving anonymity where appropriate, they should still allow that donors understand there is an interest from offspring that they may have produced.

I support the committee’s call for a national register of donors and donor conceived people. I also support recommendations for a limit on sperm donations and I strongly believe that jurisdictions which do not already have legislation should legislate to protect the rights of donor conceived people. The United Kingdom has passed laws giving children the ‘right to know’ at 18, and so should we.

As academic Margaret Somerville, from the Centre for Medicine at McGill University in Montreal, stated in a 2008 paper entitled ‘Brave New Babies: Children’s human rights with respect to their biological origins and family structure’:

It is one matter for children not to know their genetic identity as a result of unintended circumstances. It is quite another to deliberately destroy children’s links to their biological parents, and especially for society to be complicit in this destruction.

I agree absolutely. The issue of donor conception has been neglected for long enough. Knowing who you are really does matter. The 60,000 donor conceived Australian children should have the right to access information about their family, their background, their identity and their place in the world. To know who your biological mother and father are is not an entitlement but a right that should extend to all children no matter how they are conceived.

Murray, Lieutenant Colonel Harry, VC

Senator Barnett (Tasmania) (8.39 pm)—by leave—Tasmanian-born Lieutenant Colonel Harry Murray is Australia’s most highly decorated soldier and I believe his story deserves to be told. He was awarded the Victoria Cross, the CMG, the DSO and
Bar, the DCM and the Croix De Guerre. Lieutenant Colonel Murray was also the most highly decorated soldier in the Commonwealth in World War I. While there are a few Australian soldiers with more medals—all well deserved indeed—by merit, no other Australian soldier is more highly decorated than Lieutenant Colonel Murray. Given the significance of Harry Murray to Tasmania, and indeed to our nation of Australia, I am thrilled to be able to say tonight in this place that the full collection of Harry Murray’s medals and some of his personal effects will soon go on display for the first time ever. I will say more about the details of that display shortly.

I have worked very closely with the Murray family to bring Harry Murray’s medals and other personal effects to Tasmania as telling his story for all Tasmanians—and for all Australians—is particularly important. Murray plays a pivotal role in our rich military history. I would particularly like to thank Harry Murray’s son, Doug Murray, and his son, Chris Murray, and all the Murray family for giving all Tasmanians—and indeed all Australians—access to this unique display.

Harry Murray was born in Evandale, in Tasmania’s north, on 1 December 1880. He worked as a farm labourer in his early years and began his military career at age 21, when he joined the Launceston Artillery as a gunner in 1902, serving for six years. After a brief hiatus where he moved to Western Australia to work as a timber cutter or gold courier, Murray enlisted in the 16th Battalion AIF in 1914, at the outbreak of World War I. He was then sent to fight at Gallipoli, where he was awarded his first medal, the Distinguished Conduct Medal.

It was on 4 and 5 February 1917 that Murray won the Victoria Cross during action which lasted for nearly 48 hours at Gueudecourt, in France. Murray led a force of 140 men in an assault on a position known as Stormy Trench. During the battle he distinguished himself by encouraging his men, setting an example, leading hand-grenade bombing parties, leading bayonet charges, rescuing the wounded and carrying them to safety, crawling out in no-man’s-land on reconnaissance, rallying his men and saving the situation by sheer valour. They were forced to withdraw due to the overwhelming enemy firepower, and only 48 of the 140 survived. Murray went on to fight in further World War I battles, obtaining so many important medals.

The process of recognition began some years ago and took a big step forward when the Murray Memorial Committee was formed in the late 1990s under the auspices of the Evandale History Society, in Evandale, just outside my home town of Launceston. The committee has worked tirelessly to ensure that the memory of Murray remains alive, and their efforts are commendable. The committee has so far established the Murray Memorial Room at Evandale, a museum dedicated to Harry Murray. They were instrumental in establishing a permanent memorial to Harry Murray at Evandale—a life-size replica statue which was unveiled by former Governor-General Michael Jeffery on 24 February 2006. It was a wonderful event on a very hot day. It is a special memory for all of us. I enjoyed working with the Murray Memorial Committee to help raise over $85,000 for the memorial statue and managed to help secure $20,000 in federal funding from the Howard government and $10,000 in state government funding for the statue, which was crafted in solid bronze by renowned sculptor Peter Corlett. The Howard government also committed $65,000 to the Tasmanian RSL to establish plaques honouring all 13 of Tasmania’s VC recipients.
In July 2006 I was extremely pleased to learn that, after much lobbying by me, RSL President Ian Kennett, the RSL and the Murray Memorial Committee, the Australian War Memorial had agreed to honour Harry Murray by displaying his portrait as part of their World War I display. We worked for over 18 months to see Murray’s portrait included in the display. Murray was previously only recognised through a postcard sized picture. The inclusion of Murray’s portrait was yet another important step in seeing Murray’s achievements recognised as an important part of Australia’s military history.

