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**SITTING DAYS—2011**

<table>
<thead>
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<th>Month</th>
<th>Date</th>
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<td>11, 12, 13, 31</td>
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<td>November</td>
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- **BRISBANE** 936AM
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FORTY-THIRD PARLIAMENT  
FIRST SESSION—THIRD PERIOD

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

Senate Officeholders  
President—Senator Hon. John Joseph Hogg  
Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson  

Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans  
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy  
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz  
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC  
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig  
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

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

The Nationals Whip—Senator John Reginald Williams  
Australian Greens Whip—Senator Rachel Mary Siewert  
Family First Party Whip—Senator Steve Fielding

Printed by authority of the Senate
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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
<table>
<thead>
<tr>
<th>Position</th>
<th>Minister/Leader</th>
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<tbody>
<tr>
<td>Prime Minister</td>
<td>Hon. Julia Gillard MP</td>
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<tr>
<td>Deputy Prime Minister, Treasurer</td>
<td>Hon. Wayne Swan MP</td>
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<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>Hon. Simon Crean MP</td>
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<tr>
<td>Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate</td>
<td>Senator Hon. Chris Evans</td>
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<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>Hon. Peter Garrett AM, MP</td>
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<tr>
<td>Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate</td>
<td>Senator Hon. Stephen Conroy</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon. Kevin Rudd MP</td>
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<tr>
<td>Minister for Trade</td>
<td>Hon. Dr Craig Emerson MP</td>
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<tr>
<td>Minister for Defence and Deputy Leader of the House</td>
<td>Hon. Stephen Smith MP</td>
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<tr>
<td>Minister for Immigration and Citizenship</td>
<td>Hon. Chris Bowen MP</td>
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<tr>
<td>Minister for Infrastructure and Transport and Leader of the House</td>
<td>Hon. Anthony Albanese MP</td>
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<td>Minister for Health and Ageing</td>
<td>Hon. Nicola Roxon MP</td>
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<td>Hon. Jenny Macklin MP</td>
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<tr>
<td>Minister for Sustainability, Environment, Water, Population and Communities</td>
<td>Hon. Tony Burke MP</td>
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<td>Minister for Finance and Deregulation</td>
<td>Senator Hon. Penny Wong</td>
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<tr>
<td>Minister for Innovation, Industry, Science and Research</td>
<td>Senator Hon. Kim Carr</td>
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<tr>
<td>Attorney-General and Vice President of the Executive Council</td>
<td>Hon. Robert McClelland MP</td>
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<tr>
<td>Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate</td>
<td>Senator Hon. Joe Ludwig</td>
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<tr>
<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Martin Ferguson AM, MP</td>
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<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>Hon. Greg Combet AM, MP</td>
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[The above ministers constitute the cabinet]
GILLARD MINISTRY—continued

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

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

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

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

Shadow Minister for Employment Participation
Hon. Sussan Ley MP

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

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

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

Shadow Minister for Universities and Research
Senator Hon. Brett Mason

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

Shadow Minister for Indigenous Development and Employment
Senator Marise Payne

Shadow Minister for Regional Development
Hon. Bob Baldwin MP

Shadow Special Minister of State
Hon. Bronwyn Bishop MP

Shadow Minister for COAG
Senator Marise Payne

Shadow Minister for Tourism
Hon. Bob Baldwin MP

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

Shadow Minister for Veterans' Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC
Senator Hon. Michael Ronaldson

Shadow Minister for Regional Communications
Mr Luke Hartsuyker MP

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

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

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

Shadow Minister for Housing
Senator Marise Payne

Chairman, Scrutiny of Government Waste Committee
Mr Jamie Briggs MP

Shadow Cabinet Secretary
Hon. Philip Ruddock MP

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

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

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

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

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

Shadow Parliamentary Secretary for Regional Education
Senator Fiona Nash

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

Shadow Parliamentary Secretary for Local Government
Mr Don Randall MP

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

Shadow Parliamentary Secretary for Defence Materiel
Senator Gary Humphries

Shadow Parliamentary Secretary for the Defence Force and Defence Support
Senator Hon. Ian Macdonald
**SHADOW MINISTRY—continued**

| Shadow Parliamentary Secretary for Primary Healthcare | Dr Andrew Southcott MP |
| Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health | Mr Andrew Laming MP |
| Shadow Parliamentary Secretary for Supporting Families | Senator Cory Bernardi |
| Shadow Parliamentary Secretary for the Status of Women | Senator Michaelia Cash |
| Shadow Parliamentary Secretary for Environment | Senator Simon Birmingham |
| Shadow Parliamentary Secretary for Citizenship and Settlement | Hon. Teresa Gambaro MP |
| Shadow Parliamentary Secretary for Immigration | Senator Michaelia Cash |
| Shadow Parliamentary Secretary for Innovation, Industry, and Science | Senator Hon. Richard Colbeck |
| Shadow Parliamentary Secretary for Fisheries and Forestry | Senator Hon. Richard Colbeck |
| Shadow Parliamentary Secretary for Small Business and Fair Competition | Senator Scott Ryan |
THURSDAY, 12 MAY 2011

Chamber
BILLS—
   Wild Rivers (Environmental Management) Bill 2011—
      In Committee................................................................. 2391
COMMITTEES—
   Selection of Bills Committee—
      Report........................................................................ 2421
NOTICES—
   Presentation........................................................................ 2424
BUSINESS—
   Rearrangement.................................................................... 2425
      Consideration of Legislation........................................... 2425
COMMITTEES—
   Economics Legislation Committee—
   Economics References Committee—
      Meeting ........................................................................ 2425
COMMITTEES—
   Reference ........................................................................... 2426
BUSINESS—
   Senate Temporary Orders.................................................... 2426
COMMITTEES—
   National Broadband Network Committee—
      Meeting ........................................................................ 2426
   Environment and Communications Legislation Committee—
      Meeting ........................................................................ 2426
   Community Affairs References Committee—
      Reporting Date ................................................................ 2426
BILLS—
   Public Service Amendment (Payments in Special Circumstances) Bill 2011—
      First Reading .................................................................... 2426
      Second Reading .................................................................. 2427
MOTIONS—
   Community Hospitals......................................................... 2428
   Alcohol Pricing .................................................................... 2428
   Cluster Bombs ..................................................................... 2428
COMMITTEES—
   Publications Committee—
      Report ............................................................................ 2431
BUDGET—
   Consideration by Estimates Committees................................ 2431
COMMITTEES—
   Regulations and Ordinances Committee—
      Documents ....................................................................... 2431
CONTENTS—continued

BILLS—
Aviation Transport Security Amendment (Air Cargo) Bill 2011—
Customs Amendment (Export Controls and Other Measures) Bill 2011—
Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Bill 2011—
Trans-Tasman Proceedings Amendment and Other Measures Bill 2011—
  First Reading.......................................................... 2431
  Second Reading..................................................... 2432
Electoral and Referendum Amendment (Provisional Voting) Bill 2011—
  Returned from the House of Representatives.......................... 2436

COMMITTEES—
Electoral Matters Committee—
  Appointment.................................................................. 2436
Foreign Affairs, Defence and Trade References Committee—
  Report........................................................................ 2436
Legal and Constitutional Affairs Legislation Committee—
  Report........................................................................ 2440

BILLS—
Sex and Age Discrimination Legislation Amendment Bill 2010—
  In Committee.............................................................. 2440

QUESTIONS WITHOUT NOTICE—
  Budget........................................................................ 2455
  Budget........................................................................ 2457
  Carbon Pricing............................................................. 2458
  Coal Seam Gas Projects.................................................. 2461
  Carbon Pricing............................................................. 2462
  Budget........................................................................ 2464
  Budget........................................................................ 2465
  Soccer World Cup.......................................................... 2467
  Budget........................................................................ 2468
  Budget........................................................................ 2470

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS—
  Crime........................................................................ 2472
  Forestry........................................................................ 2472

BUDGET—
  Consideration by Estimates Committees.............................. 2473

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS—
  Answers to Questions.................................................... 2483
  Coal Seam Gas Projects.................................................. 2487

BILLS—
Sex and Age Discrimination Legislation Amendment Bill 2010—
  In Committee.............................................................. 2488
  Third Reading.............................................................. 2489

COMMITTEES—
Economics References Committee—
Finance and Public Administration References Committee—
Foreign Affairs, Defence and Trade References Committee—
CONTENTS—continued

Rural Affairs and Transport References Committee—
Treaties Committee—
Intelligence and Security Committee—
  Government Response to Report........................................................................... 2490
Scrutiny of Bills Committee—
  Report................................................................................................................. 2501
Membership—
Environment and Communications Legislation Committee—
  Meeting ............................................................................................................. 2503
MOTIONS—
  Budget .............................................................................................................. 2503
BUDGET—
  Statement and Documents................................................................................. 2523
ADJOURNMENT—
  Women's Workforce Participation ................................................................... 2534
  National Disability Insurance Scheme .............................................................. 2537
  Anzac Day and Day of Mourning ....................................................................... 2539
BUDGET—
  Consideration by Estimates Committees ........................................................... 2541

Questions On Notice
Tertiary Education, Skills, Jobs and Workplace Relations: Staffing—
  (Question No. 399)............................................................................................... 2542
Prime Minister—(Question No. 405)........................................................................ 2542
Australian Broadcasting Corporation—(Question No. 410)..................................... 2542
Superannuation—(Question No. 433)..................................................................... 2543
Superannuation—(Question No. 434)..................................................................... 2543
Flood Levy—(Question No. 435)............................................................................ 2545
Taxation—(Question No. 436)................................................................................ 2546
National Cycling Strategy—(Question No. 440)...................................................... 2547
National Indigenous Television—(Question No. 441)............................................ 2547
Australia Network—(Question No. 443).................................................................. 2548
National Heritage Strategy—(Question No. 446).................................................... 2549
Tasmanian Wilderness World Heritage Area—(Question No. 452)......................... 2550
Defence: Freedom of Information—(Question Nos 497 to 499).............................. 2551
Defence: Project Funding—(Question Nos 515 to 517)........................................... 2552
Australian Competition and Consumer Commission—(Question No. 532)........... 2552
Fair Work Australia—(Question No. 534)............................................................... 2553
Ausroads—(Question No. 536)................................................................................. 2553
Australian Communications and Media Authority—(Question No. 539)............... 2554
Home Insulation Safety Program—(Question No. 540)............................................ 2556
Foreign Investment—(Question No. 542)................................................................. 2557
Foreign Affairs—(Question No. 546)..................................................................... 2558
East Timor Regional Processing Centre—(Question No. 551)................................. 2558
United Nations—(Question No. 558)..................................................................... 2559
United Nations Security Council—(Question No. 559)......................................... 2560
Lucas Heights Reactor—(Question No. 568)........................................................... 2560
Australian Nuclear Science and Technology Organisation—(Question No. 569).... 2561
CONTENTS—continued

Australian Federal Police—(Question No. 575) ................................................................. 2561
Climate Change—(Question No. 589) .............................................................................. 2562
Climate Change—(Question No. 590) .............................................................................. 2563
Climate Change—(Question No. 591) .............................................................................. 2564
Climate Change—(Question No. 592) .............................................................................. 2565
Fair Work Ombudsman—(Question No. 597) ................................................................. 2566
Thursday, 12 May 2011

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9:30, read prayers and made an acknowledgement of country.

BILLS

Wild Rivers (Environmental Management) Bill 2011

In Committee

Debate resumed.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (09:32): The wild rivers debate has been going on for some time now. I have already informed Senators Xenophon and Fielding and those opposite about our intentions with regard to the legislation today. The fundamental aim of this legislation is to create some equity and consistency in the approach of the Queensland government with regard to the provision of conservation, particularly on Aboriginal land of all types. One of the most celebrated conservation outcomes in North Queensland has been the creation of quite large national parks under Premier Bligh. Many of those areas contain some particularly fantastic biodiversity and the creation of those parks was something to celebrate. Aboriginal people sat down for a very long time and discussed how they would conduct joint management of the parks.

It was similar to what happened with Kakadu National Park in the Northern Territory, where I come from. An agreement was reached for joint management of the park. The landowners, the Aboriginal people, would sit down as a board and have joint management of the park and Aboriginal people would be able to advise the park managers, who at that stage knew lots about conservation but little about cultural heritage or about the way that Aboriginal people interacted with their land. Then, at a later stage, as they became more confident, the Aboriginal people in the area gradually took a greater role in the bureaucracy and board. I think that Kakadu park is in fact emblematic of how it should be done.

Two examples in Queensland, in the area around Coen, are celebrated because of their now excellent conservation practices. The particular element to be excited about is not so much that it represents some of the greatest biodiversity in the world; it is the fact that Aboriginal people provided their consent. If you are creating a national park in Queensland and you are changing fundamentally all of the ways of doing business, you need to understand that consent is absolutely fundamental to that process. Sadly, the wild rivers process in Queensland was approached differently by the Queensland government.

The region of Coen, after going through a very long process that took a couple of years, ended up with a celebrated result that protected biodiversity and ensured that all of those people involved had complete ownership of it. That deal involved joint management. All of the issues—including how many rangers were going to be involved, how the management process would work, how access would occur, how Aboriginal people would continue to conduct cultural activities, how they would interact with tourism and how they would grow in stature in terms of being able to manage the park—were resolved, setting the groundwork for the future.

This is, of course, in stark contrast to the Queensland wild rivers process. As a piece of legislation, wild rivers is not particularly different to any other conservation legislation, but the principles still apply. We believe it is an area of unique biodiversity
and so we aim to apply protections that specifically protect that biodiversity. Wild rivers relates specifically to particular areas of biodiversity that have been identified. It is just like a national park. I commend the act in its treatment of most of the areas it covers in Queensland. I think that it is a good act and that some of the measures in it will be excellent. The reason that the Wild Rivers (Environmental Management Bill) 2011—my private member's bill—has been brought forward is that there is one stark difference between a national park in Queensland, which provides good conservation outcomes, and the Wild Rivers declaration in Queensland, which also provides good environmental outcomes: one is provided with the consent and ownership of the owners of the land—the Aboriginal people of the land—and one is not. That is the only difference and, whilst it seems like a small difference, it is a very important difference, particularly to the people of Cape York.

One of the reasons the Wild Rivers legislation is of interest to the people of Cape York is that they are in fact the holders of land which, without argument, has some of the most wonderful and complex biodiversity in the world. That is why it remains a tourist attraction, and that is why the world's eyes are on places like Cape York—it is emblematic of the remnant perfect biodiversity. It has been maintained in that state by the Aboriginal owners—the principal form of title there is native title—and the reason it is in that state is that the owners have had a connection with that country for so long. They are the reason that the biodiversity is so excellent; they are the reason that this country has been looked after so well. That is why a joint management agreement, which in a sense says, 'This is something that we can gather and this is something that we can ensure will be a fundamental building block of how we continue to look after the biodiversity,' would be so appropriate for Cape York.

Why would you ignore the single group of people who have protected this iconic biodiversity since time immemorial? In the national parks we do not; in the national parks in Queensland we have a system that completely acknowledges the role of the Aboriginal people who built those levels of protection. But, sadly, in the Wild Rivers declarations there is no such acknowledgment of their attachment to and association with the land. It should be no surprise and no wonder to anyone that the entire Aboriginal people of the cape apart from a very small handful—I have not met more than I can count on one hand—find the Queensland Wild Rivers legislation odious since their consent is not required. This is not conservation by consent, as it is with those very successful and celebrated national parks, but conservation by diktat—something you will have!—and I do not think that anyone in Australia is in any doubt that, given the circumstances, we should be supporting a change to the Wild Rivers legislation in Queensland that puts into effect the very same mechanisms that they have in, for example, national parks.

I have approached the Queensland government, as have many, because it is not the normal way for the Commonwealth to do business to intervene in a state. I can tell you that, coming from the Territory, I find it particularly odious that we should do so. But this is a circumstance that is so very important that we have made many calls on the Queensland government to change the Wild Rivers legislation. I ask myself: where is the mischief? Premier Bligh is a fine woman, and I am sure she means well.'

Senator Ian Macdonald: Don't go over the top.
Senator SCULLION: But I am sure she means well because I have read her media reports about the celebrated deals that were done with the national park in Queensland. Isn't it fantastic that we have Aboriginal people on their land working side by side for conservation outcomes? I know Premier Bligh celebrates that, but neither she nor anyone else in Queensland has been able to answer me when I ask: 'Why is it that we would have this inconsistency? Why the difference in the Wild Rivers legislation, under which we simply make a declaration over that land and there is no consent required?' Instead, there is silence. Some as cynical as and more cynical than me would say, 'After all, the Premier is a politician.'

Senator Ian Macdonald: It's called Green preferences.

Senator SCULLION: We have heard about the Greens deals. Greens preferences are important.

Senator Brandis: It was at a West End coffee shop before the last Queensland election.

Senator SCULLION: It has been alleged that coffee was involved. Those of us who are a little bit cynical have accepted that there are special arrangements concerning the Wild Rivers legislation. But why would you have special arrangements? We already have arrangements in place that work: empowerment; working next to Aboriginal people who know how to look after the land because they looked after the land well before white people stood on this land. The only reason could be that they have simply done a deal.

We know about the Wilderness Society and those associated with it—they have produced some very good outcomes and are trying to protect the environment—but I think that we have lost touch with the balance. The balance for Premier Bligh was to say to the Greens: 'I need your preferences. What would you like in exchange?' Clearly, the exchange from Premier Bligh was, 'We'll go and have Wild Rivers.' The question would then have been, 'What is Wild Rivers going to do?' and Premier Bligh's answer would have been, 'It takes a little time to deliver national park-like mechanisms because we have to have the consent of people; we have to have people agree.' The response to that would have been, 'No, we can't have that in it.' So the legislation was passed with a lot of opposition—though not, obviously, with sufficient opposition—but without the inclusion of the notion of consent. The people of Cape York have not held this land for very long as a national park—in that sense it is still young land—yet this Wild Rivers legislation, only because of some grubby Greens preference, has a substantially different approach to how we go about a partnership approach for conservation to the approach found in other conservation legislation. It is still not too late, Premier Bligh; it is still up to you. You can change your own legislation to make it consistent with your approach to national parks. You can still do this. All the people I have spoken to across the cape wish to embrace the opportunities for conservation. They want to do that. We have got examples all over the place of that. But there should be that simple respect of saying that we will require the consent of Aboriginal people. That is exactly what the Wild Rivers (Environmental Management) Bill 2011 would ensure. It is simply to ensure that Aboriginal people are fully involved, that we can get the full benefits of the wisdom of the Aboriginals and that we get their consent—which is just about respect.

Those in the gallery and those in the chamber will recall that the President this morning rose and said that we would also like to acknowledge the Ngunawal and Nga-
mberry people of the Canberra area. That is all about respecting the ownership of land. Sadly, in my view, the Queensland government, or elements of the Queensland government, have certainly been disrespectful in the way that they are treating Aboriginal people, who are the traditional owners of land and are owners of land in Queensland, in this matter.

That is the motive behind this bill. It is a very simple motive. Clearly, as I have indicated, I do not have the support today, because there are still some concerns with the bill. We will be speaking to a number of people to ensure that we have the amendments correctly, because this is such an important area of consideration. I understand, Senator Furner, that you had a great interest in this. Look into your heart to see whether there are other appropriate amendments or whether you can ring the premier yourself. If you want to do some real good for the people of Cape York—and I know you do, mate—you need to reach into your heart and do the business of ensuring that the Queensland government does the right thing.

Senator FIELDING (Victoria—Leader and Whip of the Family First Party) (09:47): I take this opportunity to speak to the Wild Rivers (Environmental Management) Bill 2011 as a whole at this stage, as I did not speak during the second reading debate. The objective of this wild rivers bill is to circumvent the Queensland Wild Rivers Act 2005, which allows the Queensland minister to declare an area to be a wild rivers area. The effect of the Wild Rivers Act is to enable the Queensland government to make wild river declarations that limit the range of activities that may be carried out in a declared area of land in order to preserve the natural value of that area. The bill before parliament today seeks to change the way in which a wild river declaration is made, taking the power from the Queensland minister and putting it in the hands of other interest groups.

Since the debate on wild rivers last year I have had the chance to look at some of the wild river declared land firsthand. I have also listened to the lengthy debates from both sides of the argument and have considered the arguments through the inquiries. The more that you look at the issues, the more you realise that there are two valid and opposing arguments. Firstly, I think that some areas of this country do deserve to be protected. I am not in the camp of locking things up for the sake of it. But, equally, I am also not in the camp of bastardising the environment. Some areas of this country are special and ought to be declared as special areas in order to safeguard and preserve these areas. Under this bill, a wild river declaration can only take effect if it has the written consent of all the interested parties of the land. The practical result of this will make it extremely difficult for any wild river declarations to ever be made. This, I think, is a problem in itself.

This problem arises because of the definition of ‘owner’ in this bill. That definition of ‘owner’ means that a wide variety of people and groups may fall under the definition of owner for a particular area of land. For example, it includes people with native title interests, freehold interests, leasehold interests and other interests, too. This means that, in order for an area to be declared to be a wild river area, every one of these groups that falls under the definition of ‘owner’ needs to give their consent for a declaration to go ahead. To put it another way: it means that every single person or group that falls under the definition of ‘owner’ gets an automatic right of veto on a wild river declaration. As an example, even if eight parties affected by a wild river declaration agree to give their consent, the declaration can be nullified because of the opposition of just
one party. This hardly sounds reasonable. What it really means is that the likelihood of ever getting an area to be declared as a protected or a preservation area is extremely slim. I have spoken to some members of parliament who support this bill because they do not believe in creating preservation areas and are happy to see nearly every part of the land developed. That is something that I do not agree with.

The second point I want to make is that there seems to be a lot of confusion within the communities that new development is not allowed in a declared area. This is simply not true. For example, the following types of development can still occur: tourism, ecotourism, development of associated infrastructure, grazing and pastoral enterprises, residential and commercial developments, commercial fishing and fishing based tourism. However, I do recognise a real problem, and that is that people are put off from doing any development because they do not know how to wade through the entire permit approval process and because it looks way too hard. I believe that this is a real problem. Many people who do not have the resources to jump through all the hoops, the paperwork and the bureaucratic red tape end up missing out.

Particularly within many of the Aboriginal communities there are development plans that are never made because people within a declared wild river area do not feel that they have the resources, the money, the time, the administration or the know-how to overcome the hurdles standing in the way of the developments. This needs to change. Just like there is legal help for people who cannot afford legal representation, so too we need a type of free professional service to help people who want to do development in these areas but do not know how to navigate the approval process. This is something I have raised directly with the government and I am pleased that these concerns have been listened to. As a result, the government has promised to provide funding to establish a professional services resource that will help Indigenous Australians move forward with their plans for development in areas that have been declared wild river areas.

The third point I want to make is that before a Queensland minister can make a wild rivers declaration there needs to be adequate consultation with the people affected by any such declaration. In fact, if you are going to limit the range of activities that can be carried out on an area of land then you should have to ask the people who have a stake in the land what they think. It is clear from the inquiries into this bill that the level of consultation that has occurred thus far has been substandard in some areas. It is not enough for the Queensland government to pay lip-service to the consultation process. They need to actually sit down and speak with the people who use the land and take into account their legitimate concerns. There are plenty of people out there with very reasonable concerns and it is important that we listen to what they have to say. This is something that I have raised directly with the Queensland government and the federal government because it is a problem that needs to be addressed. I am pleased to say that the Queensland government will be establishing Indigenous reference groups to improve the consultation process. These Indigenous reference groups will provide information and recommendations to the minister on natural values, economic aspirations and consultation processes. This information will need to be taken into consideration by the minister, along with other advice such as scientific advice, when defining the areas. These reference groups will provide legitimate and representative input to the Queensland minister. It will give
parties a greater voice in the decision-making process of any declared areas.

Finally, this wild rivers issue is very difficult. I am sure that both sides of politics would agree about the tremendous difficulty in balancing environmental interests with those of landowners and development interests. After considering all of the information, and given that the federal government has agreed to fund a professional services resource to assist people with getting an application for permit approved, and given that the Queensland government will establish Indigenous reference groups to ensure proper consultation, I will not be supporting this bill.

Senator FURNER (Queensland) (09:54): I rise to contribute to this debate in committee. I commend the contributions that have been made thus far this morning by the opposition, Senator Scullion and particularly Senator Fielding. As a Queensland senator, I have intimate involvement in this area and I know there are other Queenslanders, like Senator McLucas and Senator Moore, who have travelled to the cape on many occasions and who understand the Indigenous issues—in particular in this matter concerning the environment. However, the bill in its current form is deeply flawed. If you go through the bill clause by clause, you will clearly identify the flaws in the bill.

When it comes to economic development, we heard during the last inquiry into this bill through the Senate Legal and Constitutional Affairs Legislation Committee, only a few weeks ago, of the confusion, the lack of understanding and, on many occasions, the contributions by the Queensland government to the applications that have been presented in terms of economic development up in the cape. I know that there are people in this chamber who have possibly not travelled to that area, and I would suggest that most Australians have not travelled to the cape at all to get an appreciation of the situation up there. But I think people need to understand that it is a remote area. On most occasions you need to fly into Cairns and then fly into Weipa. During the wet season, which has just completed—an extended wet season, in fact—they get their food in via barge from Normanton, and there are various ways of getting their stock and requirements into that area. People need to understand that it is not just a simple matter of saying, 'This is an area that can be developed,' or that it can be considered for development in any shape or form. That is not the issue. The soil is poor; hardly anything can be grown in that area. However, those opposite run the argument about the Queensland government locking it up. Nothing has been locked up. In fact, I think Senator Fielding made the relevant point—and he is quite right; he has taken an interest in this—that things are not locked up in the cape.

Senator Ian Macdonald: You should ask the Indigenous people!

Senator FURNER: I have spoken to the Indigenous people, Senator Macdonald. I do not know whether you have. I know you fly in and out of places, but when you get on the ground and are involved in the wild river itself, and when you speak to Indigenous owners about what the issues are, those are the times and the opportunities when you get an opinion expressed about what the issues are.

Senator Ian Macdonald: I do more driving in Northern Australia than you ever will, you donkey!

Senator McLucas: Madam Temporary Chairman, I would request withdrawal of that comment.

The TEMPORARY CHAIRMAN (Senator Hurley) (09:58): Senator
Macdonald, I did not hear the reference. Do you wish to withdraw?

**Senator Ian Macdonald:** Just to assist you, Madam Temporary Chairman, I did call him a donkey, which is what he is, but I withdraw it.

**Senator FURNER:** You'd only expect that from a Neanderthal. When you examine what this bill does, it claims to lock up the cape. In fact, grazing, fishing, tourism, camping, hunting and gathering continue unaffected. I have seen that myself up in the cape. I have seen Indigenous traditional owners working the cape—

**Senator Boswell:** You are a donkey!

**Senator FURNER:** And you are a ratbag

The TEMPORARY CHAIRMAN: Order! There is starting to be discussion across the chamber. Senator Furner, would you continue with your remarks and other senators cease to interject.

**Senator FURNER:** There are other matters that are able to be considered. Things like Indigenous cultural activities, ceremonies, harvesting of bush food, medicines and the enjoyment of native title are permitted and unaffected. Outstation development can continue. Recreational boat users can continue to use the rivers and creeks. Mining, grazing and irrigation continue today without the declaration of wild rivers areas. Regarding new developments up in the cape, over 100 applications that have been submitted and we are working through those.

The evidence out there does not suggest that the wild rivers scheme has blocked development on the cape; to the contrary, the scheme has led to successful Indigenous ranger programs. Real jobs have been created in terms of rangers in that area, jobs which could be lost if this amendment has its passage through this chamber. In fact, the amendment, interestingly, goes to a particular matter in terms of—

**Senator Ian Macdonald:** I think he has lost Anna's speech.

**Senator Heffernan:** I will give you the facts in about three seconds.

The TEMPORARY CHAIRMAN: Order! There is too much conversation around the chamber.

**Senator Boswell interjecting**

**Senator Heffernan interjecting**

The TEMPORARY CHAIRMAN: Order! Senator Boswell and Senator Heffernan, there is too much conversation and I cannot hear Senator Furner. I ask that Senator Furner be allowed to continue when there is silence.

**Senator Boswell interjecting**

**Senator FURNER:** Geez, you're a knucklehead. The changes to clause 4 in this amendment indicate that wild rivers rangers jobs will be lost and the Australian government must somehow replace those jobs. This is a matter that I have never seen in any bill whatsoever; a situation where a state piece of legislation relies upon a federal piece of legislation to assume and pick up the loss of any jobs. In fact, in inquiry, the questions were asked: what are these jobs we are talking about; are they rangers' jobs; are they jobs of people involved in development in the cape? This issue and proposal was clearly a matter of confusion during the inquiry. So it is really difficult to know whether this clause was intended to confer an entitlement or not in regard to compensation of the loss of a job.

A number of other questions—which cannot be answered—were also raised by this clause: what kind of work is being promised? If you lose your employment as a ranger—if that is what the bill intends—what is the sort
of work that is going to be applied in terms of the loss of that employment as a ranger? Where will the work be? Will rangers be employed in the cape? Will they be relocated to other parts of the state or somewhere else within the nation? These are the issues that have been raised and considered during the inquiry stage, in the legal and constitutional committee and also in the House of Representatives economics committee when it was before them.

Additionally, it is unclear what the pay and conditions would be, because currently employment is under Queensland statute and no doubt would be under a specific award. No-one is of a view or has an understanding of what their entitlements would be beyond that, given that they are currently employed under state legislation.

Additionally, it will be a question of who will be required to employ these people, because the bill implies or suggests that the federal government should pick up the employment or the protection of these employees, should the bill result in their unemployment. These are the issues associated with clause 4: the constitutional basis and the objective of the bill. The potential for that to lead to lengthy litigation under this bill is very real.

So, when it comes to this fallacy portrayed by those opposite of wanting to protect Indigenous rights, wanting to have some involvement in native title, I think people need to put it in the right context. We need to remind ourselves who opposed the Native Title Act, when a Labor government introduced it. It was those opposite who opposed that act, so it is not a case of them going round the cape indicating they are there representing Indigenous rights and wanting to be at the forefront of protection of their lands and their entitlements. I am sure Senator Heffernan would have been there and would remember that they opposed the Native Title Act, so do not come into this chamber saying that you are here to protect Indigenous rights for Queenslanders, let alone for Australians, because you were in opposition on that particular bill.

Senator Heffernan: Madam Temporary Chair, I have a point of order: what this is all about is saying to the Indigenous people in Northern Australia, which is half the size—

The TEMPORARY CHAIRMAN: Come to your point of order, Senator Heffernan.

Senator Heffernan: The point of order is that we are expecting that the great opportunity in life for Indigenous people up there will be to get their photo taken with a spear.

The TEMPORARY CHAIRMAN: Senator Heffernan, there is no point of order.

Senator Furner: Once, again, unlike the coalition, the Australian Labor Party is a party of reform and wholeheartedly supports Indigenous Australians' rights and fosters and encourages Indigenous economic development. This is evident once again in the implementation of the Native Title Act in 1993. We are not disingenuous, unlike the opposition who make out that they are there to protect the rights of Indigenous people. We will continue our involvement as we have done in a variety of different circumstances—

Senator Heffernan: Madam Temporary Chair, I rise on a point of order. He should withdraw the remark that we are not here in the best interests of Indigenous people. I am!

The TEMPORARY CHAIRMAN: There is no point of order, Senator Heffernan.

Senator Furner: I didn't say that. You're very precious.
Senators Heffernan: Don't put crap on me!

Senator Sherry: Madam Temporary Chair, I rise on a point of order. Senator Heffernan should withdraw that comment unreservedly.

Senator Heffernan: No-one should put crap on me.

The TEMPORARY CHAIRMAN: Have you completed your point of order, Senator Sherry?

Senator Sherry: I had not finished my point of order. The statement that Senator Heffernan just made in a disorderly way again reinforces my point of order. He should withdraw his comment.

Senator Heffernan: No-one should put sewage on me.

Senator Sherry: It was not related to sewage either, Senator Heffernan. Madam Temporary Chair, I ask you to require him to withdraw unreservedly.

Senator Ian Macdonald: Madam Temporary Chair, on the point of order: the debate is free-flowing. Twice now the Labor Party have interrupted it with precious points of order whilst at the same time—

The TEMPORARY CHAIRMAN: And what is your point of order, Senator Macdonald?

Senator Ian Macdonald: the speaker before you was using terms like 'knucklehead', but nobody interrupted the debate and stopped him. I ask you to let the debate flow. If you are going to stop that sort of name-calling, I suggest you start with the speaker who has the call.

The TEMPORARY CHAIRMAN: I was endeavouring to listen to the speaker so I did not hear the interjections across the chamber. Senator Heffernan, do you wish to withdraw?

Senator Heffernan: No, I do not wish to withdraw, because I have been accused of not acting in the best interests of Indigenous people. I have been up there and I know what this is all about. This is an outrage. I have been up there and seen the child abuse that occurs.

The TEMPORARY CHAIRMAN: Senator Heffernan, you are continuing to debate at this stage.

Senator Heffernan: There are 7,500 Indigenous kids in the Northern Territory who still do not have a high school to go to, for God's sake.

The TEMPORARY CHAIRMAN: I take it that you are refusing to withdraw?

Senator Heffernan: No-one should pretend that I am not on the side of the Indigenous.

Senator FURNER: I will go back to my point. We should not forget where we stand on Indigenous rights as a Labor government. Let us not forget the apology delivered on 13 February 2008 by Kevin Rudd, the then Prime Minister. For many years those opposite spoke about how ill treated all Indigenous Australians were. They had 11½ years to deliver an apology but failed in that regard. They were not willing to deliver such an apology. It was pushed under the rug. After years of silence it was time to end the denial and to acknowledge the ill treatment received by Indigenous Australians. That is what we did on 13 February 2008 and that is what we are about.

I have had several opportunities to visit one of those pristine rivers—the Wenlock River—that have been declared under the Queensland legislation. It is a river that needs to be protected. On a number of occasions I have been up there to visit the Steve Irwin Wildlife Reserve on the banks of the Wenlock River. The previous government under John Howard gave that piece of
land to the Irwins and here we have the hypocrisy of reversing that position. I wonder what John Howard would do in this debate. He gave that piece of land on the Wenlock River to a conservationist. He understood the significance of it. Those opposite want to overturn it to allow strip mining, destroying the beautiful rivers.

I am sure some of you might have an opportunity to look at some of these pristine rivers. They are beautiful pieces of nature. On my first visit I was shown by Australia Zoo ranger Barry Lyon eight springs on the reserve which are located on a bauxite plateau. These springs are of great ecological value. In fact, they are a source of water for wildlife during the dry season. Bauxite does not absorb the water; instead, it acts as a giant sponge and releases the water during the dry. Research has been conducted in this area by QUT and other researchers. They have found an abundance of wildlife that relies on the existence of these beautiful springs. In 2008 a survey found 151 different vertebrate species, including 75 birds, 26 reptiles, 16 native amphibians, eight native mammals and 16 freshwater fish.

The Queensland government passed the Queensland wild rivers legislation to protect certain areas of the cape. However, the opposition want to portray that they are somehow protecting native title rights. That is not the case. We know what the agenda is here. They just want to reverse it so some of the mining companies can strip mine areas of unique significance. If you destroy these rivers, you will never get a chance to reverse that. Madam Temporary Chairman Hurley, I am sure you understand what happened to the Murray. We do not want to see that on the cape in Queensland. We want to make sure the rivers are protected and Indigenous people have a right to do the things they currently do on their lands. We do not want to hear this fallacy about locking it up continued, because that is not the case. They are free to do their traditional hunting and everything else on the land as they have done for years and years. That will continue under this arrangement. (Time expired)

Senator XENOPHON (South Australia) (10:13): I would like to make a few comments about the Wild Rivers (Environmental Management) Bill 2011 and about the opposition’s amendments that I believe deal with a number of the concerns that have been raised with me about how consent will be achieved, because that is a key issue here. I want to deal with some of the concerns of Senator Fielding that were also raised by Senator Furner. Let us put this in perspective. In the absence of a wild river declaration these pieces of legislation apply to the land in Cape York and areas that could be subject to wild river declarations: the Coastal Protection and Management Act, the Environmental Protection Act, the Fisheries Act, the Forestry Act, the Fossicking Act, the Land Protection (Pest and Stock Route Management) Act, the Mineral Resources Act, the Nature Conservation Act, the State Development and Public Works Organisation Act, the Sustainable Planning Act, the Transport Infrastructure Act, the Vegetation Management Act and the Water Act. There are currently 13 pieces of legislation in place that provide safeguards for the environment. The fundamental flaw is that there is a lack of consultation and consent with the Indigenous owners of the land. That is what I find objectionable about the Queensland legislation.

It is rare in this place for senators to be asked to decide between a perfect outcome and a disastrous one. Typically the decisions we are asked to make come down to deciding which way forward will bring about the better outcome—not a perfect outcome, but a better outcome. I want to refer specifically to clause 6 of the bill, because
we are in committee, and the way it addresses the issue of consent. There has been a lot said in this debate, and I believe the coalition's bill has been unfairly characterised in some quarters. Let us be clear what this bill does and does not do: it does not prevent the Queensland government from making wild river declarations; it simply requires the Queensland government to seek consent from traditional owners of that land before it makes a declaration. You just have to ask first.

The government has argued that other members of society do not have this right of consent and that if a government wanted to build a freeway where my house is it could compulsorily acquire my land. This is a spurious argument for a number of reasons. Firstly, if the government wants my land to build that freeway, they take over my land. With wild rivers declarations the land is not taken over, but the government does tell you what you can and cannot do with your land. Moreover, if the government wants that freeway, they have to pay me just compensation for that land. With wild rivers there is no compensation, you just lose your rights.

The government has said that traditional owners can seek exemptions from a declaration, arguing that more than 100 have already been granted. It is something that my friend and colleague Senator Fielding referred to. But as Balkanu CEO Terry Piper has pointed out, nine of those were for one fence. And as Noel Pearson has also pointed out, the vast majority of those permits have been granted to either mining companies or state government departments. Surely this supports the argument by Indigenous groups that the application process is so complex you need the resources of a mining company or a government to go through it.

There is another issue here. Senator Fielding made the point: let us help people navigate through the wild rivers declarations. I say this, understanding that Senator Fielding is absolutely genuine in his concerns: but you are asking people to navigate where there are so many obstacles, where the boat you are given in the first place is so leaky by virtue of these wild river declarations, it is setting up impossible obstacles for these communities.

In January this year I travelled to Cape York Peninsula where I met with both supporters and opponents of the coalition's bill, and I must say wherever I went—and I travelled freely and consulted widely—I met a lot more supporters than opponents. One of the supporters was Bruce Martin from Aurukun, who I met again last night. He is one of the new generation of Indigenous leaders. He is articulate, he is smart, he is passionate about the possibility for real economic development. He wants to do something about the horrendous unemployment rates in his communities—70 per cent, 80 per cent unemployment rates. We all do.

Senator McLucas: Everybody does.

Senator XENOPHON: Senator McLucas says, 'Everybody does,' and I agree with that. There is no issue about the genuineness of both sides of the house wanting to deal with the shocking rates of unemployment and disadvantage in those communities. Incidentally, former senator Brian Harradine danced with members of the Aurukun community here in front of Parliament House over native title.

Bruce and his community have big plans for Aurukun, and they have mapped a path forward. Bruce says they want to look after country. They also want to get young people back to country to strengthen and maintain culture. They want to create training and
employment and they want to do this by utilising the one asset they have—their land—to be able to provide for their families.

Bruce and almost all of the Indigenous people I have spoken to on this issue argue that the wild rivers legislation is an impediment to achieving this. For example, the Aurukun people are exploring the option of a cattle destocking project that would manage the 10,000 to 15,000 head of feral cattle and 5,000 wild brumbies that are currently destroying the environment up there. Over three years they want to remove 95 per cent of feral animals from key cultural and environmental areas, creating jobs and restoring their country, and providing food for their community. But plans like this, which has the support of backers like philanthropist Paul Bendat, are threatened by wild rivers declarations. Yes, the Aurukun people can attempt to seek an exemption, but there is no guarantee that they can get it. And they can argue the costs involved make it beyond their reach.

Bruce said something else that has hit home about the Wild Rivers Act. He said to me that the Queensland wild rivers legislation, like native title more broadly, only entitles him and his community 'to be native'. He went on to say:

'It is now the 21st century. We need the outside world to stop viewing us as the 'noble savage'. What we are trying to do now is to keep our culture strong, stay committed to the traditions and beliefs of our ancestors and to look after country and utilise our land, but with all the benefits of modernity. Old and new in partnership.

I believe we need to be careful that our laws do not stand in the way of these fine aspirations.'

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (10:19): Might I begin by complimenting Senator Xenophon on a fine, thoughtful and idealistic speech. On 3 April 2009, the minister for Indigenous affairs, Jenny Macklin, announced that the Labor government had decided that Australia would become a signatory to the United Nations Declaration on the Rights of Indigenous Peoples, and that has since happened. In her speech making that announcement on 3 April 2009, Ms Macklin described the declaration as a 'landmark document', both 'historic and aspirational', by which, as she said:

We show our faith in a new era of relations between states and Indigenous peoples grounded in good faith, goodwill and mutual respect.

Fine words.

Article 26 (2) of the UN Declaration on the Rights of Indigenous Peoples, to which the Gillard government has subscribed, provides—just listen to this, Senator Fielding, please:

Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

So the Labor government and the minister for Indigenous affairs, Ms Macklin, have patted themselves on the back for subscribing to this declaration, the UN Declaration on the Rights of Indigenous Peoples, which contains that guarantee, the guarantee in article 26 that Indigenous people have the right to own, use, develop and control their traditional lands. By a crowning irony, on the very day that Ms Macklin made that speech, a thousand miles to the north, in Brisbane, the Bligh Labor government gazetted three major river systems in Cape York—the Archer, Lockhart and Stewart Rivers, their catchments, tributaries and floodplains—under the Queensland Wild Rivers Act 2005. The effect of the gazettal by the Queensland...
government on 3 April 2009 was to make it impossible for the Indigenous people—the traditional owners, the people whom we acknowledge and pay respect to every morning as this chamber convenes—to use, develop or control those traditional lands. How remarkable—the high-toned sentiments of Minister Macklin in Canberra and the reality of a cynical state Labor machine in Brisbane on the very same day saying one thing and doing another. There could not be a more stark example of the rule that the Labor Party says one thing but does the opposite. And what the Queensland Labor government did on this occasion was a peculiarly wicked thing to do. It destroyed the economic livelihood of the traditional owners of the cape. And it is to reverse this wicked decision that Senator Scullion's private senator's bill has been brought to the chamber.

I do not profess to be a specialist in this area, so do not take it from me, let us hear what the Aboriginal leaders have to say about the effect of the Queensland Wild Rivers legislation. Marcia Langton, Professor of Indigenous Studies at the University of Melbourne, described the gazettal of the Lockhart, Archer and Stewart Rivers—I hope you are listening to this, Senator Fielding—as 'a terminal threat to the economic future of the local Aboriginal people'. So please, Senator Furner, do not condescendingly tell us about the wildlife; let us talk about the human life, let us talk about the Aboriginal people, whom the Labor Party, with all its pious rhetoric, claims to champion, yet in reality stabs a knife through their heart with this legislation. Marcia Langton says this is a terminal threat to the economic future of the local Aboriginal people.

Even Mr Tom Calma, this government's own Aboriginal Social Justice Commissioner, said he had 'serious concerns about the effect of the gazettals on the exercise and enjoyment of Indigenous people's human rights—in particular, those concerning cultural and economic development rights to their lands, waters and natural resources'. Noel Pearson said that the effect of the gazettal was 'to foreclose on the future for our people'. He said 'the state'—the state Labor government, that is—'cannot rip the future out from under Indigenous children's feet'. The Young Australian of the Year, Tania Major, a very impressive young woman with whom I shared a panel on Q&A two years ago, spent that program pleading with Anna Bligh, who was also a co-panelist that night, to understand the effect on local Aboriginal people, their livelihood and their economic future, of the Queensland wild rivers legislation. But Tania Major's pleas fell on deaf ears, just as Noel Pearson's pleas, Tom Calma's pleas, Marcia Langton's pleas and Bruce Martin's pleas have done.

Do you know what is peculiarly wicked about the Queensland Wild Rivers Act? As anybody who lives in Brisbane knows, it was the result of a backroom deal in a West End coffee shop just before the 2009 Queensland state election, which the Labor Party managed to win, managed to pull out of the fire, on the back of Greens preferences. And what happened in that deal was that the Labor Party powerbrokers in Brisbane, who are no better than the Labor Party powerbrokers of Sussex Street or Carlton or any of the other unattractive Labor Party powerbrokers across the country, sat down with the Greens in the inner-city suburb of West End in Brisbane and traded the future of the Cape York Aboriginal and Indigenous people for Green preferences. They made a present of the future of those people in order to appeal to the conceits and vanities of inner-city Green voters in Brisbane. It is as simple as that, and everybody in Brisbane knows it.
So please let us not have from Senator Furner and, I anticipate, from Senator McLucas, who I expect will be speaking shortly, pieties about how concerned the Labor Party is about Indigenous people when they come to this chamber to oppose a bill which will reinstate the rights which this very Labor government subscribed to an international instrument in order to secure—the right, as I quoted before from article 26 of the Declaration on the Rights of Indigenous Peoples, to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership. How can you do it, Senator McLucas? How can you, because I know that you do care about social justice? I know that you are troubled by this. I know that the unattractive goons—or to use Mr Rudd's word, 'thugsters'—who control the Queensland branch of the Labor Party are hardly friends of yours. So I know you are troubled by this. But how can you in good conscience come into this chamber and oppose a bill that would restore the traditional rights of the Indigenous people of the Cape York Peninsula.

Senator McLucas: You are a lawyer, George.

Senator BRANDIS: Yes, Senator McLucas, I am a lawyer and I am very proud to be a lawyer. It is a very timely interjection, because I thought I might conclude the last few minutes of my speech by talking about the constitutional basis of this bill. Because there is no doubt at all that Senator Scullion's bill is soundly constitutionally based under at least—

Senator McLucas: It is an opinion.

Senator BRANDIS: Yes, it is an opinion and it happens to be correct—and you will not find a serious lawyer who will disagree with me. Let me explain it to you, Senator McLucas. Under section 51(xxvi) of the Commonwealth Constitution, the Commonwealth parliament can make laws for:

The people of any race for whom it is deemed necessary to make special laws.

It is the so-called race power.

Senator McLucas: How long would that take to go through the High Court?

Senator BRANDIS: How would it go at the High Court? The argument that I am propounding would win without a shadow of a doubt, Senator McLucas. So while Senator Scullion's bill is supported by the race power in section 51(xxvi) it is also supported, as any piece of legislation in this parliament these days that relies on an international instrument, by the external affairs power—section 51(xxix) of the Commonwealth Constitution.

We have had this argument, Senator McLucas. Let me refer you to the Tasmanian dams case and volume 158 of the Commonwealth Law Reports, which I just happen to have with me, in which the High Court in 1983 upheld the Commonwealth Law in relation to the Gordon below Franklin Dam on the basis of the United Nations convention on world cultural and national heritage. So we have a clearly established precedent in the High Court in the Tasmanian dams case and in subsequent cases that environment legislation based on an international treaty is within the legislative competence of this parliament under the power conferred by section 51(xxix)—the external affairs power.

But this case, Senator McLucas, is even clearer than the Tasmanian dams case. It is clearer for two reasons: first of all, because the jurisprudence has moved on since 1983. In all the years since the High Court's construction, the breadth or the ambit of the external affairs power has expanded; it has not diminished. So if the Tasmanian dams case was good authority for the use of the
external affairs power to support environmental legislation in 1983, then it is certainly the case in 2011 that the Commonwealth parliament has the power.

But it is even clearer in this case for a second reason, Senator McLucas—and let me finish where I began—because it was your government that acceded to the United Nations Declaration on the Rights of Indigenous Peoples. So under the external affairs power Senator Scullion’s bill is doubly supported. It is supported by the World Heritage convention, because it is a bill in relation to the protection of the environment, but it is also a bill, plainly, for the protection of the rights of the Indigenous people and it gives effect to what your government subscribed to but your Labor Party colleagues in Queensland, in order to buy Green votes, walked away from, and that is the right in Article 26 of that international convention of indigenous peoples to:

... Have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership ...

If you believe that, you would vote for this bill, and by your conduct in opposing this bill you really show what you stand for.

Senator McLucas (Queensland—Parliamentary Secretary for Disabilities and Carers) (10:35): It is with great sadness that I rise in this chamber today to contribute to what I think is a divisive and hurtful argument. In 1996 I had the honour of being a member of the Cape York Regional Advisory Group, an organisation that was established to work with Indigenous people—with landowners, with the graziers of the cape and with the environmental groups of Cape York Peninsula. That started in 1996. That produced a document called the Cape York Peninsula land use strategy. It had three objectives: to promote the economic values of Cape York; to improve the social outcomes for people who live on Cape York Peninsula; and to protect the environment of Cape York Peninsula. It was a fine document. It is a document that everyone who worked on that document was extremely proud of—and it has gone nowhere. It has gone nowhere and the people of Cape York are the victims of what happens in chambers like this, what happens around the place when people do not consider the outcomes of what people want on Cape York Peninsula, when politicians get involved in what people really want. What do people really want in Cape York? They want jobs, they want an economic outcome, they want a social outcome, they want to have control over their lands. What is happening here today does nothing to change that objective. In fact, what this bill does is increase the complexity and delay the outcome even more. I think every speaker in this argument today—this discussion in the committee stage today—has talked about complexity. Of course it is complex to deal with the issues that we deal with on a day-to-day basis in Cape York Peninsula, but this bill does nothing to improve those outcomes. In my view, it in fact puts us back.

I do go to the comments of Senator Brandis. Senator Brandis talked a lot about the law. Can I suggest that we will end up talking in courts and in places outside Cape York Peninsula for a very long time if this piece of legislation is progressed, because there will be debate about the constitutionality of this legislation, about whether or not it can affect the Queensland legislation and about whether or not it does improve outcomes for people who live on Cape York Peninsula. Why is it that we want to play with the lives of people who live on Cape York over and over?

There were fine words from Senator Scullion in talking about aspirations. I agree with most of what you said, Senator Scullion, except that your way of getting
there should not be through a flimsy piece of legislation that in my view is about division. This is not about pulling people together. This is not about finding a way forward. The wild rivers legislation, we all know, had some very difficult consultation beginnings. We know that. That is a fact. Queensland knows that it could have done a better job of consulting with people. It has remedied that, and I acknowledge the work of Senator Fielding in ensuring that that process has been improved. But we know we have to work with people on the ground. This will provide division. Rivers traverse large numbers of traditionally owned lands. You know that, Senator Scullion, and you know that this will divide traditional owners and pit them against one another. This will pit traditional owners against one another. This is not about bringing groups of people together; this is division, and this will mean that we entrench that division that has been delivered by this discussion already.

We have talked about the different points of view that are held by people on Cape York, and there are totally different points of view. But that is why we have to get down to some facts. I think that the whole wild rivers debate has been characterised by a lot of conjecture. It is about argument making and, in many cases, it can be described as being hyperbole.

Senator Brandis: 'Hyperbowl', according to the Prime Minister.

Senator McLUCAS: According to Senator McGauran also, as I remember. But all of that characterisation has resulted in division: division on the cape, division in here and division among groups of people who, I believe, honestly and truly want better things for the people of Cape York. But this will not do it. This will provide us with more time in the courts, I am sure. This will provide us with a delay in any development that is going to occur. This will delay those aspirations that we came to in the mid-nineties about economic development, social development and environmental protection that were agreed. That has been delayed, and I will put the blame on the former Howard government. Forty million dollars was allocated in the 1996 budget. How much was spent? Very, very little. No money was brought for land buyback—or very little money. Less than $1 million was allocated out of that $40 million; $17 million was meant to be spent on buyback, and less than a million was spent on buyback during the 12 years of the Howard government. That delay was politically inspired, and now we have another delaying tactic—another thing that is going to put back the aspirations of Indigenous people yet again.

I note the comments from Senator Scullion about federal intervention and how he feels uncomfortable about that. I would too if I were a senator from a territory having experienced it. I also note the very strongly made comments from Senator Brandis that he was quite sure that this would pass through a High Court decision.

Senator Brandis: Not a shadow of a doubt.

Senator McLUCAS: 'Not a shadow of a doubt,' he says. I would suggest that that is an opinion. I am not a lawyer. It is an opinion, and there will be others with different opinions. That is the nature of the law. Senator Brandis nods in agreement, because that, I think, is true.

Senator Scullion talked a lot about joint management of national parks. We all agree, but what does this bill do about joint management of national parks? Nothing. It does not do anything about joint management of national parks. We are doing it. I will make the point that I think Queensland has been slower than it could have been in
developing joint management arrangements on Cape York Peninsula. I would have loved to see the Shelburne Bay joint management arrangements put in place before Tapich passed away. We want to progress on joint management arrangements, but this does not do anything to progress that. You know that, Senator Scullion. What this does is put obstacles in the way of finding agreement among various traditional owner groups around national parks.

I take the point that Senator Xenophon made about resourcing of appropriate processes, but in saying so can I say that to this point in time there have been no applications not approved, and the number of applications sits around 100. I take Senator Xenophon's point that it is a reasonably complex process. There is an organisation, though, that is resourced to support people to make applications and progress economic aspirations. It is funded to do that. It has been funded for a long time to do that. It is called Balkanu Cape York Development Corporation. That is the organisation that is meant to be supporting people to make application through any process.

Senator Ian Macdonald: You've seen what Balkanu say about the process, haven't you?

Senator McLUCAS: Yes, that is my point, Senator Macdonald. We have an organisation that is funded to support Aboriginal people to achieve their economic aspirations, and what is it doing? It is running a campaign against wild rivers. So, if you are an Aboriginal person and you want to go and get some support to do whatever economic activity you want to do, are you going to turn up at Balkanu's door? I do not think so. It is running a political campaign.

Senator Ian Macdonald: Why?

Senator McLUCAS: I would suggest clearly for political reasons and you guys know that, and your laughter acknowledges that. If you are an Aboriginal person, are you going to go to Balkanu? I don't think so.

Senator Ian Macdonald: You are so condescending to Aboriginal people.

The TEMPORARY CHAIRMAN (Senator Troeth): Order! Senator McLucas, has the floor.

Senator McLUCAS: I am pleased that we have some extra money that will support people to make applications through a complex process. There are technical problems with this bill and I want to go through them. The bill's proposal that the consent of Indigenous landowners is required for the making of a wild rivers declaration it totally unworkable. It is unworkable for a whole range of reasons. As I said earlier, rivers traverse various traditional owner lands. This bill will ensure—

Senator Scullion: So do national parks.

Senator McLUCAS: Exactly. National parks do. We can pull those groups together, but if you are going to say—

Senator Scullion: How do you get agreement there?

Senator McLUCAS: The outcome will be that we won't ever have any protection.

The TEMPORARY CHAIRMAN: Order! Senator McLucas, I would advise you not to respond to provocation.

Senator McLUCAS: I thank you for that advice. I am saying that it is totally unworkable. The process cannot apply to other landholders whose agreement is required, like leaseholders. There are other landholders who have an interest in what a wild river declaration might look like and what conditions might apply to that wild river. We have Indigenous native title holders, there are leaseholders and in some cases there are some freeholders, who need
to be included in a discussion about the aspirations that can be agreed to.

Under the Native Title Act, you are ensuring that we will spend a lot of time holding meetings and having discussions about things that will have no economic outcome for people who are the traditional owners of that land. The bill does not cater for the circumstance in which Indigenous people agree about whether a wild river declaration should apply or not. This is a way to ensure that we have division on Cape York.

I want to end by talking about the aspirations of people who live on Cape York. They do not want to argue. They do not want to be turning up all the time. I note the comment from Richie Ah Mat from the Cape York Land Council when he appeared at the Senate inquiry. He is sick of turning up at Senate committee inquiries and he would like people to get on with it. Let's do that. Let's allow people of Cape York to get on—

**Senator Scullion:** He supports this legislation; that is what he means.

**Senator McLucas:** He is sick and tired of turning up at Senate inquiries, I can tell you that.

**Senator Ian Macdonald:** He wants you to pass it.

**Senator McLucas:** Can I tell you, if we pass this legislation, he will be turning up to inquiry after inquiry as we deal with the flow-ons and the outcomes of this legislation. People in Cape York do want economic outcomes. We know this from Murrandoo Yanner, who gave evidence to the last inquiry, about the economic outcomes he has achieved: five full-time, permanent jobs that are active out there on land, managing the rivers in the gulf area. These are jobs that were not there before but are there now for the long term, jobs that people have been crying out for for a really long time and—as Senator Macdonald indicated—jobs that we will be providing through our budget, and I am very, very proud of that.

This piece of legislation will provide no jobs. It will delay the provision of jobs for a long time. It will pit Aboriginal people against Aboriginal people, instead of pulling people together in the way that you describe, Senator Scullion, where you pull people together to talk about a national park and then some economic outcome that may come out of that. This will not do that. Queensland have made the commitment to progress with more rangers and we have seen that with the rivers in the gulf.

**Senator Boswell:** That is a government job.

**Senator McLucas:** Aboriginal people, Senator Boswell, have been talking about being able to manage their land with some rights—

**Senator Ian Macdonald:** Why don't you let them?

**Senator McLucas:** We are.

**Senator Ian Macdonald:** You are stopping them.

**Senator McLucas:** With the wild rivers legislation there is a commitment to have ranger jobs associated with it. Those ranger jobs are the jobs that people in Cape York have been asking for for a very long time. Yes, they want to have traditional ownership as a first step then they want to have the right to manage that land, and the way to do it is through ranger jobs then to have the economic outcome as well. I honestly hope this legislation will never pass.

**Senator Boswell** (Queensland) (10:50): I came to the intent of this particular bill in about 1985-86 when millions of hectares were given to Aboriginal people under DOGIT, deed of grant in trust. That
land was supposed to be allocated to the communities under the Local Government Act and anyone who wanted some land to do something would be allocated that land, whether it was 20 acres to grow tomatoes, land for a cattle station or a sawmill, or whatever it was, and that land was allocated to those particular Aboriginal people and then they made their own decisions. That was around 1985-87. I had a bit to do with it. As people would know, I was close to the Premier at the time. In fact, I went around some of these communities with Bob Katter and the Premier. We worked together to give this land to them for what they wanted to do with it. Then that land was taken away from the local communities and put under an act. Aboriginal people walked down George Street, protesting that the Labor government had taken their land away and calling for Bob Katter to come back as the minister. That was the start of it. Now we come to the Wild Rivers Act. This merely is an act that would allow people to be involved in their own communities to make a living out of the land. Not all of it but a lot of it was given under the deed of grant in trust.

So that is the history of this. Then the Labor government tried to come in over the top of a previous government and take that land away. Not only that, what they intended to do and were literally caught in the act doing was to keep that land and put it into World Heritage. It was only Warren Truss who got up in the other House and demanded of the Aboriginal minister at the time that the minister not do it unless they had the consent of the Aboriginal people. Two or three weeks ago, the then minister said, 'I've pushed the pause button and we won't go ahead with it, because we do not have the consent of the Aboriginal people.' That is the main game. That is the commitment to the Wilderness Society that this eventually would be turned into wild rivers. Wild rivers would be the first step, and then it would go into World Heritage. When the minister made his commitment that he would pause, the Wilderness Society said, 'We'll still campaign for this.'

Senator Furner got up and did not know what he was saying—and you should forgive those who do not understand these things, but I would have expected better from Senator McLucas. 'What is there to be arguing about,' Senator Furner says. 'You can hunt. You can shoot a pig. You can have your traditional dances. You can go out in the river. You can do all the things that native title gives you.' And that is right. You can do all those things. No-one is arguing that. But we want to go the next step. We want to say to the Aboriginal community and the Pearsons of the world: 'You have got a right to live in the 21st century. You have got a right to live in the 21st century. You have got a right to go out there and put a farm down that will grow vegetables and then sell those vegetables in the local community.' You cannot do that. You can grow vegetables, sure. You can grow for your own use, but you cannot commercially put down a farm in what you would call a catchment area.

The Bligh government initially talked about how the impact would only be on a handful of pristine rivers. It turns out that they actually meant to see entire river catchments and basins and, in fact, 80 per cent of Cape York would be subject to yet another layer of regulations, effectively frustrating opportunities for Indigenous people. It captures 80 per cent of the land so you cannot do anything other than have an obscure native title right where you can hunt, fish and have ceremonies. It does not allow any way that you can commercially use that land to provide fruit, vegetables and healthy things in life; go out and have a cattle farm; or go out and do something that will be productive and commercial. Therefore, you
are locking these thousands of people—there are 14,000 people who live on the cape—out of any commercial event. You are locking them out of lifting themselves out of poverty.

It is a terrible shame that the Labor Party are doing this. Because Senator Xenophon in his excellent speech quoted another traditional owner, I will quote Senator Pearson—Mr Pearson. One day he might be a senator—and what a wonderful addition he would be to this house.

The exercise of traditional rights and traditional activities is important but that will never lift our people out of poverty and misery. We have to be able to undertake land use that generates economic return for the people who live there. We are not going to be serious about closing the gap as to Indigenous disadvantage if we have this view that all that Aboriginal people should be happy with and all that they should be entitled to is to stand on one leg in the sunset picking berries. Fundamentally this is a racist expectation on the part of governments and other stakeholders to expect Aboriginal people to live in some frozen past.

There is someone who is speaking up for the Aboriginal community. Sure, he does not speak for every one of them; but he speaks for most of them. I would say he speaks for 90 per cent of them.

Senator Siewert: No he doesn't!

Senator BOSWELL: Yes, he does. And I have been up there many times. Balkanu, Pearson—those people speak for most of the people who want to lift themselves out of poverty, who want to lift their kids out of poverty. They do not want to be condemned to an everlasting life of social welfare, and that is what you are condemning them to: an everlasting life of social welfare where they and their kids will never be able to have a job and all that entails. Senator Brandis made a comment about the United Nations. He spoke very well—and so he should; he is a QC. But he put it very succinctly. He said that the Prime Minister at the time signed the United Nations Declaration on the Rights of Indigenous Peoples. And what has the present Prime Minister, Ms Gillard, said? Commenting on the Closing the gap report, she called on the Indigenous people:

… to take a job when you find one; to create a safe environment; to send your kids to school, pay your rent, save up for a home; to respect good social norms and to respect the law; and to reach out to other Australians.

But in Cape York the Labor government is shutting down avenues for jobs and reaching out for Greens preferences on wild rivers.

What have the Aboriginals of Cape York received from this government? Sure, it signed the United Nations treaty. They were told to get a job. And we did have a 'welcome to country' put in this parliament, which no-one objects to—but that does not pay the rent. That does not give anyone a job. That does not lift people out of poverty. So what they got is tokenism—beads and mirrors. That is what this government has given the Aboriginal community: beads and mirrors. Nothing that says, 'Your kids can get a job.' Your kids cannot get a job; there are no jobs up there. And there will not be jobs up there unless you let the Aboriginals use the land that was given to them by previous state governments and that you have taken away.

Isn't it ironic that a party that has always been painted by the Labor Party as being against Aboriginals gave them millions of acres of land and put the first Aboriginal member of parliament into state parliament? I have been out campaigning with at least two—it was two or three—other Indigenous candidates when I tried to get them into parliament. It is ironic that the Labor Party that claim to be the friends and natural allies of the Indigenous people are stealing their land off them, and for Greens preferences. Senator Furner says, 'Hang on a minute, they
can develop anything they like and there have been 113 development applications,' and Senator McLucas says, 'Of course, if they want an application it will be passed.'

Let me just say that out of the 113 development applications 79 were for exploration permits. Of the 35 remaining 'development approvals', 17 were issued to government entities for activities such as fencing and gravel extraction; eight riverine protection permits and one environmentally related activity permit appears to relate to the Century Mine project, which is an existing development; three riverine protection permits are for the Stanbroke Pastoral Co., possibly for a fence; two vegetation clearing applications, for the Strathmore and Barr Creek holding, are presumably for clearing for a fence; and one approval was for Adels Grove camping park, which is an existing development. There have been none approved. Yes, you can hide, you can run, you can misrepresent people, but they are the facts.

We heard—and you were there, Senator McLucas, in Cairns—when one particular community, I just forget which one, said that after the wild rivers declaration they cannot actually get their gravel out of a pit and they have to drive 20 or 30 miles there and back. They cannot even take gravel out of a gravel pit for the roads around the Aboriginal community. That is what you have done to these people.

Senator Fielding will be leaving this place in three or four weeks time and I want to give him this message. Senator, you have come in on a church vote; let me give you this message. What does it profit a man if he gets something but loses his soul? Take that with you when you leave this place.

Senator IAN MACDONALD (Queensland) (11:04): Any fair-minded, independent Australian who heard the speeches of Senator Scullion, Senator Xenophon and Senator Brandis could not help but agree on the importance of this bill, the Wild Rivers (Environmental Management) Bill 2011, and the necessity for this parliament to pass it. I again appeal to Senator Fielding, whose vote will be crucial to the future of Indigenous people not just in Cape York but right throughout Australia, to reconsider his stance to date on this bill. I ask Senator Fielding to consider seriously the things that Senator Xenophon raised, the issues that Senator Brandis raised and the comments of both Senator Scullion and Senator Boswell. This bill will unlock opportunities for Indigenous people.

I have to say about the Labor Party—and I am careful not to say this about individuals—that it seems to me that the actions of the Labor Party across the board show that the Labor Party want to keep Indigenous people on welfare forever. Why they would want to do that I cannot possibly understand, but all of their approaches to Indigenous people treat Indigenous people as second-rate citizens, as people who are incapable of looking after themselves. That is what the Labor Party does, whereas those of us on this side have a completely different view. Indigenous people are as good as, if not better than, those of us in this chamber, for example. They have the same rights as we have. They have the right to look after their own land and property and to deal with it. I challenge Senator McLucas and Senator Fielding: if a government was going to do something with their house, with their property, wouldn't you want to have a say in it? Wouldn't you think it is your right to say to a government, 'This is my land; I want a say in how this is dealt with'? Of course Senator McLucas would. She would be the first on her feet screaming and yelling if a government tried to do to her house and land what the Queensland state Labor government
is doing to Indigenous people with the wild rivers legislation. I think it was Senator Fielding—it might have been Senator Furner—who said to get approval you need the consent of the owner. Welcome to Australia! What a strange thought that you should not ask the owner of the land what it is all about. I think it was Senator Furner who said you need to get the consent of 11 different groups of people.

Let me go through the bill and point out these 11 different groups of people. It means, for Aboriginal land under the Aboriginal Land Act, grantees of Aboriginal land under that act. That is the first lot whose approval has to be sought. There are Aboriginal people who have rights under that act. How unsurprising is that? Owner means, for land where native title exists, native title holders. Again, it is not unsurprising that they should have a say. It means, for a lease under the Aborigines and Torres Straight Islanders (Land Holding) Act, the lessee. Under that act, some Indigenous people have got land as a lessee. This requires them to be consulted and their approval sought. How unsurprising that? It means, in relation to a deed of grant in trust which Senator Boswell spoke about under the Land Act granted for the benefit of Aboriginal people, the grantee. So they have been given land and the Labor Party are saying you should not ask them or seek their approval if you are going to lock up their land.

The definition of owner goes on to be defined in relation to a reserve under the Land Act for a community purpose which includes Aboriginal purposes the trustees of the reserve. They have been given a reserve for Indigenous purposes, and this bill requires their approval too. What is so wrong with that?

For freehold land or land held in trust for an Aboriginal person or an Aboriginal corporation under the Corporations (Aboriginal and Torres Strait Islander) Act, owner means the registered proprietor of that land. Again, land is given to someone and this bill requires their consent. What is wrong with that? Senator McLucas would want to give her consent if it were her land being taken, but she does not afford the same right to Indigenous people.

For completeness, owner also includes, for a term lease or a perpetual lease under the Land Act held by or in trust for an Aboriginal person or an Aboriginal corporation under the Corporations Act, the lessee. Again, Indigenous people having been given that right should have the right of veto, quite correctly. Finally, for the Aurukun Shire lease, under the Local Government (Aboriginal Lands) Act, of course, the Aurukun Shire Council have to consent. Why wouldn't they?

I again challenge Senator McLucas and Senator Fielding: if you were going to do to their house and land what this bill does, wouldn't they demand a right of veto? They would want it but they do not want to give that same right to Indigenous people. I repeat that it seems to me that the Labor Party, for whatever purpose, want to keep Indigenous people on welfare forever, whereas we on this side want to support Indigenous people's right to be Australian and to have the same opportunity as every other Australian.

I repeat, for Senator Fielding's benefit particularly, the scene that Senator Brandis described as to why this legislation came into being. I would like to hear from Senator Brown on this and see if he challenges it. It is a well-known fact that this legislation on wild rivers by the Queensland Labor government came into play in a dirty deal done in a West End cafe by the then Queensland Premier with the Wilderness Society. The Labor government desperately
needed Greens preferences, so to get them they sold out Aboriginal rights. They sold out the Aboriginal people just to get preferences from the Greens political party at that particular state election. That is the only reason this legislation came into being. I would like Senator Brown to deny that.

Senator Xenophon quite clearly pointed out that, if you want to preserve and look after the biodiversity and environment of any of these lands, there are 12 or 13 other pieces of state and federal legislation that can do exactly that. But they do it in a way and by a process that does respect the rights of the owners, in this case the Indigenous owners. This bill adds nothing to that. For all of Senator Furner's speech that he read from, for all his words, he did not want to address the fact that any protection that might be needed for this very special land can already be given under other pieces of legislation. I ask Senator Fielding: why introduce this new piece of legislation when all of those protections are there?

I briefly descend to the level of Senator Furner when he cast aspersions on those of us on this side who have the real interests of Indigenous people at heart. For Senator Furner—a Johnny-come-lately to this place—to suggest that I and others fly in and fly out to these areas is very offensive. I have spent my life since I have been in parliament driving on the road in remote parts of Queensland. He seems to think that because he has done it once—and I suspect he flew in and flew out anyhow—he is something special. I say this because he will not say it himself, but our leader, Tony Abbott, has actually made a practice of going and living in Indigenous communities and has done for some years. I know he has done it in Cape York. I found out by mistake almost, because when he goes there, unlike the Prime Minister, he does not take a team of media people with him; he goes and does some work and understands the Indigenous people, particularly the Indigenous people in Cape York. That is where this bill in this parliament, the Scullion bill, actually originated, from Tony Abbott's deep understanding of and involvement with Indigenous people, something that the Prime Minister and most of those on the Labor side would never understand.

Time is going to run out. I know Senator Heffernan also wants to say a few words on this bill. I want to point out what a witness, Balkanu, said in evidence to a Senate committee about the impact of a declared wild river:

...a community vegetable garden within a High Preservation Area is only permissible if it does not involve clearing vegetation. It is difficult to imagine circumstances on Cape York where a community vegetable garden could be established without some clearing of vegetation.

They went on to say:

High Preservation Areas have in almost all declarations been declared to the maximum of 1km either side of the declared wild river and its major tributaries—with no scientific justification.

Obviously, as they go on to say:

The best soils for community gardens are within this area.

Last week I was in the Gulf Country of Queensland. Of course, this does not just apply to Cape York; this has been extended now into the Gulf rivers and extended down into the Lake Eyre Basin. If it has not gone to Lake Eyre yet it is on the way, by the Queensland government, because there is an election coming up and the Queensland government again need the preferences of the Greens political party. What has the Queensland government got to sell? They have sold almost everything else in Queensland. They do not have much to give the Greens political party for their preferences anymore, so they agreed to take in the Lake Eyre rivers.
Having been in the Gulf Country last week, I can tell you people up there are petrified for all of their development plans, their proposals for their communities and their people—Indigenous and otherwise—people who want to make a living for themselves and who want to be taken off welfare. They are petrified that additional rivers in the Gulf Country are going to be declared because there is an election coming up and the Labor Party under Anna Bligh desperately needs Greens political party preferences again.

Senator Boswell: I don’t think that will even save it this time.

Senator IAN MACDONALD: Perhaps it will not even save it, but the Labor Party in Queensland are pretty desperate. That is why Senator McLucas and Senator Furner, two Queensland senators, are here in this chamber trying to knock off this bill so that the preference deal in Queensland can go through. I highlight again that this is all about Greens preferences. It does nothing for protection of the land that could not be done by other pieces of state and federal legislation. As Senator Xenophon rightly pointed out, those of us who have been to the cape and the Gulf Country with open eyes, without a preconceived position, can feel, see and count that most Indigenous people are totally opposed to the Queensland wild rivers legislation as it exists. They want to have some say in their own land. This bill gives them that say, and I think any genuine legislator—anyone in this chamber who has the real interests of Indigenous people at heart—should support this bill.

Senator HEFFERNAN (New South Wales) (11:18): I want to give a non-legal perspective to what this is about. You will probably use my qualifications as a farmer, a worn-out wool classer and a welder. This is about the disenfranchising of the aspirations of the Indigenous community. There is no question that the Indigenous community of Australia has been treated disgracefully. I went to a community as the Chairman of the Northern Australia Land and Water Taskforce and talked to a grandmother in that community in which whitefella social habits have completely destroyed the community to the point where this lady was looking after a girl who had to be surgically put back together after being pack raped at 20 months. Senator Furner, do not ever tell me I do not care about Indigenous people. He can refer to my maiden speech, the first time I stood up in this parliament. All Australians should hang their heads in shame for the treatment that Indigenous people have been given.

To give you an idea of what this is all about: in the Northern Territory, where the Indigenous people learn from what is going on around them, 45 per cent of the Northern Territory has Indigenous ownership, for which they get no benefit generally—Mistake Creek and one or two places are an exception—I met a whitefella who was bragging to me, as chairman of the northern taskforce, that he had 17,000 cattle on this blackfella country, as we call it. Blackfellas do not mind me calling them blackfellas because we are mates; I am a whitefella. I said, ‘Oh yeah, what are they getting out of it?’ He said, ‘Mate, I give them $10,000 twice a year to get on the piss.’ I felt like smacking him in the bloody head—that is the treatment we hand out. This is about the aspirations for our most precious resource, like our bloody jackeroos and jillaroos, our Indigenous people are the foundation of Australia and we are saying to them, ‘No, mate, you can never own your own home and write out a will and pass your home to your kids. No, we can’t do that.’ So we have this ridiculous proposition.

Let me put it into a global context. By 2050 with nine billion people on the planet—
we need to see this in the broadest scope and then bring it down to the area of which we are talking—barring a catastrophe of some sort, 50 per cent of the world's population poor for water, 30 per cent of the productive land of Asia having gone out of production, two-thirds of the world's population living there, the food task doubling and possibly 1.6 billion people on the planet displaced—that is by 2050. By 2070, unless there is a catastrophe, approximately 12 billion people. A place like China will have to feed half its population from someone else's resources by 2050 if India does not wake up to itself because they have not so far, China has and it is trying to engineer a solution to the North China Plain. There are 57 rivers that flow into Bangladesh and 54 of those rivers flow in from India which mines next to the groundwater which becomes the river water. There are 160 million people in Bangladesh who are going to have to move as part of the 1.6 billion displaced. They live in an area half the size of Cape York Peninsula.

Cape York Peninsula is 17½ million hectares—please note I am not reading a speech—which is the same size as Victoria. If you take out the coastal towns, the 800,000 to a million feral pigs, the 30,000, approximately, wild cattle not tagged and the 14 to 17 pastoral stations, there are approximately 14,000 people. Bangladesh has 160 million people in half that area. The UN are not going to be able to sort this. Australia has to listen to Mother Nature. Mother Nature is saying—all science has vagaries; all human endeavour has failures—and if the science is half right in what it is saying we have a serious global food task problem. Science says that it is going to dry up in the south and I will not go through that. It says that the weather is going to move in an anticlockwise direction and there are going to be opportunities in the north.

Senator Macdonald and I went to Georgetown. As he said, this Wild Rivers stuff is going to be a cancer that spreads. It was pegged out in 1957 for irrigation but that has never been done. To put this into proper context I am going to fine it down. When I was chairman of the Northern Australia Land and Water Taskforce we took evidence in Cairns and the chairman of the Cape York Peninsula Land Council came in. I said to him, 'Mate, where do you live?' and he told me. I said, 'How big's the joint you're on—an ex-pastoral station?' He said, 'Mate, I don't know but its 90 kilometres from the mailbox to the house.' I said, 'What do you do there?' He said, 'Oh, we catch a few wild cattle.' I said, 'What's the house like?' He said, 'The white ants have eaten it.' 'What are the fences like?' 'They've all fallen down.' It is because this is sit-down country.

This is not a fair go for our Indigenous people. So what do we do then? I actually chaired the Traveston Dam inquiry—get the facts of this. I negotiated with Peter Beattie, who was the then premier, to allow the public servants to come and give evidence to the Traveston Dam inquiry, which I chaired. I had a good relationship with Peter Beattie, who is now out of the game. He knew that I knew that the Traveston Dam proposal was a politically driven imperative because, under an arrangement made by Beattie and Goss, they sold the right dam site. Of course, eventually, we said it was a shit of a site, a shocking site, sorry.

The TEMPORARY CHAIRMAN (Senator Troeth) (11:25): Order! Senator Heffernan.

Senator HEFFERNAN: I withdraw that sewage bit. I said to him, 'Peter, we're not going to savage your public servants; we're not going to play politics with people's livelihoods.' This proposition of wild rivers and the remedy to overcome that is playing
politics with people's livelihoods. When I raised wild rivers with him Peter Beattie told me to my face: 'Bill, I had to do a deal to get the inner-city Brisbane preferences with the Wilderness Society and that is why we have done it. Eventually it will be turned into a World Heritage area.'

With the latest science it is an absolute insult to the human race with respect to the global food task to think that ownership of this country cannot be given as a commercial advantage to our Indigenous people. This is a disgrace. Unlike a lot of people in this place I have been and camped on the Cape York Peninsula and I understand the country. There are marvellous opportunities from some of those rivers within the first kilometre. They are as good as the Murrumbidgee River or the Liverpool Plains. Sure, there is a wet season and there is a dry season and we learnt the hard way from Humpty Doo that, if you go about it the wrong way, you end up with a mess on your hands. But to say to Indigenous people, 'We're not going to let you have a commercial advantage,' when they are going to be closest to the biggest market—two thirds of the world's population is going to live on their doorstep. You cannot tell me that the UN is going to sort out the people of Bangladesh or the 260 million people, up to 400 million people by 2070, who live on the great northern plain in China and who will have to be moved if they do not engineer a water solution. The UN is the world's largest most corrupt bureaucracy—it does some good work but it is corrupt like most governments in Asia. Here we are today saying the Indigenous opportunity in Cape York Peninsula ought to be tourism. Get your photo taken with a blackfella and a spear, what sort of crap is that?

**Senator Heffernan:** What sort of rubbish is that? I cannot believe that Senator Fielding does not get this.

**Senator Siewert:** Oh, he does.

**Senator Heffernan:** I do not believe he gets it. What we are saying is that we have the power as whitefellas to overpower the aspirations of the original owners of this country. These people simply want an economic opportunity. We are absolutely closing our eyes to what Mother Nature is saying about the planet. You can absolutely learn from the mistakes of the past in doing mosaic development of the north—absolutely learn from the past.

One of the greatest disgraces in the recent past is the overalllocation of the Culgoa River. The Culgoa River, the Condamine-Balonne, has a mean annual flow of 1,237 gigalitres. We have allowed whitefellas without any environmental study to build 1,500 gigalitres of on-farm, off-river storage in a system that has an 830 per cent variable flow where from 1921 to 2009, 25 percent of the flow was in four years. We have allowed that to be developed to the point where those four years are every year. This is crazy. We can learn from the mistakes of the past but we can successfully allow the Indigenous people on Cape York Peninsula an economic opportunity. What is wrong with whitefellas? How cheap do we have to be to allow politics in this? Let someone deny that Peter Beattie made an arrangement with the Wilderness Society—he told it to my face—to get inner city preferences and set about a serious 100-year disadvantage by denying the greatest opportunity for our Indigenous people. If the science on the planet is right, northern Australia is going to provide an enormous opportunity in the future to participate in the global food task.

Sure, science has to take place and GM cropping has to take place, but guess who
owns the bulk of the land up there, by one title or another? Our Indigenous people. We had a retort here from the Greens a second ago, 'Oh no, you're wrong, Bill'. That is all right if you are plaiting your armpits, smoking pot and living in Darling Point or somewhere. This is about reality and I am afraid that we are denying the aspirations of our Indigenous people.

To learn from the past we went over to 'We of the Never Never' at Mataranka. We went onto a property there owned by a young bloke called Kane Younghusband who had gone from Gilgandra to the Ord. He married a crackerjack sheila there—the daughter of the manager of Carlton Hill Station—and said, 'It is too dear here,' and went to Mataranka. He bought 2,800 acres for $10 an acre and cleared $1 million from melons in the year we were there simply by clearing a bit of it and putting in some irrigation.

Next door, trying their hardest, was an Indigenous property managed by the ILC. We went there and I said to this mob: 'What if one of your young Indigenous blokes wants to do what they have done next door? Would you give him a lease?' They said, 'Oh, we would give him some sort of authority to do it.' I said, 'But what happens if he got killed by a tractor and his wife wanted to go back to Darwin or somewhere? Would he be able to commercialise that lease arrangement?' They said, 'Oh no, he would have to surrender it.' I said to them, 'No bank will ever lend him the money to develop it if he does not have something to sell.' That is what is wrong with this system, and we bloody whitefellas are sitting here thinking, 'Gee, it's hot today; we'll turn on the air conditioner,' or 'It's cold today; we'll turn on the heater.' There is none of that up there. There are still somewhere between 4,000 and 7,000 kids in the Northern Territory who have no high school to go to and we are worried about what is going on somewhere over on the other side of the world and feeling sorry for them. What about our own mob?

Let us go back to Cape York Peninsula. What is wrong with using the latest science to give these people an economic opportunity, for God's sake? If you go to Guyra in New South Wales you will see a 25-acre shed full of tomatoes that is a multimillion dollar enterprise. You do not need to have horizon-to-horizon development to have a successful commercial operation. What is wrong with giving these people the opportunity to do that? What is wrong with saying, 'I'm going to leave my farm to my kids?' What is wrong with that? No, it is good enough for us whitefellas but not good enough for our Indigenous people. 

(Time expired)

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (11:33): I have heard a number of debates in this chamber that have disturbed me, but some of the rubbish that the last speakers have spouted has concerned me in a major way. Since the then Prime Minister, Kevin Rudd, delivered the apology in this parliament in 2007, there has been a great deal of support and cooperation between both sides of the House and both sides of this chamber to close the gap on Indigenous inequality. Work has taken place in health, in housing and in education, and there is work taking place right now in economic development and employment.

I completely reject the comments from Senator Boswell and Senator Macdonald that somehow there is a division between parties or that the Labor Party is for welfare and is opposed to economic development. Nothing could be further from the truth. As the Minister for Indigenous Employment and
Economic Development, I am working day in, day out with our job providers, with businesses and corporations and, most importantly, with Indigenous communities across the country. So I totally reject the comments from those senators today, and I believe that the opposite is taking place.

We are now seeing Indigenous businesses sprouting up across the country. These are not just small businesses, but businesses of all sizes. These Indigenous people are taking responsibility for their own lives and their own economic development, and governments are supporting that. The Gillard government is supporting it, state governments are supporting it, and up until now it has been bipartisan and we have worked together. Senator Scullion, who started this debate, put his case, but he understands that both sides of this parliament have a commitment to ensuring Indigenous people chart their own course of economic development. What this debate is really about, though, is finding the right balance between economic development on the one hand and environmental protection on the other. We as a government and as a country support Indigenous people in the cape to develop businesses, grow their local economies, create jobs and lift their people out of poverty and social disadvantage. We support that. It is something that we are working on closely with Indigenous communities. But anyone who has spent time talking to the traditional owners and others involved in the debate in the cape understands that there is not one Indigenous voice; there are many Indigenous voices, and many differing opinions as to how this legislation is affecting economic development and what policies are best to stimulate economic development. It is a complex debate. At the same time, the traditional owners who talk to you about what they are doing to foster economic development also understand the importance of protecting the pristine heritage environment. They support that too.

For me, the most important thing in this debate is to look at the facts—that is, how this legislation has been used. We have had a huge amount of consultation at the state government level and there has been consultation through a Senate committee inquiry as well as a lower house, or House of Representatives, inquiry. There have been a number of submissions from the traditional owners—and I have met with a number of them—and the Queensland government has also provided a submission and answers to question on notice. One of the Queensland government submissions to the inquiry states that since 2007 there have been 140 developments approved under this legislation—

Senator Boswell: They haven't been.

Senator ARBIB: They have been approved. While this legislation has been in place, not one proposal has been blocked—not one.

Senator Macdonald raised the issue of market gardens in the wild river protection areas, and it is an important point because it has been used in a number of other arguments. Again, he has got his facts wrong. You can have market gardens in the wild river areas. In the high-protection areas right next to the rivers, they have to be a certain size and less than four hectares. In the rest of the wild river areas, you can have market gardens of any size.