I take this opportunity to thank the former President of the Murray Memorial Committee and Evandale History Society, Lieutenant Colonel David von Stieglitz, and the current President, Laurie Wotherspoon, for all their hard work in keeping the achievements of Murray alive.

In early 2010 I was disappointed to learn that Tasmania would be left off the national Victoria Cross tour honouring nine of Australia’s Victoria Cross recipients who earned their medals at Gallipoli. Many disappointed members of the Tasmanian community, including the RSL, joined me in lobbying the Australian War Memorial to bring the tour to Tasmania. I introduced a motion in the Senate, which was indeed successful. Over time, after some effort, we achieved success. In late November 2010 the tour arrived at the Tasmanian Museum and Art Gallery and was met with resounding support from the Tasmanian community, with over 20,000 people viewing the display in just a few weeks—a fantastic result.

It was early in 2010 that I began discussions with the Murray family, writing to Harry’s son, Doug, in Townsville to ask whether they would consider allowing Harry’s medals to come to Tasmania for public viewing. I was thrilled when Doug Murray agreed to allow the priceless medals and other memorabilia to come to the state for the first time ever. A few weeks ago Doug’s son, Chris, and his wonderful wife, Sue, arrived in Tasmania with the medals and several of Harry Murray’s personal effects, including a slouch hat with a bullet hole through the rim. How the bullet actually went through that rim is a story to be told. There was also a compass, original Gallipoli maps and the map case, a cigarette case and a telescope. Indeed, there is a special story to be told about the telescope, but that is for another time. It is truly a magnificent collection.

While Chris and Sue Murray were in Tasmania we had the opportunity to enjoy a lunch in their honour with members of the Murray Memorial Committee, the Evandale History Society and other supporters at Clar- endon Homestead near Evandale. In addition to Laurie Wotherspoon and David von Stieglitz, I acknowledge Teccie Cruse, Brian Bean, Fred Ralph, Kevin Best, Lois Wotherspoon, Richard Mulvaney from the Tasmanian Museum and Art Gallery in Launceston, and Jenny Carter.

Tasmanians—in fact, all Australians—will have the chance to view this unique exhibition at the Tasmanian Museum and Art Gallery in Hobart when it opens next week on 31 March until 8 May. It will then be on show in Launceston at the Queen Victoria Museum and Art Gallery from Monday 16 May until 26 June. I commend and thank these two wonderful Tasmanian museums for their support of this important display. In particular, I thank Tasmanian Museum and Art Gallery Director Bill Bleathman and his deputy, Peter West, and their team, as well as the Director of the Queen Victoria Museum and Art Gallery, Richard Mulvaney, and his team. This truly is a priceless opportunity for Tasmanians and all Australians. I am in-
credibly grateful to the Murray family for lending these materials to our state.

The importance of telling stories such as Murray’s has been the driving force behind much of my work with the veteran community over the years. Ensuring that we pay proper honour and respect to our veterans is indeed important. There is a personal connection, of course, within the Barnett family. My wife’s grandfather was a member of the Light Horse. My own grandfather was in the Royal Flying Corps in World War I, and my great-uncle was a prisoner of war on the Thailand-Burma Railway. Last year I had the emotional experience of visiting the Thailand-Burma Railway with my Senate colleague John Williams and a group of others, including former Thailand-Burma railway POW Cliff Lowien and his son Jeff. We also visited the Changi prison in Singapore.

I was also fortunate enough to visit Gallipoli and Anzac Cove in 2005 for the 90th anniversary, and indeed the Western Front. In April 2008 I travelled to Kokoda, together with two veterans: the then President of the Scottsdale RSL, Bruce Scott, and Ivan Dean MLC from Launceston, as well as 14 others. We tackled the gruelling 96-kilometre Kokoda Track. The trek’s goal was to honour our veterans and to raise money for the Juvenile Diabetes Research Foundation, both of which were achieved, with over $160,000 raised for that wonderful foundation. Just tonight I met with Mike Wilson, the Chief Executive of the JDRF, to talk about furthering the objectives of the foundation and the interests of people with type 1 diabetes throughout Australia.

While on the Kokoda trek I met with two ‘Fuzzy Wuzzy Angels’. The Fuzzy Wuzzy Angels provided an invaluable service to Australian soldiers during the Kokoda campaign, assisting the sick and wounded and carrying food and medical supplies amidst the harsh terrain. Upon returning to Australia I wrote to the federal government and indeed moved a motion in the Senate, which was subsequently passed, requesting that they be recognised for their invaluable support to our soldiers in World War II. In 2009 the first of the Fuzzy Wuzzy Angels were recognised with official commemorative medallions. Of course I remember the night that Senate motion was passed, and meeting with the PNG High Commissioner. He had tears in his eyes at the time. He was so pleased that after decades and decades—indeed, more than 65 years—his people, the Fuzzy Wuzzy Angels, were officially recognised here in this country, Australia.

I am advised that more than 30 of these medals have now been awarded, and the process of recognition is ongoing. I am also privileged to have been part of the campaign to recognise the contribution of the Elementary Flying Training School, which operated from the Launceston airport during World War II and at which 1,801 pilots trained. Of course, so many of them—nearly a third of them—died during the war. A memorial to their efforts is now set up and established at the Launceston airport.

I also spoke last year at the memorial in Beaconsfield, Tasmania, to the 2/40th Battalion, where my great-uncle served, which was raised mainly from Tasmania and who suffered so much during World War II as prisoners of war. Additionally, in 2006 I released a publication called Our heroes: Tasmania’s Victoria Cross recipients, highlighting the stories of Tasmania’s 13 Victoria Cross recipients, spanning the Boer War, World War I and World War II. The third edition of the publication will be launched next week. It includes a special segment on the heroic actions of Ordinary Seaman Edward ‘Teddy’ Sheean on board HMAS Armidale in World War II—a fine Tasmanian.
Unbelievably, not a single member of the Royal Australian Navy has received the VC, despite many proved instances of bravery. I have been fighting for a posthumous VC to be awarded to Teddy Sheean and I am pleased to advise that that is now not far away. The federal government agreed on 23 February to my request for an inquiry into the posthumous awarding of VC medals for members of the Australian armed forces. This news is a great relief to the families of the veterans concerned. Last October, in the Senate estimates, I raised the need for an inquiry and we finally have action. I only hope that the four- to five-month delay by the federal government in getting the inquiry started will not prejudice the rights of the families of probable VC winners from making a credible submission.

Demonstrating respect and honour for our gallant soldiers, past and present, should remain a priority for our government. The Parliamentary Secretary for Defence, David Feeney, confirmed that this will be an inquiry conducted by the Defence Honours and Awards Tribunal, with hearings and submissions from the public. The terms of reference are yet to be finalised and the inquiry is expected to take many months.

I encourage all veterans and others with relevant information to make submissions at the appropriate time. It is a great sense of achievement and relief to know that a comprehensive review will now be undertaken. Names that may be considered for a posthumous VC include Ordinary Seaman Teddy Sheean, Captain Hec Waller, Captain Henry Stoker, Lieutenant Commander Robert Rankin, John Simpson, of course, and Gunner Albert Cleary. 2011 is the centenary of the Navy and this would be a most appropriate year to formally recognise a hero like Teddy Sheean, bearing in mind that of our 98 VC winners 94 are from the Army and four are from the Air Force.

Finally, for the long-term future of Harry Murray’s medals, this is a matter that the Murray family is still considering and it is very much a matter for them. As a Tasmanian, however, I cannot deny that it would be an incredible privilege for my home state to eventually become the permanent home of these priceless items. Tasmania certainly stands ready to pay tribute and honour to Harry Murray’s achievements and to help ensure that future generations know and understand the significance of his story. Regardless of the decision the Murray family ultimately makes on this important issue, we are incredibly privileged to have these medals and items in Tasmania over the coming months. If we do not tell the story, the story will not be told, and Harry Murray’s legacy and the story of all our veterans will be lost. I encourage all Tasmanians to visit this amazing display over the coming weeks and ensure that the story of Harry Murray lives on for generations to come.

Anzac Day is coming up on 25 April in a few weeks time and I am looking forward to speaking at the invitation of the RSL at Evandale in the Northern Midlands where Harry Murray’s statue is located, and at my home town of Hagley.

In the time remaining I now wish to speak in defence of marriage. Today I have tabled in the Senate 16,506 petitions in support of marriage as currently defined in the Marriage Act 1961. The signatures were collected from Tasmania and around Australia. The large number of petitions collected in only six weeks has sent a message that the traditional definition of marriage is worthy of protection and support.

The marriage debate to date has been adult-centred. There needs to be a far greater focus, in my view, on what is in the best interest of our children. The rights of kids have been neglected in this debate so far. I call on
the silent majority in Australia across this country, up hill and down dale, to speak up to express your view in support of marriage before it is too late. Once the definition is changed by this parliament, in my view it will be changed forever. This could well be the last shot in the locker.

In my view the Labor Party is conflicted on this matter. I have said that previously. The Labor-Green coalition is very strong and the influence of the Greens is very substantial indeed. I know that this is something where the very soul of the Labor Party is now being fought over by people within the Labor Party. Putting that to one side, in my view so much of this debate to date has been about the interests of adults rather than the interests of children. Children should not be treated as guinea pigs.

I acknowledge the contribution of Senator Jacinta Collins, who spoke previously to me with respect to the recent Senate report on donor conception, of which I was the chair. We delivered a unanimous report. The key outcome of that report was that the right of children to acknowledge and know both their mother and their father is vital. The right of adults to children should come second to the right of children to know their father and their mother. That report confirmed that the current system is failing. It confirmed that donor conceived individuals have been let down over the last many decades. They deserve much better.