We as a government are happy to come in here and debate this issue day in, day out. My understanding was that today we would debate the bill and we would vote on it. Now I have been informed by Senator Scullion and Senator Parry that that will not take place. Obviously, that is disappointing to me and the rest of the government. We are very
prepared to have a vote on the bill today and certainly, Senator Scullion, we believe it would be appropriate to do so.

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:41): I have been very restrained in this debate, so I thank the chair for recognising me. Finally, after two hours, I move Greens amendment (1) on sheet 7075:

(1) Clause 2, page 2 (lines 1 to 3), omit clause, substitute:

2 Commencement

This Act commences the day after the commencement of the Native Title Amendment (Reform) Act 2011.

The amendment seeks to add a clause to the bill so that it commences the day after the commencement of the Native Title Amendment (Reform) Act 2011. The reason I am moving this amendment is that I have listened to this debate two or three times now and I find the hypocrisy almost unbearable. The coalition are the party that brought in Wik amendments on native title and that have not supported Green amendments to the Native Title Act in the past to do what they say this bill does—that is, give Aboriginal and Torres Strait Islanders free, informed, prior consent. They want to limit it to a group of people in this country. They do not in fact want it to apply to all Aboriginal and Torres Strait Islanders. They did not support Australia endorsing the UN Declaration on the Rights of Indigenous Peoples. It was—I will give credit where credit is due—the Labor government.

Senator Boswell: Well, what advantage have they—

Senator SIEWERT: My bill, the Native Title Amendment (Reform) Bill 2011, introduces other very important amendments to the Native Title Act that make it actually operable—because we know that the complex nature of that legislation has stopped people getting native title rights. So many barriers have been put in place that the native title system has become essentially unworkable in many cases. My bill seeks to put in place what the Aboriginal community have been crying out for. So who has been listening to Aboriginal and Torres Strait Islanders? The Greens have been, so that we can make native title work—

Senator Boswell interjecting—

Senator SIEWERT: They do not, Senator Boswell! Senator Boswell, go and look at the election results in the Northern Territory. The Greens got 30 per cent of the vote in some areas, and do you know why? It is because they know that we are the ones who stand up for them—

Senator Scullion interjecting—

Senator SIEWERT: They do not, Senator Scullion! Senator Scullion, go and look at the election results in the Northern Territory. The Greens got 30 per cent of the vote in some areas, and do you know why? It is because they know that we are the ones who stand up for Aboriginal and Torres Strait Islanders. If you were genuine about supporting the rights of Aboriginal and Torres Strait Islanders, you would support our native title amendments that would bring real and meaningful change for Aboriginal and Torres Strait Islanders. So do not come in here and lecture all of us about how we do not care about Aboriginal and Torres Strait Islanders, because you do not have a leg to stand on in that debate. Support our native title amendments; then I will believe you care about Aboriginal and Torres Strait Islanders. That is why we have put this amendment forward. Chair, Senator Heffernan wants to make another ad hoc statement!

Senator Heffernan: I would like the senator to withdraw the statement that I do not care about our Indigenous people—

The TEMPORARY CHAIRMAN (Senator McGauran) (11:44): Senator Heffernan, you are taking a point of order, are you?
Senator Heffernan: I am taking a point of order.

The TEMPORARY CHAIRMAN: Make it a good one, and not a rambling—

Senator Heffernan: I want Senator Siewert to withdraw the accusation that I do not care about Indigenous people.

The TEMPORARY CHAIRMAN: There is no point of order.

Senator SIEWERT: Senator Heffernan, if he does care about the future of Aboriginal and Torres Strait Islanders, will support my amendment to the Native Title Act. I have moved this amendment so that the benefits of native title will flow to all Aboriginal and Torres Strait Islanders. I commend my amendment to the chamber.

Senator XENOPHON (South Australia) (11:45): The Native Title Amendment (Reform) Bill that the Greens have introduced includes a number of very positive reforms. There are a number of very good measures here. But I do not see it as being inconsistent with this piece of legislation for a number of reasons. The bill will go through a process. I am not sure whether the bill from the Australian Greens has gone off to committee at this stage or not.

Senator SIEWERT: It has.

Senator XENOPHON: It has? Thank you. I have some concerns. Firstly, both the Queensland and Commonwealth governments, along with the Australian Greens, claim that a wild river declaration is not a future act under the Native Title Act. Therefore, the Native Title Act would not apply to wild rivers. Consequently, the bill proposed by the Australian Greens would not apply to wild rivers unless there is something within the bill that explicitly makes it apply. As I understand it, there is nothing in the Native Title Amendment (Reform) Bill that would make it apply to a wild river declaration in terms of issues of consent.

Secondly, the bill that we are currently considering would require a native title agreement regardless of whether a declaration is a future act. It would also apply to Aboriginal lands. Under the bill from the Australian Greens, the references to the UN Declaration on the Rights of Indigenous People are to be inserted in the objects of the Native Title Act in section 3. That is something that could be very useful and meaningful in terms of the operation of the Native Title Act. But I cannot see how this would make it apply to wild river declarations. So I am looking forward to the bill from the Greens regarding native title reform being brought on, because it contains a number of very worthy reforms. But I cannot see how this bill and the very worthy bill from the Australian Greens would be inconsistent.

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (11:47): In relation to the amendment from Senator Siewert, while we appreciate all the efforts that have been made, the government opposes the amendment on the basis that we do not believe that the bill that has been put forward by Senator Scullion is workable in any way. Therefore, there is no purpose in amending it.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (11:48): Just briefly, I want to correct the record. There has been so much passion around the chamber today. Everybody has wanted to speak on this bill. Obviously, there will not be the opportunity to bring it to a vote. Senator Siewert, in regards to your amendment, it is terrific to see that you now
have some conditionality for your support of our legislation. I accept that. That is a very heartening. I look forward to having some further deliberations with you on that matter. Sadly, it is very difficult to support an amendment that basically says, 'Senator Scullion, if you undertake to support our bill, when our legislation goes through then your legislation will in fact become law.' We have not seen your legislation. I have to say, Senator Siewert, that I am disappointed that you would paint the coalition as not being very focused on ensuring that Aboriginal people, through land reform, can get a better deal. That is simply not the case.

Sadly, we will not have the opportunity to have a vote on this today. We have had some very interesting contributions, particularly from those opposite. I would like to move very quickly past the fences, the dams, the cows, the chooks and the sandpit, because they fundamentally have nothing to do with this legislation. This legislation intends to ensure that we have the same rights of application over land in a national park, for example, as we do over land in any other case. It is absolutely essential that we go back to providing consent mechanisms for every time any level of government deals with Aboriginal people. It is incumbent upon all of us. I understand the views of the other side, particularly those who come from the cape. I noticed that the North Queenslanders and other Queenslanders got a little bit more agitated than others, as I and my Territory counterparts often do. If we all had our druthers, we and those opposite would possibly be in a more balanced place regarding this issue than we are now. But I have to again say that I do not think it is fair to characterise the views of the people of Cape York as divided so that there are somehow two views. That means that, if one person in a hundred has a different view, there are two views in Cape York. That is not fair. The Cape York Land Council, which represents the vast majority of the land in Cape York and the vast majority of the wild river declarations, had a vote and decided that this should not be supported.

Progress reported.

**COMMITTEES**

**Selection of Bills Committee**

**Report**

**Senator McEWEN** (South Australia—Government Whip in the Senate) (11:51): I present the fifth report of the Selection of Bills Committee.

Ordered that the report be adopted.

**Senator McEWEN**: I seek leave to have the report incorporated in *Hansard*.

Leave granted.

*The report read as follows—*

**SELECTION OF BILLS COMMITTEE**

**REPORT NO. 5 OF 2011**

1. The committee met in private session on Wednesday, 11 May 2011 at 7.36 pm.

2. The committee resolved to recommend—

That—

(a) the provisions of the Child Support (Registration and Collection) Amendment Bill 2011 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 7 July 2011 (see appendix 1 for a statement of reasons for referral);

(b) the provisions of the Inspector-General of Intelligence and Security Amendment Bill 2011 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 7 July 2011 (see appendix 2 for a statement of reasons for referral);

(c) the provisions of the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011 be referred immediately to the
Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 June 2011 (see appendix 3 for a statement of reasons for referral); (d) the Native Title Amendment (Reform) Bill 2011 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 September 2011 (see appendix 4 for a statement of reasons for referral); and (e) the Remuneration and Other Legislation Amendment Bill 2011 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 17 June 2011 (see appendix 5 for a statement of reasons for referral).

3. The committee resolved to recommend—that the following bills not be referred to committees:

- Aviation Transport Security Amendment (Air Cargo) Bill 2011
- Competition and Consumer Amendment Bill (No. 1) 2011
- ComSuper Bill 2011
- Crimes Legislation Amendment Bill (No. 2) 2011
- Customs Amendment (Export Controls and Other Measures) Bill 2011
- Customs Tariff Amendment (2012 Harmonized System Changes) Bill 2011
- Governance of Australian Government Superannuation Schemes Bill 2011
- International Tax Agreements Amendment Bill (No. 1) 2011
- Migration Amendment (Detention of Minors) Bill 2010
- National Consumer Credit Protection Amendment (Home Loans and Credit Cards) Bill 2011
- Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2011
- Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011
- Statute Stocktake Bill (No. 1) 2011
- Superannuation Legislation (Consequential Amendments and Transitional Provisions) Bill 2011
- Tax Laws Amendment (2011 Measures No. 2) Bill 2011
- Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:

   - Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011
   - Responsible Takeaway Alcohol Hours Bill 2010.

(Anne McEwen)
Chair
12 May 2011

APPENDIX 1

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:
Child Support (Registration and Collection) Amendment Bill 2011

Reasons for referral/principal issues for consideration:
- Whether it is appropriate to outsource child support collections and, in particular, the extent to which privacy is to be protected;
- Whether the offence provisions are appropriate.

Possible submissions or evidence from:
Child Support Agency
Privacy Commissioner
Director of Public Prosecutions

Committee to which bill is to be referred:
Legal and Constitutional Affairs

Possible hearing date(s):
Possible reporting date:
7 July 2011
APPENDIX 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Inspector-General of Intelligence and Security Amendment Bill 2011
Reasons for referral/principal issues for consideration:
Whether provisions as to the delegation of powers are appropriate;
Inquire into oversight of use of coercive powers by delegates.
Possible submissions or evidence from:
Attorney-General’s Department
Intelligence and Security Agencies
IGIS
Committee to which bill is to be referred:
Legal and Constitutional Affairs
Possible hearing date(s): 7 July 2011
Possible reporting date: June 23
(signed)
Mitch Fifield
Whip / Selection of Bills Committee member

APPENDIX 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011
Reasons for referral/principal issues for consideration:
Interaction with existing legislative requirements under domestic laws
Interaction with our international obligations
Possible submissions or evidence from:
Refugee Council of Australia
Refugee Information Law Centre
Australian Human Rights Commission
DIAC
AFP
Committee to which bill is to be referred:
Legal and Constitutional Affairs Legislation Committee
Possible hearing date(s): 9 and 10 June
Possible reporting date: June 23
(signed)
Rachel Siewert
Whip/Selection of Bills Committee member

APPENDIX 4
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Native Title Amendment (Reform) Bill
Reasons for referral/principal issues for consideration:
The Bill is complex and raises a range of stakeholder interests - it is important that there is an opportunity to properly investigate and consider these.
Possible submissions or evidence from:
Committee to which bill is to be referred: Legal and Constitutional Affairs
Possible hearing date(s):
Possible reporting date:
September 2011
(signed)
Anne McEwen
Selection of Bills Committee member

APPENDIX 5
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Remuneration and Other Legislation Amendment
Bill

Reasons for referral/principal issues for
consideration:
The speed with which the bill has been
introduced, passed through the House and
scheduled in the Senate has left insufficient
time to consider the bill adequately.
Particular issues for consideration are the removal
of parliament's ability to disallow parliamentary
remuneration determinations.

Possible submissions or evidence from:
Clerk of the Senate, CPSU, Remuneration
Tribunal, Barbara Belcher or members of the review
Committee to which bill is to be referred:
Finance and Public Administration Legislation
Committee

Possible hearing date(s):
Possible reporting date:
22 June 2011
(signed)
Rachel Siewert

Whip / Selection of Bills Committee member

NOTICES

Presentation

Senator BOB BROWN: To move:
That the Senate—
(a) notes that:
(i) the current resources boom is generating
enormous wealth from which all Australians
should reap the benefits,
(ii) a sovereign wealth fund could help fund
the needs of future generations, as well as seeking
to improve budget measures in the immediate
budget cycle,
(iii) approximately 36 countries have
sovereign wealth funds which currently manage
more than $4.2 trillion worth of assets globally, and
(iv) a recent statement by the International
Monetary Fund called on Australia to establish a
sovereign wealth fund to protect the economy
from shock falls in commodity prices and 'save
revenue to ensure a more equal distribution of its
benefits across generations and reduce long-term
fiscal vulnerabilities from an ageing population
and rising health care costs';
(b) orders that there be laid on the table, no
later than 20 September 2011, a report by the
Productivity Commission on the development of
a sovereign wealth fund for Australia; and
(c) requests that the Productivity Commission
in preparing its report consider options for the
establishment of a sovereign wealth fund in
Australia, including:
(i) regulatory framework,
(ii) how funds are invested and managed,
(iii) funding mechanisms,
(iv) transparency and accountability,
(v) governance structure,
(vi) how capital and returns should be
utilised, and
(vii) any other related matters.

Senator BARNETT: To move;
That the Senate—
(a) recognises that the Solwara 1 Project in
the Bismarck Sea off Papua New Guinea plans to
mine copper and gold at a depth of 1,600 metres
and is the world's first deep seabed mining
project;
(b) acknowledges that full-scale undersea
evacuation of mineral deposits globally has
potential to remove parts of the sea floor and
damage the ocean's health as a result of leakage,
spills and damage caused by increased toxicity
and sediment from tailings; and
(c) calls on the Government to establish an
inquiry, to report by 1 October 2011, into seabed
mining to assess:
(i) the level of interest in seabed mining in
Australian waters and in waters in the region
neighbouring Australia,
(ii) the potential impact on the marine
environment and resources if this industry
develops, and
(iii) the need for regulation or a regional
agreement to manage and reduce the potential for
this industry to impact on marine productivity.

Senator BARBARET: To move;
That the Senate—
(a) recognises the provision of affordable
medicines through the Pharmaceutical Benefits

CHAMBER
Scheme (PBS) is central to Australia's health system;
(b) acknowledges that since its inception, the PBS is an uncapped program;
(c) agrees that evaluations of pharmaceuticals for listing under the PBS should be transparent, evidence-based and not subject to capricious political interference;
(d) notes that:
(i) before recommending medicines for listing on the PBS, the Pharmaceutical Benefits Advisory Committee (PBAC) conducts a rigorous evaluation to determine the comparative clinical and cost effectiveness of the proposed medicine,
(ii) the three tiers of major applications for PBS listings are designed to promote an efficient government approval process, and
(iii) positive recommendations by the PBAC have nearly always been approved by the Minister for Health;
(e) deprecates the Government's new policy that:
(i) despite positive recommendations by the PBAC, all applications for listing will be further scrutinised by Cabinet,
(ii) listing of medicines can be deferred indefinitely,
(iii) no new PBS listings will occur unless offset savings are found, and
(iv) until the budget returns to surplus, these measures will remain in place;
(f) recognises that:
(i) in scrutinising applications, the PBAC already determines value for money, and
(ii) under the Government's new policy, access to medicines will be limited and medications which could improve the treatment of chronic or common conditions will remain financially unaffordable for many Australians; and
(g) condemns the Government for neglecting the wellbeing of Australians.

That the order of general business for consideration today be general business notice of motion no. 241 relating to Budgets.

Question agreed to.

Consideration of Legislation

Senator ARBIB: At the request of Senator Ludwig, I move:

That the following list of general business orders of the day be considered under the temporary order relating to the consideration of private senators' bills on Thursday, 16 June 2011:

No. 55—Wild Rivers (Environmental Management) Bill 2011
No. 46—Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Bill 2010
No. 57—Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011
No. 50—National Broadband Network Financial Transparency Bill 2010 (No. 2)
No. 17—Evidence Amendment (Journalists' Privilege) Bill 2010 (No. 2).

Question agreed to.

COMMITTEES

Economics Legislation Committee
Economics References Committee

Meeting

Senator McEWEN: I move:

That the Economics Legislation and References Committees be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3 pm.

Question agreed to.

COMMITTEES

Reference

Senator ARBIB: At the request of Senator Ludwig, I move:

(1) To ensure appropriate consideration of time critical bills by Senate committees, the provisions of all bills introduced into the House of Representatives after 12 May 2011 and before
2 June 2011 that contain provisions commencing on or before 1 July 2011 (together with the provisions of any related bill) are referred to committees for inquiry and report by 14 June 2011.

(2) The committee to which each bill is referred shall be determined in accordance with the order of 29 September 2010 allocating departments and agencies to standing committees.

(3) A committee to which a bill has been referred may determine, by unanimous decision, that there are no substantive matters that require examination and report that fact to the Senate.

(4) This order does not apply in relation to bills which contain no provisions other than provisions appropriating revenue or moneys (appropriation bills).

Question agreed to.

BUSINESS

Senate Temporary Orders

Senator ARBIB: At the request of Senator Ludwig, I move:

That the temporary orders of the Senate of 25 November 2009 and 22 November 2010, relating to modified rules for question time and the consideration of private senators’ bills, continue as temporary orders till the end of 2011.

Question agreed to.

COMMITTEES

National Broadband Network Committee

Meeting

Senator McEWEN: At the request of Senator Cameron, I move:

That the Joint Standing Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 12 May 2011, from 5 pm.

Question agreed to.

Environment and Communications Legislation Committee

Meeting

Senator McEWEN: At the request of Senator Cameron, I move:

That the Environment and Communications Legislation Committee be authorised to hold public meetings during the sittings of the Senate on:

(a) Wednesday, 15 June 2011, from 4 pm to 6 pm, to take evidence from the Bureau of Meteorology in relation to the consideration of the 2011-12 Budget estimates; and

(b) Thursday, 16 June 2011, from 4 pm to 11 pm, to take evidence from the Australian Communications and Media Authority and NBN Co in relation to the consideration of the 2011-12 Budget estimates.

Question agreed to.

Community Affairs References Committee

Reporting Date

Senator SIEWERT: I move:

That the time for the presentation of the report of the Community Affairs References Committee on the Commonwealth contribution to former forced adoption policies be extended to 21 November 2011.

Question agreed to.

BILLS

Public Service Amendment (Payments in Special Circumstances) Bill 2011

First Reading

Senator XENOPHON: I move:

That the following bill be introduced: A Bill for an Act to amend the Public Service Act 1999, Public Service Amendment (Payments in Special Circumstances) Bill 2011.

Question agreed to.

Senator XENOPHON: I present the bill and move:
That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator XENOPHON (South Australia) (11:56): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

In 1988, Barry Crush was the Master and Chief Engineer of the lighthouse supply vessel MV Candela. During a supply run, the ship was caught in a gale with 35 foot waves and 70 knot winds.

Rushing to secure equipment on deck that could otherwise shift and possibly capsize the ship, Barry fell 10 metres onto the deck.

He broke his back, his ankle and his knee, and suffered massive soft tissue damage.

Barry was forced to stay on the ship while the gale raged for another three days. When he finally reached Port Pirie and medical attention, he was given Panadol and told to rest.

It wasn't until he returned to Adelaide, at the end of the supply run, that his injuries were diagnosed and treated.

It was clear he was no longer able to work.

Barry applied for, and was granted, Comcare payments.

Over the next 13 years, Barry begged Comcare to reassess his payments, believing they had incorrectly calculated his Normal Weekly Earnings rate incorrectly.

Comcare had, but did not review his rate until 1999. After the review his rate was still incorrect, with Comcare describing his duties wrongly, and asserting he was only authorised to work within the confines of one Port.

Comcare also lost five different applications Barry made for the back pay he was owed.

It wasn't until 2001 that Barry's payments were finally assessed correctly. He received $292,000 in back payments, which did not include interest or any compensation. He lost a third of the amount in tax.

During those thirteen years, Comcare lost Barry's file multiple times, and information on his hard copy file and electronic records still do not match. Comcare also provided incorrect information to the Department of Finance and Deregulation, stating that Barry had received $1 million in entitlements, was paid $50,000 a year, and that there was no underpayment, amongst other incorrect statements.

This incorrect information was later used as the basis to refuse five Act of Grace payment applications from the Department of Finance and Deregulation.

Barry is still fighting to receive the compensation he is owed, including $233,750 of interest on his back payment.

Barry, and others like him, has only one avenue for seeking compensation from organisations such as Comcare, which are not covered by the CDDA Scheme that applies to Financial Management and Accountability Act.

Under section 73 of the Public Service Act 1999, an agency can make discretionary payments in special circumstances.

The subsection this Bill seeks to remove is the one that limits the payments to $100,000.

If there is no other mechanism in place to deal with compensation claims for agencies that fall outside the CDDA Scheme, then we need to ensure that fair payments can be made through other means.

In 2010, the Commonwealth Ombudsman recommended that a scheme similar to the CDDA Scheme be put in place.

We are still waiting to see if this will happen.

But people like Barry, people who may only just be beginning their own battle for compensation, deserve justice.

They shouldn't have to wait any longer.
Senator XENOPHON: I seek leave to continue my remarks later.
Leave granted; debate adjourned.

MOTIONS
Community Hospitals
Senator BIRMINGHAM (South Australia) (11:56): I, and also on behalf of Senators Ferguson, Bernardi, Birmingham, Fisher, Minchin and Xenophon, move:
That the Senate—
(a) recognises the important role that community hospitals play in the lives of regional communities and in providing early access to care for life threatening conditions and trauma;
(b) condemns the South Australian Government for deciding in its 2010 State Budget to cut funding to three community hospitals in regional areas;
(c) recognises the critical role that the Keith and District Hospital Inc., Moonta Health and Aged Care Service Inc. and the Ardrossan Community Hospital Inc. play in the lives of those living and travelling in regional South Australia; and
(d) calls on the Government to:
   (i) reduce the National Healthcare Specific Purpose Payment to the South Australian Government by $1 046 000 in the 2011-12 financial year,
   (ii) index the above amount by the growth factor contained in Schedule D of the Intergovernmental Agreement on Federal Financial Relations,
   (iii) make a direct financial transfer to the Keith and District Hospital Inc. of $600 000 and annually index this amount by the growth factor contained in the Intergovernmental Agreement,
   (iv) make a direct financial transfer to the Moonta Health and Aged Care Service Inc. of $300 000 and annually index this amount by the growth factor contained in the Intergovernmental Agreement,
   (v) make a direct financial transfer to the Ardrossan Community Hospital Inc. of $146 000 and annually index this amount by the growth factor contained in the Intergovernmental Agreement.
Question agreed to.

Alcohol Pricing
Senator SIEWERT (Western Australia—Australian Greens Whip) (11:57): I move:
That the Senate—
(a) notes with concern decisions by major retailers to heavily discount alcohol as a ‘loss leader’ to increase market share, with beer and wine being sold below the wholesale price so that it is now often cheaper than bottled water;
(b) draws attention to research that demonstrates that young people, disadvantaged groups and risky drinkers are highly sensitive to the price of alcohol;
(c) raises concern at the number of serious incidents of alcohol-related violence leading to death, permanent disability or disfigurement in recent weeks;
(d) notes:
   (i) that alcohol impacts not only on individuals but on the wider community, and
   (ii) the high cost of alcohol-related harm to the community, conservatively estimated for the 2004-05 financial year at more than $15 billion per year; and
(e) calls on:
   (i) these retailers to end their cheap alcohol promotions in the interest of public health and safety, and
   (ii) the Government to consider introducing a floor price for alcohol.
Question negatived.

Cluster Bombs
Senator LUDLAM (Western Australia) (11:57): I seek leave to amend general business notice of motion No. 246 standing in my name for today relating to cluster munitions.
Leave granted.
Senator LUDLAM: I move the motion as amended:
That the Senate—

(a) notes that:

(i) cluster munitions are one of the most inhumane forms of weapons from a humanitarian, medical and ethical perspective,

(ii) as a 'legacy weapon' cluster munitions continue to kill and maim, affecting generations of people after conflict is over, meaning that survivors of war do not necessarily survive the peace,

(iii) during the Vietnam War, 280 million cluster bomblets were dropped on Laos, leaving at least 80 million unexploded cluster bombs in that country alone such that 37 years later, survivors are still being harmed and killed,

(iv) cluster bombs are still being used and produced internationally, with confirmed reports of their use against civilians in the Libyan conflict in April 2011,

(v) Australia is one of 108 countries that has signed the 2008 Convention on Cluster Munitions, and

(vi) by signing the convention, Australia undertook to never under any circumstances use cluster munitions, develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions, or assist, encourage or induce anyone to engage in any activity prohibited to a state party under this convention;

(b) acknowledges the bravery of 19 year old cluster bomb survivor Mr Soraj Ghulam Habib from Afghanistan and the work he is doing as an international advocate for peace and universal disarmament of cluster bombs; and

(c) calls on the Attorney-General to:

(i) urgently revise the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 to reflect the convention which states parties should never 'under any circumstances' engage in prohibited activities related to cluster munitions,

(ii) apply the convention's prohibitions on use in joint operations with non-states parties,

(iii) urgently revise the bill in relation to jurisdiction issues which explicitly allow foreign forces to use Australian territory to stockpile and transit cluster bombs,

(iv) honour our obligations under the convention to ban all forms of both direct and indirect investment in cluster munitions and which echoes calls from the Australian financial industry and the Australian Council of Super Investors, and

(v) honour our obligations under the convention to provide assistance to ensure adequate provision of care and rehabilitation for victims of cluster munitions, clearance of contaminated areas, education and destruction of stockpiles.

The PRESIDENT: The question is that the motion be agreed to. Those of that opinion say 'aye', against 'no'. I think the ayes have it.

Senator LUDLAM: I seek leave to make a short statement.

The PRESIDENT: Is leave granted for Senator Ludlam to make a short statement?

Senator McEwen interjecting—

The PRESIDENT: I am sorry. We will wind the clock back. We will not take the motion. But leave is granted for you to make a short statement for two minutes. I did not realise there was a sensitivity over this.

Senator LUDLAM: I might also seek clarification from the government whip, if that is possible, but first I will speak briefly on this, which was an issue I addressed last night in the adjournment debate. This motion relates to the Convention on Cluster Munitions, which Australia is proposing to sign. It is a good convention. It has been negotiated in international forums over many, many years, and Australia is about to make an extraordinary mistake in enacting the provisions of the convention in domestic law in ways we think were carelessly drafted and very badly thought through. It has since been revealed, as I think many people who are close to this issue suspected, that the Australian government was in negotiations with the United States government, which is not a party to the treaty and which does still...
use these horrific weapons on modern battlefields. The United States was using Australia, effectively, to advance its negotiating position, and the form that the Australian government is proposing to bring this treaty into in Australian law is extremely flawed. It effectively allows Australia to support United States' operations, as we did during Operation Desert Storm in the invasion of Iraq, with the US military deploying cluster munitions in urban areas—and these horrific weapons are killing a long time after the war has concluded.

My plea—and the reason for putting this motion today—to senators is: please think again. Talk to your shadow spokespeople in the area of foreign affairs and defence, if you are interested in disabilities, if you are interested in our defence procurement—talk to your ministers' offices and ask, 'What on earth are you doing?' Because my understanding, and we will see how this vote goes, is that there is bipartisan support among both of the old parties for the government to proceed as it is. This motion is a red flag. Please think again. You have got it wrong and there is still room to improve this before we bring this into domestic law and set a terrible international precedent. I commend this motion.

Senator Ludwig: Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for two minutes.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (11:59): Australia has consistently been a leading supporter of the Convention on Cluster Munitions and was one of its first signatories in December 2008. In March the Senate Foreign Affairs, Defence and Trade Legislation Committee recommended that parliament pass the government's legislation to ban cluster munitions in Australia. The bill ensures that all conduct that is prohibited by the convention is the subject of a criminal offence under Australian law and introduces tough penalties against using, developing, producing, stockpiling or transferring a cluster munition, including a maximum sentence of 10 years imprisonment for individuals or a $330,000 fine for body corporates. The bill will also allow Australia to continue to undertake military cooperation and operations consistent with the convention with allies and partners that have not signed the convention.

The Senate committee's report acknowledges that the ability to undertake such operations is essential to Australia's national security and international security, including participation in UN mandated missions. This is also the view of Australia's other allies, including the United Kingdom, Canada and France. Once all measures to give effect to the convention are in place, Australia will move as quickly as possible to ratify the convention. Question put:

That the motion (Senator Ludlam's), as amended, be agreed to.

The Senate divided. [12.07 pm].

(The President—Senator the Hon. JJ Hogg)

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

AYES

Brown, RJ
Ludlam, S
Siewert, R (teller)

NOES

Adams, J
Brown, CL
Hanson-Young, SC
Milne, C
Xenophon, N

Bilyk, CL
Bushby, DC
Question negatived.

COMMITTEES

Publications Committee

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (12:09): On behalf of Senator Carol Brown, I present the sixth report of the Senate Standing Committee on Publications.

Ordered that the report be adopted.

BUDGET
Consideration by Estimates Committees

Senator McEWEN (South Australia—Government Whip in the Senate) (12:09): I present additional information received by committees relating to estimates, as listed at item 7 on today's Order of Business.

Economics Legislation Committee—5 volumes
Environment and Communications Legislation Committee
Finance and Public Administration Legislation Committee—5 volumes
Legal and Constitutional Affairs Legislation Committee—2 volumes
Rural Affairs and Transport Legislation Committee—2 volumes

COMMITTEES

Regulations and Ordinances Committee

Documents

Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (12:10): On behalf of Senator Ronaldson, the deputy chair of the Senate Standing Committee on Regulations and Ordinances, I present a volume of ministerial correspondence relating to the scrutiny of delegated legislation for the period January to March 2011.

BILLS

Aviation Transport Security Amendment (Air Cargo) Bill 2011
Customs Amendment (Export Controls and Other Measures) Bill 2011
Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Bill 2011
Trans-Tasman Proceedings Amendment and Other Measures Bill 2011

First Reading

Bills received from the House of Representatives.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (12:11): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:
That these bills may proceed without formalities, may be taken together, and be now read a first time.

Bills read a first time.

Second Reading

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (12:12): 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—

Aviation Transport Security Amendment (Air Cargo) Bill 2011

The legislative framework of Australia's aviation security regime consists of a suite of measures designed to deter and prevent acts of unlawful interference with aviation. The framework is constantly reviewed to ensure it adapts to evolving threats to the security of the Australian aviation industry.

The Aviation Transport Security Amendment (Air Cargo) Bill 2011 (the Bill) contains four key amendments to the Aviation Transport Security Act 2004 (the Act) to simplify and strengthen the existing security regulatory framework for supply chain security. These amendments are critical in terms of improving security outcomes.

The Bill:

improves Australia's capacity to respond to events of heightened transport security threat;

provides transitional arrangements to ease the regulatory burden on air cargo industry members while Australia moves to implement the new air cargo security initiatives announced by the Government on 9 February 2010;

allows for training requirements of air cargo industry members to be prescribed by Legislative Instrument which will increase the transparency of training requirements and allow scrutiny by the Parliament; and

simplifies the air cargo clearance process by removing terminology that is not relevant or that is inconsistent with operational procedures used in the air cargo industry.

In late October 2010, terrorists operating from Yemen concealed improvised explosive devices inside printers and sent them as air cargo consignments to the United States of America. Intelligence information led to the successful disruption of this attempted terrorist targeting of the aviation sector. This event reinforced the need to be able to respond quickly to address emerging threats.

The Australian Government took immediate action to protect the travelling public and the Australian aviation sector, strengthening measures against inbound cargo originating from Yemen and Somalia. This was achieved through Special Security Directions issued to Regulated Air Cargo Agents (RACAs) which initially required screening of inbound air cargo arriving directly from the Middle East and later banned carriage of air cargo from Yemen and Somalia.

This Bill continues to strengthen Australia's air cargo security through four measures.

First, this Bill will amend the definition of 'aviation industry participant' to include Accredited Air Cargo Agents. Under the current legislative arrangements, Accredited Air Cargo Agents are not defined as a type of aviation industry participant and therefore are not subject to the full suite of regulatory obligations that apply to aviation industry participants.

Adding Accredited Air Cargo Agents to the definition of aviation industry participants in the Act will allow Special Security Directions to be applied to Accredited Air Cargo Agents. This will ensure that Accredited Air Cargo Agents comply with incident reporting requirements.

Second, the Bill extends the validity of Regulated Air Cargo Agents' Transport Security Programs to ease the burden on both industry and the Department during the transition to a new air cargo security framework that aligns with world's best practice. The framework was announced by
the Government on 9 February 2010 and included the establishment of a Regulated Shipper Scheme and funding to assist industry to procure appropriate examination technology such as x-ray and explosive trace detection equipment to secure air cargo. The proposed transitional provisions will enable the air cargo industry members to determine the most appropriate regulatory scheme for their business, reduce compliance costs and streamline regulatory requirements during the progressive implementation of the new framework. This amendment will extend the validity of existing Transport Security Programs to 31 December 2012 unless the Transport Security Program is revised prior to this date.

Third, the Bill will allow for a Legislative Instrument to clearly prescribe security training requirements for Regulated Air Cargo Agents and Accredited Air Cargo Agents. This will ensure consistency in training outcomes and increase the security of air cargo across the industry. A Legislative Instrument also increases the transparency and scrutiny by the Parliament of the training prescribed.

Finally, the Bill includes some minor technical amendments which will simplify the air cargo clearance process by:

- removing 'certification' provisions to accurately reflect operational procedures applied by industry whilst maintaining the integrity of air cargo security measures; and

- removing all references to the term 'freight' and replacing them with the term 'cargo'. Cargo is a term which is more relevant to industry practices and terminology, and is consistent with other existing provisions in the Act.

In summary, the Bill will provide a more secure air cargo environment. The proposed amendments:

- increase flexibility and responsiveness to situations of heightened security threat;

- reduce the regulatory burden and cost to industry members during the progressive transition to the new air cargo security framework;

- allow for greater scrutiny, consistency and transparency of training requirements for air cargo industry members; and

- simplify terminology appropriate to industry practices and procedures.

Such changes are necessary in the continual refinement and improvement of the security arrangements to ensure Australia is positioned to respond to emerging security threats and continue to meet world's best practice in our transport sector.

**Customs Amendment (Export Controls And Other Measures) Bill 2011**

This Bill is part of the Government's initiatives to increase the level of security in the export cargo environment by strengthening the Australian Customs and Border Protection Service controls over international export cargo. The Bill will enhance Customs and Border Protection's ability to respond to specific security concerns and to detect and respond to high-risk export cargo.

These measures implement the outcomes from a joint Customs and Border Protection and Department of Infrastructure and Transport review, which formed part of the Australian Government's response to the Independent Review of Airport Security and Policing for the Government of Australia (the Wheeler Report).

The measures are both balanced and proportionate to the risks in the export cargo environment; they will not needlessly affect the movement of legitimate export cargo.

The Bill also proposes changes that will more closely align the legislation with existing air and sea cargo industry export business processes. These changes address concerns raised by the Australian National Audit Office in its review of the 'Cargo Management Re-engineering Project'.

This Bill will improve Customs and Border Protection's ability to deal with goods in licensed depots and warehouses as well as aligning the procedures and terminology that apply to the two schemes, providing clarity to licence holders. This includes new provisions for the suspension and cancellation of depot licences.

The Bill will also enable the Chief Executive Officer of Customs to specify conditions on depot and warehouse licences to ensure compliance
with other laws of the Commonwealth or a State or Territory, and it will introduce strict liability offences for breaches of licence conditions. These changes are designed to support the security improvement initiatives relating to export cargo.

In response to industry suggestions, the Bill will remove a requirement for reporting cargo on board lost or wrecked ships or aircraft where a report has already been made and it will remove some redundant provisions.

Customs and Border Protection has consulted industry extensively on the changes in this Bill through a principles paper in 2008 and the release of an exposure draft of the Bill in February 2011.

**Family Assistance And Other Legislation Amendment (Child Care And Other Measures) Bill 2011**

The **Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Bill 2011** makes a number of administrative amendments to family assistance law to strengthen debt recovery and improve compliance and the administration of the Child Care Benefit.

These amendments will make important changes to the Family Assistance Administration Act and other legislation to improve accountability in the child care sector.

We know how important this is.

The overnight collapse of ABC Learning in 2008 was quite simply unprecedented.

The Government's quick and decisive action meant that 90 per cent of these centres continue to operate for Australian families today.

Had the Government's support not been provided, almost 100,000 families would have had to find alternative care arrangements with little or no notice.

Since 2008 the Government has introduced a range of new measures to ensure the financial viability of child care providers including strengthening approvals processes and requiring additional notification of closures of centres.

This Bill will broaden the powers of the Secretary to refuse the approval of a child care service for the purposes of family assistance law, to ensure that operators are fit and proper persons. This will give the Australian Government greater scrutiny over operators and their past practices.

The Bill will also enable the Australian Government to offset and recover payments owed by one service from another services operated by the same operator.

This will ensure that operators that run up debts to the Commonwealth in one service can be held accountable for their actions.

For instance, this will stop an operator who accumulates debts, and then exits the market, from re-entering the market under a restructured company with similar but not identical directors.

Under current legislation, the Government can only consider the exact operator and their history in the industry.

This will facilitate a broader consideration of the child care operators associated organisations and individuals both in the approvals and ongoing approvals processes.

The new approvals processes include financial checks for new child care centre operators to make sure they are viable from the outset and well placed to meet quality standards.

The amendments in this bill represent a part of our commitment to improving accountability within the child care market, and protecting the market from unscrupulous operators.

Importantly, the Bill will also support the Government's $273.7 million investment in the National Quality Framework.

The changes to protected information will support the National Quality Framework by enabling the Commonwealth to share information on child care services' with State and Territory regulatory bodies.

This will benefit services by not having to provide the same information to more than one body.

The framework, endorsed by COAG, will

- improve educator to child ratios so that each child gets more individual time and attention;
- introduce educator qualification requirements so educators are better able to lead activities
that inspire youngsters and help them learn and develop;  
- include a new ratings system so parents know the quality of care on offer and can make informed choices; and  
- reduce regulation burden so services only have to deal with one regulator.

We are doing this because we know from years of international research that the first five years of a child's life shapes their future – their health, learning and social development – and we want to make sure that future is bright.

**Trans-Tasman Proceedings Amendment and Other Measures Bill 2011**

The signing of the Australia New Zealand Closer Economic Relations Trade Agreement in 1983, and a range of other instruments, has lead to closer business links and greater economic integration between our two countries.

With this is an increased likelihood of cross-border legal disputes and the need for greater civil legal cooperation arrangements.

The Trans-Tasman Regime


The Agreement seeks to streamline and simplify arrangements for the service of documents, recognition and enforcement of judgments, obtaining and giving evidence, and appearing remotely in proceedings.

In March last year, this Parliament passed legislation implementing this agreement – the Trans-Tasman Proceedings Act 2010 and consequential legislation. The New Zealand Parliament passed the companion Act in August last year.

During its passage through Parliament, several amendments were made to the New Zealand Bill in response to parliamentary committee reports and stakeholder comments.

Australia was consulted and agreed to these changes.

Schedules 1 and 2 of the Bill I am introducing today will address, where necessary, any divergence between the Australian and New Zealand legislation to ensure the effective operation of the cooperative scheme. The Bill will make minor amendments to harmonise the language and structure of the Australian legislation with the New Zealand Act. It will also make some minor technical amendments to enhance the internal consistency of the Australian legislation.

**Family Law Fee Validation**

In addition, this Bill also contains technical measures to retrospectively validate fees charged for de facto financial proceedings under the Family Law Act 1975 in the Family Court of Australia, and certain State and Territory courts. After most States and Territories referred their relevant powers, jurisdiction under the Family Law Act for de facto financial matters was conferred on the Family Court of Australia, and relevant State and Territory courts, on 1 March 2009.

A technical error in the amending legislation resulted in an anomaly in the application of the fee provisions of the Family Law Regulations 1984 to de facto financial proceedings. This affects fees paid on de facto financial matters between 1 March 2009 and 26 November 2010. The Family Law Regulations 1984 were amended from this latter date to enable the fees to be properly collected.

It has always been the Government's intention to have the fee apply consistently to de facto and matrimonial disputes under the Family Law Act.

The measures in Schedule 3 of this Bill would retrospectively correct the anomaly and ensure that the fees applying to de facto financial proceedings were the same as those applying to matrimonial financial proceedings and parenting matters in the relevant period.

It is anticipated that the Trans-Tasman Proceedings regime will commence in the second half of 2011, after both Australia and New Zealand have put in place the domestic arrangements necessary to comply with the obligations of the 2008 Agreement.
The amendments contained in this Bill are a vital step in this process. Once implemented, this regime will stand as a significant piece of micro-economic reform and I commend the Bill.

Debate adjourned.

Senator LUDWIG: I move:

That the bills be listed on the Notice Paper as separate orders of the day.

Electoral and Referendum Amendment (Provisional Voting) Bill 2011 Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the Electoral and Referendum Amendment (Provisional Voting) Bill 2011.

COMMITTEES

Electoral Matters Committee Appointment

The ACTING DEPUTY PRESIDENT (Senator McGauran): A message has been received from the House of Representatives agreeing to the resolution of the Senate with an amendment relating to the appointment of the Joint Standing Committee on Electoral Matters. Copies of the message have been circulated in the chamber.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (12:13): I seek leave to have the message considered immediately.

Leave granted.

Senator LUDWIG: I move:

That the Senate concurs with the resolution of the House of Representatives contained in message no. 141 relating to an amendment to the variation to resolution of appointment of the Joint Standing Committee on Electoral Matters.

The amendment read as follows—

After Paragraph (2), insert:

(3) For the purposes of this inquiry only, the resolution of appointment be amended by inserting the following paragraph:

(3A) That participating members may be appointed to the committee. Participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of a member of the committee, but may not vote on any questions before the committee.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee Report

Senator KROGER (Victoria) (12:13): I present the first report of the Foreign Affairs, Defence and Trade References Committee, entitled Incidents on board HMAS Success between March and May 2009 and subsequent events.

Ordered that the report be printed.

Senator KROGER: I seek leave to give a notice of motion in relation to the report.

Leave granted.

Senator KROGER: I give notice that on the next day of sitting I shall move:

That the second report of the Foreign Affairs, Defence and Trade References Committee on its inquiry into equity and diversity health checks in the Royal Australian Navy be presented by 22 September 2011.

I now seek leave to move a motion in relation to the report.

Leave granted.

Senator KROGER: I move:

That the Senate take note of the report.
motion. The Foreign Affairs, Defence and Trade References Committee launched an inquiry on 26 November 2009 in relation to and on the back of allegations that were made about misconduct on the HMAS Success. The terms of reference for this inquiry were quite broad: to address the number and significance of the allegations that had been made in relation to unacceptable behaviour by a number of sailors. The terms of reference also included a look into the equity and diversity health check of the ship, the subsequent removal of three senior sailors from the ship and the numerous administrative and disciplinary investigations that subsequently followed.

The committee advertised the inquiry, called for submissions and wrote to a number of individuals who they deemed were pertinent to the inquiry. In February 2010 the committee received private briefings from the Chief of the Australian Defence Force and the Chief of Navy. It was following the second of these briefings from the CDF that he advised his intention to establish a commission of inquiry and ask the former Federal Court judge the Hon. Roger Gyles QC to head up this inquiry. Mr Gyles's inquiry has essentially been undertaken in two parts, with a second part dealing with the general Defence processes that followed the decision to land the three sailors.

The report tabled today, I would like to note, is based on the findings of the first part of Mr Gyles's findings in his inquiry. I would also like to note that the committee has not been advised yet of the reporting date of the second part of the commission of inquiry to the references committee. It is interesting to note the volume of oral submissions that were made from witnesses to the COI that necessitated Mr Gyles calling the witnesses to provide evidence. He ended up calling a second session of hearings to hear all the evidence. From this the COI concluded its report in December 2010, with a redacted copy of part 1 of Mr Gyles's report being tabled in parliament on 22 February 2011.

The committee used the extensive evidence provided by the COI to reach its conclusions. Some 102 individuals appeared. There were 12 individuals who provided affidavits, and the transcript ran to some 4,866 pages. The first part of the Gyles report provides damning reading that I would encourage all senators to have a look at and indicated serious problems that existed on board HMAS Success during the time of the terms of reference: the March to May 2009 period. It details a litany of bullying, intimidation, threats and sexual predatory behaviour, all covered up by a culture of silence that ensured that members of the ship's crew were either reluctant, uncomfortable or fearful of reporting any wrongdoing or concerns. It reveals matters that have been of longstanding concern to the committee. Most concerning is the evidence that the young female sailors onboard—arguably the most vulnerable to any inappropriate behaviour—were subject to intimidation and verbal abuse.

The report also highlights appropriate questions in relation to the dispatch of inequity and diversity health checks. The terms of reference for this group was unclear. They were not charged with the conduct of an independent investigation, but rather conducted meetings in a bid to provide some comprehensive E&D education. The communication of their roles and functions to the sailors further added to much confusion. The committee is of the view that the management of the reprehensible behaviour on board HMAS Success demonstrated a total lack of leadership. It indicated that poor judgments were made in attending to indications of alcohol abuse that fuelled inappropriate behaviour, a failure to exercise duty of care to the young female sailors,
either in ignorance or in total disregard for the legal processes of the ADF, and significant concerns about the subsequent response to Mr Gyles's recommendations.

In conclusion, I would like to note that the ADF has been the subject of many inquiries and investigations. In only 2004, significant issues were raised in relation to HMAS Success. The military justice system has been found wanting in previous inquiries and has accepted recommendations that have been made in those inquiries. The committee remain concerned that this reprehensible cycle of unacceptable behaviour must be stopped for all time, and we look forward to receiving the second part of Mr Gyles's report into Defence processes.

Senator MARK BISHOP (Western Australia) (12:21): I rise to make a few remarks in passing on the tabling of this report. As the chair of the Foreign Affairs, Defence and Trade References Committee, Senator Kroger, has quite capably covered the background and the thrust of the report, there is no need to replicate her comments because they were entirely accurate. I want to make one or two observations in passing on this ongoing saga of what is appropriate behaviour and what is not appropriate behaviour and the reaction of senior personnel within Defence when things become unfortunately public. The background to this is quite clearly on the public record. I think it is fair to say that the opposition some considerable time ago became concerned at the treatment of three senior petty officers, their removal from the ship in Singapore under difficult circumstances at best and the subsequent treatment of those three senior petty officers by different levels of command within Navy and the armed services generally. There were serious concerns as to their treatment. and whether they had received natural justice, proper process and the like.

Arising from those complaints, the opposition brought the matter to the Foreign Affairs, Defence and Trade References Committee and an inquiry was conducted. Of course, you often do not know what you are going to get when you initiate inquiries, and the allegations in respect of the petty officers, no matter how serious, have become subsumed by a whole range of other matters that Mr Gyles has discovered after his exhaustive fashioning of questioning. They go to matters of Defence regulations; appropriate command responses from the officer of the ship to Defence legal, to fleet command and to the most senior echelons of Defence; behaviour onboard ship at sea and in port concerning officers—very senior enlisted personnel of both genders—behaviour by female juniors and the way they were treated in a range of situations that were, frankly, deplorable; and the reaction as that has been progressively made public. Further inquiries are countenanced by Mr Gyles, and of course the government has been appalled at the revelations, such that Minister Smith has ordered there be no less than six separate inquiries convened and carried out on a whole range of matters that derive particularly and solely from the behaviour on board as reported by Mr Gyles QC.

I simply want to say a couple of things on the public record. The whole genesis of this matter arises from the particular courage of three female senior personnel onboard HMAS Success. One was the deputy of the ship—the XO, as I understand it—and the other two were senior women onboard. I do not know whether they were officers or enlisted personnel, but what is important is the way they conducted themselves and the courage they showed. They became aware of developments onboard as affected very young women—18, 19 and 20. The developments went to inappropriate sexual
behaviour and the consequences of such behaviour in terms of allegations of threats, bullying, intimidation, harm and the like. Those three senior female personnel took it upon themselves to alert the commanding officer of the ship, and he then set things in train. So their courage in identifying the problem, acting on behalf of a more junior group of females and setting in train processes should be acknowledged and they should be praised.

In light of that—one must be careful at this stage because there is going to be further inquiry by Mr Gyles—the conclusions of the Senate committee and its recommendations are couched in very strong language. We note that unacceptable behaviour has occurred. We note that there have been myriad inquiries in this area over the last eight or 10 years. We note that there have been reams and reams of recommendations. We note that Navy, the other armed services and Defence generally had acknowledged past mistakes and set in place a whole range of reforms, changes, practices, education, seminars and warnings, and the first time they came under test the whole edifice that had been erected fell down and failed. One almost draws the conclusion that all of the attempts at reform to date have not been worth two bob. Perhaps it is a bit preliminary to make that final conclusion; but, as the chair's draft and recommendation make quite clear, perhaps it is time to say ongoing attempts to teach, to lead, to manage, to educate and to show the proper way to people who are recalcitrant in their behaviour when members of the armed forces—perhaps we have spent sufficient tens of millions of dollars and thousands of man hours in going down that path.

Perhaps it might be time to go back to one of the original key recommendations that has given rise to this whole report, and that is that where men and women, seniors and juniors, and officers and enlisted personnel generally in the armed forces are so aggrieved at behaviour that they have received—they regard it as so inappropriate, so unfair or so unjust—there should be established an independent mechanism within Defence whereby person A can go to say: 'I want to complain about this sort of behaviour. It was bad for these reasons. I am harmed in this way.' They could have it properly and independently investigated, and a solution could come forward as opposed to constantly having peer review—constant appeals from Caesar to Caesar about Caesar's behaviour.

Maybe the lesson that should be learnt from the last eight or 10 years is that some forms of behaviour are so unacceptable and have such untoward consequences that it is time to say we are going to change. We are going to have an independent unit—by all means within Defence—authorised by statute whereby young boys and young girls who from time to time receive what he says politely is 'inappropriate treatment' can have those treatments investigated. They are protected. They are not transferred. They are not punished. They are not put into another position. They are not put into another unit. An officer is not brought in to supervise their work on a regular basis. It happens in every major corporation in this country. It happens in the police forces, the fire brigades and the country fire brigades. When people make complaints they can have them independently investigated, the complaints upheld or dismissed and a remedy imposed. It is not an unreasonable request.

It is even more reasonable when the people who are making the complaints are those we choose to send to Afghanistan or Iraq, in the middle of the desert, where they all face the risk of being blown up or killed. That is a necessary consequence of joining the armed forces and going on active
services. You choose to put your life in harm's way. If you choose to do that—and we do not have conscription in this country—it is not unreasonable that simple, normal standards of personal behaviour that everyone in this place, everyone who is a member of a trade union and everyone who works for a major company expects are observed and that investigation of complaints can be made.

In this report, the committee chair has carefully couched her language, but maybe it is time to return to one of the original recommendations and have a proper, serious, independent investigative unit. Mr Gyles will look at that in due course. I am sure the committee will make him aware of its views and feelings, having some corporate knowledge of this. But I think it is time to put that recommendation on the table. We have now had many, many ministers and many assistant ministers in successive governments over 10 years—and still we have the sorts of problems that 17-, 18- and 19-year-old boys and girls should not have to countenance and, when they do occur, should be remedied as a matter of urgency. I seek leave to continue my remarks later.

Leave granted.

Legal and Constitutional Affairs Legislation Committee
Report

Senator McEWEN (South Australia—Government Whip in the Senate) (12:32): On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present the report of the committee on the Commonwealth Commissioner for Children and Young People Bill 2010 together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BILLs

Sex and Age Discrimination Legislation Amendment Bill 2010
In Committee

Debate resumed.

The TEMPORARY CHAIRMAN (Senator Barnett) (12:32): We are debating opposition amendments (1), (2), (3) and (5) on sheet 7046. The question is that schedule 1, item 18 stand as printed.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (12:33): Thank you, Mr Acting Chairman.

The TEMPORARY CHAIRMAN: Mr Chairman is adequate.

Senator BRANDIS: Sorry, Mr Chairman. I want to take up the debate where we left it last night and make the point that the addition of subsection (2) to the existing section 7A of the Sex Discrimination Act is entirely unnecessary in order to achieve the objectives of the act and is enormously burdensome in a regulatory sense. It is very bad legislative practice because it makes the obligations of an employer much less certain and much more vague than they are at the moment and, for that reason, creates very serious opportunities for abuse of the legislation in the form that the government would wish to see it for collateral purposes.

At the risk of going over some territory that was covered last night, let me remind the Senate of the structure of the legislation at the moment. Since 1992 the Sex Discrimination Act has prohibited discrimination against people on the ground of family responsibilities. 'Family responsibilities' is a term defined by the act. It means:

in relation to an employee … responsibilities of the employee to care for or support:

(a) a dependent child of the employee; or
(b) any other immediate family member who is in need of care and support.

So any employee who has a dependent child, and I suspect that most employees in Australia have dependent children in their households, or who has the care of any other immediate family relatives—for example, a sick spouse, because it can be either temporary or permanent, or perhaps an elderly parent who might live with them or, whether they live with them or not, for whom they have the immediate responsibility of a carer—for example, a sick spouse, because it can be either temporary or permanent, or perhaps an elderly parent who might live with them or, whether they live with them or not, for whom they have the immediate responsibility of a carer—is within the scope of section 7A of the existing act. Let us be clear what we are talking about. I must confess I have not got out the statistics, but I think it would be uncontroversial to say that most employees in Australia have dependent family members, either children or other members of the household. Section 7A of the Sex Discrimination Act makes it unlawful to discriminate against an employee by reason of their family responsibilities. That has been the case since 1992, when section 7A was inserted into the act, and the coalition supports that provision. Indeed, the coalition supports the bill save for three matters, of which the matter we are debating at the moment is the most important. Section 7A, if I may remind the chamber of its terms, says:

For the purposes of this Act, an employer discriminates against an employee on the ground of the employee's family responsibilities if:

(a) the employer treats the employee less favourably than the employer treats, or would treat, a person without family responsibilities in circumstances that are the same or not materially different; and

(b) the less favourable treatment is by reason of—

Remember those words, 'by reason of'—

(i) the family responsibilities of the employee; or

(ii) a characteristic that appertains generally to persons with family responsibilities; or

(iii) a characteristic that is generally imputed to persons with family responsibilities.

I am not quite sure how far (ii) and (iii) of subclause (b) of section 7A take the matter, but, be that as it may, that is a very good law. What it says is that, if you are an employer, you cannot discriminate against an employee because they have family responsibilities in the sense defined. That is a very good law—it has worked well in this country since it was introduced nearly 20 years ago—and it is in no need of reform.

This—called by some commentators 'legislative overreach' or 'legislative creep'—is where parliaments go wrong. It happens when governments take a perfectly good law which is not shown to be in any need of reform and then expand its function way beyond what is necessary to serve the public policy purpose of the relevant legislative instrument. In this case, what the government is proposing to do is to keep section 7A largely in the terms in which it is currently stated and then to add a new subsection—that is, proposed section 7A(2), which would say:

For the purposes of this Act, a person (the discriminator ) discriminates against another person (the aggrieved person) on the ground of the aggrieved person's family responsibilities if the discriminator imposes, or proposes to impose, a condition, requirement or practice that has, or is likely to have, the effect of disadvantaging persons with family responsibilities.

This is what lawyers call an 'effects test'; in other words, whether or not an employer intends to discriminate against a person because of their family responsibilities, the employer would be caught if there was an effect upon people with family responsibilities. This is what lawyers call an 'effects test'; in other words, whether or not an employer intends to discriminate against a person because of their family responsibilities, the employer would be caught if there was an effect upon people with family responsibilities. Note the difference between the nexus here: section 7A in its existing form, which would be section 7A(1) in the form that the bill proposes, uses the phrase 'by reason of'. This means that there must be
a direct relationship between the discrimination and the fact that the victim of the discrimination has family responsibilities, and that is absolutely right in the opposition's view. But proposed subsection (2) artlessly—and I use that word with all due respect to the legislative draughtsmen—does not use the phrase 'by reason of'; it uses the preposition 'with'. There is a world of difference between conduct that is prohibited by reason of a fact, matter or circumstance and conduct which affects people who may be defined as having—that is, as being 'with'—that fact matter or circumstance. 'By reason of' establishes a direct nexus; but the preposition 'with' is no sort of nexus at all.

To repeat the example that was given by Parliamentary Secretary Feeney last night, let us take an employee who has school children. This employee takes their children to school each morning, as most parents do. Under the existing law, if that employee's boss was to discriminate—by, as in the example posited by the parliamentary secretary, changing the starting time so as to make it impossible for the employee to take their children to school—against that employee by reason of their family responsibilities, in this case transporting their children to school, that would be against the law and a clear case of discriminating against someone by reason of their family responsibilities. But, under this newly proposed and expanded legislation, if the employer, with no intention to discriminate against employees with school-age children, changed the commencement time at work for a reason entirely unrelated to the family responsibilities of their employees but for perfectly sensible business reasons, because it had an effect upon employees with family responsibilities, they would prima facie be in breach of the law.

I do not know what advice you are getting from the adviser's box, Senator Xenophon, but it will not be as good as the advice that you will be getting from me about the legal effect of an effects test on a provision of this kind. The parliamentary secretary said last night: 'That's all right, because there is a reasonableness test in the existing act. So as long as the employer acted reasonably—for example, for sensible business reasons and not in order to discriminate against employees with family responsibilities—there wouldn't be a problem.' But there are two flaws in that argument. The first flaw is that it is premised on the law in its existing form—'by reason of'. Secondly, as I pointed out last night, the onus of proving reasonableness lies upon the employer, and that argument only takes place in the court or tribunal or before the Human Rights Commission.

So a perfectly innocent employer—an employer who might be a paragon of egalitarianism, who might have a perfect track record when it comes to treating all of their employees with fairness, who would never dream of discriminating against an employee by reason of their family responsibilities—could, perhaps for a collateral reason, find themselves hauled up before a court or tribunal and the subject of a complaint because an innocent decision they made for perfectly sensible business reasons has an effect on an employee with family responsibilities, not by reason of their family responsibilities but merely because there were family responsibilities. The difference between the preposition 'with' and the phrase 'by reason of' makes all the difference in a court of law. This employer—probably a small business operator—would then find themselves having to spend tens of thousands of dollars on lawyers to try to establish that they behaved reasonably.

Under section 7C of the existing act, the onus of proof lies upon the employer to prove that their conduct was reasonable.
This is not law reform; this is obfuscation. This is taking a perfectly good law—a law that has bipartisan support in this parliament—and, either through inadvertence or for some more sinister reason, expanding its reach so far that it destroys the legislative intent of the existing act. (Time expired)

Senator RYAN (Victoria) (12:48): I begin on the point that my colleague Senator Brandis finished on. I have looked through the government's second reading speech on this bill, and I am struck by the fact that there is no case for change here. As Senator Brandis has outlined, this law functions well and it functions with cross-party support. I have read parts of the submissions from the committee but I have not read of a concern that it is not doing what it was intended, that it is not effectively protecting the rights of men and women around Australia, and particularly those with family responsibilities. No case has been established to do what Senator Brandis outlined—which was to dramatically widen the potential impact of the law.

Laws that have effects tests are quite dangerous. Senator Brandis outlined that it can be a case of legislative overreach. I would put to the chamber that a law that could see a great number of people—as Senator Brandis describes 'paragons of egalitarianism'—being drawn before a commission, a tribunal or a court completely unaware that what they may have done may now be in breach of the law is actually a reflection on the law itself, not necessarily the persons being drawn before it.

There is a particular concern that I have here, which is that I see this as yet another example of a law drafted by the Labor government that is fine for large businesses. It may be fine if you are BHP, Coles or Woolworths, with a large human resources department, processes in place that actually allow for staff to be moved around and a lot more capacity to move your staff around in order to take into account family responsibilities—to be a good employer. But, while we all support a law that prevents intentional discrimination—'by reason of', as Senator Brandis outlined—I have concerns about a law that dramatically limits the capacity of a small business with two or three employees to undertake what would otherwise be legitimate management of resources, where there was no allegation that someone was being discriminated against by reason of their family responsibilities. I think this is yet another example of the Labor Party's misunderstanding or, in this case, complete lack of understanding of the management burdens, the red tape burdens, that government imposes on smaller businesses.

I have worked in large businesses and I have worked in small businesses. It is very easy when you work for a company with thousands of employees for employers to accommodate the needs of staff—and they can be due to personal circumstance or family circumstance. The public sector is a classic example where flexible work arrangements are much easier to accommodate. It is much harder for a cafe employing two or three people to do so. It does not necessarily mean that, because a wish cannot be accommodated, that person is being discriminated against by reason of their family responsibilities. But to draw the law this broad and to potentially draw those people into the net because they do not have the means to comply is, I think, a step too far. Whether it is an unintended consequence, I do not know. But I think it is a classic case of a complete lack of understanding of those resource constraints. I also have a concern that was expressed also during the debate on the Fair Work bills. That is: laws
that are, by their nature, vague and difficult
to comply with—even though it might be
only a few words, even though it might seem
like a fairly insignificant test to many in this
place—impose a much more significant
compliance burden than the words them-
selves would convey, because of the very
vagueness of their terms. There could be a
lack of certainty on the part of a business
owner or a manager in the application of this
new section proposed by the Labor
government. If you do not know all the
circumstances of an employee, how do you
know the possible effects on their family
circumstances of a decision you might
make? I do not think it is reasonable. We
have privacy laws. We do not necessarily
want employers to be able to demand all the
information about the family circumstances
of their employees. But how can we judge
them on the effect of their decisions if there
is no allegation whatsoever that that person
is being discriminated against because of
their family responsibilities? I do not think these views are unreasonable, because I do
not think that anyone in this parliament
would say that there should be a capacity to
discriminate because of family respons-
sibilities. I do not, and I think that people of
my generation, who went to school in the
1980s and finished university in the 1990s,
come from a very different world. We cannot
even contemplate a situation where women
do not have the same opportunities as we do.

Australia has undergone quite dramatic
change, and this law—which, as Senator
Brandis outlined, is working very effectively
and is supported across the parliament—is
one of the reflections of that change. We are
not proposing anything that would water it
down. But a law that creates this degree of
vagueness, a law that could unintentionally
drag a lot of people into a net that is not
based on the intent of their conduct, that is
not based on discriminating against someone
because of their family responsibilities, is, in
fact, not a good law.

There are other ways in which we can go
about supporting families, and governments
of both persuasions have done so. But I think
there is a limit to what we can legitimately
expect our small businesses to undertake.
This reflects a number of the concerns with
the Fair Work bills. Under the Fair Work Act
there is a right to request to have considered
legitimate work arrangements because of
family responsibilities, but again the clause
is so vague. Even industrial relations lawyers
and barristers cannot tell me what it means,
because everyone is waiting to find out what
the various rulings of Fair Work Australia—
and then probably the Federal Court after
that—actually mean in practice. We know
that those laws are going to be expanded and
expounded as more cases are brought before
the bench in both instances. This government
cannot even set up a Fair Work assistance
line for a small business to ring when they
want to ask, 'How much do I have to pay my
employee?' With the modernisation of
awards happening mainly outside my home
state of Victoria, and because of the unique
situation Victoria was in with respect to
industrial relations for many years, a small
business cannot ring up and ask, 'How much
do I actually pay the assistant in the
pharmacy?' or, 'How much do I pay the
waiter in the cafe?' Fair Work Australia does
not give an answer or, if you wait on hold for
a couple of hours, it will give you a vague
answer. It will not give you an answer to
which it is binding, and that answer cannot
be relied upon if you are subsequently found,
despite having acted in all good faith, to have
acted incorrectly.

Senator Ludwig interjecting—

Senator RYAN: My point simply is,
Senator Ludwig, that the creation of vague
aspirational language in legislation, which
happens more in the United States than it does here, is not something that has traditionally come out of the Australian parliament. We have tended to apply tests, as Senator Brandis outlined, that are more about purpose than effects. I do not necessarily like them in competition law, as I am sure some of my colleagues know after debates we have had over the last few weeks. But in this case, vague aspirational language does not do anything to advance the cause and could actually serve to undermine support if people who are acting in good faith and are virtuous employees in every sense are being inadvertently dragged in because of a vaguely drafted section inserted in the act.

Senator BARNETT (Tasmania) (12:57):
I would like to speak in support of the amendments that have been put by Senator Brandis and that Senator Ryan has just spoken to. I wanted to note upfront that some of the points that have been expressed are consistent with and relate to the Senate Legal and Constitutional Affairs Legislation Committee report, which was delivered in March—less than two months ago. That related to the dissenting report of the Liberal senators. In that report we referred to concerns we had about the overreach of the government's proposal with respect to family responsibilities. We said:

Liberal Senators do not support provisions of the Bill which would either expand the scope of the Sex Discrimination Act or broaden the definition of sexual harassment.

There was no evidence presented to the inquiry of any systemic or widespread discrimination on the grounds of responsibilities or circumstances of sexual harassment which are not currently adequately addressed by existing legislation. There was no evidence, that we could see, that was brought before the committee of inquiry that said that there were grounds of discrimination based on family responsibilities. The government clearly, in my view, have overreached in drafting the bill the way they have. The Liberal senators' dissenting report that was tabled in March does express concern about that. It also says, in 1.10, that we:

... are concerned that the combined effect of the recommendations relating to sexual harassment and family responsibilities would be to impose significant compliance costs on employers and would encourage and facilitate unfounded claims.

Whether they are unfounded or not, there will be claims made, and if they are without foundation they will cost a lot of money. They will cost small businesses, medium businesses and larger businesses—but small businesses in particular—money. Not only that; it will be a red-tape hassle for them. There is the concern that they will have to respond to these claims, take time out of their busy schedules and respond to those.

We say in our report:

In the absence of any clear basis for these changes, or evidence of systemic failure of the current legislative regime, any implementation of these recommendations is not supported.

I am thrilled and very thankful that Senator Brandis—after considering this, and no doubt after talking to business people and liaising with his colleagues—has put this amendment forward, consistent with our views made in the dissenting Liberal senators' report. We have made a number of other observations in our report. Of course we support much of the bill; but we do not agree to expanding the scope.

Many witnesses appeared before our committee and many submissions were received. In fact, I have just noticed in this report that we actually received 21 submissions. There are the various groups who were very supportive, and others expressing different views. We had women's groups, Family Association of Australia, Office of the Anti-Discrimination Comm-
missioner of Tasmania, Human Rights Law Resource Centre, Independent Education Union, Women's Legal Services New South Wales, Council on the Ageing, Uniting Church, Family Voice, Thomsons Lawyers, Equal Opportunity Commission Western Australia, National Seniors and a range of others. We thought long and hard about this, and I am disappointed that we have had to come to this juncture because our committee, the legal and constitutional affairs committee, commands a lot of respect and is held in high regard in this place and around the country. We get it right pretty much most of the time—and quite often we have unanimous reports, and they are well received and well regarded. But on this occasion the Liberal senators provided a dissenting report, because we think that the government has just gone too far.

The bill was brought in on 30 September 2010 and it was on 8 February this year that the Senate agreed to extend the reporting date to 22 March, which is when we delivered this committee report. So we have expressed our views. The report is quite comprehensive. Can I just note that there were some 50-odd pages in the report, including our dissenting report.

More specifically, with respect to the amendment before us, I think there is a real problem here. I think there is a real problem for small business in particular. I think there is a problem for microbusiness. About 82 per cent of small businesses in Australia are microbusinesses—that is, five or fewer people in the business. I was formerly a member of the federal government's microbusiness consultative committee, appointed by Peter Reith, prior to my time in the Senate. I established, owned and operated my own small business and employed some 15 people, based in Hobart and Canberra, so I know what it is like. I was also an advocate for various small businesses and various small business organisations, including the Tasmanian Independent Retailers, the National Association of Retail Grocers of Australia and a range of other business groups. In particular, I tried to advocate for small businesses. So, in this regard, let me just say: they are being dunned. If this bill goes ahead in its current form, you will find that small business will be impacted. The men, women and families behind those small businesses who have their necks on the line, will be impacted, because the bill in its current form has unintended consequences.

I am afraid to say that the government has put forward no clear evidence or adequate arguments to the contrary, other than saying it should be 'reasonable'. That is not good enough, because of the way the bill is drafted; it is an effects test. It is quite clear that an employer or manager may not have any idea of the family responsibilities of an employee. The point is that, if they do know and are fully aware of the family responsibilities of the employee and if they treat that person differently, perhaps in a less favourable way than if they did not have those family responsibilities, that is discrimination, and that is something the coalition and the parliament do not support. But if you have a situation where an employer has no idea of the particular family responsibilities and changes their work arrangements—the time to arrive at work, the lunchtime break, the time to depart and go home or make them work on a different day of the week—you cannot automatically say that they are being discriminatory. But they will be subject to the full force of the law. That means they will have to face an allegation and a claim. They will have to respond to that. That will take time and effort and resources. You have to remember that many of these small businesses—let's face it, most of them are microbusinesses—are in their businesses. We take our hats off to
them for the time, effort and resources they do put in. They work long and hard. They are going to have to take time off to respond to those claims and prepare their own paperwork. They may employ a local solicitor or lawyer to act on their behalf, but whether or not they do, it will take time, effort and money—and, frankly, unfairly so.

As Senator Brandis noted, this bill first passed this parliament in 1992, so we are looking at nearly 20 years of success where the foundation legislation has been in force and effect and the parliament has had no issues or problems at all with family responsibilities being protected and people not being discriminated against based on their family responsibilities. That is what we are saying. What the government have done is go overboard. It is very disappointing that this has occurred. I am not sure whether it is a drafting error or oversight, or whether they got caught up by some of the submissions and claims made by some of the perhaps more left-oriented groups who are pushing for this type of legislation. I do not know, and I am not identifying any particular group or entity. Unless the way the bill is currently drafted is changed and these amendments are successful, clearly small business will be subject to the full force of the law, and the consequences will flow. That is really the problem and the effect of this legislation in its current form.

Having said all of that, I draw the attention of senators to this report, and in particular to the Liberal senators’ dissenting report towards the end of the document. That is definitely worth reading because it gives you a little bit of background as to why Senator Brandis has chosen to move, on behalf of the coalition, these amendments to protect the interests of not only small business but the public. We are talking across-the-board here about providing good legislation that is transparent, accountable and properly drafted. I look forward in this committee stage to hearing the minister’s response to the views expressed by Senator Brandis, Senator Ryan and me. I hope the minister sees reason and takes on board the concerns that have been expressed by coalition senators.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (13:10): I want to go back to a number of issues that have caused the coalition very deep concern about this bill—that is what I have described as the bad legislative practice involved in imposing obligations of an uncertain, open-ended character upon citizens. It is fundamental to good law making—and we as the house of review ought to pride this as being one of our core values when we review bills that come from the House of Representatives, when we consider amendments and when we consider proposed bills—that we make the obligations and burdens that we impose upon citizens as narrow as possible but, even more importantly, as certain as possible. One of the deep concerns we in the opposition have is that this bill takes an obligation which is tolerably certain—existing section 7A of the Sex Discrimination Act has been part of the law of Australia since 1992 and there has been an accumulation of case law and precedent so that the concept of discriminating against employees by reason of their family responsibilities is tolerably well-known and clear—and, through either incompetence or indifference to the consequences that the bill would have, substitutes that tolerably certain obligation with a greatly uncertain obligation so that all it would take for a perfectly well-meaning, innocent, virtuous employer to find themselves in breach of the law is for a decision they make in the workplace to have a different effect upon people with family responsibilities.
Examples of the vice of this are endless. For example, if an employer changed the hours of work for a perfectly sensible commercial reason, it may have a different bearing upon employees with kids than upon employees without kids. People who have children in their household, which as I said earlier I suspect are most people in the workforce in Australia these days, lead different lives. Because the nexus in proposed clause 7A(2) in the bill is so vague by the use of the preposition 'with' almost any commercial decision that any businessperson makes that has a bearing upon their employees could potentially be made unlawful by this foolish provision if the effects of that decision on people with children or other dependent relatives in the household were different from the effects on single people among that business's workforce. Let us take wages. We know that people with the responsibilities of children have less disposable income than people without children. The swinging single with the flamboyant lifestyle is a well-known subgroup of our population. People like that have great lives, lives free of responsibility to others. Because they do not have the responsibilities that a person in the workplace doing the same job but with kids has—who has to feed the kids, clothe the kids, pay school fees for the kids, outlay all of the other costs that having a child or children in the household involves—then of course their disposable income is much greater.

Let us say the employer decides to give a wage increase to his workers because he thinks: 'These are very good workers, these workers of mine. They're very industrious. My business has done very well because I've got a great workforce, so I'm going to give them all a wage increase.' And let us say the business employs two boilermakers at the same level and on the same salary. One of those boilermakers is a man with two kids and the other boilermaker who earns the same salary is a swinging single boilermaker who pockets most of his wage and spends it I hate to think how. And the employer says, 'I'm going to give you both a wage rise of 20 per cent.' What that means is that the swinging single's disposable income, as a percentage of his actual income, will increase by more than the disposable income of the boilermaker who is a parent. Now that would put that employer, as a result of that act of generosity towards his workforce, in breach of proposed section 7A(2) prima facie because that decision in the workplace of the employer would have a different effect upon the boilermaker who was a father than upon the boilermaker who kept most of his disposable income because he did not have children. How foolish is that?

And it is not as if the existing provisions of the Sex Discrimination Act are not good enough because section 7A of the act in its existing form completely covers the ground of conduct which ought to be made unlawful because it is an outright prohibition on discriminating against people by reason of their family responsibilities. That is the law. As people used to say some years ago during the famous republican referendum: if it ain't broke, don't fix it. This law is a good law. As a Liberal committed to antidiscrimination laws, I wholeheartedly support it and I do not want to see it ruined by legislative overreach by the legislature, in an artless and incompetent and gauche fashion, extending the law beyond its appropriate ambit.

Let us go back to my two boilermakers and their indulgent, generous employer. Were this legislation to be enacted, the employer may well be advised by his solicitor: 'I know you want to give your employees a raise, but I don't think you
should do that because you've got employees with family responsibilities and employees without family responsibilities and, if you did, you'd be in breach of section 7A(2) of the Sex Discrimination Act, vouchsafed to us by the Gillard government and a negligent Senate.' And the employer would say to his lawyer: 'You've got to be kidding! No body of parliamentarians would be so stupid as to pass a law that in fact prevents me improving the conditions of my workforce merely because the effect on the lives of my staff might be different depending on whether they are single or have kids.' And yet that is what this would do. And then the government, which is being very badly advised I am bound to say—you need to get better lawyers, Senator Ludwig—comes back and says: 'No, that couldn't possibly happen because there's a reasonableness test. As long as it can be seen that the decision of the employer is reasonable then they're not in trouble.' That is all very well, but for the fact that there is a reverse onus. So the onus is cast upon the employer to show that their conduct is reasonable. It is absolutely bad and incompetent legislative practice to create a prima facie liability, a prima facie illegality, and say, 'That's all right, it doesn't matter that we've put you prima facie in breach of the laws of the Commonwealth because, if anybody takes you up on this, you'll have the opportunity to prove to the court that you acted reasonably.' That is not what parliament ought to be doing. That is not the way in which we make laws. We do not put people prima facie in breach of the law because they happen to run a business that employs both people with family responsibilities and people without. Of course, the biggest vice in this is that employers are going to think to themselves: 'My hands will be tied because any decision I make about wages and conditions or terms of employment, if it has a different bearing on people with or without family responsibilities, might land me in breach of the law. So I'm just not going to hire people with family responsibilities. I'm going to have an engineering shed composed entirely of swinging single boilermakers. How's that for discrimination!' Now, that would be discrimination. But, of course, it is very easy to mask discrimination in recruitment practices. As those of us who have practised in this area of the law would know—as I have done, albeit not very often but on occasions—it is much easier to mask discrimination in recruitment practices than it is in relation to conduct with existing employees.

This is the problem with legislative overreach: the law of unintended consequences always applies. If you, my colleagues in the Senate, were to pass this law, what you would be doing is creating a disincentive for businesses, particularly for small businesses, to take on employees to whom this foolish proposed section 7A(2) might apply. For all of those reasons, the opposition opposes this amendment although we support the body of the bill.

Senator XENOPHON (South Australia) (13:25): I want to put some questions to the government in relation to this. I have been listening carefully to Senator Brandis and I have had an opportunity to discuss this matter further with him. And I am, of course, grateful to the government for the discussions I have had with them in relation to this. Let me make it clear, so that there is no misunderstanding for anyone who is listening or who reads the Hansard in relation to this, that proposed section 7A(1) is a reworking of the current section 7A of the Sex Discrimination Act and makes it very clear that, if a person discriminates against another person on the ground of the aggrieved person's family responsibilities, that is an offence, that is prohibited—as it
should be. Also, it ought to be read in the context of section 7B in that, with indirect discrimination, there is a reasonableness test, and in section 7C of the act there is effectively a reverse onus of proof. Normally, a reverse onus of proof is something you would be quite cautious about, but I think it is appropriate to have a reverse onus of proof in the scheme of this legislation in order for the legislation to be effective. But here we have a situation, with subclause (2), where what is proposed is that, if a person discriminates against another person on the ground of the aggrieved person's family responsibilities, if the discriminator imposes or proposes to impose a condition, requirement or practice that has or is likely to have the effect of disadvantaging persons with family responsibilities, there is a reverse onus of proof. The concern I have—and I would be very grateful if the minister could give his views in relation to this—is that, in the whole context of this particular subclause, there is no cause and effect. It would make it much easier for a claim without any particular substance to be brought against an employer, a small business person—a person who does not have the resources of a BHP Billiton or a Commonwealth Bank. That employer would have to be dragged through the courts and would then have to rely on section 7B of the act and also on section 7C, where there is a reverse onus of proof. So the onus is on the employer to show that what they did was reasonable—and there are considerable costs involved in that. That is my concern in relation to indirect discrimination. I do not support the opposition's other amendments, I want to make that clear, but I am concerned about unintended consequences in the context of the proposed section 7A(2) of this bill. By having the words 'with family responsibilities', there is no requirement for cause and effect, and that causes me real concern about whether there could be unintended consequences in relation to this bill.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (13:29): Thank you, Senator Xenophon, for your question. If you read it through, it says that for the purposes of this act a person discriminates against another person on the ground of the aggrieved person's family responsibilities if the discriminator imposes or proposes to impose a condition, requirement or practice that has, or is likely to have, the effect of disadvantaging persons with family responsibilities if the discriminator 'imposes, or proposes to impose, a condition, requirement or practice that has, or is likely to have, the effect of disadvantaging a person with family responsibilities'. That is true. You have to put it in the context of the whole section, which does have both a reasonableness test together with the reversal of the onus of proof. In other words, if you read 7A(1), it says:

For the purposes of this act … if, by reason of—

and it goes through (a), (b) and (c) and then (2), because this section 7A is reflected in a range of pieces of state and territory legislation dealing with family responsibilities. But the broad issue around this section itself, which is an indirect discrimination provision which is also found in similar terms in other legislation, is about dealing with circumstances where there is indirect discrimination. If you removed 7A(1) and (2) completely—

Senator Brandis interjecting—

Senator LUDWIG: If you removed the provision you would then leave a hole in the ability of the legislation to deal with indirect discrimination. That is the effect of what you would do. I know Senator Brandis interjects. I listened to him in silence, notwithstanding
what I would have regarded as some pretty spurious straw-man reasoning together with some pretty wild Chicken Little arguments. Nonetheless, I will not be drawn. The provisions have been drafted very carefully by competent draftspersons to ensure that we do capture the issues around indirect discrimination, so not only those ones which are itemised in 7A through to ‘if, by reason of: (a), (b) and (c)’ but also those in (2) for the purposes of this act. Ultimately, the argument around this issue that employers will not be able to get on with their daily work is, I think, falsely premised.

This same argument that ‘the sky will fall down’ was articulated way back in 1984 when the legislation dealing with discrimination first came in, and of course the sky did not fall in and employers managed competently to address these issues. The Australian Human Rights Commission has managed quite competently over that long period to deal with areas where both can be right, or both can be wrong, or one is wrong and one is right, as between the employer and the employee in these issues. Yes, there are through the course of events circumstances which are thrown up where employees might feel discriminated against, either indirectly or directly, and they may find themselves pursuing an issue within the Australian Human Rights Commission. But common sense, I have found over the last 20 years, has prevailed in these arguments. Of course there are employers who quite rightly do believe that the actions they take are nondiscriminatory, that they are bastions of good employers and their actions, they believe wholeheartedly, are nondiscriminatory either in truth or in effect. But on a clear and close examination, objectively by another, they do discriminate, maybe indirectly, maybe directly. That is why we do have provisions in legislation like this for the purposes of dealing with both direct discrimination and indirect discrimination and why (2) deals with the effect of disadvantaging persons with family responsibilities.

These are sensible amendments. We have spent a considerable amount of time ventilating them, but I will take a couple more minutes on this. I have now had an opportunity this morning to go back and reappraise myself of the Legal and Constitutional Affairs Legislation Committee report. The committee ultimately recommended that this bill be passed and it made some suggestions. I do recognise that the coalition took a different course. The Liberal senators recommended that the bill be amended, and we are now dealing in part with some of their recommendations. So there is a genuine disagreement that is again being ventilated here. That is not to take away either of the arguments, but on balance the government believes firmly that the provisions that it has put up and that the Senate committee by a majority recommended, should be passed. The government continues to believe that the provisions are reasonable and will operate reasonably in the workplace and between employers and employees, and will not have the disastrous effects of causing a business to cease or that people will only employ male boilermakers in the workplace. With all of those things I think we are really getting beyond what I would call rational debate in the Senate. I think the arguments, although well presented, miss the point of the whole piece. This is about ensuring that we do capture indirect discrimination in this area, and the drafters have achieved that in 7A(1) and 7A(2). We as adults can disagree. On this basis, Senator Brandis clearly disagrees that we have captured it accurately and correctly. I do not share his view and I have listened intently to the arguments he has put forward. They have not persuaded me, although I
think Senator Brandis would have expected that they were not going to persuade me in any event. When I look at the provisions themselves, for my own sake I still remain unconvinced that his arguments have any merit.

To put it another way, it seems to be that these provisions would operate in a commonsense way in any event. That is how legislation has operated in this area for a very long time and it continues to operate that way. I would encourage the opposition to understand that pointing to unbelievable circumstances is a device that we all use occasionally in this place. It does provide colour and movement to use extreme examples, but the practicality of it is that these are sensible amendments, they will work and they will operate to ensure that family responsibilities will be taken into account and that employers will not discriminate, either indirectly or directly, against someone who has family responsibilities. It is a matter that is currently provided for in ensuring that we do have balanced rights for families to assist them to balance their work and family responsibilities. We do want to accommodate flexibility where it can be accommodated within the workforce. Employers should be able to flexibly meet those requirements.

Equally, we recognise the pressure on small businesses themselves, particularly small-business owners. The issues raised by Senator Barnett were apposite. We do have to ensure that small business can get on with the work that they do well and the bill does not require businesses to make unreasonable arrangements. In practical terms, it will not require employers to make themselves aware of all circumstances of their employees because an employee could hardly claim to have been refused flexible arrangements without first having discussed these with their employer.

I find from my interactions with small business that they regard their employees as part of the business, they talk to them daily, they discuss many of the issues we are talking about and they work around all these issues I have described. Small business generally knows their employees quite personally. Where you have one, two, three or four employees in the workplace, it would be unusual for employers not to know them personally or not to know their personal circumstances. But it may happen.

Many of the arguments that are being progressed today for some hour are misplaced. We do not support Senator Brandis's amendments. We will continue to press for the amendments which have been drafted. I have probably now provoked further discussion on this but, in answering your original question, we do not think it has the effect you have outlined. We think it will act reasonably.

Senator XENOPHON (South Australia) (13:41): I thank the minister for his response. I still have reservations about the potential operation of subclause (2), not subclause (1)—that is not an issue—which is largely a restatement of the existing section 7A of the act. My problem is with the third to last word in subclause (2), the word 'with', not 'because of', not 'due to' and not 'as a direct result of' family responsibilities. It is the word 'with' that I think extends it in a way that may not be reasonable, that will not enhance the operation of the act and that could well lead to the unintended consequence of litigation in the context of section 7B, which gives a reasonableness test. With section 7C there is a reverse onus of proof. I have reservations about this particular subclause. That is why I have difficulty in supporting it.

I make it clear that this is not about taking away the rights of those who have family responsibilities.
responsibility. That is clearly in the legislation as it is now and it is restated in proposed subclause (1). I think there will be some very real issues here in litigation. I am not convinced that there will not be some adverse consequences for small businesses and I am concerned at the impact it may have in the way that small businesses regard the employment of those individuals with families. For Senator Ludwig—for whom I have enormous respect—to say that the sky did not fall in—no, it did not.

Anti-discrimination legislation is an essential feature of a civil society, but let us not have something that could well be contrary to the aims of that legislation, something that I think could lead to the legislation having consequences that were not intended and something that will cause damage all round, to those it is seeking to protect and to those that could be the subject of litigation. Question put:

That the amendments (Senator Brandis’s) be agreed to.