My view is that changing the definition of marriage, such a key institution, is an issue that has implications for the future and that currently there are attempts to rewrite history. Marriage has been a bedrock institution of our society for generations and as an institution it has served our nation well. The law ultimately reflects the fundamentals of human biology and the deep interest of the community in regulating sexual relations between men and women in order to guarantee the best possible environment for raising our kids.

A marriage forum is being held on 30 March next week in Hobart. It is being organised by the Presbyterian Church of Tasmania. It will be held at 7.30 at the University of Tasmania. Keynote speakers include Jim Wallace, from the Australian Christian Lobby, Andrew Corbett, pastor from Launceston, and me. I urge as many people as possible to come and send a message that marriage is important.

The number of petitions that have been tabled today is very large. I would like to acknowledge and read the petition accordingly:

In support of Marriage as currently defined in the Marriage Act (1961)
To the Honourable the President and Members of the Senate in Parliament assembled:
Noting the following:

- that marriage is currently defined in the Marriage Act (1961) as being ‘…the union of a man and a woman to the exclusion of all others, voluntarily entered into for life,’ each element of which is essential to the integrity of marriage and each of which was inserted into the Marriage Act on a bipartisan basis in 2004;
- that marriage is one of the great institutions on which our society is built;
- that marriage provides for a stable family and is the umbrella under which children are nurtured and grow; and
- that marriage is worthy of protection and support;

We, the undersigned petitioners, call on the Senate to support the definition of marriage as currently contained within the Marriage Act (1961)
I thank the Senate. (Time expired)
International Blind Cricket Series
Oxfam Trailwalker

Senator FAULKNER (New South Wales) (9.00 pm)—I seek leave to speak for up to 20 minutes.

Senator Mark Bishop interjecting—
Senator Jacinta Collins interjecting—

Senator FAULKNER—I thank the Senate.

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Excuse me; I have not said if you succeeded.

Senator FAULKNER—I understood that silence—

The ACTING DEPUTY PRESIDENT—I think there were enough ayes to say yes.

Senator FAULKNER—Silence is consent.

The ACTING DEPUTY PRESIDENT—Exactly.

Leave granted.

Senator FAULKNER—I thank those generous senators and not the others in the chamber.

The ACTING DEPUTY PRESIDENT—Thank me. I ruled that way.

Senator FAULKNER—A month ago the International Blind Cricket Series between Australia and Pakistan took place in Adelaide. I am pleased to say that I was able to spend some time with the Australian Blind Cricket XI at the tournament. The series involved six international matches: three Twenty20s and three 40-over one-day internationals, all played in Adelaide, culminating with the final game at the Adelaide Oval. Hearty congratulations go to the Pakistan Blind Cricket Council, whose team won the series, maintained their domination of international blind cricket and kept their world No. 1 ranking. Pakistan secured a three-nil win in the Twenty20s, as well as a three-nil sweep in the one-day international series, over a very competitive Aussie side who played above expectations throughout.

International blind cricket is played with a hard, white plastic ball, slightly smaller than the standard test match cricket ball and containing pieces of metal or natural material which make a sound as the ball moves. The ball must be bowled underarm, and there is a requirement that the ball bounce at least once on the first half of the pitch before it reaches the batsman. I will refrain from making any analogies to February 1981 at the Melbourne Cricket Ground! The precision with which totally blind players time their shots while batting, mainly employing the sweep shot, is remarkable.

There are three categories of blindness, and each team must field a minimum of four B1, or totally blind, players. I will read from the laws of international blind cricket:

B1: No light perception in either eye up to light perception, but inability to recognise shape of a hand at any distance or in any direction.

B2: From ability to recognise the shape of the hand up to a visual acuity of 2/60 or visual field of less than five degrees in the better eye after correction.

B3: From visual acuity above 2/60 up to visual acuity of 6/60 or a visual field of less than 20 degrees in the better eye after correction.

All runs scored off the bat of a B1 player count as two runs.

Tonight I want to particularly acknowledge the Australian squad in Adelaide, who have done their country proud: David Gauci, the captain, a partially sighted B3 player; Lindsay Heaven, the vice-captain, a partially blind B2 player; Chris Baillie, a totally blind B1 player; Ben Phillips, a totally blind B1 player; David ‘Chongy’ Truong, a totally blind B1 player; David ‘Saxy’ Saxberg, a totally blind B1 player; Michael ‘Z-Man’ Zannis, a totally blind B1 player; Peter
‘Robbo’ Robinson, a partially blind B2 player; Mark Haskett, a partially blind B2 player; Brett ‘Willo’ Wilson, a partially blind B2 player; Matthew McCarthy, a partially sighted B3 player; Corey Heberley, a partially sighted B3 player; Mathew Horsey, a partially sighted B3 player; and Ray ‘Axe’ Moxly, a partially sighted B3 player.