The committee divided. [13:47]

(The Chairman—Senator Ferguson)

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Adams, J

Bernardi, C

Boswell, RLD

Brandidis, GH

Cash, MC

Coonan, H

Ferguson, AB

Fifield, MP

Humphries, G

Joyce, B

Macdonald, ID

McGauran, JJJ

Nash, F

Payne, MA

Ryan, SM

Troeth, JM

Williams, JR

PAIRS

Evans, C

Eggleston, A

Question agreed to.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (13:52): In relation to the division I am sorry to say that there was a coalition senator who was not paired. There seems to have been some confusion on his part about whether he was paired or not. He did appear in the chamber and then absented himself. The opposition is embarrassed by this, but we are attempting to locate that senator at the moment.

Government senators interjecting—

The CHAIRMAN: Order!

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (13:54): Mr Chairman, on a point of order, I indicate on behalf of the government that, if
there has been something amiss with the vote, we would entertain a resolution to recommit the vote after the taking note debate this afternoon which would allow people to work out clearly what has happened. If some embarrassed senator has to come in and explain, someone has had to do it before. I think it is best that we move on with an understanding that whatever needs to be dealt with will be dealt with after the taking note. The government will obviously cooperate if there has been an error in terms of representing the will of the Senate.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (13:54): I thank the Leader of the Government in the Senate for his courtesy in this regard. That then is the way we will proceed. In view of the time there are two other amendments which are on the sheet circulated in my name—

The TEMPORARY CHAIRMAN (13:55): I think perhaps you should postpone consideration of amendments (2), (3) and (5) before moving on to the next one.

Senator BRANDIS: I accept your guidance because the opposition wants to consider its position in relation to amendments (4) and (6). Amendments (2), (3) and (5) are, and I think it is uncontroversial, consequential upon amendment No. (1) which was the subject of the division which has just been held. I seek leave to speak to amendments (2), (3) and (5) together.

Leave granted.

Senator BRANDIS: I am mindful of the time. Let me just say this: amendment (2) is essentially a renumbering amendment which would reflect the shape of the act in the event that the principal opposition amendment—that is, the deletion of item 18—were to have been carried. Amendment (3) is also essentially a renumbering amendment which again would reflect the shape of the act in the event that if opposition amendment (1) were to be carried out, item 18 would be deleted from the bill.

Once again, opposition amendment (5) which would omit from item 65, which itself is a series of amendments to section 41A(2) of the act, would take the form of taking from section 41A(2) those words which would only have been introduced if amendment (1) which is, if I may describe it as such, the 'head' amendment were to be carried. What I anticipate will happen is that the Senate, as indicated by the Leader of the Government after taking note, will recommit the vote. The coalition senator concerned will, I anticipate in conformity with the courtesies and protocols of this place, make a brief explanation for his unintended absence. I am sure there was a confusion of some kind and, in the event that the opposition's principal amendment were to succeed on an equality of votes, then I would not anticipate there to be any controversy about opposition amendments (2), (3) and (5) which I imagine would be allowed to go through on the voices. That is where it stands at the moment and I do not know that I can take the matter any further. I am mindful of the time and I am mindful in particular that question—

Senator Carr: You are obviously mindful of the time, you have said the same thing for the last five minutes.

Senator BRANDIS: Senator Carr, with respect, if you had been listening—

Senator Carr interjecting—

Senator BRANDIS: Senator Carr, I am so often in your debt! What I in fact was doing in a slightly more painstaking fashion than is usual was explaining the textual changes to the act which would have been brought about by each of the three
consequential amendments, which, as I pointed out—

Senator Carr: So why don't we say it all again?

Senator BRANDIS: I am not going to say it all again, Senator Carr. I am sure that your intellectual command would have been sufficient to understand it the first time had you been listening. So by your interjection I am afraid that you reveal that you were not listening, which causes me to be very disappointed in you, Senator Carr. Nevertheless that is the course we propose to take and once again I thank the Leader of the Government in the Senate for his customary courtesy.

Progress reported.

QUESTIONS WITHOUT NOTICE
Budget

Senator CORMANN (Western Australia) (14:00): My question is to the Minister for Finance and Deregulation, Senator Wong. When does the government expect to go past the current limit of $200 billion in total stock of Commonwealth government securities as approved by the parliament?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:00): I thank Senator Cormann for the question. I might use the opportunity—

An opposition senator: To answer the question.

Senator WONG: I was going to let Senator Cormann know, because he made some comments publicly about this not being transparently disclosed in the budget papers, that this fact was disclosed in the budget papers, which I hope he would have had an opportunity to read in the six hours I assume he was in the lock-up. In fact, the Assistant Treasurer described this amendment to the CIS Act in his speech to the parliament on Tuesday. If you had done the work, Senator Cormann, you would have been aware of this as opposed to coming at it two days after the budget and leaping on it as if it was some sort of conspiracy in order to cover over your own incompetence in reading the budget papers.

Senator Sherry: Or Mr Hockey's.

Senator WONG: Yes, that is true. Senator Sherry points out that it is probably Mr Hockey's rather than Senator Cormann's. I would agree with that.

Senator Conroy: Was Joe Hockey asleep at the wheel? Did he forget to mention it?

Senator Sherry: We will take it easy on you, Matthias.

The PRESIDENT: Order! Senator Wong, it is impossible for me to hear because of the interjections that are coming from your side.

Senator WONG: I am unsure what the good senator is suggesting. I am assuming that he is not suggesting that the opposition would be so reckless as to not pass that amendment. That
would be unprecedented. Even Senator Joyce—

Honourable senators interjecting—

The PRESIDENT: Order! It is completely disorderly for people on both sides to be shouting across the chamber during question time.

Senator Cormann: Mr President, on a point of order relating to the requirement for the minister to be directly relevant, I asked a very specific question about a date on which the government is going to run out of money unless the parliament agrees to another $50 billion worth of debt. The minister, other than loading a lot of abuse on the opposition, has not come anywhere near providing an answer to that very specific question about a specific date.

Senator Ludwig: On that point order, Mr President, the minister was very relevant because underlying that question was the issue that the minister was responding to. It would be inappropriate for me to use the point of order to do that, unlike how the opposition occasionally do. The minister has been dealing with the question by being directly relevant in responding to the question. I humbly submit that there is no point of order.

The PRESIDENT: There is no point of order. Senator Wong, you still have 40 seconds remaining to address the question.

Senator Wong: As I said, even Senator Joyce in public comments today made clear that even the opposition would not be so reckless as to oppose such an amendment. Senator Cormann knows that the amount of gross debt is articulated in the budget papers. It might assist him to be aware that the budget papers represent the market value of Commonwealth government securities as opposed to the legislation, which of course represents the face value.

Senator Cormann (Western Australia) (14:05): Mr President, I ask a further supplementary question. Given the minister refers to all these special circumstances—floods, cyclones, tsunamis, the global financial crisis and so on—why does the government then want a blank cheque from the parliament? Why does the government want to change the current requirement where the government has to declare special circumstances and table an explanation in both houses of parliament when it increases its debt above $75 billion? Why do you want to remove that requirement which is in the current legislation? Why do you want a blank cheque from the parliament?

Senator Conroy: Why isn't the shadow shadow finance minister asking these questions?

The PRESIDENT: Order, Senator Conroy! Senator Wong.

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:06): Thank you, Mr President—

Senator Cormann: Why do you need to remove the special circumstances?

The PRESIDENT: Senator Cormann, you have asked your question. The minister deserves the opportunity to answer.

Senator Wong: I think the only people who are talking about transparency, or a lack thereof, are members of the opposition, who failed to look at this issue in the budget papers and in the appropriation bills. They come in here and suggest that the government has not been transparent, when this is clearly articulated in the budget papers and in the appropriation bills. The question for the opposition is: if you are so concerned about debt, why are you opposing the government's savings measures? You cannot come in here and talk about debt while you are set to wreck the budget surplus.
Budget

Senator WORTLEY (South Australia) (14:07): My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister outline to the Senate why it is important that budgets be framed within the government's strict fiscal rules?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:08): I thank Senator Wortley for the question. The fact is that those on this side understand the need for budget discipline. Those on the other side are led by a man who is a risk to the Australian economy and a risk to the budget surplus. The fact is that the economic and fiscal circumstances in which the nation finds itself do require the sort of fiscal discipline the government is demonstrating. We are moving, in this economy, from a period of short-term softness as a result of the patchwork economy, the high dollar and natural disasters—all of which the opposition wish to ignore—to a period of long-term strength as the mining boom gathers pace. The budget we presented to this parliament recognises this. It puts in place strict spending discipline and builds surpluses in the years ahead so that government does not compound price pressures in the economy.

The issue is that those on the other side like to talk about budget discipline and they like to talk about surpluses. There is a lot of talk. But, to deliver a surplus, you have to ensure you put in place savings measures. Those on that side, who like to pretend they are fiscal conservatives, should explain to the Australian people—

Senator Fifield: Pretend? That is four deficits!

Senator WONG: They pretend they are fiscal conservatives—

Senator Fifield: Four deficits in a row! You're the one with the deficits!

Senator WONG: You would be embarrassed, Senator Fifield, by where your leader is taking you.

Senator Fifield interjecting—

Senator WONG: I understand why you are shouting at me. It is because you would be embarrassed by where Mr Abbott is taking you—a completely reckless approach to the budget, an absolute risk to the economy and a risk to the budget. Senator Fifield worked for Mr Costello long enough to know you do not get a surplus without getting savings measures in place. But you have your shadow Treasurer and your leader out there opposing the government's savings measures. You ought to be ashamed of yourself, Senator Fifield.

Senator WORTLEY (South Australia) (14:10): Mr President, I ask a supplementary question. Is the minister aware of any alternative fiscal policies to manage the budget during these challenging times? Are those alternatives realistic; and how do they compare with the government's fiscally disciplined and economically responsible approach?

Senator Macdonald: You should go back to children's television, with fairy stories like that!

Senator Fifield: Have you heard of doublethink?

The PRESIDENT: When we have silence, we will proceed.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:10): I am again going to quote Mr Costello, who perhaps, if he were still in the parliament, might drag Mr Hockey and Mr Abbott to consider the budget position properly. Mr Costello, when he was Treasurer, stated how an opposition should do a proper budget reply. He said:
You do the tables as to what your policies are going to cost and how you’re going to pay for them …

That is the test your guru, Mr Costello, set for your leader, Mr Abbott. Let us see how Mr Abbott measures up tonight. Will he actually put out policies which will bring the budget back to surplus, or will the coalition become the party of higher deficits? Now, just in case Mr Abbott does not, the government has in fact prepared very carefully what your budget position would look like, were you in government. (Time expired)

Senator WORTLEY (South Australia) (14:11): Mr President, I ask a further supplementary question. Can the minister outline to the Senate any alternative approaches that are a threat to sound economic management?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:12): Put very simply, the risk to sound economic management is Tony Abbott. It is very simple. The government has put together the real story of Tony Abbott’s budget reply, which shows—because no doubt he will try and ensure he does not put any figures before the parliament—that the opposition is in deficit for every year of the budget period. You never come back to surplus. And do you know why? Because you run around talking about debt and surpluses without doing any of the work.

Opposition senators interjecting—

The PRESIDENT: Senator Wong, please resume your seat. When the debate in the chamber ceases, we will proceed. The time for debating is post question time. Senators are aware of that. Minister Wong.

Senator WONG: If the coalition were in government, on the basis of their $10.6 billion black hole and their opposition to all of the savings measures, they would be in deficit. No wonder their budget reply is covered in red ink, because you are the party that seek to wreck the— (Time expired)

Carbon Pricing

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:13): My question is to the Leader of the Government in the Senate, Senator Evans. I refer to the massive uncertainty being caused to Australian families and businesses by the government’s inability to indicate in the budget even the most basic costs of the carbon tax it plans to impose. In order to dispel some of this uncertainty, can the minister confirm that the Labor-Greens carbon tax will increase the price of electricity by an average of $300 per household, increase the price of petrol by 6c per litre and increase the price of groceries by five per cent? If the minister cannot confirm these particular price increases, can he advise the Senate by how much the price of each of these items will increase?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:14): I thank Senator Abetz for the question, because here we are, two days after the budget, and after the second question they have run out of questions about the budget. They have got nothing to say about the budget of this country. They got five or six questions yesterday, one today, and they have run out of steam. They have nothing to contribute to the economic debate in this country. They cannot lay a hand on the budget.

Senator Cormann interjecting—

Senator CHRIS EVANS: It is no wonder we get—‘Oh, can you tell us about what is not in the budget?’ It just shows how bereft a contribution the Liberal Party has—

Honourable senators interjecting—
The PRESIDENT: Senator Evans, resume your seat. On both sides—Honourable senators interjecting—

The PRESIDENT: I will give you the call when there is silence.

Senator IAN MACDONALD: Mr President, I rise on a point of order on relevance. This minister has now had almost a minute and all he has done—the same as Senator Wong does—is comment on the questioner. In no way can that be seen to be directly relevant. I know neither of those ministers have any competence with their own portfolio, but to allow them to spend the first minute of their answers actually attacking the questioner is just not relevant and, Mr President, I would ask that you might interrupt those ministers without us taking a point of order and make them abide by the regulations.

Senator CONROY: Mr President, on the point of order, I was surprised that that point of order was taken because I could not actually hear anything that was going on due to the abuse being hurled at the leader from the other side.

Senator Ian Macdonald: I could, Stephen, and I sit opposite.

Senator CONROY: Let's be clear: I could not actually hear the answer, so I am not sure you are going to be in a position to make a judgment on relevance. Most importantly, traditionally it has always been the case that the leader can range widely across a range of issues. That has always been the tradition. I would put to you, Mr President, that the pathetic attempt to hear his own voice again and to prove he is relevant by Senator Macdonald should be ruled out of order.

The PRESIDENT: There is no point of order. The minister has one minute 19 remaining to address the question and answer the question. It will assist question time if, when the answers are being given, people stop shouting across the chamber.

Senator CHRIS EVANS: I was just making, as a preliminary point, the very obvious point that the opposition has nothing to say on the important economic issues confronting this country other than slogans and abuse. What we do know is that, on the second day after the budget at question time, when the government is supposed to be under pressure to be held to account, they have no questions.

The government is pursuing the implementation of a price on carbon, as we have committed ourselves to. This government is working through a multi-party climate change committee and consulting with industry, unions and the community about the form of that new price on carbon. That work is ongoing. When that work is finalised, that work will be completed, it will be put to the parliament and any budgetary impacts will be included in future budgets—just as has been the case in the past, when the Howard government introduced the GST. Once those decisions are taken, once legislation is carried, provision will be made in the budgets, as per normal practice.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:18): Mr President, I ask a supplementary question. I thank the minister for confirming that cost-of-living issues are not addressed in Labor's budget. I refer to the $13.7 million squirreled away in the budget to fund what is euphemistically referred to as a climate change foundation campaign, which, according to the Minister for Climate Change, will be used for websites and the printing of information brochures. Given the experience with GROCERYchoice and Fuelwatch websites, can the minister understand why Australian families might regard the spend-
ing of this money as another example of waste and mismanagement?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:19): I have to give it to Senator Abetz: talk about front! Remember the guy who used to run the Liberal advertising campaign, wherein they spent hundreds of millions of dollars of taxpayers' money advertising everything under the sun to try and save their political hides?

Honourable senators interjecting—


Honourable senators interjecting—

Senator CHRIS EVANS: and he gets up in this place and says, 'Have you spent $13 million'—

The PRESIDENT: Senator Evans, resume your seat. It is impossible to hear what is being said because of the noise that is coming from both sides. If you want to shout at each other, go outside, but give us the opportunity to listen to what is taking place in the chamber.

Senator CHRIS EVANS: I will not be lectured by Senator Abetz, who was in charge of that very grubby process inside the Howard government, where the politics and the polling of the Liberal Party determined the expenditure of hundreds of millions of dollars on political advertising—

Senator Ronaldson: What did you do to the Auditor-General? You are an absolute hypocrite.

The PRESIDENT: Senator Evans—

Senator CHRIS EVANS: So don't come in here and lecture us about a $13 million education support program, which, by the way, was in last year's budget—not in this year's budget, last year's budget. Get on with the game, Son!

The PRESIDENT: Senator Evans, resume your seat. Senator Ronaldson, you've got to withdraw that.

Senator Ronaldson: What—

The PRESIDENT: You've got to withdraw because I called on a member of the other side the other day to withdraw. You know what you need to withdraw.

Senator Ronaldson: In the interest of fairness, I will do so.

Senator CHRIS EVANS: So the question is highly hypocritical and just exposes Senator Abetz's performance in this chamber.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:21): Mr President, I ask a further supplementary question. I remind the minister that the amount was in last year's budget before they promised 'no carbon tax'. You did change your policy. My question is: Can the minister inform the Senate if it is now routine government policy—

Government senators interjecting—

The PRESIDENT: Senator Abetz, I cannot hear you. Those on my right, Senator Abetz is entitled to be heard, just as, when the minister is answering, those on my left need to be quiet.

Senator ABETZ: Can the minister inform the Senate if it is now routine government policy to develop the advertising plans for government policies before developing the policies themselves? Can the minister understand why Australian families might regard such a practice as excessively cynical, even for this cynical government?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and
Leader of the Government in the Senate) (14:21): I will tell you what Australian families will be doing. They will be listening to this question and saying, 'Where have the Liberal Party gone? Why are they not addressing the issues of mental health, schools, tertiary education and all the issues that are important to Australians?' We have a question, first of all, about what is not in the budget, a supplementary about what was in last year's budget and then a clever question that tried to bring them all together that said, 'Spending in last year's budget was for a program you did not introduce until this year's budget.' You are a disgrace. This is a complete nonsense.

Senator Brandis: Mr President, a point of order is on relevance: there was nothing in the answer to the primary question other than abuse of the Leader of the Opposition. There was nothing in the answer to the supplementary question other than abuse of the Leader of the Opposition. Although the minister has 21 seconds to go—

Opposition senators interjecting—

The PRESIDENT: Senator Brandis, there is a discussion that is taking place very close to you and I am being distracted by that.

Senator Abetz: I didn't say a word!

The PRESIDENT: I did not say you had said a word. Senator Brandis, you are entitled to be heard.

Senator BRANDIS: Although the minister has 21 seconds to go, there has been nothing so far in this answer other than abuse of the Leader of the Opposition. Given that there has been literally nothing relevant in the answers to the primary question and the first supplementary question, it is not too soon, Mr President, for you now to rule—given the approach that the minister is taking—that his answer is not relevant and he should be drawn to the question.

The PRESIDENT: Minister, you have 21 seconds remaining to answer the question. There is no point of order.

Senator CHRIS EVANS: I have made it very clear to the Senate that the procedures in relation to carbon price being reflected in the budget will be the procedures that have applied in the past, as they were when the GST was introduced. It is a shame that the Liberal Party are so incompetent that they have no questions about the budget. (Time expired)

Coal Seam Gas Projects

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:22): My question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig. What role does the Commonwealth Minister for Health and Ageing have in contributing to, or signing off on, an environmental impact assessment for coalmines or coal seam gas projects assessed under Commonwealth legislation and, in particular, has the federal minister for health been involved in any assessments of coal seam gas or expanded coalmines approved by the Commonwealth since December 2007?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:25): I will need to find a response from the Minister for Health and Ageing to the question that has been raised about coal seam gas. I am not going to hazard a guess or deal with the broad issues around health in response to that question. I am not sure how it fits in under the health portfolio, but it may become plain with the first or second supplementary question. It is clearly a matter that Senator Milne is pursuing. On that basis, I will seek further
and better particulars from the minister for health to that particular question.

Senator Milne (Tasmania—Deputy Leader of the Australian Greens) (14:25): I thank the minister for his answer and the indication that the health impacts of coal seam gas are not high on the agenda. Mr President, I ask a supplementary question. Given that the health impact assessments are not a compulsory part of state based approvals processes and are not part of the Commonwealth process unless the minister advises otherwise, are Australian citizens uninforme of and unprotected from the adverse health impacts of coalmines and coal seam gas projects in which hazardous and carcinogenic chemicals are permitted?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:26): I partly reject the first proposition that Senator Milne put forward, but it is a sensible course of action that I seek further and better particulars from the minister for health. I think a question such as this deserves a complete answer from the minister to that part of the question which is within her portfolio responsibilities and which the minister is able to respond to and also to identify the areas of responsibility which the administrative orders provide for that minister to have—the responsibilities that are embodied within that question. I am uncertain as to whether all of the issues you have raised in both your primary and your secondary questions fall within that portfolio, but on the basis that you believe they do I will seek additional and further particulars. The parts that fall without that, we will try to make clear— (Time expired)

Senator Milne (Tasmania—Deputy Leader of the Australian Greens) (14:27): Mr President, I ask a further supplementary question. I thank the minister for taking up the issue and I would like him also to follow up with the minister what action the Commonwealth might take to ensure that health impact statements become a compulsory component of impact assessments of major projects under Commonwealth legislation, especially since France has today moved to ban fracking.

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:27): I indicated in response to the primary question that some of the detail might become a little clearer when Senator Milne went to her second and third supplementary questions.

Opposition senators interjecting—

Senator Ludwig: It is now a little clearer, so with that amount of detail—if my colleagues from the other side could be a little quieter—I might be able to respond. Taking those three in train, I now understand the direction in which you are heading. It is about seeking information on primary health impacts of coal seam gas operations. I will take that back to Minister Roxon and ask her what part of her responsibilities deal with that area. I will seek to get a response for you as early as I am able to.

Carbon Pricing

Senator Birmingham (South Australia) (14:29): My question is to the Minister representing the Prime Minister, Senator Evans. Is the Prime Minister's promise that the impact of the carbon tax will be budget neutral as credible as her promise that there would be no carbon tax at all?

Senator Chris Evans (Western Australia—Minister for Tertiary Education,
Skills, Jobs and Workplace Relations and Leader of the Government in the Senate

14:29: I regret all the effort I made my staff go into preparing me for question time this week in terms of an understanding of the detail of the budget, because it clearly has been wasted work.

The government is committed to achieving a price mechanism on carbon. We are committed to reducing pollution in our economy. We are committed to trying to reduce that pollution, reduce the damage to the environment and have an economic framework for tackling carbon pollution. This objective has been pursued by this government through both its first and second term. On this occasion we formed a multi-party climate change committee which is trying to work through the details of a proposition to bring before the parliament to put a price on carbon. That is the commitment of this government. We have set about that work. That is progressing well. The minister responsible, Mr Combet, is engaging with industry, trade unions, community members, climate change experts, economists—the whole breadth of people with an interest in this issue—to try to work towards a model that will be acceptable in the broader community and acceptable to the parliament. That work is going well and it will continue.

Senator Birmingham: Mr President, on a point of order: it goes to the direct relevance of the answer by Senator Evans. Senator Evans was asked about the budget neutrality of the carbon tax. He says he is so keen to talk about the budget. How about answering whether the carbon tax will in fact be budget neutral?

The PRESIDENT: There is no point of order. Senator Evans, you have 23 seconds remaining to answer the question.

Senator CHRIS EVANS: As I indicated, we are very committed to trying to achieve a price on carbon in the Australian economy. The budget laid down by the Treasurer on Tuesday did not include costing relating to that measure, because that measure is yet to be carried by the parliament. But when it is carried by the parliament then it will be reflected in future budget papers. (Time expired)

Senator BIRMINGHAM (South Australia) (14:31): Mr President, I ask a supplementary question. Given the CPRS was forecast to run at a deficit reaching $1.6 billion in 2013-14 alone, and the government is promising more household compensation under the new carbon tax than under the CPRS, will the minister guarantee that a budget-neutral carbon tax will have no negative impact on the budget bottom line in each and every year of the forward estimates?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:32): We have made it clear that the accounting for the carbon price will be made in the budget when those final decisions have been made regarding the carbon price mechanism. We have indicated that it will be broadly budget neutral, but the details will be provided in future budgets once the parliament has had the opportunity to consider the legislation and to consider the arrangements we put in place to try and compensate families from the impact of a new price on carbon. We have made it very clear how we will pursue those arrangements. We are working through the detail. The legislation will come before parliament. When all that is finalised those matters will be reflected in the budget papers, as one would expect. We are very determined to try make sure that we tackle, once and for all,
this very, very difficult issue, but one that needs to be tackled. *(Time expired)*

**Senator BIRMINGHAM** (South Australia) (14:33): Mr President, I ask a further supplementary question. Will the minister explain, then, why any Australian should believe Labor’s claims of returning to surplus when billions of dollars in carbon tax expenditure are unaccounted for and even the government and the minister himself will not guarantee that the carbon tax will erode their wafer-thin future surpluses?

*Senator Wong interjecting—*

**The PRESIDENT:** On both sides! Senator Birmingham, you have asked a question of the minister. For those on my right and my left to be carrying on a debate when the minister is standing and waiting for the call makes it very difficult indeed.

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:34): I am glad the Senate finally got to some reference to this year’s budget. The government has committed to bring the budget back into surplus. We have indicated the time frame. We have given the projections of how that is to occur. I think if one looks at the independent commentary since the budget there has been an endorsement of the strategy that the government will bring this budget back into surplus. That has not been questioned more broadly by economic commentators or business. Those budget estimates, confirmed by Treasury, have been accepted in the broader community as being an accurate reflection of the government’s ability to bring the budget back into surplus. The only question will be tonight as to whether Mr Abbott is able to do the same. Given that the Liberal Party has promised a program that will bring the budget back into surplus next year, we are very much looking forward to seeing how that goes.

**Budget**

**Senator STERLE** (Western Australia) (14:35): My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Many Australians, Minister, are asking whether they will see the benefits of the resources boom. What is the government doing to ensure the resources boom means national benefits?

**Senator CARR** (Victoria—Minister for Innovation, Industry, Science and Research) (14:35): I thank Senator Sterle for his question. I would like to actually talk about a budget measure—something the opposition, clearly, does not want to do. What we are experiencing in this country is the biggest resources boom in the history of the nation. It is good for Australia. However, many Australians are rightly asking how they can share in the benefits. After all, at the end of the day, mining accounts for less than two per cent of the total workforce. On the other hand, manufacturing employs a million Australians and has done so for 40 years, highlighting the incredible productivity of the manufacturing sector.

We can come out of this boom with nothing to mine and nothing to make, or we can ensure that we are able to build the jobs, the skills and the opportunities right across all sectors of the economy, and that is why we are investing $34.4 million in the Buy Australian at Home and Abroad campaign. Australian manufacturers do not need special favours. What they do need is a fair go, and we will work with the resources sector to identify opportunities for Australian firms in major projects; we will work intensively with up to 180 promising Australian small- and medium-sized enterprises to build them into globally competitive suppliers; we will assist with
more management training and advice about business opportunities through Enterprise Connect; and we will embed industry experts to procurement teams for major projects. It makes sense to buy Australian, and investors at home and abroad will know it. That is exactly what this government is seeking to do: to ensure that the opportunities are spread evenly. (Time expired)

Senator STERLE (Western Australia) (14:38): Mr President, I ask a supplementary question. Thank you, Minister. Is the minister aware that there are reports that Australian firms are excluded from major projects because they are not part of global vendor lists that those projects' proponents rely on? Minister, what is the government doing about this?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:39): It is true that there are powerful global supply chains operating within the resources sector, and Australian firms should not be shut out by them; they should be part of them. Project developers who use the lists are trying to cut their costs by narrowing their options. It can in fact be a false economy. When they look past the lists, they may find better products at a better price in Australia, and that is why the government is helping them find Australian suppliers quickly and cheaply. Our Industry Capability Network—

Opposition senators interjecting—

Senator CARR: Here we go again: the leader of the knuckle draggers faction has come to the fore on this matter.

The President: Ignore the interjections, Senator Carr. Ignore the interjections. Just address your comments to the chair. Senator Carr, ignore the interjections; they are disorderly.

Senator CARR: Our Industry Capability Network has worked with 17 major projects to identify local suppliers, and what we have seen through that process is that contracts for Australian companies have been yielded, worth some $300 million. (Time expired)

Senator STERLE (Western Australia) (14:39): Mr President, I ask a further supplementary question. Thank you, Minister. Given that this initiative focuses on the firms supplying the resource sector, what is the government doing to promote opportunities for other firms?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:39): The government understands that research and development are critical to creating opportunities for Australian firms, and that is why we have made room in a tight budget to boost innovation spending to record levels. We will invest some $9.4 billion in the coming financial year, a 43 per cent increase on the best efforts of the previous government. This would allow firms in every industry to find cleaner, cheaper and smarter ways of doing business. The CSIRO works directly with industry to develop these opportunities, and that is why we have committed a record $3 billion over four years for this vital national asset. More than 150 Australian companies have directly worked with the CSIRO to benefit from its technological breakthroughs. Many more have found a new competitive edge working with the CSIRO, using CSIRO to connect to partners across the globe. (Time expired)

Budget

Senator BOSWELL (Queensland) (14:40): My question is to the Minister for Finance and Deregulation, Senator Wong. Senator, given that the Treasurer was too embarrassed to admit the total value of government debt in his budget speech on Tuesday night, can the minister, for the record, confirm that the government net debt has blown out to $107 billion and that the
government will be spending $7.5 billion a year in interest payments?

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:41): I actually answered that question yesterday, Senator. I am happy to answer it again. Perhaps I was not as interesting as the good senator would like. The government's net debt position does peak at 7.2 per cent of GDP, $106.6 billion. I have answered that, and it is in the budget papers. I think the annual net interest payment the senator is referring to is in fact at the end of the forward estimates period, as opposed to the peak net debt year, but—

Opposition senators interjecting—

The President: Interjections are disorderly. The minister is answering the question. Interjections are disorderly.

Senator Wong: I would also just remind the good senator that, as I outlined in some detail yesterday, Australia's debt position remains one of the best in the world: less than a tenth of the average net debt of other major advanced economies. Our net debt position peaks at 7.2 per cent of GDP; that of major advanced economies is in the order of 90 per cent of GDP—90 per cent versus 7.2 per cent. That is the position that this government has overseen in the face of the global financial crisis.

It might be helpful to the senator to consider what some of those in the markets have said about this issue. We know, for example, that Moody's has said that the Australian government debt remains amongst the lowest of all AAA-rated governments. CBA comments on the fact that 'the budget is dominated by savings measures'. The budget meets—

Senator Cormann: Why is that? Because Howard and Costello did such a good job. Did you read Alan Kohler's comment? 'Any chief financial officer would be embarrassed by this budget,' is what he said.

Senator Wong: That is from CBA. I know that you do not want to hear this, Senator Cormann; you do not want to hear what the markets are saying, do you? (Time expired)

The President: Senator Cormann, constant interjection is disorderly; I just remind you of that.

Senator Boswell (Queensland) (14:43): Mr President, I ask a supplementary question. Given that the spending decisions taken by this government have increased expenditure by around $19 billion in the past six months alone and that the forecast for the budget deficit in 2011-12 has blown out by $9.6 billion to $22.6 billion, how can this government ever be trusted to deliver a budget surplus?

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:44): Senator, there are a number of points in your question. I am sorry: I do not know where you have those facts from. If you are referring to the spend-save position in the budget as announced, the net spend-save position delivered by this government is in fact a return to the budget of just over $5 billion. We have delivered restraint in real growth and expenditure on average of one per cent a year. The average for Mr Costello's last five budgets was in the order of 3.6 per cent a year and, as I referenced yesterday, the last time a government delivered this sort of spending restraint was in the 1980s. If the good senator cares about the surplus and cares about debt levels then he should be very concerned about the path Mr Abbott is going down: seeking to oppose budget savings measures. (Time expired)

Senator Boswell (Queensland) (14:45): Mr President, I ask a further supplementary question. Minister, I turn 71
years of age this year. In my 71 years, Labor has only ever delivered six budget surpluses, an average of one every 12 years. Minister, will I have to live to be 83 before I see another Labor surplus budget?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:45): Senator Boswell, I acknowledge your longevity in this place, but I would this make this point in all seriousness: if senators on your side care about the budget surplus then you should be extremely concerned about the position that this Leader of the Opposition is taking. He is seeking to oppose responsible savings measures put forward by this government to return the budget to surplus—measures which you previously have voted for, such as those in relation to family tax benefits, without putting forward your own savings measures. It is not a responsible thing, Senator Boswell, for the conservative party in this place to be practising this sort of fiscal recklessness.

Soccer World Cup

Senator XENOPHON (South Australia) (14:46): My question is to Senator Arbib, the Minister for Sport. Just two days ago, the UK parliament’s House of Commons Culture, Media and Sport Select Committee heard alarming evidence that two FIFA members from Cameroon and the Ivory Coast allegedly took bribes of $1.5 million each to vote for Qatar in its bid for the 2022 world cup. It is a matter of public record that the Australian government spent $45.6 million of taxpayers’ money on Australia’s unsuccessful bid. Given these grave allegations of serious corruption at the heart of FIFA, what steps will the Australian government take? Indeed, will the government be asking for a $45.6 million refund from FIFA?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:47): I thank Senator Xenophon for the question and also for his interest. I think that all senators would agree that Australia would have been a fantastic host for the 2022 world cup, and Australia’s bid was of the highest quality. It was an impressive bid; there is no doubt about it. It would have been a fantastic boost to tourism, it would have been a fantastic boost to business and it certainly would have been a fantastic boost to our sports infrastructure. The debate around the funding of a new stadium in Western Australia, an upgrade of Adelaide Oval and stadium upgrades in Geelong and Blacktown would have been much improved and funding would certainly have been contributed from winning a world cup bid.

Like all football fans, I am disappointed about the allegations that were made in Britain this week. We strongly believe that all bids should be judged on their merits. The Australian government had an expectation that any bid conducted on behalf of a national football association was done with the utmost integrity. Senators would be aware of the news that former UK Football Association chairman Lord Triesman told a Department for Culture, Media and Sport committee in the UK that four FIFA members sought bribes in return for backing England’s failed 2018 world cup bid. It was also alleged that evidence supplied by the Sunday Times newspaper claimed that two more FIFA executive committee members were paid nearly £1 million to vote for Qatar’s bid.

Speaking at the House of Commons on Tuesday, Lord Triesman said that he would now take his evidence to FIFA, and I welcome that. At the same time, we need to keep at the forefront of our minds that these are allegations. They have not yet been
proven and they need to be investigated. The Australian government welcomes FIFA's announcement that it will be investigating allegations surrounding the bidding process. I also agree with the British minister that the Swiss authorities should consider legal action against FIFA for accepting members—(Time expired)

Senator XENOPHON (South Australia) (14:49): Mr President, I ask a supplementary question. In response to these allegations the Prime Minister has stated that this was an issue for FIFA to investigate. Does the minister agree with the comments made this morning by Radio National sports commentator Warwick Hatfield that ‘trusting FIFA to investigate corruption within FIFA is like trusting Dracula to run the blood bank’?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:50): There have been numerous allegations made in relation to FIFA concerning the bidding process. For a number of months now a number of investigations have taken place, a number of FIFA executive members have been suspended and, certainly, there have been, on behalf of the president, discussion and also comments that there was collusion between bidding rivals between 2010 and 2022.

What I would say again is that if people have evidence, they should take it to FIFA. It is the place for that evidence to be heard. But, again I agree with the British culture secretary, Jeremy Hunt, who said that the Swiss authorities should consider legal action against FIFA or its executive members if the allegations are proven.

Senator XENOPHON (South Australia) (14:51): Mr President, I ask a further supplementary question. Given the many grave allegations of corruption within FIFA, will the Australian government rule out any further world cup bids until FIFA undergoes serious and widespread reform to stamp out corruption?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:51): World cup bids are undertaken by the governing bodies of football federations; they are not undertaken by governments. It is a decision for Football Federation Australia to make in terms of future bids for world cups. What I will say is that while we did lose, and it was bitterly disappointing to lose, one thing that Australians do very well in sport is pick ourselves up and try again; we never stop competing.

The good news is that we have been successful in winning the Asian Cup, which is now one of the largest sporting events in Asia. Football is now the number one sport in Asia. Close to a billion people in Asia watched the last Asian Cup, and Australia now has the possibility of putting on a first-class Asian Cup in 2015. That is something that we will be very working closely on.

In terms of reform of FIFA, there has been discussion about reform, and something I support is that all nations get a vote in the bidding process. (Time expired)

Budget

Senator FIERRAVANTI-WELLS (New South Wales) (14:52): My question is to Senator Ludwig, the Minister representing the Minister for Mental Health and Ageing. Can the minister confirm that the actual spend in mental health over the forward estimates is $583 million while at the same time Labor is cutting $426 million in mental health programs over the same period? Isn't
this just another example of spin over substance from this Labor government?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:53): I do not accept the proposition that was put in that question. The government have committed $1.8 billion to regional health infrastructure through this area. The government's mental health package delivers substantial new investment in mental health. We recognise mental health is a key priority and we have made room in what has, quite frankly, been a tough budget for significant new investment. We are doing this because we know that mental health is the largest single cause of disability in our community, and untreated mental illness has negative and lasting impacts on the individual, their family and the broader community.

This budget includes $1.5 billion over five years in new investments as a first step towards longer-term reform. That takes the government's total new investment to $2.2 billion, which includes the elements. So that is the expenditure that we are putting in this area. But, in terms of the broader area, let us not forget Mr Abbott’s mental health policy for the election was fully funded from $1.5 billion worth of cuts from the health portfolio. This includes cuts to GP services and e-health, both of which are important avenues for mental health services. And when Mr Abbott announced his most recent, $430 million, package he repeatedly refused to say how they will fund it without an unfunded promise of $430 million.

Mental health requires long-term reform. That is why, to overcome years of underinvestment—

Senator FIERRAVANTI-WELLS (New South Wales) (14:55): Mr President, I ask a supplementary question. I was referring to page 24 of the government’s document, Delivering better hospitals, mental health and health services, so perhaps I can assist if the minister does not have a copy?

On 27 July 2010 Julia Gillard said:

I want to be absolutely clear—mental health will be a second term priority for this government.

Can the minister confirm that, despite all the hyperbole, the budget papers reveal that Labor is only providing $47.3 million in new funding for mental health in 2011-12—

(Time expired)

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:55): What those on the other side do not really want to come to grips with is that this government is addressing the significant issue of mental health. We have committed, as I said, $2.2 billion over the next five years, including $1.5 billion in new measures in the budget. The reforms will focus on delivering the services that have the best chance of improving the lives of thousands of Australians. I encourage those on the other side to agree that this package is a significant advancement for mental health reform in this country. It provides more intensive support services, better coordinating those services for people with severe illness. It targets supports to areas in communities. But, most importantly, it is simply wrong to say that there is only the amount that the opposition are trying to say is in this package. Over four years it delivers—

(Time expired)

Senator FIERRAVANTI-WELLS (New South Wales) (14:56): Mr President, I ask a further supplementary question. The
government's budget press release on mental health refers to alleged reforms and initiatives. How much of the mental health spend is new money and not simply recycled money and/or rebadged programs? In relation to the $47.3 million in new funding, doesn't that also come with a $62 million cut from existing programs? Isn't this another broken promise from Ms Gillard?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:57): I reject the premise of that question. If you want to look at what the opposition have done in this area, there is nothing. They injected $430 million in this area—unfunded. They would not even admit to the funding. What this government has done—and this is where the opposition do not want to hear—is significantly address the issue of mental health. They do not want to hear it. They want to reject the proposition that we are in fact acting on mental health.

Opposition senators interjecting—

The PRESIDENT: Resume your seat, Senator Ludwig. You will get the call when there is quiet.

Senator LUDWIG: Thank you. Over four years it delivers $1.6 billion—$1 billion in new investments and $500 million from last year's investments in suicides and other areas. Over five years it delivers $2.2 billion—$1.5 billion in new investments and more than $600 million from last year's investments. Our package is partially funded from a sensible and equitable redirection of funding from the better access program. We will see what those opposite are going to do tonight. (Time expired)

Budget

Senator PRATT (Western Australia) (14:58): This afternoon my question is to the Minister for Indigenous Employment and Economic Development, Senator Arbib.

An opposition senator: How wonderful!

Senator PRATT: It is indeed wonderful. Treasurer Wayne Swan has said that this year's budget is about 'jobs, jobs, jobs' and is designed to harness the great opportunities that will flow to our nation. So can the minister please outline to the Senate how the budget will help young Indigenous Australians get the training they need to move into employment? How many Indigenous students will be helped by these measures, and why are they so important?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:59): I thank Senator Pratt for that question and for her interest in Indigenous employment. The Gillard government believes all Australians, regardless of their circumstances or where they live, should be able to share in the benefits of the strong economy and enjoy the financial and social benefits of work. Since 2007 we have created 750,000 jobs in Australia, and the budget shows over the next two years we will create another 500,000. It is essential that Indigenous Australians share in these jobs.

I am very pleased to inform the Senate that this year's budget contains critical measures to help Indigenous Australians get into work, including a new measure to help Indigenous students move from school into work. The Indigenous Youth Careers Pathway Program will provide $50.7 million to support up to 6,400 Indigenous students to undertake school based traineeships. School based traineeships are one of the best ways to create a pipeline of job ready, trained and motivated young Indigenous people for Australian businesses. Companies like
Qantas, ANZ and NAB have all benefited from taking on school based trainees, many of whom are employed with them right now. Service providers like the Aboriginal Employment Strategy have had great results in placing and retaining trainees who have gained a qualification and who are now employed. Since the AES started its school based traineeship program in 2002, 450 Indigenous students have graduated and gone on to secure career pathways.

The critical thing for the government and for the students is that this is not training for training’s sake. This is training that leads to qualifications, training that leads to employment. That is where the government is now focused: on ensuring that the transition from school into employment is one that has support— (Time expired)

Senator PRATT (Western Australia) (15:01): Mr President, I ask a supplementary question. Can the minister outline to the Senate what extra support this new program will provide to help these Indigenous students to complete their school based traineeships and move into employment? Also, how important is mentoring to achieving this?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (15:01): One of the things we have discussed in this chamber and also in Senate estimates is the importance of education for Indigenous students, the work that is being undertaken across the country to drive up rates of literacy and numeracy but also to ensure that rates of school retention continue to rise.

The next challenge is helping students move from school into employment. I am happy to say that under this program organisations that deliver school based traineeships will be able to apply not just for funding to deliver the traineeships but also to provide support that is needed to help students to complete them and afterwards. One of the most critical elements of the program is that it will fund mentoring and case management for the students both in school and post school as well as in the workplace. This will ensure that the students get the personalised support, the one-on-one support they need, to overcome any barriers to finishing their traineeships and finding a job. (Time expired)

Senator PRATT (Western Australia) (15:02): Mr President, I have a further supplementary question. Can the minister outline to the Senate what other measures in the budget will help Indigenous students and allow them to transition into jobs?

Senator ARBIB (New South Wales—MINISTER FOR SPORT, MINISTER FOR INDIGENOUS EMPLOYMENT AND ECONOMIC DEVELOPMENT AND MINISTER FOR SOCIAL HOUSING AND HOMELESSNESS) (15:02): This is not the only program that the government has introduced or is funding in terms of Indigenous employment to help Indigenous youngsters. Also, $4.1 million over three years has been provided to trial the Indigenous Ranger Cadetships initiative. This is a program that has been put in place by Minister Garrett. The cadetships will give Indigenous students the opportunity to develop the skills and knowledge they need to become rangers with nationally recognised qualifications. There is also $171 million to extend a range of programs to support educational outcomes for Indigenous students.

I am also happy to say that $6.1 million over four years for Job Services Australia has been provided to pilot culturally appropriate mentoring services for Indigenous job seekers. Mentoring will also be available for pre-placement support and there will be $1
millions to allow greater flexibility for employment service providers in remote areas to better work with Job Services. *(Time expired)*

**Senator CHRIS EVANS:** Mr President, I ask that further questions be placed on the Notice Paper.

**QUESTIONS WITHOUT NOTICE:** ADDITIONAL ANSWERS

**Crime**

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) *(15:04)*: Yesterday Senator Fielding asked me a question about the impact of changed names on tracking people’s identity. I seek leave to have additional information in response to the question incorporated in *Hansard*.

Leave granted.

*The answer read as follows—*

Change of name procedures are managed by the States and Territories.

The Federal Government is aware of the diverse approach by jurisdictions to change of name processes and the exchange of change of name information with law enforcement agencies.

The Government considers the development of a nationally consistent approach to change of name would strengthen law enforcement, service delivery and national security outcomes.

Attorneys General have agreed to develop best practice change of name processes.

A SCAG working group, led by NSW, is currently looking at options for reform.

We hope that this work will be finalised by the end of the year.

SCAG’s deliberations will provide important input to revision of the National Identity Security Strategy, work being led by my Department in collaboration with Commonwealth, State and Territory agencies.

This work will establish policies and procedures that better protect the identities of Australians by strengthening the integrity of identity documents.

On the issue of privacy, the Government’s privacy reforms, in the form of draft legislation, are currently being considered by the Senate Committee on Finance and Public Administration. The proposed reforms include provisions that would assist the flow of information between law enforcement bodies in circumstances such as notification of change of names.

**Forestry**

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) *(15:04)*: yesterday Senator Bob Brown asked me a question about the transfer of equipment from Tasmania by recipients of the Tasmanian forestry contractors exit assistance program for use in other states. I have some additional information in response to that question and I seek leave to have that information incorporated in *Hansard*.

Leave granted.

*The answer read as follows—*

The purpose of the Tasmanian Forest Contractors Exit Assistance is to reduce overcapacity in the forestry industry in Tasmania.

Recipients must dispose of their equipment or stand it aside and cease business operations in Tasmania for a period of five years. There is no restriction on grantees operating in other states and territories.

If Senator Brown or other Senators have any evidence of fraudulent or misleading behaviour in the conduct of grantees during the application process or deed execution process or in the administration of the scheme by the Australian and Tasmanian Governments, they should provide that information and it will be properly investigated.
BUDGET
Consideration by Estimates Committees

Senator Barnett (Tasmania) (15:04): I stand today pursuant to standing order 74(5) to ask Minister Carr, representing the Minister for Immigration and Citizenship, for an explanation as to why answers have not been provided to 105 questions—I am happy to detail them—asked on notice to the Senate Standing Committee on Legal and Constitutional Affairs during the additional estimates hearings in February 2011.

The Deputy President: Senator Barnett, I cannot call the minister you have directed the question to because he is not present in the chamber.

Senator Barnett: I move:
That the Senate take note of the minister’s failure to be here and answer the question.
I am speaking about 105 questions of 355.

Senator Wong: Did you ask the minister?

Senator Barnett: Did I give the minister the courtesy? Yes, I did. I rang the minister’s office personally this morning. Not only that, I emailed the minister personally this morning. His office responded to my office personally this morning. Minister Bowen was fully aware of exactly what was coming through to the Senate at exactly this time after question time today. What has happened? The minister has not even advised, perhaps as a courtesy, Senator Carr, so I am not reflecting on Senator Carr. Frankly, it is a disgrace. These questions were not just asked by coalition senators; they were asked by members of the crossbench as well, so it is a reflection on the entire Senate and the entire parliament.

What are the sorts of issues that we were asking about at Senate estimates? They were about people-smugglers, visa applications, asylum seekers, humanitarian programs, terrorist groups, detention centres, escape from detention centres, abuse allegations—

Senator Abetz: Critical issues.

Senator Barnett: Well-noted, Senator Abetz—children in detention, unaccompanied minors, community detention, security clearances, the cost of maintaining detention centres and the spending of taxpayers’ money. Does the minister think and believe that these matters are not worthy of his response? Is it right and proper that there be many questions relating to this, not just from us? We have every right and entitlement to ask the questions; we are obliged to ask these questions and we have a responsibility to ask them. The minister has the responsibility to come back to the Senate and advise it of the answers in the due time. When were they due? They were due on 8 April—a five-week delay. Do you think this is just a one-off for this minister? No, as Senator Cash has well noted and highlighted before. In the October budget estimates, what happened at that time from this exact same minister? Those responses were due by 3 December. When did the answers come back to the 445 questions? As Senator Cash remembers well, they were not tabled until 10 February—a two-month delay. Is this just a one-off? No, it is not. It is very clearly a systemic problem. He is treating us with contempt. If he is treating the Senate with contempt, then he is treating the Australian people with contempt. I see Senator Carr is here and no doubt he will have an answer shortly. We will hear what he has to say. So 600 of the questions have been unanswered since February.

Is he up to speed in his portfolio? Is he across his brief? Has he lost control of our borders on behalf of the government? I hear a ringing in my ear that the answer is yes. Have there been budget blowouts in this portfolio? Yes, we have seen that just this
week. Clearly, there is a problem in this portfolio area. Is it the minister?

We are all aware that the Prime Minister has said there is going to be a new wave of openness, of transparency and of freedom of information. We cannot get the information in accordance with standing orders. It is not happening. In October last year, was the annual report available on time? No, it was not. It was due on 31 October and tabled on 15 November.

As a senator for Tasmania, I have had personal experience of writing to the minister in regard to the ban on holy books—the Bible ban, as it were—which has now been overturned by the government. I wrote to him for clarification on 28 October 2010. Listen to this: I followed it up with a courtesy letter seeking clarification on 12 January. Not only that but I wrote to the Prime Minister personally in March this year to say, 'Please follow up and talk to your minister and ask for a response.' When did I get that response? I raised it in the Senate just two nights ago, on Tuesday. I said that this was not good enough and you are treating the Senate with contempt. The answer was delivered today, six months late. For this minister, it is not a one-off. This is systemic across the portfolio. He is showing disrespect; it is insulting behaviour. He is patronising the Senate and the Australian community. He is showing demeaning behaviour and disdain for the people in the Senate. If he is doing it to us, he is doing it to the Australian people better.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (15:11): I seek clarification. Did Senator Barnett say to the Senate that he personally rang my office. Is that the claim?

Senator Conroy: No, your repping minister.

Senator CARR: I am sorry, I thought there had been a claim made about ringing my office. It was to Minister Bowen’s office. I am pleased to hear that.

Senator Ian Macdonald: If you had stayed in the chamber, you would have heard that.

Senator CARR: If I had known to stay in the chamber, I might have heard it.

Opposition senators interjecting—

The DEPUTY PRESIDENT: Order on my left!

Senator CARR: If there is an assertion made that a senator has rung my office and that I am showing disrespect to this chamber, I reject it.

Senator Abetz: But he did ring your office.

Senator CARR: Who rang my office?

Opposition senators: Senator Barnett, this morning; that is what he said.

Senator Conroy: He rang Bowen’s office.

Senator CARR: So perhaps you would like to withdraw, Senator. Perhaps you should withdraw.

The DEPUTY PRESIDENT: Order, Senator Carr!

Senator CARR: Typical ignorance from a person like you—complete ignorance.

The DEPUTY PRESIDENT: Order! Senator Carr, resume your seat.

Honourable senators interjecting—

The DEPUTY PRESIDENT: We will not continue until there is order. Senator Carr, you will address your remarks to the chair and not across the chamber.
Senator CARR: I am sorry, Mr Deputy President. I reject any suggestion that I have shown contempt towards this chamber. I have always taken the Senate estimates very seriously. I understand that questions have been raised concerning a significant number of questions that were asked in the Legal and Constitutional Affairs Legislation Committee, at which I represent the Minister for Immigration and Citizenship. In fact, 357 questions were asked with many subparts, which were taken on notice by the Department of Immigration and Citizenship at the additional budget estimates hearing in February 2011. This follows on from some 445 questions which were taken on notice at the budget estimates hearing in October last year. I am advised that 250 responses have already been lodged with the Legal and Constitutional Affairs Legislation Committee. Again, it is an extremely high number of questions compared with the previous estimates hearing.

Many of the questions seek detailed information on a number of complex and sensitive issues. I am advised that efforts are being made to ensure that all outstanding responses to the Legal and Constitutional Affairs Legislation Committee are lodged before the next hearing scheduled for 23 and 24 May. I am also advised that, while the Department of Immigration and Citizenship does strive to meet the committee's deadlines, it has not always been possible. Senator Barnett may well remember that in 2006 and in 2007, under the previous government, the department was not able to meet the committee's deadlines in those circumstances either.

Senator IAN MACDONALD (Queensland) (15:14): In speaking to the motion, I highlight to the Senate that clearly Minister Bowen, who is the real minister, got the message from Senator Barnett and did not send it on to Senator Carr. Whether or not he was setting Senator Carr up because they are in different factions, I do not know. But it is a condemnation and it is typical of the arrogance of this government that the senior minister in the other chamber gets a message from the Senate and then chooses not to tell his representing minister in the Senate chamber. It says a lot about the Labor government and their lack of respect for the parliamentary process, although perhaps I am wrong on that. Perhaps I am more correct when I say Minister Bowen just wanted to set up a factional opponent.

Question agreed to.

Senator EGGLESTON (Western Australia) (15:16): Pursuant to standing order 74(5) I ask the Minister representing the Treasurer for an explanation as to why answers have not been provided to questions AET-3, AET-6, AET-11, AET-13, AET-19, AET-22, AET-26, AET-28, AET-65, AET-71, AET-75, AET-76, AET-80, AET-82, AET-90, AET-92, AET-96, AET-97, AET-134, AET-137, AET-145, AET-146, AET-160, AET-168, AET-172, AET-176, AET-178 and AET-180 asked during the additional estimates hearings of the Economics Legislation Committee in February 2011; why answers have not been provided to questions SBT-58, SBT-61, SBT-69, SBT-83, SBT-141, SBT-231 and SBT-234 of the supplementary estimates hearings of the economics committee held in October 2010; and why, furthermore, answers have not been provided to questions BET-61 and BET-336 of the budget estimates hearings of the economics committee in June 2010.

The DEPUTY PRESIDENT: Before I call Senator Wong to respond, I understand that Senator Fisher has questions for the same minister. It may expedite things if we have Senator Fisher first, and then I will ask Senator Wong to respond.
Senator FISHER (South Australia) (15:18): Pursuant to standing order 74(5), I asked the former Minister for Climate Change and Energy Efficiency, Senator Wong, for an explanation as to why answers have not been provided to nine questions on notice asked during additional estimates hearings of the Environment and Communications Legislation Committee in February this year.

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:18): I thank the Senate for the convenience of having both senators ask me questions on these issues sequentially and I also thank Senator Eggleston and Senator Fisher for the courtesy of advising me ahead of time. In relation to Senator Eggleston's questions, I am advised that of the 844 questions that Treasury received through the various estimates to which Senator Eggleston referred there are only 55 outstanding. Whilst I acknowledge that there is a deadline for the provision of these answers, I would suggest to the opposition that they consider the very large amount of work that Treasury receives as requests for information from—

Senator Abetz: Doing a carbon tax, dumping a carbon tax, doing a carbon tax.

Senator WONG: Unlike Senator Abetz, I have some regard for the public servants who serve the government.

Honourable senators interjecting—

The DEPUTY PRESIDENT: Order! We will not proceed until there is order.

Senator WONG: As I was saying, I think anybody would recognise—

Opposition senators interjecting—

The DEPUTY PRESIDENT: Order! The senators asking the questions were heard in silence. I ask senators to pay the same respect to the minister.

Senator WONG: As I said, of 844 questions from the various estimates to which Senator Eggleston referred, Treasury has responded to all but 55. I will certainly endeavour, on behalf of the Treasurer, to have those provided as soon as possible. My advice is that we anticipate it being in the very near future.

I ask the good senator to recognise that these are the same officials who have worked on the federal budget. As he would recall from his time in government, that is a very labour-intensive process. As someone who has been part of that process, I can vouch for the fact that very long hours and very many weekends are worked by public servants in the preparation of the federal budget.

I think I was asked questions by Senator Fisher only in relation to climate change and energy efficiency. In relation to those, of the 70 questions asked, I am advised that 61 have been answered at this point and I am informed by the minister's office that the department is working as quickly as possible to finalise the outstanding nine. I also understand that we anticipate most of those questions being available prior to the next estimates hearing.

Senator EGGLESTON (Western Australia) (15:22): I move:

That the Senate take note of the explanation.

I think the fact that there are 55 questions, as the minister says, still outstanding is quite scandalous. It is also scandalous that it took so long to answer so many questions from estimates going back a very long time. I do not think that to say the preparation of the current budget is sufficient explanation for this delay is an acceptable explanation. What this delay amounts to in effect is a contempt of the Senate and its processes. Estimates, Mr Deputy President, as you well know, are a vital part of the Senate's role as a house of public accountability. That is what the
Senate estimates are there for: for the senators on behalf of the Australian people to make the government accountable for its expenditure. It is totally unacceptable that the Gillard government should treat the Senate, senators and through them the people of Australia, with such disrespect by declining to answer questions on notice for so long.

From my experience, which Senator Wong referred to, of questions not being answered, the usual real reason is that the bureaucracy has provided the answers to the minister and the answers sit in the minister's office because ministers do not want to reveal or make public the information in them in case it causes them some political embarrassment. This is just a scandal. The total number of questions which have been delayed over the last year and a half for the Treasury portfolio and the Senate Standing Committee on Economics is some 336. That is just an enormous number of questions for which responses have been delayed. That is, as I have said, quite a scandal and the government should be ashamed of itself. I hope that this will not happen again following the current process of estimates and that instead we will have questions answered promptly for the benefit of the people of Australia.

Senator CORMANN (Western Australia) (15:25): I rise to support the comments that have just been made by Senator Eggleston. I want to make one point. Senator Wong was reflecting on the opposition in that this is somehow a criticism of Treasury. I want to be very clear, as Senator Eggleston has just said, Treasury no doubt has provided answers to these questions and Treasury no doubt has sent answers to these questions up to the Treasurer's office. It is no doubt the Treasurer, Mr Swan, who is sitting on these answers and refusing to send them to the Senate as he should do as an accountable Treasurer because he is embarrassed about what might be revealed. He is embarrassed about how the government might be seen in the public arena because people across Australia might actually understand what this government is up to.

I remind the Senate and I remind people across Australia that in the lead-up to the last election the Prime Minister did a deal on the mining tax. The Secretary of the Department of the Treasury, Dr Henry, was quite happy to answer questions, but he was gagged by the Prime Minister and by the Treasurer, Wayne Swan. The Prime Minister and the Treasurer have got form when it comes to hiding information from the public across Australia. We were promised that this was all going to change when the Prime Minister scraped back in because the country Independents decided to support a minority Labor government. We were told that this would be a new era of openness and transparency in government. Julia Gillard said that the sunlight would come in.

The DEPUTY PRESIDENT: Order! You must refer to the Prime Minister by her proper title.

Senator CORMANN: The Prime Minister, Ms Gillard, promised that she would let the sunlight in. Here of course we see that it is business as usual. It is secrecy. It is a government that is not prepared to be accountable. It is a government that has something to hide because revealing the information would embarrass the government. It is an absolute disgrace that the Treasurer, Wayne Swan, would be sitting on these 55 questions and not providing answers to the Senate.

Question agreed to.

Senator FISHER (South Australia) (15:27): I move:

That the Senate take note of the explanation.
Senator IAN MACDONALD (Queensland) (15:28): On that motion I point out that the Department of Climate Change and Energy Efficiency has had nothing to do for more than a year. Why couldn't it have answered the questions put to it?

Senator FISHER (South Australia) (15:28): Minister Wong has indicated that the department is using every endeavour to answer those questions by estimates and I look forward to that. I ask the Senate to note that answer.

Question agreed to.

Senator FISHER: Pursuant to standing order 74(5)—Senator Conroy knows what is coming—I ask Senator Conroy as the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities for an explanation as to why not one of the 78 questions asked during additional estimates hearings of the Senate Environment and Communications Legislation Committee in February this year has been answered?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (15:29): I am advised that responses to these questions are under consideration and are being carefully checked to ensure the information provided is accurate and addresses that matters raised. Preparation of some responses has required consultation with other parties to obtain the required information, which can cause some delays. I can assure the Senate, on behalf of the minister, that a high priority is being given to responding as quickly as possible to the outstanding questions.

Senator FISHER (South Australia) (15:30): I move:

That the Senate take note of the explanation.

In moving that, let the Senate take note of that wholly unsatisfactory response, because it is hardly an explanation. I note that the majority of those questions remaining unanswered relate to water. This government has put on hold not only any reform of the Murray-Darling Basin but also any form of accountability to the Senate and the Senate estimates process about what it is doing to help the people of Australia look after the Murray-Darling Basin.

Question agreed to.

Senator FISHER: I now ask, pursuant to standing order 74(5), the Minister for Broadband, Communications and the Digital Economy why answers have not been provided to questions—and I will list them in a minute—asked during the additional estimates hearing of the Senate Environment and Communications Legislation Committee in February this year. There are some 271 questions: Nos 24, 26, 28-72, 83, 92, 95, 98, 100, 101, 104, 105, 109, 111—Senator Boswell may yet get to be that old—126, 132, 133, 134, 135, 137, 138, 139, 194-395, 400, 407, 408, 412, 418 and 424.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (15:32): My department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible. The department and its agencies aim to deliver answers to questions on notice at the earliest opportunity and endeavour to meet the committee's deadline to the best extent possible.

this is near a record for any department. Nearly 50 per cent of these questions required responses from NBN Co. which continues to face a significant workload.

In light of the volume of questions, the secretary of my department wrote to the committee on 1 April and advised them that due to the complexity of the information required by many of the questions he was unlikely to be able to provide answers to a significant number of questions by the due date of 8 April. My department answered 39 per cent of its questions by the committee's due date of 8 April. As of today, my department and its portfolio agencies have answered 185 questions—that is 43 per cent. While every effort is made to submit responses within the time frame provided, there are a number of factors that contribute to delays in responses. These factors include: questions that contain several subquestions or parts; questions that are often complex, for example, for technical or data collection reasons and require the responses to address a high level of detail; the coordination of inputs to responses provided from multiple line areas and/or departments and agencies; and of course there is always the factor of trying to define the stream of consciousness of Senator Fisher.

Senator FISHER (South Australia) (15:34): I move:

That the Senate take note of the explanation.

In moving that the Senate take note of that wholly unsatisfactory explanation given by Minister Conroy, I ask: how is it that, of the 425 questions asked of this minister's portfolio by the coalition, there are still some 271 outstanding? That is like 65 per cent; that is about two-thirds. Do not leave, Minister Conroy, because you are going to leave your CEO of NBN Co. in the lurch to defend himself. How is it that of those 271 outstanding answers, three-quarters of them are due from NBN Co.? Three-quarters of the answers are due from the body in charge of building the biggest infrastructure spend in the history of this country.

It gets worse than that. The coalition asked some 201 questions of NBN Co. and NBN Co. has not seen fit to answer one of its questions—not a question has been answered by NBN Co. Not one question has been answered by Mike Quigley, the CEO of NBN Co., who told the Australian Financial Review earlier this year of oversight that might be had of his little but very big spending company. He said:

There comes a point at which it just kind of becomes dysfunctional; every man and his dog overseeing the place.

I will tell the Senate what is dysfunctional in my view: the CEO of the company in charge of the largest infrastructure spend in the history of this country not seeing fit to answer a single question put to him on notice by coalition members of the Senate estimates committee—the very instrument of accountability of this Senate. Forget about oversight from 'every man and his dog'; what about oversight from this Senate, the members of this Senate and the Senate estimates process? The only dysfunctionality is the CEO of NBN Co. thumbing his nose at this Senate. That is entirely dysfunctional.

Senator IAN MACDONALD (Queensland) (15:37): Mr Deputy President, very briefly, can I just ask the minister what Mr Mike Kaiser, the very highly paid government relations officer for NBN, a former Labor Party apparatchik in both Queensland and New South Wales, is doing to earn the huge salary he is receiving from his appointment—without any competition, I might add. This would seem to be something that Mr Kaiser should be looking at as the government relations man, and I just wonder if the minister could indicate what Mr Kaiser is possibly doing to justify his huge salary.
The DEPUTY PRESIDENT: The question is that the motion moved by Senator Fisher be agreed to.

Question agreed to.

Senator HEFFERNAN (New South Wales) (15:38): Pursuant to standing order 74(5), I ask the Minister representing the Minister for Infrastructure and Transport, Senator Carr—who usually sits over there—for an explanation as to why answers have not been provided to questions on notice Nos 1 to 87, none of which have been answered, asked during the additional estimates hearings in the Senate Rural Affairs and Transport Legislation Committee on 22 February. Also, despite the fact that my learned friend over there, Senator Sterle, has also written to the minister asking for the answers to those questions, we have not received them.

The DEPUTY PRESIDENT: Senator Heffernan, as the minister is not here, unless there is somebody on the government benches who chooses to respond, I can take this no further.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (15:38): I should say that Senator Carr was present in the chamber earlier, as Senator Heffernan well knows, and would have taken the opportunity to answer if the opposition had been able to concurrently present their questions to him. I am sure he is listening to the chamber and will respond through the proper processes.

Senator HEFFERNAN (New South Wales) (15:39): I move:

That the Senate take note of the minister's failure to provide these answers.

I think it is fair to say that, if the Senate estimates process is to be fair dinkum, we need due notice to be able to give sensible responses to answers to questions on notice. It is not much good—for example, in the lead-up to the additional estimates in February—to get the answers the night before.

Senator Boyce: Or the morning of.

Senator HEFFERNAN: That is not a fair go—

Senator Sterle interjecting—

Senator HEFFERNAN: and I have to say that Senator Sterle understands this issue and has written to the minister. I understand that all human endeavour has failure, but we have to be fair dinkum about this. I am sure there are a lot of people in the department who go home feeling they have not achieved much in life who could take the time to answer. I would suggest that these questions are probably on the minister's desk but, for some strange reason, they have not answered a single question out of 87—not one. I do not think it is a fair thing to the parliament, I do not think it is fair thing for the scrutiny of government, I do not think it is a fair thing for the estimates committee, and it is about time the game was smartened up.

Question agreed to.

Senator BOYCE (Queensland) (15:40): Pursuant to standing order 74(5), I will be asking Senator Arbib—if I say that slowly enough, perhaps we will get some action—as the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs for an explanation as to why answers have not been provided to 94 of the questions asked by Senators Boswell, Cash, Ryan, Adams, Payne, Fierravanti-Wells, Fifield, Scullion and me during the additional estimates hearings of the Senate Community Affairs Legislation Committee in February this year. Those 94 answers are now overdue by more than 30 days.
Senator LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (15:41): It is very clear that on the last sitting day before Senate estimates, when these issues are normally discussed by the Senate estimates committees, the opposition have decided to come in here and pursue the matter through the chamber. I believe ministers have made their best endeavours to respond to these questions today. As the opposition well know, while in government their form in this area was extremely tardy and subject to action in the chamber, as we are seeing today on a regular basis. I again say that I have no doubt that ministers have made their best endeavours to respond and will be taking note of the comments made in the chamber as we proceed.

Senator BOYCE (Queensland) (15:42): I move:

That the Senate take note of the minister's failure to provide any sort of an answer or any sort of an explanation. They have failed to provide any explanation for why this complete failure has occurred. I should point out—for Senator Lundy's approval, one would hope—that a phone call was made to Minister Macklin's office this morning and it was followed up at 9.53 am by an email to her chief of staff asking about these questions and why they had not been answered. It would not, one assumes, take more than four hours to come up with an explanation as to why these answers have not been provided.

As for whether or not this should be sorted out on the last day of estimates hearings, it was during the last estimates hearings that the due date of 8 April 2011 was set for answers—more than 30 days ago. We are 30 days out and still we do not have the answers. If you look through the sorts of questions we requested answers to, you can see how important it is that we receive this material well before the next hearings. They relate to subjects such as paid parental leave and housing affected by natural disasters—a serious issue in both Queensland and Victoria. They cover changes to eligibility for carer allowance for parents of children with type 1 diabetes. Answers to those questions are being sought for a purpose: to assist people to understand the problems that parents of children with diabetes face in terms of eligibility. We are talking about answers to questions on assisted employment enterprises for people with disabilities—again, an area that has not been addressed properly—and questions relating to home-ownership on Indigenous lands, another area where the government has failed to provide the correct accountability. It is very hard to have any other response to this lack of answers and lack of explanation except to think that there is a deliberate attempt here to stop the opposition from having the information it needs to keep this government something like accountable.

Question agreed to.

Senator BOYCE: I have a second question to put to Senator Ludwig, representing the Minister for Health and Ageing. This time it is in regard to answers that have not been provided to 39 of the questions asked by coalition senators during estimates in the Community Affairs Legislation Committee.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (15:45): In adding to my earlier comments, it is clear that the phone calls to notify on these questions have been placed through to the portfolio minister, but I understood the reasonable practice, so ministers knew to be prepared for the question and to be available
to respond to it, was to call the minister who
took the questions at the Senate estimates
committee. It is clear, and I am not judging
it, that that has not happened in this case, and
that is contributing to the fact that the
ministers are not present. They are no doubt
preoccupied, and had no prior warning. I
would just like to make that comment and
refer you to my earlier comments in this
discussion this afternoon.

Senator BOYCE (Queensland) (15:46): I
move:
That the Senate take note of the minister's
failure to provide either answers or explanation.

Senator Lundy can comment as much as she
likes about whether comments have been
passed on to representative ministers, but it
would seem to me that, with this number of
answers outstanding well over 30 days past
the due date for response, it is simply
indicative of the fact that answering ques-
tions on time is not being taken as a seriou-
s issue by the government.

Question agreed to.

Senator BACK (Western Australia)
(15:47): Pursuant to standing order 74(5), I
ask the Minister for Tertiary Education,
Skills, Jobs and Workplace Relations,
Senator Evans—who is also representing the
Minister for School Education, Early
Childhood and Youth, the Hon. Peter
Garrett; the Minister for Employment
Participation and Childcare, the Hon. Kate
Ellis; and Senator Arbib, Minister for
Indigenous Employment and Economic
Development—for an explaina-
tion as to why
answers still have not been provided to the
159 questions noted in the list circulated in
the chamber, asked during the additional
estimates hearings of the Senate Education,
Employment and Workplace Relations
Committee in February 2011.

Senator LUNDY (Australian Capital
Territory—Parliamentary Secretary to the
Prime Minister and Parliamentary Secretary
for Immigration and Multicultural Affairs)
(15:48): Very briefly, I just reiterate that the
normal practice is, of course, to call the
minister representing to give them ample
notice to be prepared to respond to these
questions. It has become apparent, as suc-
cessive questions have been asked, that it has
been a tactical decision on the part of the
opposition not to do so for the course of this
session in the Senate this afternoon. I do note
that we are occupying the time of other
important Senate business now.

Senator BACK (Western Australia)
(15:48): I move:
That there be laid on the table, no later than
Wednesday 18 May, the answers to
the 159 questions that remain outstanding.

It took 38 pages for the 159 questions, which
have been tabled and are available in the
chamber. For the benefit of the minister,
Minister Lundy, I assure her that I did
personally phone each of the ministers—
Evans, Arbib, Ellis and Garrett, and followed
up with an email to each of them. So, in
terms of the capacity of the minister to be
here, I can assure you they should have been,
because they knew.

In the short time available to me in this
new era of transparen-
cy, I just want to advise
you that of the additional estimates questions
in February 2010, 24 per cent were
unanswered as of the expiry date. It jumped
to 88 per cent not answered by 31 July as a
result of the budget estimates last year. They
got a little bit better after the October
supplementary estimates—45 per cent
unanswered. As of the date required this
year, 8 April, a shocking 57 per cent of
questions were unanswered. Twelve or 14
senators asked these questions. It is totally
unacceptable. If we are ever to see the 'sun
shine in', as this Prime Minister has said, I
agree with my medical colleague Senator
Eggleston: the only way to achieve it would be through the ingestion of Ford pills.

Question agreed to.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Answers to Questions

Senator MASON (Queensland) (15:51): I move:

That the Senate take note of answers given by Senators Evans, Wong, Ludwig and Carr to questions asked by coalition senators.

Mr Deputy President, you may be surprised, but I actually enjoyed the agony of Mr Swan's budget on Tuesday night. What surprised me was his behaviour. He behaved far more like a conjurer or a magician than he did a Treasurer—far more Harry Houdini than John Maynard Keynes. The aim of Mr Swan's budget was to divert attention from the issues that really concern the Australian people. What are they? One is the cost of living. He tried to divert attention from that. The carbon tax—he tried to divert attention from that. The mining tax and border security—he tried to divert attention from those. Instead he pulled up a white rabbit, including digital set-top boxes for pensioners. He said, 'Hey, look at that; don't worry about the issues that really concern and confront this country.' We now know this budget was framed not in the national interest, not in the interests of the Australian people, but drafted in the political interests of the Australian Labor Party. A story in Tuesday's Australian quotes an anonymous Labor source as saying:

The Prime Minister told a caucus meeting that the budget would be tough but would also provide an opportunity for Labor to broaden public debate from carbon tax and border security.

What does 'broaden public debate' mean? It means to not talk about the issues that really concern the Australian people. It is Labor spin for talking about anything except the things that worry them politically but do worry the Australian people—things like the cost of living. Remember that, Mr Deputy President?

Why have we not heard in months anything about working families? In the lead-up to the 2007 federal election Mr Rudd and Ms Gillard could not say one sentence without talking about the cost-of-living pressures and working families. We all remember that in this place. They could not say one sentence in the lead-up to the 2007 election that was not about cost-of-living pressures. Remember that? Remember the government put up Fuelwatch to watch the price of petrol? What happened to that?

Senator Boyce: What about GroceryWatch?

Senator MASON: That is right, Senator Boyce. What about GroceryWatch? This was all about cost-of-living pressures for working families. Guess what? Working families do not matter any more to the government. The government cannot even utter the words, words that will not speak their name, because they are embarrassed that cost-of-living pressures have gone through the roof. One of the worst is electricity, and what will happen when the carbon tax hits? According to the government, it does not matter. It is a tax on pollution. But pollution does not pay tax. Companies will pay tax in the end and their prices will go up. And who will pay that? The consumer. Working Australians. Working families will pay that money. That is what will happen.

We have a comparative advantage in cheap energy in this country. It is one of the great advantages of this nation, and this lot are going to give up that comparative advantage unilaterally to the rest of the world. Can you imagine that? Imagine the pressures on every single thing that is created in this country using energy, which is nearly
everything. Everything in this country will go up, and this lot are going to give it to the Australian people without extracting anything from the rest of the world. It is an absolute disgrace.

This lot are such great negotiators that it will say 'We will take five refugees if you take one.' These are the sorts of people who are supposed to negotiate our future and look after the future of this country. It is absolutely pathetic. And there is the diversion of the digital set-top box. After the shambles of the pink batts and the school halls, the granddaddy of them all will be the NBN. As they said in the Age today, it will be likely to cause fires. That is what this new digital set-top box will do. It is a farce. In the end, this is not a budget; it is a bandage to stop the Labor Party bleeding.

Senator STERLE (Western Australia) (15:56): I always enjoy Senator Mason's contributions, whether they be here in the chamber or on the walker in the gym. I find Senator Mason very amusing and entertaining. It is a tragic debate to be having in this country—and, sadly, it has been since the last election—that visitors to our land, this great country, have to listen to this commentary from the opposition. You would think: why the hell would anyone want to live in Australia? Fortunately, we are still the lucky country.

This budget is about one very clear thing, which is very important to not only me but also to every Australian and to future generations of Australians: the budget will be back in the black. The Treasurer, Mr Swan, has said very clearly that this is about getting more Australians in jobs and it is about spreading the opportunity of the mining boom. As one who is lucky enough to come from a state that has had a mining boom and is heading towards another mining boom, and as there is an opportunity for Australians to be put into employment and to enjoy the benefits of the mining boom mark 2, I think it is a travesty that we find the opposition carrying on like they are.

Senator Mason made a wild assertion that Mr Swan did not want to talk about the mining tax. I was listening to the presentation of the budget and I was at the budget dinner after it and Mr Swan made it very clear that the mining tax will give the opportunity to provide some very important infrastructure projects. In Western Australia, probably one of the most important infrastructure projects is the WA Gateway project. Those of us that travel through Perth Airport or that area would understand what a wonderful concept it is.

I also take note of Senator Mason's comment about the cost of living and electricity. In that fantastic state, Western Australians do know the cost of rising power prices. They know darn well that the Liberal Premier, Mr Barnett, has put up the cost of electricity by 49 per cent. So we do get it. It is just a travesty to listen to the nonsense coming out of the other side. We have just gone through some of the most devastating natural disasters that we have had the misfortune of witnessing in this country, certainly in my lifetime. To see the devastation and the destruction and the very sad loss of life in Queensland; to see the flooding in Victoria; in Western Australia, to see our banana and fruit and vegetable growing area, Carnarvon, some 950 kilometres north of Perth, devastated by flooding; to see those poor devils in the Perth suburb of Roleystone—72 homes burnt to the ground. We are endeavouring to do everything we can to bring this budget back to the black, but not by kicking the living daylight out of those people who desperately need assistance. I find it very offensive.
We also had the global financial crisis. The Labor government was condemned from pillar to post that we dared move and move quickly to avoid that terrible reality of some 200,000 full-time Australian jobs going. Mr Deputy President, and to those listening, I am so proud to be part of a government that not only saved 200,000 Australian jobs but created another 700,000. To hear the arguments from that side of the chamber, it does you no good at all. It is very, very poor. Through you, Mr Deputy President, you are very good at silly one-liners. It hurts me to say it, but it is Pauline Hanson politics: ‘Let’s grab a line. What is the last reactionary line I heard as I walked into a meeting?’ This is Mr Abbott. ‘I will use that.’ For goodness sake, what is Mr Abbott going to do? Mr Abbott does not come forth with his projections to build this nation, to make this great nation an even greater nation. There is none of that. It is negatives. I spend a lot of time talking to Western Australians who have had a gutful of the negativity. We should be talking up this great country. We should be talking about jobs and endeavouring to create brilliant futures for our kids that are coming through, whether it is benefits through the mining boom or industries that will hang off the mining boom. (Time expired)

Senator BOYCE (Queensland) (15:59): I am particularly interested in taking note of the answers given by Senator Carr and Senator Ludwig. Perhaps I should not be gracing Senator Ludwig’s response to Senator Fierravanti-Wells’ question by calling it an answer, because I do not think it was an answer. He was asked to outline how the Labor government got to $2.2 billion of new spending in mental health. There is no way, when you look through their figures, that this is the case. The only new spending in there appears to be about $583 million—a long, long way short of the $1.92 billion over four years that a coalition government would deliver. The coalition government began the move into a vast improvement in mental health spending with the policies brought by the then health minister, Mr Tony Abbott.

Prime Minister Gillard said in July last year, less than 12 months ago:

‘I want to be absolutely clear - mental health will be a second-term priority for this government.

That was probably about the same time that she was promising us that there would never be a carbon tax under a government she led. So yet again we have a broken promise—not just a broken promise but a cruel trick of smoke and mirrors with figures aimed at the mental health community and the people who desperately need the funding that they would get under practical, real programs under a coalition government and its $1.92 billion policy.

I would now like to turn to Senator Carr’s extraordinary response to questions asked about what he is doing to improve the productivity of this nation. In case he has not noticed, productivity is what really sits underneath any good-quality living that this country has. Yet we have a former CSIRO chief saying that their cuts to the Cooperative Research Centres Program has knocked the stuffing out of one of Australia’s most successful and cost-effective research ventures. It is about the only program that we actually have that encourages collaboration between industry and academia. We do pretty poorly in that field anyway. It looks as though programs that are aimed at all manner of research, in particular, rural research programs, will simply have to disappear because this government is not interested in innovation and productivity.

It has also cut the funding to the International Science Linkages program. This is a small amount of money but in fact puts at risk our whole joint project with New
Zealand—the $2.5 billion square kilometre array telescope. I must admit that I have no idea what it is, but it is a $2.5 billion project that is probably not going to come here because of the short-sightedness of this government and because we are not seen to be internationally collaborating in areas of research, innovation and productivity. Australian workers are now producing less per hour than they have since 1995. When is this government going to wake up and actually do something about this?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (16:05): I am just amazed at Senator Boyce's criticism of what the federal government is doing in the mental health area. If I were Senator Boyce I would be congratulating the Labor government and Wayne Swan on his budget, but more particularly a very good friend of mine from South Australia: Minister Butler, the member for Port Adelaide. He has done all of the things that your government did not do in 11 or 12 years in government. He has made a commitment to mental health and to resolving an area that was left untouched by the 11 or 12 years of Liberal government. That is not the only thing that we have done in the area of health, and I would like to go through some of the things that our government have done. Obviously we want to get the budget back into the black, but there are other priority issues that we are dealing with, and health is one of those. I know, Mr Deputy President, you will be interested in that, I know, Mr Deputy President, because of your close connection with the Yorke Peninsula. There will be $6 million to establish a new oral health centre at the Berri Hospital campus in the Riverland. The Riverland, as you know, has suffered very badly during the period of the drought; it has even had some more bad news in recent times with a lot of the bad weather destroying wine crops up there, so this will be good news for it. There will be $26.7 million to redevelop the health services in Mount Gambier—again, the south-east of South Australia getting a benefit out of our Health and Hospital Fund.

Another area that will benefit from our budget decisions to improve the health of Australians is that there will be $39.2 million for the redevelopment of the Port Lincoln Hospital and Health Service. Another area is $2.3 million to construct four new two-bedroom staff houses and visitor centres in the Pitjantjatjara areas for their communities. There will be $3.5 million for purchase of land and construction of the new purpose-built ambulance station at Mount Gambier. I know that today there are a number of people from the ambulance services in Canberra, so they will be very pleased with that, as will the people of Mount Gambier. There will be $1.3 million to establish a new medical clinic on the grounds of the Naracoorte Hospital. So all of these things are things that we are doing in addition to what we are doing in the area of mental health.

As I said, the budget is all about bringing the economy back into surplus, and that is the objective of the budget. We obviously want to spread the opportunities of the mining boom. One of the things that have not got that much attention in recent weeks, of course, is the visit by the Minister for Defence, Minister Smith, and the Minister for Resources and Energy, Minister Fer-
guson, up to Woomera, where of course the federal government is opening significant portions of land which were previously restricted because of defence requirements. I know Senator Feeney has been very supportive of the proposal to allow mining to go on in those areas.

Senator FISHER (South Australia) (16:10): I rise to take note of answers. What a joke, Senator Farrell. Despite the supposed aspirations of this government, forget about an embarrassment of riches; it is about to become an embarrassment of rags. Unlike the Howard-Costello government, which did the admirable progression from rags to riches in transitioning from past Labor governments to a very healthy Howard-Costello government, this government, the Gillard-Swan team, is intent on dragging this country from past coalition riches right back to Labor rags. Exhibit A: the $308 million set-top box scheme. Master Electricians Australia warns that this is shades of ghosts past, that installers are not being properly trained to install the set-top boxes and that it could result in the deaths of installers—shades of ghosts past. Remember the botched and bungled home insulation scheme. This government has not learnt a thing. The Australian people probably know that we should not bother crying over spilt milk, but they will come to rue the day that this government takes them from riches to rags, and they will indeed come to cry over Treasurer Swan's spilt water.

Question agreed to.

Coal Seam Gas Projects

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (16:12): I move:

That the Senate take note of the answer given by the Minister representing the Minister for Health and Ageing (Senator Ludwig) to a question without notice asked by Senator Milne today relating to the health impacts of coal seam gas.

As the community would be well aware, there are serious health impacts of coal seam gas, and they are becoming more and more evident every day, to the extent that overnight the French parliament has moved to ban fracking—that is, the use of chemicals to fracture rocks. They are very concerned in Europe—in fact, right around the world—and here in Australia we are seeing an onslaught of the expansion of coalmining and coal seam gas, with virtually no health impact assessment. I asked the minister: did the Commonwealth have a role in health impact assessment under the current environmental impact assessment arrangements? I can inform the Senate that the health minister does not have a role in that, and at the state government level quite a few state governments do not include health impact assessments in their environmental impact assessments. So Australians currently are completely unprotected from the adverse health impacts of coal seam gas, and they are mostly uninformed about the serious impacts. I met recently with an emeritus professor of medicine who really sat me back in my tracks, I can say, when he said to me, 'I believe that the impacts of coal seam gas and expanded coalmining are going to be the asbestos of this century.' That is a really shocking statement when you know that there is no current health assessment of coal seam gas going on. That is why Senator Brown moved a motion in the Senate on Tuesday this week for a Senate inquiry into the coal seam gas and coal industry, in particular because of the health impacts. He moved that motion on Tuesday, 10 May and gave notice with the terms of reference. On Wednesday morning, the following day, the Senate Standing Committee on Rural Affairs and Transport met, and after I had left that committee meeting to attend a Greens party
room meeting—and, in fact, after the meeting finished—there were terms of reference circulated and discussed. They continued to be discussed at 10.46 am, and at 11.32 am yesterday on the website of the rural and regional affairs committee went up a new, expanded terms of reference, defined as a clarification of a reference to the management of the Murray-Darling Basin.

This was done for the National Party, who had been caught with their pants down on this and had moved into that committee with the sole view of putting that in so that later in the day, when Senator Brown moved for his reference, they could leap up and say, ‘There is already a reference to this.’ That is not how the Senate committee system should work. There is a genuine interest in this parliament in the health impacts of coal seam gas, but I can tell you that none of the government, the Liberal Party or the National Party oppose the expansion of coal seam gas in Australia.

What they are doing is running around after the event pretending to have a genuine interest, but health is not at the forefront of anything that they are doing. I might say that I am now aware that Senator Joyce arrived after I had left that meeting and had in his hand the terms of reference that Senator Brown had proposed to the Senate. When those additional terms of reference went up on the website by 11.30 am, they were largely the same as what the Greens had been moving for, except that health, having been a prominent part of the first component of the Greens motion, went down to the bottom as ‘other related matters including health impacts’.