The Australian team has been supported by a group of dedicated officials: Sandra Clemens, manager; Neil Mackay, coach; Julie Clay, physiotherapist; Michael Clemens, umpire; Chris Ive, umpire; Greg Heaven, scorer; Trevor Vayro, tournament referee; Shane Sandford, tournament director; Graham Coulton, chairman of selectors; and Phillip Penn, national selector. It is always important to acknowledge that it is only through the efforts of volunteer officials that tournaments like this can be staged successfully.

The 15-strong Pakistani team was led by captain Abdul Razzaq and accompanied by the chairman of the PBCC, Syed Sultan Shah, and a small group of officials. In the first T20 match, Pakistan won the toss and elected to bowl. Australia scored 152, Matt Horsey top-scoring with 37 runs from 31 deliveries. Australia were on top from the start of the Pakistan innings, as Lindsay Heaven and Peter Robinson took early wickets. However, Pakistan’s professionalism came to the fore, and an innings of 67 from Anees Javed saw the visitors scrape home with just five balls to spare.

In the second T20 game of the tour, Australia won the toss and sent Pakistan in to bat. The Pakistani batsmen outclassed the Australian attack with a sensational 97 by Muhammad Jameel and 63 by Anees Javed. Pakistan reached 230 for two in 20 overs. The silver lining was two wickets for B1 Aussie bowler Chris Baillie, who finished with two for 59 off four overs. In reply, a number of the Aussie batsmen had starts, but none went on to make a big score. Five players reached 20, with a top score of 38 from Brett Wilson. Australia finished its innings at nine for 187.

In the third and final T20 Pakistan elected to bat. Again it was Muhammad Jameel, a B3 player, who top scored with 104 runs from 65 balls with another half century to Anees Javed. Pakistan finished with four for 217 from their 20 overs. Ray Moxly bowled tightly taking one for 33 off four overs. While Australia had wickets in hand for the whole 20 overs during the chase, our team just could not increase their run rate to threaten the Pakistani total. Lindsay Heaven batted well but unfortunately was forced to retire hurt after scoring 49 from 44 balls. Australia finished with two for 128 after 20 overs. Three of the Pakistani bowlers conceded less than 25 runs from their maximum four overs. Pakistan won the T20 series three-nil.

The one-day international series started on a scorching South Australian Saturday morning. I can assure you, at the ground it was sweltering even in the shade. It was very hard and very hot work for all the cricketers. Australia won the toss and put Pakistan in to bat. Early wickets from Ray Moxly saw Pakistan on the back foot but Pakistan fought back with a 98-run innings from B1 player Muhammed Zafar.

The work in the fields by Matt McCarthy would have made Doug Walters proud. His instinct, anticipation and backing up were simply outstanding. This was the first time Pakistan had been bowled out in years—finishing with the daunting but achievable total of 325 all out. Australia needed to keep wickets in hand and score at better than a run a ball but some early mix-ups with the inevitable unnecessary run-outs saw Australia lose valuable top order wickets. That led to Aus-
Australian running very cautiously for the remainder of the innings with a number of easy runs not taken. Only Cory Heberley was able to score at a run a ball with 65 runs from 65 balls. Matthew Horsey scored 58 runs from 67 balls.

I had the pleasure of presenting the player of the match award in this game to Muhammad Zafar a totally blind, or B1, Pakistani player who, in a magnificent individual effort, scored not only the 98 runs I mentioned earlier off just 53 balls but bowled a spell of none for 17 off two overs. His fielding on the boundary was quite extraordinary. The speed and certainty with which he would pick up the ball located, of course, by sound alone really did make something so extraordinarily difficult look quite easy.

The second one-day international is best described in the words of the totally blind, B1, Australian player Ben Phillips who sent me this text message after stumps were drawn. It said:

Pakistan won the toss and sent Australia in to bat. Before long, the green and gold boys from beneath the Southern Cross had chalked up a respectable score of 291. The highlight of the innings was Phillips batting performance, being sent to the crease with only 2 balls remaining. The Captain had instructed Phillips to throw the bat and lose his wicket to allow a better sighted player to hit a boundary off the last ball. Phillips, being the man of integrity and good sportsmanship that he is, never throws his wicket away, and thus smashed the ball to the square leg where he was incidentally caught on the boundary by an allegedly blind cricketer! Consequently Phillips was caught for a golden duck, which was in keeping with the Captain’s instructions. The next batsman played a less graceful shot and missed the ball altogether! Pakistan went on to score the runs within 28 overs, and secured the series.

There is a B1 member of the Australian squad who I would like to give a special mention to. Again that is Ben Phillips and I quoted from Ben’s text message earlier. Ben is totally blind and next weekend he will join the four-person Tigers Melbourne Oxfam Trail Walker team with Max Bryant, John Paul Grima and yours truly as we walk 100 kilometres through the Dandenongs in something under 48 hours.

Ben was selected for the Australian Blind Cricket team to tour New Zealand last January. He played in all five matches of the tour, top scoring on debut with 35 runs of 15 balls. In June, Ben toured the West Indies, playing in three Twenty20 matches and two one-day internationals. During the second T20 against Jamaica in a very rare feat for a B1, or totally blind player, Ben Phillips took a catch.
Even with all that sporting success, the 100-kilometre Oxfam Trailwalk will really test Ben’s mettle. It is a very challenging event. Last year Maxie and I completed the 100 kilometres with another totally blind man, Nick Gleeson. Nick, who has climbed Mount Kilimanjaro and last year also climbed to Everest base camp, has said that the 2010 Oxfam Trailwalk was the toughest thing that he has ever done. The event is not just an opportunity to test an individual’s physical abilities; it is one of Australia’s largest charity fundraising events.

Oxfam Australia sponsor wonderful programs in Australia’s Indigenous communities, and of course right across the developing world. Their role in disaster relief has been crucial. So do not forget: if you want to support the Tigers team in Melbourne, let me know. Certainly a number of senators have done that—including certain senators in the chamber tonight—and I very much appreciate that. Donations to the Tigers team and the great work of Oxfam can be made through our team website, which is www.oxfam.org.au/trailwalker/melbourne/team/100.

Defence Procurement

Senator MARK BISHOP (Western Australia) (9.16 pm)—I seek leave to speak for up to 20 minutes.

Leave granted.

Senator MARK BISHOP—I thank the Senate. I have spoken on a number of occasions in recent years about reforms to the defence procurement system. I have also spoken about the system of accountability, particularly with respect to the essential role of the parliament. These are matters in which I retain a close interest, through my chairmanship of the Senate Foreign Affairs, Defence and Trade Legislation Committee, my membership of the Joint Parliamentary Committee on Public Accounts and Audit and my contact with industry and industry representatives.

I have also spoken about my learning in the United States last August from briefings by US officials and industry representatives. In general I think I can say with some confidence that in Australia we do seem to be on the right track. The Kinnaird and Mortimer reviews as they are being implemented are clearly having an effect, remembering that the nature of our defence bureaucracy is akin to a large dreadnought battleship—inefficient, costly to run, difficult to turn and in part obsolete.

By way of background for those listening, there are now only three bureaucracies involved in the procurement task, putting aside interested agencies such as Treasury, Finance and the Defence Science and Technology Organisation, which is often overlooked as an essential part of the process. The first is the Department of Defence itself, which is the principal client, including the three services—each of which approaches its procurement planning differently. Then there is the Defence Materiel Organisation, which as the contracting agency is the meat in the sandwich. Finally there is the defence industry—the providers. It is very clear to me that the implementation of this new order with the tough new disciplines needed is slow and painful. There is still a way to go on changing some very important behaviours and attitudes.

Essentially, however, there are only five ingredients to successful defence procurement: first, the client’s—Defence’s—specifications must be detailed, accurate and final before going out to tender; second, the contracting agency—DMO—must demand the highest standard of specificity from the client and then be able to represent that requirement to industry, which should not have any doubt about what is required; third, industry
must demand accuracy and deliver to the contracting agency, DMO, exactly according to the specification, on price and on time; fourth, there should be no doubt about what DMO has procured on their behalf as meeting the client’s specifications, for dispute-free delivery to the client; and, fifth, agency and clients, as public instrumentalities, must be able to fully account for and report in detail on capability specifications met, cost and timeliness to the parliament.

That sounds extraordinarily simple, but of course it is not. The history of defence procurement has been one of constant failure against each of these principles. The reasons are partly historic but to some extent are endemic to the nature of the business. There are no excuses for past poor performance. It is true that defence materiel procurement around the world is based on obtaining leading-edge technology. That can be very complex and it is not an easy process for a small, remote nation such as Australia where our needs can sometimes be unique.

Unfortunately, sometimes this very complex technology is bleeding edge. We have been caught by undeliverable expectations leading to failure, project cancellation and failed capability planning. Some of that, however, is the result of unrealistic ambitions, false promises and what is called the ‘conspiracy of optimism’. There are far too many examples of such failure and few, I would suggest, are excusable. The recent examples of helicopters and landing barges could only be described as resulting from collective incompetence. However, where we tag onto new product developments—say, in the United States—whether for aircraft, weaponry or other systems, and the product is cancelled or amended, failure is to be expected. But a dilemma remains, and that concerns the level of confidence to be had in new developments which may have a capability horizon of, say, 30 years.