On the back of that, the temerity of it is that the National Party then ran out of here yesterday and put out a statement saying—and, in fact, they said it in the chamber—‘If you check the website, you will see that we are right at the forefront of trying to get into this issue and make sure we protect the interests and property rights of landholders.’ Right at the forefront? Yes, some three hours or so before it was meant to be voted on, so let’s not con the community—the Nationals are the party of expanded coalmining and coal seam gas, and any suggestion that this is going to do anything other than support that industry is somewhat dubious. I finish by saying that Senator Joyce said in here that anyone misleading the constituency that they seek to assist creates torment because of the insincerity of their purpose. There is only one lot of people in here with insincerity—proved by that effort yesterday—and that is the National Party.

Question agreed to.

Senator MILNE: I seek leave to give notice of two motions in the terms which I will table.

Leave granted.

Senator BARNETT (Tasmania) (16:18): I seek leave to give notice of a motion set out in the terms which I will table.

Leave granted.

Senator HEFFERNAN (New South Wales) (16:18): I seek leave to make a brief explanation.

Leave granted.

Senator HEFFERNAN: I owe the Senate an apology. Just before question time I came into the chamber for a division. I found reason to have to urgently leave the chamber and was not able to get back in time before the doors were locked. I seek leave to have the vote recommitted.

Leave granted.

BILLS

Sex and Age Discrimination Legislation Amendment Bill 2010

In Committee

Debate resumed.
The committee is considering the Sex and Age Discrimination Legislation Amendment Bill 2010 and amendments (2), (3) and (5) on sheet 7046, moved by Senator Brandis. The question is that schedule 1, item 18 stand as printed. The Senate divided. [16:24]

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

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Birmingham, SJ
Boyce, SK
Bushby, DC
Colbeck, R
Cormann, M
Ferguson, AB
Fisher, M
Humphries, G
Macdonald, ID
McGauran, JJJ
Nash, F
Payne, MA
Scullion, NG
Trood, R

Adams, J
Bernardi, C
Boswell, RLD
Brandis, GH
Cash, MC
Coonan, H
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Kroger, H
Mason, B
Minchin, NH
Parry, S
Ryan, SM
Troeth, JM
Williams, JR (teller)

Question negatived.

The CHAIRMAN: The question now is that opposition amendments (2), (3) and (5) be agreed to.

Question agreed to.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (16:26): I indicate that the opposition will not be proceeding with opposition amendments (4) and (6) on sheet 7046.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator FEENEY: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (16:28): I present seven government responses to committee reports as listed on today's Order of Business. In accordance with the usual practice, I seek leave to incorporate the documents in Hansard.

Leave granted.

The documents read as follows—

Economics References Committee – Interim report

Impacts of supermarket price decisions on the dairy industry

Pursuant to Senate Standing Order 38(7), I present to you an interim report of the Economics References Committee in relation to the Committee's inquiry into the impacts of supermarket price decisions on the dairy industry.

The matter was referred to the Committee on 10 February 2011 for report by 15 April 2011. To date, the Committee has received 151 submissions and has held public hearings in Melbourne (8 March 2011), Sydney (9 March 2011) and Canberra (10 and 29 March 2011). To enable the Committee to consider the significant amount of information received, the Committee sought an extension of its reporting date to 20 April 2011, which the Senate approved on 21 March 2011.

The Committee is aware that the inquiry has generated considerable interest and understands that many parties are awaiting the release of the report. It is also aware, however, of the need to balance timeliness with the quality of the analysis. Many of the issues which are the subject of this inquiry require ongoing scrutiny. There are complex interactions between farmers, processors and retailers; and short-term effects may differ significantly from medium-term effects. In particular, the Committee believes the impact of the reductions in retail milk prices depends crucially on how long they are in place, and the extent to which they are reflected in upcoming contract renegotiations with processors.

Additionally, the Committee, and many individuals and organisations who participated in this inquiry, are aware that the Government has not provided a response to the report of its previous inquiry, Milking it for all it's worth—competition and pricing in the Australian dairy industry. This comprehensive report was tabled on 13 May 2010 and made 16 recommendations.

The Committee also only received Coles' responses to their questions on notice in the afternoon of 19 April 2011. This has meant that the Committee has not had sufficient opportunity to consider this new information.

Consequently, the Committee has decided to present a further interim report before 10 May 2011, which will analyse the evidence that the Committee has received and invite responses and/or further information to be provided. The Committee will then collect and assess further information and examine developments in the dairy industry as they occur to inform its final report, which will be tabled by 1 October 2011.

Recommendation 1

The Committee calls on the Government to table a formal response to the Committee's report Milking it for all it's worth—competition and pricing in the Australian dairy industry by 13 May 2011, which will be a year after it was tabled.
GOVERNMENT RESPONSE TO SENATE STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION REPORT ANNUAL REPORTS (No. 1 of 2009) INTRODUCTION

The Australian Government welcomes the report of the Senate Standing Committee on Finance and Public Administration into the committee's examination of annual reports for portfolios that it has oversight, which were tabled for the period between 1 May 2008 and 31 October 2008.

The Government recognises that the primary purpose of annual reports of departments is accountability, in particular to the Parliament. Annual reports serve to inform the Parliament, other stakeholders, educational and research institutions, the media and the general public about the operation and performance of Commonwealth entities.

RESPONSE TO RECOMMENDATION

The Committee made four recommendations.

Recommendation 1

The committee recommends that Ministers ensure that annual reports are tabled in the Parliament as soon as is practicable after receipt of reports from agencies.

Response

The Government notes Recommendation 1.

While it is good practice for Ministers to table annual reports as soon as practicable after receipt of reports from agencies, unless it is otherwise specified in legislation, it remains the Government's policy that all annual reports should be tabled by 31 October.

The requirement for Financial Management and Accountability Act 1997 (FMA Act) agencies to table annual reports by 31 October is specified in the Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies ("the Requirements for Annual Reports"). Agencies need to seek an extension under the Acts Interpretation Act 1901 should that timeframe not be met.

Current legislative arrangements for Commonwealth authorities and Commonwealth companies provide for the tabling of annual reports in Parliament as soon as practicable after the receipt of reports from agencies. Under the existing framework, paragraph 9(2)(a) of the Commonwealth Authorities and Companies Act 1997 (CAC Act) provides that the annual report of a Commonwealth authority must be given to its responsible Minister by the 15th day of the fourth month after the end of the financial year.

Subsection 36(1A) of the CAC Act provides that the annual report of a Commonwealth company must be given to its responsible Minister if the company is required by the Corporations Act 2001 to hold an annual general meeting, 21 days before the next annual general meeting or four months after the end of the financial year, whichever is earlier. In any other case, the Commonwealth company must provide its responsible Minister with its annual report four months after the end of the financial year.

Paragraph 9(2)(b) and subsection 36(1A) of the CAC Act also provide that an annual report for a Commonwealth authority and a Commonwealth company respectively, may be given to the responsible Minister at the end of such further period granted by the Minister under subsection 34C(5) of the Acts Interpretation Act 1901.

The time taken for a report to be tabled in Parliament, once it is received by the responsible Minister, is determined by subsection 34C(3) of the Acts Interpretation Act 1901. That is, the Minister must table the annual report in both Houses of Parliament within 15 sitting days of receiving the report.

Recommendation 2

The committee recommends that all departments and agencies include a compliance index in future reports.

Response

The Government supports recommendation 2 and has implemented the recommendation for agencies that are subject to the Financial Management and Accountability Act 1997. Those agencies must prepare their annual report in accordance with the requirements set out in the...
Requirements for Annual Reports. Compliance indexes were listed as a mandatory requirement when that document was reissued in June 2010.

The inclusion of a compliance index in the annual reports of Commonwealth authorities and wholly-owned Commonwealth companies under the CAC Act is also supported. The Department of Finance and Deregulation will consult departments of State and agencies on the issue of including an index of reporting requirements in future annual reports.

**Recommendation 3**

The committee recommends that agencies adhere to the Commonwealth Fraud Control Guidelines by including a signed statement by the CEO or agency head certifying that they are satisfied that their agency is in compliance with the guidelines.

**Response**

The Government notes Recommendation 3.

This proposal is already covered by other arrangements for FMA Act agencies and for Commonwealth authorities or wholly-owned Commonwealth companies that may be subject to the requirements.

The **Commonwealth Fraud and Control Guidelines** apply to all agencies that are subject to the FMA Act and the reporting requirements of FMA Act agency heads, as specified in the Commonwealth Fraud and Control Guidelines, are noted in the Requirements for Annual Reports. Agencies are responsible for ensuring that they are compliant with those requirements.

Prior to 1 July 2008, where a Commonwealth authority or wholly-owned Commonwealth company received a notification under sections 28 or 43 of the CAC Act, respectively, to apply a policy such as the Commonwealth Fraud Control Guidelines the body must comply with the reporting requirements in the policy. A Commonwealth authority that must comply with the policy must also, in accordance with the Commonwealth Authorities and Companies (Report of Operations) Orders 2008, report instances of non-compliance with the policy in their annual report. Since 1 July 2008, the process for applying Commonwealth policies to Commonwealth authorities or wholly-owned Commonwealth companies has changed and Commonwealth policies are now applied through general policies orders. To date, no such orders have been issued, however the Department of Finance and Deregulation is in discussion with a number of agencies, including the Attorney-General's Department, to identify Commonwealth policies, such as the Commonwealth Fraud Control Guidelines, to apply to CAC Act bodies a general policy order.

**Recommendation 4**

The committee recommends that Commonwealth Authorities and Companies Act 1997 bodies consider adhering to the Requirements for Annual Reports issued by the Department of the Prime Minister and Cabinet.

**Response**

The Government does not support Recommendation 4. There are separate annual reporting requirements for Commonwealth authorities and Commonwealth companies.

Consistent with section 9 of the CAC Act, the annual reporting requirements for Commonwealth authorities are set out in Schedule 1 of the CAC Act, which includes preparing a report in accordance with the Commonwealth Authorities and Companies (Report of Operation Orders) 2008. These were issued by the Finance Minister and commenced on 30 June 2008 and therefore were compulsory for 2008-09 reports, due on 15 October 2009.

In accordance with section 36 of the CAC Act, the annual reporting requirements for Commonwealth companies are set out in two places. First, base requirements are set out in the Corporations Act 2001.

Second, as of 1 July 2008, the Finance Minister may make orders for wholly-owned Commonwealth companies. As explained in the explanatory memorandum to the Commonwealth Authorities and Companies Amendment Bill 2008, this allows for the Finance Minister to require the reporting of matters in addition to those required by the Corporations Act 2001 "that are appropriate to be included in [Commonwealth companies] annual reports with a view to
ensuring consistent reporting of public sector governance and accountability obligations”.

Orders relating to wholly-owned Commonwealth companies, similar to the Commonwealth Authorities and Companies (Report of Operation Orders) 2008 for Commonwealth authorities, are being prepared for consideration by the Finance Minister.

Senate References Committee on Foreign Affairs, Defence and Trade

Inquiry into matters relating to events on HMAS Success

Report on Parliamentary Privilege – possible interference in the work of the committee

Recommendation 1

In light of the committee's experience and its concerns with sections of the Guidelines dealing with witnesses appearing in their private capacity, the committee recommends that the Senate refer this matter, as it relates to the Guidelines, to the Standing Committee of Privileges for its consideration.

Response:

Agreed.

The Senate referred the Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters to the Senate Standing Committee of Privileges for inquiry on 21 March 2011. The Government is willing to engage with the Privileges Committee in this activity.

Recommendation 2

All legal officers in Defence Legal and senior officers in the Ministerial and Executive Support Branch undertake a study of the principles governing the operations of Parliament and of the accountability of government departments and agencies to Parliament. Further, that in future such a course of study be mandatory for newcomers to these branches.

Response:

Agreed in principle.

The Government respects the basis for this recommendation and agrees that officers in Defence's Ministerial and Executive Support Branch and legal officers in the Defence Legal Division who support the department's involvement with the parliament should have a very sound grasp of the operations and responsibility of the parliament.

Indeed, the committee may be interested to note that for a number of years Defence has allocated significant resources to develop and conduct a range of tailored in-house training courses for personnel. A number of these courses are focused on educating staff on the specific issues raised in this recommendation. There is consistently high demand for these courses and 1,677 Defence personnel in 2009 received the benefit of this training.

Additionally, in 2007 Defence introduced the mandatory Working with Government course for all Senior Executive Service officers and military equivalents which comprehensively educates the organisation's senior leadership group on their responsibilities in working with Government, as well as their public accountability obligations.

However, the Government does not consider mandating officials from the two specific areas of Defence highlighted in this recommendation to attend such courses to be necessary. Since only a relatively small proportion of officials in these areas are engaged directly in supporting the organisation's interaction with the parliament, mandating such training for all staff would not be an appropriate allocation of resources. But, opportunities will be examined to enhance the training and awareness on parliamentary processes and accountability, and the mechanisms to achieve this across all levels in these areas (both for public servants and military personnel).

The Government recognises that there is also a range of externally provided courses that address the issues identified in this recommendation, including the Senate's own comprehensive education and training program. The Government encourages departments and agencies to consider these types of courses and provide opportunities for staff to attend if they meet their training needs.

Australian Government response
Senate Rural and Regional Affairs and Transport References Committee

Report into the Import Risk Analysis (IRA) for the importation of Cavendish bananas from the Philippines

Introduction

The Senate Rural and Regional Affairs and Transport References Committee (the Committee) announced its intention to hold an inquiry into the import risk analysis (IRA) for the importation of Cavendish bananas from the Philippines on 27 November 2008.

Australia's Director of Animal and Plant Quarantine made a policy determination in March 2009 in relation to the importation of bananas from the Philippines based on Biosecurity Australia's final IRA report conducted in accordance with the process contained in the 2003 IRA handbook.

The Committee held In-Camera hearings in Canberra 11–12 March 2009 with a range of witnesses including officers from the Department of Agriculture, Fisheries and Forestry, and a supplementary hearing, solely with Department officers, on 2 April 2009.

Responses to Recommendations

Recommendation 1 - ACCEPTED IN PRINCIPLE

4.21 The IRA handbook should be reviewed to clarify the level of detail to be provided in relation to recommending parameters or conditions for import in a final Import Risk Analysis report.

The Government accepts this recommendation in principle. The Government has agreed in principle to significant reforms of Australia's biosecurity system as detailed in 'The Independent Review of Australia's Quarantine and Biosecurity Arrangements' (the Beale Review). As part of this process, the Government is considering reviewing all the information contained in the IRA Handbook including the level of detail that should be provided in final IRA documents.

The IRA Handbook outlines the process that Biosecurity Australia follows to undertake an IRA. The IRA Handbook sets out an administrative process for the conduct of import risk analyses.

Recommendation 2 - NOT ACCEPTED

4.24 The committee therefore recommends that the Senate order that, prior to the approval of any import permits for bananas from the Philippines into Australia, the Australian Quarantine and Inspection Service (AQIS), in consultation with Biosecurity Australia, shall provide the Senate Rural and Regional Affairs and Transport Committee with a report on:

- the phytosanitary risk management measures to be implemented by the Philippines together with the analysis undertaken to verify the efficacy of these measures under commercial conditions;
- the administrative requirements upon which these phytosanitary risk management measures rely, including:
  - the operating manual, work plan and certification system;
  - the requirements for registration of plantations or blocks within plantations supplying bananas for export to Australia;
  - the pre-clearance arrangements to the administered by AQIS; and
  - the audit program to be administered by AQIS.

AND

Recommendation 3 - NOT ACCEPTED

4.25 The committee recommends that in the event of an import request by the Philippines government or a Philippines import proponent, a formal and structured process be established by the Director of Animal and Plant Quarantine to provide Australian banana growers with meaningful consultation in relation to the assessment of the efficacy of the possible risk management measures and, consequently, the determination of the risk management measures.
The Government does not accept Recommendations 2 and 3 as the information contained in any potential operational plan is government-to-government communication and is considered confidential and the release of such information without the consent of the other party may have an adverse impact on Australia's broad bilateral relationship with the Philippines.

The Government also notes that considerable consultation occurred with all stakeholders on all aspects of the IRA, including the Australian banana industry, as part of the formal, broad-ranging stakeholder consultation process undertaken during the independent, science based, IRA process. The independent IRA process also includes an independent review mechanism of how stakeholder comments have been addressed and an independent appeal process. Information provided by industry and by other relevant stakeholders through this process forms part of the material that is available to AQIS in developing the potential operational plan.

Australia's Minister for Agriculture established a policy framework in relation to the release of detailed operational plans in relation to the importation of material into Australia. The policy framework includes that negotiation of operational plans remains confidential, as they are government-to-government communications for the entire negotiation period and until the document is finalised in order to protect the interests of both parties and encourage open communication. Operational import plans are the property of the exporting country. Therefore, the agreement of the exporting country will need to be obtained before any information contained in the operational import plans is disclosed. This process is designed to respect the integrity of government-to-government communications and relationships, and to provide consistent treatment for trading partners. Furthermore, Australia is obliged to protect the confidentiality of information relating to the production and handling of an imported product under Annex C (1) (d) of the WTO SPS Agreement, as well as protect commercial-in-confidence information which may be included in an operational import plan.

In addition, maintaining government-to-government confidentiality during the entire period of the negotiation of operational import plans is important for demonstrating to trading partners that Australia's quarantine process is based on sound science and free from industry or political influence.

**Recommendation 4 ACCEPTED IN PRINCIPLE**

4.26 The committee recommends that, in the event of the issue of an import permit, representatives of the Australian banana industry are promptly notified of that fact, excluding information which is commercial-in-confidence.

The Government accepts this recommendation in principle, taking into consideration the principles of both the privacy and freedom of information legislation.

The Department of Agriculture, Fisheries and Forestry undertakes to advise the Australian banana industry if an import permit were issued for the importation of mature hard green banana fruit from the Philippines taking into account the commercial confidentiality rights of the permit holder.

**Recommendation 5 ACCEPTED IN PRINCIPLE**

4.27 The committee recommends that the Senate order Biosecurity Australia and AQIS to undertake a review of the import requirements for bananas from the Philippines after the first year of trade and to provide a report of this review to the Senate Rural and Regional Affairs and Transport Committee.

The Government accepts this recommendation in principle, noting that this IRA report and all other IRA reports include a review mechanism. A review of the import requirements will be undertaken if commercial trade occurs for at least twelve months. The review would form the basis of a report for the Committee.

Following significant trade AQIS and Biosecurity Australia routinely undertake reviews of import requirements to ensure that agreed procedures and protocols are meeting Australia's requirements and achieving Australia's appropriate level of protection.
The Committee recommends that the Australian Government use the good will it has gained by agreeing to the IMF Voice and Participation Amendment prior to the G20 meeting to progress improvements in the balance of voting power and the confidence and legitimacy of the IMF's decision making process.

Response:
The Government accepts this recommendation. The Government is a strong advocate of reform of IMF quotas and governance and notes that G20 Leaders agreed in September 2009 that the further modernisation of the IMF’s governance, including the balance of voting power, is a core element in the effort to improve the IMF’s credibility, legitimacy and effectiveness. The Government played an active role, including by co-chairing the relevant G20 Working Group, in the agreement on the third stage of IMF governance reform reached by G20 Finance Ministers and the IMF Board of Governors in late 2010. This agreement includes a doubling of IMF quotas and further shifts in voting power to dynamic emerging market and developing countries, and from over-to under-represented countries, both of almost 6 per cent. It also includes a more representative IMF Executive Board with advanced European countries agreeing to reduce their representation in favour of emerging market and developing countries.

Dissenting report: Recommendation 5

The Coalition is concerned that by agreeing to the IMF Voice and Participation Amendment the Government may act against the best interest of Australia by reducing our voting influence and that of other larger nations.

Australia’s voting share is set to decline from 1.47 per cent of the votes to 1.31 per cent of the votes. Far from marginal, this decline in voting share of 0.16 per cent of votes signs away 11 percent of our current vote share.

While we support a greater engagement of developing nations within the IMF we are not convinced that this proposal will improve the quality of governance of the IMF.

Response to Dissenting report:

As noted in the National Interest Analysis provided to the Committee, IMF quota and voice reform — including the increase in basic votes provided for in the IMF Voice and Participation Amendment — results in a decline in Australia’s relative voting share in the IMF. This reflects an increase in relative voting share provided to under-represented emerging market economies, including in our region, and the increase in basic votes benefitting small and low-income members. However, the 2010 agreement will moderate the decline in Australia’s voting share, resulting in a share of 1.33 per cent of total votes compared with 1.31 per cent following the 2008 Voice and Participation Amendment.

Reform in this area has had bipartisan support in Australia. The first stage of reform was agreed by IMF Governors in September 2006 while the second stage was developed in 2007 and early 2008, and agreed by IMF Governors in April 2008.

The Government considers that the Amendment and related quota reforms are an important mechanism for enhancing the legitimacy of the IMF as an international financial institution with near-universal membership. A strong and effective IMF advances Australia’s interests by supporting stability in the global economy.

IMF Investment Authority Amendment
Recommendation 6

The Committee recommends that, consistent with the IMF’s goals of international economic stability and fostering growth and economic development, the Australian Government advocate that the IMF not invest in:

- high risk investments;
- the manufacture of arms or military equipment; and
- environmentally damaging industries.

**Response:**

The Government notes that the IMF will adopt rules and regulations (for example, imposing restrictions on types of investments and setting risk tolerance levels) regarding investments of currencies held in its investment account. The IMF Executive Board is expected to consider rules and regulations in the first half of 2011.

The Government expects that the IMF would not involve itself in 'high risk' investments and the Government accepts this part of the Committee's recommendation.

The Government notes that, while the nature of the IMF's operations suggests that explicit decisions to invest in arms or military equipment or environmentally damaging industries are highly unlikely, inadvertent investment may occur through the IMF's proposed use of a passive investment approach, involving the close tracking of widely used benchmark indices. Restrictions on such investments may need to await the further development of investment methodologies and market practice.

The Government will seek comments on the issue from IMF staff in the context of the forthcoming IMF work on rules and regulations governing IMF investments.

**Dissenting report: Recommendation 6**

The Coalition is concerned that recommendation 6 does not provide sufficient definition as to what constitutes 'high risk', 'arms or military equipment' or 'environmentally damaging'. Without clear definitions of these terms it is possible that legitimate investments could be thwarted by an overly wide or indiscriminate reading of these terms.

If the Australian Government were to advocate for the proscriptions outlined in recommendation 6 we risk creating an overly prescriptive regime for the IMF to operate within and may unnecessarily impede the IMF's ability to respond in the best interests of all countries concerned.

**Response to Dissenting report:**

The Government notes the concerns expressed in the Dissenting report – Coalition Members and Senators.

As has been the Australian Government's position on other IMF policy discussions in the past, the Government will approach upcoming discussions on the IMF's investment policies with a view to ensuring that the IMF's ability to respond in the best interests of its members is not impeded.

**World Bank Voice and Participation Amendment**

**Recommendation 7**

The Committee recommends that the Australian Government support the proposal of the Development Committee of the World Bank to increase the quota of votes allocated to developing countries to at least 47 per cent.

**Response:**

The Government accepts this recommendation. At the April 2010 World Bank Spring Meetings, the Development Committee endorsed a package of reforms which included greater voice for developing and transition countries within the World Bank. The reforms will increase the voting power of developing and transition countries in the International Bank for Reconstruction and Development (IBRD) by 3.13 per cent, bringing their voting power to 47.19 per cent. This agreement includes a capital increase of US$86.2 billion. For the next shareholding review in 2015, the Development Committee agreed to develop a dynamic formula that reflects countries' evolving economic weight and the World Bank's development mission, moving over time towards equitable voting power and protecting the voting power of the smallest poor countries.

The Government actively worked towards the achievement of these voice reforms.

**Dissenting report: Recommendation 7**

The Coalition is concerned that by agreeing to the World Bank Voice and Participation Amendment the Government may act against the best interest of Australia by reducing our voting influence and that of other larger economies. Australia's voting share is set to decline from 1.53 per cent of the vote to 1.49 per cent of the votes. This decline in vote share of 0.04 per cent of the vote signs away over 2.6 per cent of our current vote share.
Australian influence in the World Bank would be further diluted if Recommendation 7 is supported and eventuates as a later World Bank Amendment.

While we support a greater engagement of developing economies within the World Bank we are not convinced that this proposal will improve the quality of governance of the World Bank.

Response to Dissenting report:
The World Bank Voice and Participation Amendment will result in a marginal decline in Australia's voting share. As noted in the National Interest Analysis, the decline in Australia's relative voting share is not expected to significantly alter the dynamic within our World Bank constituency or our influence within the Bank.

Once the further reforms endorsed by the Development Committee in April 2010 have been implemented, Australia will hold 1.33 per cent of voting power at the IBRD. Again, this is not expected to significantly alter the dynamic within our World Bank constituency or Australia's influence within the Bank.

These reforms have had bipartisan support in Australia.

Increasing the voting share of small developing and transition countries aims to improve the effectiveness and legitimacy of the World Bank as the leading global development institution and enhance the engagement of those countries with its governance, policies and decision-making.

Amended Chaopeau Defence Agreement

Recommendation 8

The Committee recommends that the Australian Government explore mechanisms to ensure that Australian personnel convicted of crimes for which the penalty is death while serving in the United States are not subject to the death penalty.

Response:
Agree in principle.

Consideration of privileges and immunities is a normal part of the risk assessment process for any operational deployment, or non-operational posting of Defence personnel to a foreign country. Where, for example, the ADF is deployed for operational purposes such as peace enforcement, restoring law and order, or disaster relief at the invitation of a host government that has the death penalty, we seek immunity from the death penalty.

In the majority of cases where ADF personnel are on non-operational deployments, postings or overseas service, there are no agreements or arrangements specifying any immunities or privileges in respect of local law. Many of these countries have the death penalty; notable examples are the United States, Japan and Thailand. For non-operational deployments and postings, mainly the case with the United States, Defence personnel are likely to be engaged in activities which are considered to be lower risk than operational deployments.

The Government remains universally opposed to the death penalty. It is Australian Government policy to make representations on behalf of Australian citizens facing the death penalty when all appeal and other process have been exhausted. It is also Australian Government policy to encourage universal ratification of the Second Optional Protocol to The International Covenant on Civil and Political Rights. The Protocol prohibits the States Parties from executing anyone within their jurisdiction.

GOVERNMENT RESPONSE TO JOINT STANDING COMMITTEE ON TREATIES REPORT NO 111 ON THE AMENDMENTS TO APPENDICES I AND II OF THE CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS

Recommendation 1

The Committee recommends that the Department of the Environment, Water, Heritage and the Arts review its consultation processes for environmental treaties to ensure that more effective consultation is undertaken with a full range of potentially interested parties.

Response:
Agree in principle.

Government Response Noted.

The now Department of Sustainability, Environment, Water, Population and Communities agrees that consultations
undertaken in future, particularly for amendments to the Appendices of the Convention on the Conservation of Migratory Species of Wild Animals, will encompass the full range of potentially interested parties. It is noted that past consultation practices may have led to some segments of the community not being consulted on matters that may have potentially affected them until after critical decisions had been made.

In future, the department will undertake extensive consultation with all potentially interested and affected parties prior to any formal government support, or otherwise, being provided on the issue in relation to the Convention on the Conservation of Migratory Species. It will include consultations with relevant Commonwealth departments, State and Territory management agencies, environmental non-government organisations and other non-government organisations, as relevant.

The Committee will be pleased to note that the department has already implemented some of these practices in relation to another Convention — the Convention on International Trade of Endangered Species (CITES). In the lead up to the recent Conference of Parties in March 2010 (CoP 15), the department formally invited interest in participating on the Australian delegation from Commonwealth, State and Territory government, environment non-government organisations and other non-government organisations, as relevant.

The Committee recommends that procedures be put in place to allow for the Committee's Administration and Expenditure reports to be vetted within one month of their presentation to the relevant Minister.

**Response:**
The Government accepts the Committee's recommendation and will ensure processes are in place to facilitate the vetting of Administration and Expenditure Reports within one month, recognising there may be circumstances when this is not feasible.

**Australian Government response**

**Senate Rural and Regional Affairs and Transport References Committee**

**Report into the Import Risk Analysis (IRA) for the importation of Cavendish bananas from the Philippines**

**Introduction**
The Senate Rural and Regional Affairs and Transport References Committee (the Committee) announced its intention to hold an inquiry into the import risk analysis (IRA) for the importation of Cavendish bananas from the Philippines on 27 November 2008.

Australia's Director of Animal and Plant Quarantine made a policy determination in March 2009 in relation to the importation of bananas from the Philippines based on Biosecurity Australia's final IRA report conducted in accordance with the process contained in the 2003 IRA handbook.

The Committee held In-Camera hearings in Canberra 11–12 March 2009 with a range of witnesses including officers from the Department of Agriculture, Fisheries and Forestry, and a supplementary hearing, solely with Department officers, on 2 April 2009.

**Responses to Recommendations**

**Recommendation 1 - ACCEPTED IN PRINCIPLE**

4.21 The IRA handbook should be reviewed to clarify the level of detail to be provided in relation to recommending parameters or conditions for import in a final Import Risk Analysis report.

The Government accepts this recommendation in principle. The Government has agreed in principle to significant reforms of Australia's
The biosecurity system as detailed in 'The Independent Review of Australia’s Quarantine and Biosecurity Arrangements' (the Beale Review). As part of this process, the Government is considering reviewing all the information contained in the IRA Handbook including the level of detail that should be provided in final IRA documents.

The IRA Handbook outlines the process that Biosecurity Australia follows to undertake an IRA. The IRA Handbook sets out an administrative process for the conduct of import risk analyses.

**Recommendation 2 NOT ACCEPTED**

4.24 The committee therefore recommends that the Senate order that, prior to the approval of any import permits for bananas from the Philippines into Australia, the Australian Quarantine and Inspection Service (AQIS), in consultation with Biosecurity Australia, shall provide the Senate Rural and Regional Affairs and Transport Committee with a report on:

- the phytosanitary risk management measures to be implemented by the Philippines together with the analysis undertaken to verify the efficacy of these measures under commercial conditions;
- the administrative requirements upon which these phytosanitary risk management measures rely, including:
  - the operating manual, work plan and certification system;
  - the requirements for registration of plantations or blocks within plantations supplying bananas for export to Australia;
  - the pre-clearance arrangements to be administered by AQIS; and
  - the audit program to be administered by AQIS.
- the plantation requirements for plantation/blocks registered for export to Australia;
- the packing station requirements; and
- the audits and compliance monitoring procedures to be implemented.

**AND**

**Recommendation 3 NOT ACCEPTED**

4.25 The committee recommends that in the event of an import request by the Philippines government or a Philippines import proponent, a formal and structured process be established by the Director of Animal and Plant Quarantine to provide Australian banana growers with meaningful consultation in relation to the assessment of the efficacy of the possible risk management measures and, consequently, the determination of the risk management measures.

The Government does not accept Recommendations 2 and 3 as the information contained in any potential operational plan is government-to-government communication and is considered confidential and the release of such information without the consent of the other party may have an adverse impact on Australia's broad bilateral relationship with the Philippines.

The Government also notes that considerable consultation occurred with all stakeholders on all aspects of the IRA, including the Australian banana industry, as part of the formal, broad-ranging stakeholder consultation process undertaken during the independent, science based, IRA process. The independent IRA process also includes an independent review mechanism of how stakeholder comments have been addressed and an independent appeal process. Information provided by industry and by other relevant stakeholders through this process forms part of the material that is available to AQIS in developing the potential operational plan.

Australia’s Minister for Agriculture established a policy framework in relation to the release of detailed operational plans in relation to the importation of material into Australia. The policy framework includes that negotiation of operational plans remains confidential, as they are government-to-government communications for the entire negotiation period and until the document is finalised in order to protect the interests of both parties and encourage open communication. Operational import plans are the property of the exporting country. Therefore, the agreement of the exporting country will need to be obtained before any information contained in the operational import plans is disclosed. This process is designed to respect the integrity of
government-to-government communications and relationships, and to provide consistent treatment for trading partners. Furthermore, Australia is obliged to protect the confidentiality of information relating to the production and handling of an imported product under Annex C (1) (d) of the WTO SPS Agreement, as well as protect commercial-in-confidence information which may be included in an operational import plan.

In addition, maintaining government-to-government confidentiality during the entire period of the negotiation of operational import plans is important for demonstrating to trading partners that Australia’s quarantine process is based on sound science and free from industry or political influence.

**Recommendation 4 ACCEPTED IN PRINCIPLE**

4.26 The committee recommends that, in the event of the issue of an import permit, representatives of the Australian banana industry are promptly notified of that fact, excluding information which is commercial-in-confidence.

The Government accepts this recommendation in principle, taking into consideration the principles of both the privacy and freedom of information legislation.

The Department of Agriculture, Fisheries and Forestry undertakes to advise the Australian banana industry if an import permit were issued for the importation of mature hard green banana fruit from the Philippines taking into account the commercial confidentiality rights of the permit holder.

**Recommendation 5 ACCEPTED IN PRINCIPLE**

4.27 The committee recommends that the Senate order Biosecurity Australia and AQIS to undertake a review of the import requirements for bananas from the Philippines after the first year of trade and to provide a report of this review to the Senate Rural and Regional Affairs and Transport Committee.

The Government accepts this recommendation in principle, noting that this IRA report and all other IRA reports include a review mechanism. A review of the import requirements will be undertaken if commercial trade occurs for at least twelve months. The review would form the basis of a report for the Committee.

Following significant trade AQIS and Biosecurity Australia routinely undertake reviews of import requirements to ensure that agreed procedures and protocols are meeting Australia’s requirements and achieving Australia’s appropriate level of protection.

**Scrutiny of Bills Committee**

**Report**


Ordered that the report be adopted.

Senator CAROL BROWN: I seek leave to have the report incorporated in *Hansard*.

Leave granted.

The report read as follows—

**SELECTION OF BILLS COMMITTEE**

**REPORT NO. 6 OF 2011**

1. The committee met in private session on Thursday, 12 May 2011 at 3.23 pm.

2. The committee resolved to recommend—That the provisions of the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011, the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Collection) Bill 2011 and the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Consequential Amendments) Bill 2011 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 June 2011 (see appendix 1 for a statement of reasons for referral).

The committee recommends accordingly.

3. The committee deferred consideration of the following bills to its next meeting:
   - Acts Interpretation Amendment Bill 2011
   - Customs Tariff Amendment (Taxation of Alternative Fuels) Bill 2011
• Energy Grants (Cleaner Fuels) Scheme Amendment Bill 2011
• Excise Tariff Amendment (Taxation of Alternative Fuels) Bill 2011
• Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011
• Military Justice (Interim Measures) Amendment Bill 2011
• Public Service Amendment (Payments in Special Circumstances) Bill 2011
• Responsible Takeaway Alcohol Hours Bill 2010
• Tax Laws Amendment (2011 Measures No. 3) Bill 2011
• Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2011
• Taxation of Alternative Fuels Legislation Amendment Bill 2011.

(Anne McEwen)
Chair
12 May 2011

APPENDIX 1
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011
Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Collection) Bill 2011
Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Consequential Amendments) Bill 2011

Reasons for referral/principal issues for consideration:
Impact on business, impact on law enforcement

Possible submissions or evidence from:
Affected businesses, law enforcement agencies Committee to which bill is to be referred: Legal and Constitutional

Possible hearing date(s):
Possible reporting date: 16th June

(signed)
Anne McEwen

Whip / Selection of Bills Committee member
Membership

The ACTING DEPUTY PRESIDENT (Senator Boyce): Order! The President has received letters from party leaders and an Independent senator requesting changes in the membership of a committee.

Senator FEENEY: By leave—I move:
That senators be appointed to a joint committee in accordance with the document circulated in the chamber.

The document read as follows—
Electoral Matters—Joint Standing Committee—
For the committee's inquiry re funding of political parties and election campaigns:

Appointed—
Senator Ryan


Legal and Constitutional Affairs Legislation Committee—

Appointed—

Substitute members: Senator Hanson-Young to replace Senator Ludlam for the committee's inquiry into the provisions of the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011
Senator Siewert to replace Senator Ludlam for the committee's inquiry into the Native Title Amendment (Reform) Bill 2011

**Participating member:** Senator Ludlam.

Question agreed to.

**Environment and Communications Legislation Committee**

**Meeting**

**Senator CAROL BROWN** (Tasmania—Deputy Government Whip in the Senate) (16:30): I seek leave to move a motion varying a motion agreed to today authorising a committee to meet during a sitting of the Senate.

Leave granted.

**Senator CAROL BROWN:** I move:

That the resolution of the Senate agreed to today authorising the Environment and Communications Legislation Committee to meet on Wednesday, 15 June 2011, be amended to omit paragraph (a).

Question agreed to.

**MOTIONS**

**Budget**

**Senator CORMANN** (Western Australia) (16:30): On behalf of Senator Fifield, I move:

That the Senate notes the Labor Government's ceaseless and ongoing commitment to debt and deficit budgeting, which is putting upward pressure on interest rates and further pressure on household budgets.

Earlier this week Senator Wong, our Minister for Finance and Deregulation, made a very insightful remark to the *Sydney Morning Herald*. She said that this budget would be 'a Labor budget'. Of course, that was quite at odds with all of the things that we had been led to believe before. We were led to believe that this would be a tough budget, but here she is, the day before the budget, letting the cat out of the bag by saying it would be a Labor budget. And a Labor budget it was: a budget with more waste, more taxes, more deficits, more debt, more class warfare; targeting those Australians who are aspirational, who want to get ahead; trying to penalise success. And, of course, we have had more spin, trying to mislead the Australian people over what was truly happening.

This government wants to make us believe that this is a tough budget. This government wants to make us believe that it has have saved money in this budget. This government wants to make us believe that it has made tough decisions to cut spending. The Treasurer in his budget speech on Tuesday night said that he had made tough decisions to cut spending to the tune of $22 billion. You know what? The biggest single individual so-called spending cut in the list of $22 billion worth of spending cuts is the $1.725 billion flood tax. I am sure that people across Australia would agree with us that a tax is not a spending cut.

Let us look at the detail in this budget. Spending over the forward estimates is up by $19 billion. That is on the basis of decisions made over the last six months, since we had MYEFO back in November. So in the last six months this government has made decisions that have increased spending by $19 billion. The government tell us that that has been offset by $22 billion worth of spending cuts. The government tries to make us believe we are still ahead. Well, if it was not for new taxes like the flood tax, if it was not for other tax increases, if it was not for other revenue measures to the tune of $6.2 billion, this government is actually increasing net spending over the forward estimates, not reducing it. So that is the first big lie by the Treasurer, Wayne Swan, on Tuesday in relation to the budget.

This government wants to make us believe that somehow the budget is going to be back
in the black in 2012-13. That is just completely unbelievable. This year the budget position has deteriorated by about $8 billion, to take us to the second largest deficit in the history of the Commonwealth—a deficit of $50 billion this year. The budget position for next year has deteriorated to the tune of $10.3 billion, to take us to another deficit, of $22.6 billion. Yet, miraculously, in the year 2012-13 where the Treasurer has put his political capital on the line, not only is there not going to be any deterioration at all, there is going to be a significant turnaround. We actually have the strongest terms of trade in 140 years of Australian history now. The budget should be in a much stronger position now. The budget should be in surplus now. If it had not been for Labor’s waste and mismanagement, for their incompetence across many areas in government, there would be no need for us to be in this deficit position. And in no area is this more obvious than in Labor’s failed approach to border protection.

I remember well when, back in August 2008, they came into this chamber, as sanctimonious as anything, telling us how offshore processing did not work, how temporary protection visas did not work: ‘We can do away with all this. We’re going to have a compassionate response. We think that what you guys did was totally inappropriate.’ What did they do? They dismantled a system that worked. They dismantled a strong border protection system, a system that had stopped the boats, and the results are there for all to see. In the last year of the Howard government we spent $100 million a year on managing illegal arrivals. You know what the government is spending next year? More than $1 billion. That is more than a tenfold increase in less than four years. Over the forward estimates, the budget to manage illegal boat arrivals at our borders is increasing by $1.75 billion. If you put that against the $2 billion assault on working families across Australia then you really get a sense of the wrong priorities of this government. This government does not care about the cost-of-living pressures faced by families across Australia. This government needs to make those families pay for the incompetence across so many areas in government, in particular its failure and its bad decision to dismantle our strong border protection policies back in August 2008.

This government is borrowing right now $135 million a day. This government is spending about $20 million a day every day of every month of every year over the next four years. That is $26 billion in interest payments over the forward estimates because of the incredible blow-out in the level of debt.

Wayne Swan and Penny Wong, on Tuesday night, could not bring themselves to mention the debt figure. They were too embarrassed. They were too ashamed. They could not spell out the words ‘$107 billion worth of net debt’—up from $94 billion net debt only last year.

After the Treasurer had finished his speech, everybody was out there patting him on the back—not everyone but some Labor members, while others got out of the chamber very quickly—and what happened that night? Bill Shorten snuck in quietly, introduced the appropriations bill and, on the sly, came in and asked the parliament to increase the debt ceiling—the approved level of debt the government is allowed to take out—by another $50 billion.

Madam Acting Deputy President, you may well remember, as all of this on this side of the chamber do, that two years ago the government asked the parliament to more than double the debt ceiling. It went up from $75 billion to $200 billion. Actually, there was a little proviso attached to it that this
would be for special circumstances, that the Treasurer would have to make a declaration, which had to be gazetted and tabled in both houses of parliament, and that there would have to be a statement explaining the reasons as to why the additional debt was justified.

You know what the government now wants to do? They want this parliament to give the government a blank cheque to put another $50 billion worth of debt on the Labor government's credit card. They want to repeal the requirement to table the statement of reasons in both houses of parliament. They want to repeal the requirement to have the special circumstances declared in the government's Gazette. Madam Acting Deputy President, you tell me why that would be justified.

The Minister for Finance and Deregulation, Senator Wong, today was certainly not able to explain it. She sneers at us, she abuses us, but she does not provide any explanation. When she refuses to provide explanations to us, she refuses to provide explanations to the Australian people. Minister Wong was not prepared to tell us today when the government expects to reach its current debt ceiling of $200 billion. This is important because we have two figures in the budget papers. We have got the figure of the face value of the government securities that are out there, which is expected to be about $192 billion by 30 June. In the balance sheet, the same government securities are presented on the basis of market value. The market value of government securities right now is expected to be $200.6 billion by the end of June. That is less than six weeks away.

There is no information at all as to when the government expects to reach the $200 billion limit. The government must have known for a long time that it was borrowing so much money and spending so much that it would need to come back to this parliament to ask for approval to borrow more money. Why has it left it so late? It is just another example of this government's absolute incompetence in managing the budget. This government is so out of control when it comes to spending that it cannot keep up with the need to organise the process to get hold of some more money so that it can spend and waste some more of it.