The purchase in the sixties of the F111 fighter-bomber, which turned out to be a brilliant plane, is illustrative of this experience. Its development was fraught with controversy over design, cost and late delivery, just as the JSF is now—hence the pragmatic decision to buy the Super Hornet in the interim as a guarantee of capability, albeit perhaps with compromised planned capability; hence also the argument for increased emphasis on off-the-shelf purchases for guaranteed cost and timeliness. I note, though, that committing to prototypes not proven operationally can be as risky as committing to a product still in development, especially where there is extensive customisation—or ‘Australiisation’, as it is termed.

Outside that broader context, however, it is clear that the reforms to get compliance with the principles I have mentioned are starting to fall into place. But it is proving difficult. We are all aware of the difficulties in the relationship between the DMO and each of the three services on the one hand, and industry on the other. The purchasing disciplines set out in the principles I listed were too loose. Specifications were inadequate. Contracts were therefore imprecise and industry had great scope to negotiate low and ratchet right up. Cost overruns were normal, as was late delivery. This is still common overseas, as I was told recently in the US, but subject to new disciplines as defence budgets start to shrink.

Having made these observations and outlined the background to reform, my question now is: what progress have we made in Australia post Kinnaird and Mortimer? As mentioned previously, the front end specification and approval discipline has been dramatically tightened up. But the bulk of these recommendations for reform applied to Defence and the three services rather than DMO. I will return to that subject shortly. That being the case, any analysis of success against
Mortimer must extend necessarily to those elements beyond the current narrow focus on DMO. The means by which this assessment is made is through the parliamentary committee system, with the assistance of the Australian National Audit Office. That work has been usefully supplemented by evidence to the Senate Foreign Affairs, Defence and Trade Legislation Committee, which meets three times a year.

I am pleased to be able to say that, with the help of the ANAO, useful progress has been made on transparency of process—but not outcomes. The ANAO report of November last year titled *2009-10 Major Projects Report* marks the spot. A number of important consequences flow from that. This report contains an assessment of 22 major Defence projects currently underway. This review is not just measuring progress on each but analysing the systemic strengths and weaknesses. The most pleasing matter to note is that ANAO has found that for all projects there have been no cost overruns. Importantly, it should be noted that for off-the-shelf purchases there have not been any delays whatsoever—a very salutary and instructive conclusion. As identified by ANAO, the more customisation for Australian needs and the more development to be undertaken, the greater the slippage.

The bad news, however, is that timeliness has deteriorated by 31 per cent. The effect of this simply is that, while the taxpayer has stopped bleeding, the capability plan is failing in delivery. This is a very serious weakness in our defence effort. To quote the report:

> The reasons for schedule slippage vary, but primarily reflect the underestimation of both the scope and complexity of work by industry and the DMO.

As we know, much of this can be attributed to system design and integration planning and implementation. This is the biggest single bugbear across the board in this age of technical complexity. Unfortunately, I fear that experience is such that we cannot be too optimistic about finding silver bullets to fix the problem. However, in complimenting ANAO and DMO for their efforts in producing this excellent report, there are some important matters requiring resolution. These were the subject of some discussion at a meeting of the JCPAA on 28 February. I mention them here to stress their importance.

First, and perhaps most important of all, is the capacity of the accountability and reporting system to accurately measure and report progress in a standard format, based on standard information. It is clear from the DMO project data summary sheets in the ANAO report that much historic information on some projects simply is not available. I have raised this issue many times, because I have found it impossible to measure costs across projects through the years. The classic for me was the old FFG upgrade project. At estimates hearings, my questions were met with cover-up and confusion about the differences between costs in original dollars, out-turn prices, indexation, foreign exchange fluctuations and changes to scope. It is salutary to know, at least from this report, that ANAO and DMO cannot establish that either. Certainly at JCPAA it is agreed that a standard benchmark for reporting is needed, the suggestion being that second pass approval price, which is to be the starting point, should be expressed in out-turn dollars. Despite the risks of slippage and variable exchange rates, at least this might give us a more accurate track on real costs. It is also clear that in filling the gaps in the information it simply may not be fruitful to chase some data. I suspect we might have to write it off to experience and get on with establishing strict formats and reporting standards for all projects henceforth.
Another important matter of process referred to in the ANAO report concerns the point at which responsibility for product delivery can be passed from DMO to the capability manager—that is, the service chief responsible for the original specification as client. The answer to this question is determined by the degree to which my principles on procurement have been met. Clearly, avoidance of disputes depends on compliance with client specifications. The communication along the way needs to involve not just the client and DMO but the industry contractor as well. There is a suggestion that the judgment on handover from DMO to Defence should be at what is termed ‘final operational capability’. But, as this entails many other elements such as training and the provision of associated facilities which are not the responsibility of DMO, I am not too sure. This is an important matter to be resolved in due course.

My view at this time is that final materiel release, FMR, the point at which DMO consider they have complied fully with the tender specifications, is the appropriate handover point. In that way some discipline remains with the client to get it right at the beginning and throughout the project.

The next matter flowing from the ANAO report I want to mention concerns the listing of both the major projects under review and the projects of concern. I note that some of the major projects also appear on the list of projects of concern. This latter is a management device where, if it is clear that a project is failing or at risk, it is targeted for extra attention—noting, too, that part of that attention is the introduction of ‘gate’ reviews. These reviews comprise independent experts convened to bring fresh eyes to the management of a project. This is a technique now employed widely and usefully in government and industry, provided it is in time.

Nomination as a project of concern is also a process used to determine whether in fact a project might fail in full or in part. The recent cancellation of the landing barge fiasco came from this process, as did the contract renegotiation with Boeing on the non-delivered capability on the AWAC aircraft. What is also clear from the evidence given at recent Senate estimates is that many of the projects considered to be failing by this means are being rescued. The outstanding matters to be resolved within JCPAA, however, concern the criteria by which projects should be included in such lists and also when they might be removed, having been rescued, and what the thresholds should be. These discussions will be had with both DMO and the ANAO in due course, but I would like to briefly mention the cost thresholds.

From the simple principle of Pareto, perhaps, examination of the detail of projects is restricted to those above a set value. Here I note that a cabinet threshold also exists, recently increased to $100 million for second pass approval. I have some reservations about such high thresholds. While no doubt it is a work volume issue and one of risk management, the numerical bulk of projects are below that threshold. Perhaps one day soon when the reporting date, format and datasets have been standardised we might get to a report which is far more inclusive.

We are making good progress on transparency in this area, and I issue some compliments to the Department of Defence, DMO and ANAO. But that is not to forget that the 31 per cent slippage in delivery time is simply not acceptable. Of course, new strict disciplines in any complex process have to flow through to all the players. That includes industry, because improved transparency leads to better discipline, tighter contracts and better compliance. In that context, I am sure DMO is helped enormously by strong direc-
tion from both the government and the parliament in its relationship with the Defence client and the industry supplier. So the authority of parliamentary committees should not be underestimated. Ask any public servant and they will tell you that being interrogated for hours on end can be pretty torturous. That accountability flows down into organisations, including industry. In this context, the taxpayer can be assured that the determination of the JCPAA in improving reporting and accountability will continue.

However, we are about to embark on more intensive parliamentary scrutiny by way of the forthcoming inquiry of the Senate Standing Committee on Foreign Affairs, Defence and Trade. Through this inquiry, the parliament will probe beyond the operations of DMO. The terms of reference are quite specific in that, from the white paper down, the committee will be looking at, among other things, the inner workings of the Defence capability group, its maze of committees, which to date have operated in splendid isolation from the parliament, and the reform achievement of the Strategic Reform Program. In that context, I recently obtained a useful brief from the Parliamentary Library. The brief sought to map out these internal processes within each service but also collectively at the strategic level. I am absolutely horrified at the complexity. Clearly, we have much to learn about the reform program and the reasons for the catastrophic blow-out in delivery times.

While government initiated reviews such as Kinnaird, Mortimer and the Strategic Reform Program have been important, so too has the scrutiny of parliament. In fact, as experience has shown on many occasions—for example, with the report on military justice—parliamentary committees have a very real role to play, not just in pursuing accountability but in getting, ensuring and guaranteeing substantial policy reform by government. That is certainly the approach I will bring to this work. I look forward to the work of the Senate committee, the continuing focus of JCPAA and the ANAO, and to an acceleration of change and improved outcomes from the Defence procurement process.

Senate adjourned at 9.35 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.]


Appropriation Act (No. 1) 2010-2011—Advance to the Finance Minister—No. 1 of 2010-2011 [F2011L00446].


Broadcasting Services Act—Variations to Licence Area Plans for—

Bundaberg Radio—No. 1 of 2011 [F2011L00453].

Kingaroy Radio—No. 1 of 2011 [F2011L00455].


Lands Acquisition Act—Statement describing property acquired by agreement for specified public purposes under section 123.
Migration Act—Migration Regulations—

Private Health Insurance Act—

Private Health Insurance (Benefit Requirements) Amendment Rules 2011
(No. 2) [F2011L00448].

Private Health Insurance (Complying Product) Amendment Rules 2011 (No. 2) [F2011L00449].

Radiocommunications Act—
Radiocommunications (Electromagnetic Radiation—Human Exposure) Amendment Standard 2011 (No. 2) [F2011L00456].

Veterans’ Entitlements Act—


Veterans’ Entitlements (Transition Care/Community Care at Home Package—Co Payment for Ex POW/Victoria Cross Recipients) Eligibility Determination 2011 [F2011L00450].

Indexed Lists of Departmental and Agency Files

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2010—Statements of compliance—

Broadband, Communications and the Digital Economy portfolio.

Prime Minister and Cabinet portfolio.