This government has to provide a proper explanation as to why it needs another $50 billion dollars worth of debt and why the parliament should approve another $50 billion worth of debt. The reason the parliament needs that explanation is that the Australian people deserve that explanation. It is quite extraordinary that Minister Wong today was either unable or unwilling to come clean with when the government, based on its projections, expects to run out of money unless the parliament agrees to this additional $50 billion for the Labor government's credit card.

This is a budget which will hurt Australian families much more than this government is prepared to let people know, because there is a big hole at the heart of this budget. This government has told us that there will be a carbon tax come 1 July 2012. The Prime Minister told us before the last election, looking down the barrel of the camera: 'There will be no carbon tax under the government I lead.' Given that she had to come to some understanding with Senator Bob Brown and the Greens so she could scrape back into government, of course we now know there will be a carbon tax from 1 July 2012 if this parliament happens to agree to it.

If there is going to be a carbon tax from 1 July 2012, we know that the revenue figures, the expenditure figures, the inflation figures, the growth figures and the employment figures are all wrong from 2012-13. That just
happens to be the year that the government tells us it is going to be back in surplus. But it has left a $12 billion-a-year tax out of the budget. It has left the economic impact of a $12 billion-a-year tax out of the budget. It has left the cost-of-living impacts on Australian families from the carbon tax out of the budget. It has left the impact of a carbon tax on jobs and our international competitiveness out of the budget. This is very different from the way the government has been going about the mining tax. The mining tax has been in the budget for 12 months. It is supposed to come into effect on the same day, 1 July 2012. Madam Acting Deputy President Boyce, do you know why the Labor Party treats the mining tax differently from the carbon tax? Because the government needs the cash from the mining tax in its budget now so it can create the illusion of an early surplus.

One of the many fundamental flaws of the mining tax is that it will worsen the structural deficit of Australia because the revenue is high now when we have record terms of trade. It is expected to go down over time as a supply response in commodities will necessarily see a reduction in current record commodity prices, but the related budget expenditures that the government has put out will go up significantly over the next decade. There is hardly any expense at all in the budget related to the mining tax right now, but there is a lot of revenue in the early years. The revenue is going to go down over the years and the expenses that are related to it are going to go up and the expenses are going to be more than the revenue that will be collected from the mining tax. This mining tax is worsening the long-term structural deficit of this government.

But that was not the Treasurer's worry. The Treasurer was only worried about one thing. He was worried about 2012-13. As long as he could get enough cash out of the mining tax to create the illusion of an early surplus based on record terms of trade then he was not worried about the long-term impact on our public finances. This is how this government does business.

The Treasurer's hollow men, the Treasurer's spin doctors and the Prime Minister's spin doctors have been working the press gallery overtime over the last week, saying this is what the Howard government used to do, that when the Howard government announced the GST they did not put it in the budget. That is completely false, that is completely incorrect. The GST was announced by the then Howard government, by John Howard and Peter Costello, in August 1998. We went to an election in October 1998, and that is my first very important point. Not only did we not introduce the GST without taking it to the Australian people, but we put it into the next budget. The announcement was made, we went to an election, we put it in the budget.

**Senator Humphries:** We got a mandate.

**Senator CORMANN:** As Senator Humphries said, we got a mandate from the Australian people. The GST was announced in August 1998, we had an election in October 1998 and the next budget, in May 1999, contained all of the budget information about the GST. These are the sorts of misleading statements that the spin doctors of this deceitful government go out and spread in the press gallery. I could go through a whole list of other examples, but I will not bore you with it today.

This is a government that does not care about the cost-of-living pressures faced by Australian families. This is a government that has Australian families squarely in its sights. Do you know which families it has in its sights in particular? Families that aspire to get ahead, families that want to do the best for their family. They want to get a better
job, they want to earn some more money, and what is going to happen if they do so under this government? They will be hit with more penalising taxes or with variations of tax, taking tax breaks away from them. This is what the Labor Party does. There is a range of examples. For sometime now we have had on the government's book the proposal to abolish the private health insurance rebate for millions of Australians. This is an absolutely ridiculous proposal.

I was on Richo last night and I will share my experience with the chamber. Former Senator Graham Richardson was the federal Minister for Health back in 1993. He inherited that portfolio after 10 years of Labor government attacks on the private health system. The private health system was collapsing when Senator Graham Richardson became the federal Minister for Health. Private health insurance membership was in freefall and former Senator Richardson was desperately trying to do something to halt the decline. Do you know what he came up with as a proposal at the time? He proposed to have a Medicare levy surcharge. He proposed to have a surcharge applied to those Australians without private health insurance that earned above certain thresholds. Of course, Paul Keating and the unions stopped him from doing it. They stopped him from getting away with it.

John Howard and the Howard government introduced a package of measures that restored balance to our health system, that actually provided incentive for Australians to take additional responsibility for their healthcare needs, that encouraged them to take out private health insurance to take the burden off our public hospitals. This was a very, very successful package of initiatives. What has this government done? They have not learnt from history; they want to go back to the failures of the Hawke-Keating government; they want to again attack and pursue those Australians who are prepared to take additional responsibility for their healthcare needs by taking the private health insurance rebate away from them.

This budget is full of class warfare. It is full of more taxes, it is full of more waste. The debt and deficit are blowing out and this a very sad situation for Australia. It is time that we return to good government. It is time that we return to a coalition government which can restore strength and resilience to our budget and which can restore strength and resilience to our economy.

Senator HURLEY (South Australia) (16:50): Senator Cormann was certainly very loyal to the coalition in that he did not give away any of Mr Abbott's budget reply speech. Certainly he presented nothing new to us. He ran along the same old tracks of trying to make a case that the coalition are better economic managers than the Labor Party. But in fact this budget is quite solid proof that the opposite is true. Labor has presented a budget that is a solid foundation for the future, as have been the last couple of budgets. This makes a nonsense of the motion that we have before us. As Senator Cormann did, I will read it out:

The Senate notes the Labor government's ceaseless and ongoing commitment to debt and to deficit budgeting — 'A ceaseless and ongoing commitment to debt and deficit budgeting' which will cease next year—

So much for the veracity of that part of the statement. This is a solid commitment which has been a commitment of the Labor government for some years now. The Labor government is committed to a surplus in 2012-13 and this budget shows that the Labor Party is able to and will deliver a surplus next year and that those surpluses will continue. That is completely reflected in this budget and upholds the Labor government's commitment.
Once again we have heard 20 minutes of debate from members of the coalition government where they conveniently overlook that the world has experienced one of the greatest financial crises in 70 years, that the GFC was real, that quick action was required and that the Labor Party took that action. The Labor Party took necessary measures to ensure that our country was not plunged into a recession. Australia was one of the only countries that got out of the crisis relatively unscathed, but that does not mean it was not affected. What is horrifying is that had we taken the coalition's approach Australia would have been probably in greater deficit because we would have coped with falling economic revenue from the effect of being in recession and we would have had major unemployment with the depressing effect that has on the economy and on revenue and the resultant increase in welfare expenditure.

The Labor government tackled that issue in the teeth of opposition from the coalition parties and introduced stimulus spending. Stimulus spending was targeted to have longer term benefits in the way of infrastructure. Having spent the last few weeks going to a number of country areas in the Yorke and Eyre peninsulas and opening much-needed infrastructure in those schools in the form of libraries, outdoor areas and classrooms, I at least saw very clearly and practically the effect of this stimulus spending. The government committed that stimulus spending and Australia came out of the GFC relatively well. At the time the Labor government promised that we would, at the right time, reduce that stimulus spending and put the economy back on an even keel, and that is what we have delivered in this budget. Thankfully, the Labor government did have that vision and foresight, because over 700,000 jobs have been created since Labor was elected in 2007.

What are the economic credentials of the coalition government? Again, we hear time after time, and one understands this, the coalition spruik their economic credentials. In fact the evidence shows the opposite—first of all in their response to what was happening with the GFC and, second, in the economic outlook that they took to the last election—the $11 billion black hole. If the coalition government had been put into office at the last election, they would have started off with another $11 billion of expenditure that they had to take over. They tell us that they would have returned the budget to surplus earlier—that they would have returned this year. It is laughable really, quite laughable.

To go back to the budget, not only did the Labor government have to cope with the effects of the GFC, which we are now overcoming, but of course we had the effects of terrible floods and natural disasters which have softened the revenue side of the budget. That has affected the first two years of the budget. However, the surplus is still there and it is still on track. Another significant problem which the government have had to face is that, yes, our terms of trade are very good at the moment but there is the well-canvased matter of the patchwork economy, of trying to get into our economy a system which will spread the benefits of the increase in mining revenue to all Australians and to have a more even growth. I think that the government are doing a very good job in this budget to ensure that that happens.

It is a tough budget in some senses. There has been cutting in expenditure to make sure that we are not adding to the inflation and cost-of-living pressures in the years ahead. The Labor government understand those pressures very well, unlike, one might say,
the Howard government in the final years of its government when Australians were faced with one interest rate rise after another caused by heavy spending from the Howard government. Middle-class welfare, regional rorts and the proverbial spending like drunken sailors happened under the Howard government and that at a time when it was already taking in strong tax receipts from an already burgeoning mining and resources sector. The government are not ignoring those issues at all. This has been a budget that combines good restraint in spending, substantial savings measures, with responsible measures to spread the benefits of the resources income around Australia. Let us go back and look at where we stand at the moment. We can highlight some of the actions that the government has taken up till now that have benefited Australia. First of all, and pre-eminently, there is unemployment. Australia has an unemployment rate of 4.9 per cent and it is expected to go down. This is in comparison to nine per cent unemployment in the United States. The European Union has a combined statistic of 9.5 per cent unemployment. So Australia is a world leader when it comes to jobs. Those are jobs that the Labor government has saved and jobs that the Labor government has created. In just this last year 300,000 jobs were created. The real GDP growth is forecast to remain at a strong 4.4 per cent in 2011-12. This year's GDP growth was of course affected by natural disasters, but the forecast shows that real growth is strong and that we are heading in the right direction.

Regarding the deficit, we can compare the forecast deficit to the two major comparable nations in the world—the United States and the United Kingdom. While Australia's deficit will reach 1.5 per cent of GDP in 2011-12, the United States will have a deficit of 10.8 per cent of GDP and the United Kingdom will have a deficit of 8.6 per cent of GDP. That is a very stark comparison: 1.5 per cent for Australia compared to 10.8 per cent for the United States and 8.6 per cent for the United Kingdom. I doubt very much that the United States or the United Kingdom will be looking at a surplus any time soon.

Another key fact is that the real government spending growth of 0.5 per cent in 2011-12 is the smallest increase since the 1980s. The Howard government never delivered a cut to real spending. Under this government, spending is projected to decline in 2012-13 in real terms. Senator Fifield was a staffer when former Prime Minister Howard and Treasurer Costello were delivering increases in interest rates and inflation. They never delivered a real spending cut. Where was Senator Fifield then to make the case for real spending cuts? If he was there it was certainly not in evidence in the actions of the former Howard government.

What future benefits are we looking at from this budget? The budget delivers cuts and savings but it also creates opportunities for employment and provides necessary services to the community that will drive our economy. Delivering productivity is the sort of thing that this side of the chamber has been talking about for many years, because it will position our economy to be strong in the future. The Labor government will create an extra 500,000 jobs over the next two years; however, we recognise that there are 320,000 young Australians not currently employed and 230,000 long-term unemployed. Labor is firm in its belief in the dignity of work and is putting in place measures to get people back into work.

The government will phase out the dependent spouse tax which gives spouses no incentive to get back to work. Of course we recognise that it provides important
benefits to families but it is one of the tough cuts that was deemed necessary to make. There is also an incentive for young people to go back to work. The incentive to leave study and go straight onto the dole is to be removed by extending the 'earn or learn' requirements and by creating pathways to full-time employment. The same goes for the long-term unemployed, with $233 million to be invested in new support programs to encourage employers to hire those who have not worked for more than two years.

The growth of the disability support pension in Australia is of concern to the government. That is why the government will be bringing in strict new work tests, updating the definition of incapacity and introducing new requirements for younger recipients. It will provide more wage subsidies and will allow more hours to be worked before payments are suspended. So the government is introducing measures to increase participation in the community and provide incentives for people to go out to work, but it is also giving essential support to people on disability pensions.

Skills levels are always an important issue for the Labor government because it understands the benefit of skills in increasing productivity in our economy and ensuring that the resources boom keeps on going and that other areas of the economy can be stimulated. There is a $100 million investment in a national apprenticeship mentoring program, another $100 million to develop new apprenticeship models and a $281 million support package for additional tax-free payments. Skills and jobs are not separate; they are linked to each other. That is why the government is providing $550 million for a new workforce development fund. That is a fantastic outcome for industry.

There are also benefits for working families. Health services in regional Australia will benefit considerably. In my state it was a great joy for me to hear that there will be health benefits in my duty electorate of Grey. The Wallaroo Hospital and Health Service will have $3.3 million to establish a five-surgery public dental clinic. Also, $39.2 million was made available for the redevelopment of the Port Lincoln Hospital and Health Service. It is an area I know well and I am extremely pleased that the Labor government facilitated this investment. Furthermore, the Mimili, Pipalyatjara, Pukatja and Amata communities will be receiving $2.3 million for the construction of four new two-bedroom staff and visitor houses. Those are all very welcome pieces of infrastructure for a regional area. Finally, the area of mental health, which has been neglected for far too long, will benefit greatly from this budget. This is a necessary amount for a very deserving issue, and it is the largest mental health package ever delivered by a Commonwealth government.

We look forward to hearing the opposition's reaction to the budget; we look forward to hearing Mr Abbott's reply. The opposition told us that they would bring the budget back into surplus in the current year, so we look forward to hearing about the ways in which the coalition say they will do this. At the last election, the opposition's mental health package was mainly based on cuts in other areas of the health sector. What other cuts will the coalition be suggesting now? The coalition need to provide substantial input on this budget in their reply, because Senator Cormann and other senators in this chamber have tried again and again to reinforce the coalition's economic credentials but that has not been our experience on this side of the parliament. Mr Hockey has been making reckless promises about a return to surplus without indicating where it will come
from. There was the $11 billion budget blowout at the last election. Last year, the suggested cuts not only were publicly derided but even embarrassed people in their own party. The coalition need to come clean, not make vague statements like 'the government should have cut more', 'they should have spent less', 'it should've been a tougher budget' or 'they should have spent more in other areas'. It is important that tonight we see Mr Abbott back up the commitments that the coalition have made. I suspect that the budget reply will be deficient in that respect, because the budget produced by the Prime Minister and by the Treasurer, Wayne Swan, is a solid budget that delivers on the promises made by this government and will provide a solid foundation for the future.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (17:10): You must admit that, generally, out there—look at the chamber now—people's interest in the budget is pretty dead. No-one is staying up late at night worrying about the Labor budget. Even the fourth estate, when they are asked, 'What's it like?' say, 'It's pretty boring; there's not much there.' People have switched off. It is just another day in the office. And it is not because it is not important; it is just that they do not believe the Labor Party anymore. It is like a new pair of socks on the town drunk: who cares? You have a look, have a think about it, but it does not really change them. It does not make them more charismatic, it does not make me want to invite them round for dinner; they have just got themselves a new pair of socks.

You might have missed this, but I have got this thing about gross debt; I have been talking about it for a couple of years. So during the budget lock-up—one of my staff members, Matt, was in there—I said, 'We'd better have a look around for the debt position. Obviously, they are about to max out the credit card, so we'd better have a bit of a hunt around.' Sure enough, there it was: they have maxed out the credit card and they are looking for an extension. There it was.

So what does this mean? You have to go back into the history of this whole national credit card thing—how we ended up with it, where it came from and what it is all about. Basically, in 2009 a wondrous gentleman, a luminary, Wayne Maxwell Swan, Treasurer of the Commonwealth of Australia, stated in the budget papers:

The ... emerging economies of China and India are now expected to slow markedly—Therefore, 'We have to extend the credit card.'

He also said, on 10 March 2009:

As a result of the deteriorating global economy and consequent falling tax revenues, it will be necessary to increase government borrowing.

Therefore, under the Commonwealth Inscribed Stock Act 1911, they decided to up the credit card by $125 billion. What's $125 billion between friends? That is from $75 billion to $200 billion. I remember going to the Senate estimates. They sat down and I said, 'That's a remarkable amount of money.' They said, 'But you don't have to worry too much about it; we'll never get there.' It will be in 2013-14. If things are at their worst, 2013-14 is when they will get there—unless we have a major turnaround.

But a couple of things happened, you see. China never missed a beat, nor did India. And, because China never missed a beat and there was never negative growth in India, the demand for our resources kept going and we did not have a recession. It was nothing to do with ceiling insulation, school halls, $900 cheques or the NBN. It was due to the fact that we had these black rocks over on our east coast and these red rocks over on our west coast—one is called iron ore, the other is called coal—and these wonderful people over in South-East Asia who want to keep...
buying them. They buy as much of them as they can get, at a pretty remarkable price. Naturally enough, that drove our economy forward.

Mr Swan would like to make you think that it had something to do with $900 cheques—that a splurge in retail spending and gambling revenue at the local pub somehow kept Australia from a recession. It is the same sort of logic, I suppose, as saying that buying a new PlayStation will get you a wage rise at work. I do not know how they came to that logic, but that is apparently what it was. However, the result of their squandering was that our credit card charges kept going up and up and up and up. I remember doing the debt graphs—here is Keating; here is us paying Keating off; here is Rudd; here is Gillard. Now we are going up here, right off the graph, because the Labor Party just cannot handle money. They have no idea. The Labor Party just cannot handle money. They have no idea.

Let's look at what would happen if Australia was a business, a shop. With record sales for the produce that that shop produced, we would end up with a $54 billion loss in the shop, followed by a $49 billion loss in the shop. Then they say things get better because we end up in the following year with a $22 billion loss in the shop. We all know what happens to a shop that trades like that. We all know what happens to the people who rely on that shop for an income. We all know how fearful people get. We know how the people who are relying on that to support their hospitals and defence force and to build roads feel when that is how the shop is run. We all know what is going to happen to the shop: the shop is going to close its doors. What is important is that, if we did not allow you to increase your credit card limit, the shop would close, and it would close in the next month or so. That is startling. That scares me.

Maybe it scares Mr Swan as well, because just this morning I watched him and saw a terrified man with a shake in his voice tip and then smash a glass on a table up at the ABC studios. I see a person out of his depth, a person who is really struggling. He is really struggling because he just does not have the competency to manage, and this is an issue. If he was a heart surgeon you would have a bit of a problem, a quandary. If he was about to operate on that sacred vessel, your head, you would have a bit of a problem seeing a man obviously under the pump. Mr Swan is the nation’s accountant; he is supposed to bring it all back under control. He is supposed to be the cool, level-headed and competent architect bringing it all back under control.

The best we have been able to get from him thus far is, 'Coalition, you have to explain to us what you would do.' It is all about what Tony Abbott announces tonight. I will translate that for the Australian people. It is like this: if you were a complete and utter stuff-up like the Labor Party and had completely and utterly botched the books, what would you do next? I do not know—drown yourself? I do not know what you would do next if you were that bad. What does one do? What a peculiar question: 'If you were as bad as us, what would you do about it?' I would remove myself from the building—that is what I would do about it, and I think that is what the Australian people are going to do about it.

When you say, 'Hang on, we're selling all this produce. Our soft and hard commodities are going out the door at record prices, but we can't balance the books, we can't make it work, we can't make it stack up,' the problem is not ours; the problem is yours. And the way to solve it is to get rid of you. That is step number 1. That will start making things better.
The Labor Party always comes up with, 'When in doubt, talk about net debt'—this magical, mythical money that is going to appear from somewhere. They always say: 'You don't worry about the gross debt. You don't worry about going to the Australian Office of Financial Management website and looking at Australian government securities outstanding and seeing exactly where we are—that is their actual overdraft statement—'You just make up a number and you call it net debt.' If this magical, mythical money exists, let's test you. Grab some of that magical, mythical money and drop it in your bank account and bring the debt down. Grab some of it and drop it in the bank account so you do not have to extend your credit card.

In the place where I and many others grew up, the bank manager says to you: 'I don't think I should extend your credit card because you seem to be out of control. I've been looking at what you've been buying and I notice you bought about $2½ billion worth of fluffy stuff which you stuck in the ceiling and then ripped out again. I don't know what the purpose of that was. Then you went on this manic episode of building school halls all around the countryside. Then you spent $22 billion on $900 cheques. I've got a bit of a concern about you as a client, a customer, of this bank. I think we'd better pull your horns in a bit, so we're not going to extend your credit card. But you've told us that you have this magical, mythical money, $100 billion; we want you to go find some of that magical, mythical money and drop it in the account.' Mr Swan cannot do that because he cannot find it. He does not know where he put it. It is somewhere out there, though!

We had a search for it and we found some of his magical, mythical money. About $68 billion of it is in the Future Fund. The Future Fund is, of course, the money that is put aside for public servants' superannuation. So what Mr Swan is saying when he talks about net debt is that he is going to pay off the nation's debt with public servants' savings, their retirement fund. I want to know if the public servants know about this. They must be happy to know, especially the people in Canberra, that the government might be going to use their money to pay the debt off! They are going to their savings to pay Wayne's debt. I suppose that is the way it works. My suggestion is that the public servants will not accept that. Maybe that is another reason why we are extending our credit card.

The Labor Party stand back and say: 'Australia's not that bad. Australia's fine. Everything's fine.' Well, there is another bloke who has a different opinion, and his name is Professor Ken Rogoff. He is from Harvard University, in Massachusetts, in the United States of America. He has a different view. He did an analysis on cumulative public debt throughout the world from 2007 to now. 2007 is very interesting because that is when that crowd, the Green-Labor Party Independent alliance, got elected to government. From when the Green-Labor Party Independent alliance got elected to government to now, in an assessment of the cumulative increase in real public debt, the worst in the world is Iceland, and then comes Ireland. We have heard a bit about Ireland and Iceland. Iceland has basically completely fallen off the ledge. Ireland—well, that is hopeless.

Guess who No. 3 is. Is it Portugal? No. Is it Spain? No. Is it the United States? No. Is it Australia? Australia is the third worst. With our trajectory to disaster, we are right up there with the best of them. We are worse than Mexico, Chile, Belgium, Greece, Portugal and Spain. And the government say it is not a problem. They do not think this is an issue. I am starting to have concerns about this client.
In the old days, I had a great old boss, Philip Mawby, a chartered accountant and an auditor with Price Waterhouse. When people were coming unstuck, he would say to us, 'Go get a dump on all their drawings and bring it into the office.' You would go through their drawings one by one and then you would find all this rubbish: a new boat, new stereo, new trip, new this and new that—nothing to do with business. He would hand it to them and say, 'That is why you are about to go live in your son's or daughter's caravan at the back of their house—because you're going to lose your own.' That is what happens when you lose track. You have to really shake people to try to break them out of their false sense of security. Australia is on that trajectory. I think it was a clarion call this morning when Wayne Swan dropped the glass. It was a sign. He understands and that is why they are sneaking these things in now. With $250 billion we have finally got ourselves into the realm where we can start talking about things in portions of a trillion. We are heading to having a quarter of a trillion dollars in credit card debt. We are borrowing this money from the Chinese, from trusts in the Middle East and from superannuants in Japan, who probably want it back because they have a few problems over there. These people have not given us the money; they want us to repay it. We actually have to repay them. We have to send them back their dough. There is not a skerrick of a sign that the Green-Labor-Independent alliance and Mr Wayne Swan can do that. So where do we go from here?

That is why the Australian people have switched off. Mr Swan could have done cartwheels with a wig on, been whistling Dixie or been quoting poetry. No-one cares anymore. No-one listens to him anymore. What he says is irrelevant. He has never been able to hit a target and he cannot deliver the goods. The ramifications for Australia are shocking.

I have had a look at some of the things we are spending money on. Regional development always fascinates me. I have seen some of the accounting tricks. They must think we are all simpletons with the way they are dealing with it. First of all, to create the Green-Labor Party Independent alliance they got a couple of blokes and said, 'We'll give you $1.4 billion,' and that sounded great. As soon as they did that they had two major disasters they had to cover. One major disaster was Cyclone Yasi, and they ripped $350 million out of the budget to repair things in North Queensland, and the other disaster was the member for Lyne, and they had to pull another $50 million out for him. So these two disasters cost them $400 million. One is finished and one is still going.

Then we were down to about $1 billion, so we thought they were going to spend $1 billion on regional Australia. But when you look at the figures, you see they are cunning and shrewd people. Of the $1 billion, they are spending $300 million and then the rest sits out in never-never land. We will get to that later on. Only $300 million is in the forward estimates. Unfortunately, Mr Oakeshott and Mr Windsor have been touched, and either they do not acknowledge it or they are stupid, because it is not going to be spent, it is not going to happen.

I was fascinated to see the regional development document put out by Simon Crean. It was to be the saviour of regional Australia. I was very interested in the Flying Fruit Fly Circus. I can see that pulling us out of the position we are in. The Flying Fruit Fly Circus is highly recommended. It made its way into the regional development document. We also have research into crazy ants, which is important—I was thinking
more of the crazy ants in the western suburbs of Brisbane, but why not?

Then we had the biggest appropriation of money for regional development—in excess of $400 million—for a poor little regional town. It was not Bollen, Kununurra, Temora or Bellingen. What was the regional town’s name? Perth. They are building a new road in the regional town of Perth and they have banged it under regional development. I have nothing against building a road in Perth—it is a great idea—but do not call it regional, not unless you are building it all the way to Kalgoorlie. I suppose it would become regional once it got outside the city limits. This is just being mischievous with the terminology to try to cover your tracks. If Mr Oakeshott and Mr Windsor are stupid enough to swallow that, then explains why they were stupid enough to put in a Labor-Green-Independent alliance.

They are spending money on a whole range of things in regional Australia. This will be of great interest to the people of New England, especially those in northern New England. In the regional development document is investment in the Australian Antarctic Division. I know it is getting chilly at this time of year and there is a bit of snow about—maybe that is having an effect—but I think it is a bit of a stretch to say the Australian Antarctic Division has something to do with part of regional Australia. If it is, what part? Mawson and Davis?

This is how absurd our nation has become. This is where we have got to. If you did not laugh, you would cry. Underneath it all it is the same old story. The debt just keeps marching ahead, racing ahead. You see they are borrowing roughly $1.6 billion every week. There are a couple of new public hospitals in that every time, major road improvements or the Toowoomba range crossing. Those are the sorts of things we could do with that money. But we have arrived in this twilight zone of Labor Party economics, of ‘Swan-onomics’. We would have built dams, railways and ports to create wealth, but they just squander it and cannot work out where it has gone, and borrow it from overseas.

I heard Mr Albanese the other day announcing the inland rail again. This thing has more entrances than Nellie Melba had exits. It gets announced every second day by Mr Albanese. It is never going to be built. They will never build it. It is just another one of those mythical beings, like their mythical money.

What depresses me is that the Australian people have switched off from you. They really have. They have stopped listening and they do not care anymore. You can do anything and say anything. All you are doing now is annoying them. You annoy them more and more every day. Every day they see Julia Gillard overseas the whole set-up annoys them. The whole process annoys them. Mr Swan annoys them. The Australian people are becoming gradually more and more angry. On top of that you have these other mad policies. The Malaysian refugee expedition is the most recent one. To conclude on a sombre note, wherever you people got the idea to send 800 people to a country that still believes in caning and still believes in capital punishment and where there are huge question marks over its humanitarian values is beyond me.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:30): Whilst those opposite have again chosen to launch attacks on the federal budget, on this side of the chamber we intend to pursue and achieve our plan to bring the budget back into the black, to get more Australians in jobs and to spread the opportunities of the mining boom to more
Australians. We have imposed the strictest spending limits, delivering $22 billion in savings to make room for our key priorities, ensuring our country lives within its means. Australia emerged strongly from the global recession, creating hundreds of thousands of jobs while our peers shed millions of jobs. Our public debt is a tiny fraction of that carried by comparable countries, our fiscal position is the envy of the developed world and the investment boom is gathering pace.

On budget night, Mr Swan detailed a course that has us back in surplus in 2012-13—on track, on time and as promised. This budget is tough but it is fair and it helps those most in need in our community. It is responsible, it balances opportunities for all Australians and it gets the fundamental economics right. The budget delivers for Australians in health and education; it delivers for families, for our regions and for businesses. I note that in his contribution Senator Joyce talked about investment in regions. He forgot to say that one of the first actions of the Howard government when it came to power in 1996 was to abolish the Department of Regional Development. Senator Joyce obviously has a very selective memory.

We are, as promised, on track to build a stronger economy for all Australians whilst delivering more jobs and more opportunities. The reality is that, as we move from the challenges of the global financial crisis and the natural disasters into a resources boom and economic growth, we are cutting spending to make sure we are not adding to inflation and cost-of-living pressures in the years ahead. As far as reducing upward pressure on interest rates is concerned, let us be clear: interest rates are set by the independent Reserve Bank of Australia. Our job is to be fiscally responsible and return the budget to surplus—which is exactly what we are doing. This motion is just an attempt to undermine the government's responsible fiscal management and to block the savings that we are making to curb inflation and to reduce cost-of-living pressures in the years ahead.

What will Mr Abbott do to reduce upward pressure on interest rates and further pressure on household budgets? What is Mr Abbott's plan to cut spending? Where will he find savings? Let's face it: the fiscal incompetence demonstrated in the last series of coalition costings does not paint a pretty picture of what we are likely to hear tonight in the Leader of the Opposition's budget reply speech. Last year, Mr Abbott failed in the budget reply—a failure that left an $11 billion black hole in the budget costings. He also failed in his response to the flood levy and the National Broadband Network. Whilst Mr Hockey claims that he can get the budget back into surplus in 2011-12, the fiscal ineptitude that has been shown in the coalition's earlier costings still haunts those opposite. Mr Abbott has failed time and again to produce a detailed plan on how he will deliver a surplus—a year earlier, no less. Given his track record and the scale of his fiscal mistakes to date, it is obvious Mr Abbott represents a $1.3 trillion risk to the Australian economy and to the budget. If Mr Abbott refuses to back the government's savings tonight, he risks the budget surplus, which would put pressure on interest rates and damage the economy.

The motion we are debating now should be about those opposite with their ceaseless attempts to wreck the government's budget and to try to add spending to the budget bottom line through their private members' bills. It is this ceaseless and ongoing commitment by those opposite to derail the budget which is putting upward pressure on interest rates and further pressure on household budgets.
This budget provides more opportunities to help more Australians to get ahead, no matter where they live. This budget will enable us to deliver more than half a million more jobs over the next couple of years, which builds on the 750,000 we have already created. To help deliver this jobs target, we are investing $3 billion over six years to help skill Australia's workforce as part of our Building Australia's Future Workforce plan. As part of this plan, we will be helping industries get the skilled workers they need to drive future productivity and increase growth. This plan will begin by appropriately training the workforce that Australian businesses require. To help achieve this, we have announced a $558 million National Workforce Development Fund, which will help deliver 130,000 new training places over four years. We will help industries and regions get the workers they need by committing $101 million for a national mentoring program to help 40,000 apprentices finish their apprenticeships. Apprentices will also be supported through the government's $100 million investment to deliver more flexible training models. They will allow apprentices to progress through their training as they acquire the skills they require, allowing them to gain their qualifications sooner.

We are also making an additional $1.7 billion investment in vocational education and training over five years. This builds upon our existing $7 billion investment and will help deliver our reforms to the vocational education and training system. We will do this through our national partnership with the state and territory governments, which will help make the VET system more transparent and productive. The budget will provide $143 million to deliver 30,000 additional places in the Language, Literacy and Numeracy Program to give people the basic skills which are essential for any job. In addition, for the first time we will allocate 16,000 skilled migrant places to the regions, also reducing skills shortages in regional Australia, through our regional migration agreements. The budget will also deliver major investments in health, particularly through our historic mental health reforms. This budget delivers $2.2 billion over five years for mental health. The government's package will provide more intensive support services and better coordination of those services for people with severe and persistent mental illness who have complex care needs. The package will target support to the areas and communities that need it most, such as Indigenous communities and socioeconomically disadvantaged areas that are underserviced by the current system. It will also help to detect potential mental health problems in the early years and support young people who struggle with mental illness.

We have heard Professor Patrick McGorry and Adjunct Associate Professor John Mendoza speak of the debilitating impact mental illness has on individuals, their families and communities. They have spoken particularly of their belief that the focus should be directed towards youth mental health services. I am pleased to say that this mental health package delivers targeted services across the board. As part of the mental health package, we will deliver $571 million over five years for more and better coordinated services for the severely mentally ill. This will include the expansion of successful mental health programs such as Support for Day to Day Living in the Community, and Personal Helpers and Mentors, PHaMs.

We have delivered $220 million to strengthen primary care and to better target services to those in need, including an expansion of the Access to Allied Psychological Services program. We will
also deliver $491 million to boost services for children and young people. This will be used to expand mental health services for teenagers and young adults by providing more funding for the successful headspace centres and Early Psychosis Prevention and Intervention Centre programs. Our mental health package will deliver an extra 30 headspace centres, taking the number around Australia to 90. We will also provide extra funding to existing headspace centres to help them better service existing demand. When up and running, at full operation, the 90 centres will have the capacity to assist approximately 72,000 young people. The government will also provide funding and seek matching contributions from the states and territories to provide more early psychosis prevention and intervention centres.

The budget also contains provisions for providing $16.4 billion in extra growth funding for public hospitals as part of the new health deal signed between the states and territories. We will have a regional priority round of the Health and Hospitals Fund to deliver new investment in hospitals and health care for regional Australia. We are providing $717 million in new funding over five years to expand access to diagnostic imaging services by subsidising MRI scans through Medicare, particularly for those living in regional areas.

This budget reflects the government’s commitment to empowering Australians through education and training. We are delivering over half a billion dollars in funding to improve schools and reward quality teaching. We are also delivering $200 million to support students with a disability.

This year’s budget has new measures to help with cost-of-living pressures, with a renewed emphasis on low-income earners and families with kids at school. We have increased the family tax benefit part A for older teenagers by up to $4,208 a year—that is, around $161 a fortnight. The result of this is that families with a teenager will now be eligible for up to $4,000 more a year if their child stays in education or training. The education tax refund will be increased by $460 million to extend to school uniforms, which will be a great bonus for families. We are also providing payment advances of up to $1,000 for family tax benefit part A recipients at any time to ensure they can meet unexpected family expenses. These changes also give parents more flexibility in when they receive childcare support.

We will provide more tax assistance to 6.5 million Australian taxpayers on lower incomes. This will help encourage work and provide some modest help with cost-of-living pressures. The government will increase the low-income tax offset from 50 per cent to 70 per cent. This will put an extra bit in the weekly pay packet and, while the amount is modest, we know that every little bit helps. The increase to the low-income tax offset will mean that someone with an annual income of $30,000 will get an extra $300 during the year in their regular pay. It is also worth pointing out that, as part of our historic pension reforms which began in September 2009, maximum pension rates are no2 $128 per fortnight higher for singles and $116 per fortnight higher for couples. We have introduced these measures because we are committed to helping those most in need.

As the Treasurer said on budget night:

We know too many Australians are squeezed by rising costs of living and we help where we responsibly can.

That is why we cut income taxes substantially in each of our first three budgets, so that an average income earner now pays around $1,000 a year less tax and why we have ensured pensions are now … higher for singles and higher for couples since … our historic boost two years ago.
We will see the benefit of unprecedented investment in regional Australia through our record $4.5 billion package for hospitals, health care, universities and roads. As the Minister for Infrastructure and Transport, the Hon. Anthony Albanese, has outlined, compared to the last full year of the former Howard government, 2006-07, we will be providing more than twice as much regional infrastructure funding. This package includes $1.8 billion for critical health infrastructure, $500 million for the regional priorities round of the Education Investment Fund, $916 million for projects under the Regional Infrastructure Fund and $1 billion through the Regional Development Australia Fund.

As well as the measures I have outlined in the budget that relieve the pressure on households, it is also worth noting the additional taxation benefits included in the budget that will flow to small businesses. The government will reduce pay-as-you-go instalments for 2011-12 for the majority of small businesses, providing a $700 million cash flow benefit. These measures will reduce the amount of tax payable or improve cash flow for up to 2.7 million small businesses. The investments in regional Australia will flow directly to my home state of Tasmania. For example, in Tasmania, up to 12,603 apprentices may benefit from the investments aimed at modernising the apprentice system. The long-term unemployed in Tasmania will benefit from new funding to assist training and work experience. Over 19,000 local families and over 23,000 teenagers in Tasmania may be eligible for the extra $4,200 per child between 16 and 19 years of age under changes to the family tax benefit. Of course, there are benefits that will flow from the extension of the education tax refund to school uniforms. And this year Tasmania will benefit from $121 million in rail and road infrastructure as well as the additional $46.4 million to assist Tasmania's councils to maintain and upgrade their local roads. This is on top of the funding that will continue to make highways and roads safer.

As we know, Tasmania will benefit from new investments in health, mental health and dental care. We have the $240 million Royal Hobart Hospital redevelopment, a new medical centre in Cygnet and a new health precinct in Sheffield. We will also receive assistance to reduce community dental waiting lists. The University of Tasmania, as a regional university, will benefit from the EIF—the education infrastructure funding—increased regional loading payments and the Higher Education Participation and Partnership Program. This list is by no means exhaustive.

As I said in the beginning, this budget is responsible. It balances opportunities for all Australians and gets the fundamental economics right. That is because we, in the government, are making the investments we need, through the budget, to position Australia to take full advantage of the mining boom. Australia's high terms of trade, strong growth outlook and tightened macroeconomic policy settings have seen the Australian dollar appreciate to post-float highs. As the government has outlined in the budget papers, in the current macroeconomic context, the high exchange rate and the withdrawal of fiscal and monetary policy stimulus are helping to moderate inflationary pressures as the economy returns to full employment.

We have also delivered on our promise to set out a strict fiscal strategy through identifying significant savings so that we can fund new priorities whilst balancing the costs of the recent natural disasters and returning the budget to surplus. To that end, the government has also held growth in real spending to two per cent and has placed
significant restraint on government expenditure. With fiscally responsible policies and approaches such as these, it becomes obvious that the criticisms being levelled by those opposite lack a true depth of analysis and have no substance.

This afternoon, the Minister for Finance and Deregulation, Senator Wong, highlighted that Australia's position is amongst the best in the world in terms of net debt compared to other advanced economies. Australia's net debt is expected to peak at less than one-tenth that of major advanced economies, and the government is on track to bring the budget into the black in 2012-13. With that in mind, whilst others in the developed world seemed to envy the financial position of Australia after the GFC, it is difficult for me to comprehend why those opposite cannot offer their support for the fiscally responsible approach this government has taken in this budget. This budget is tough, but it is fair and it helps those most in need in our community. It is responsible, it balances opportunity for all Australians and it gets the fundamental economics right.

During the Howard government's term in office, the only thing that they seemed intent on doing was stripping the rights and conditions off workers—and, of course, that was through Work Choices. What we saw during their Work Choices time was an attempt, through AWAs, to have workers forced to sign new AWAs. We saw many examples where they were asked to sign an agreement for the job they were doing for a lot less money. Those opposite who come in here with this ridiculous motion to suggest that this government is not being fiscally responsible and not having a mind to care for less fortunate Australians really need to look back on their record—because all Australian working families got during the Howard government years was Work Choices, lower wages, fewer entitlements and less job security. (Time expired)

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:50): The government's budget handed down this week is a prime example of Labor's ceaseless and ongoing commitment to debt and deficit budgeting. I would contend that the figures speak for themselves. A soaring budget deficit of $49.4 billion this financial year and an expected deficit for 2011-12 that has blown out by a whopping $16 billion—from $9.6 billion to $22.6 billion.

This government are addicted to spending and they are asking Australian families to fund it. This budget fails to ease the rising costs of living for families, who face higher prices every day. In fact, under this Labor government, electricity prices have risen by 51 per cent since 2007, grocery prices are up by 14 per cent, education and health costs are up by about 20 per cent, the price of petrol has soared and there have been seven interest rate rises in a row under this government, placing pressure on Australian families struggling with their mortgages—those very families that the Australian Labor Party went to the election in 2007 saying that they were going to help. The Labor Party said that they were going to fix it, but just look at those figures. Those figures speak for themselves.

Government senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Forshaw): Order! Previous senators have been listened to in almost complete silence. I think the same courtesy should be extended to Senator Bushby by both sides of the chamber.

Senator BUSHBY: Thank you very much, Mr Acting Deputy President. This
government plans to means test the private health insurance rebate, which will further hurt Australians trying to provide for their families. And if that is not bad enough, they have now announced in the budget that they will strip $2 billion from Australian families by freezing the indexation of key family tax payments and income thresholds for the next three years. I will talk a little bit more about that later.

This government claims to want to get more Australians into work but at the same time it is hellbent on punishing the hard workers who are already out there having a go and trying to get ahead. This Labor government has spent recklessly and is now forcing middle-class Australian families and small businesses to pay it back. Australians are being forced to pay for a multitude of the Gillard Labor government's policy failures. Labor's failure to control our borders has increased the cost of offshore asylum seeker management by a whopping $1.7 billion. And now Australian taxpayers are being asked to pay a further $292.3 million for the Malaysian solution. So ridiculously out of control is asylum seeker management under this government that they now need to build a detention centre in my home state of Tasmania, at a cost to taxpayers of $15 million, to house illegal entrants coming through Far North Australia.

Then of course there are all the other costly policy failures. There was the Building the Education Revolution, which delivered buildings that schools in many cases neither needed nor, in some cases, could even use.

_Senator Polley interjecting—_

**Senator BUSHBY:** An example from your home state and my home state, Senator Polley, is Port Sorell School. The Wesley Vale Primary School is due to be closed down upon the building of the Port Sorell School, which the state Labor government says it is going to build—but we have not seen a lot of proof that it is going to happen. Nonetheless, it has committed to build a new school at Port Sorell, less than 10 kilometres away from the Wesley Vale Primary School. This will leave four students at Wesley Vale. Basically the school will be closed down when the Port Sorell School is built. So they got a million-dollar new building at the Wesley Vale Primary School—a school that is due to close in the next couple of years. What an absolute waste of money!

But there is more. The computers in schools program has blown out by a further $200 million, taking its total cost so far to $1.4 billion—more than double what was originally budgeted. There have been the numerous green schemes that have failed, such as the cash-for-clunkers scheme that was in itself a clunker, and the tragic and grossly wasteful pink batt scheme that has seen hundreds of millions of dollars having to be spent to fix the problems that it created.

To add insult to injury, Australian families are not only paying for these failed schemes but also funding the advertising campaigns too. There was $13 million wasted on advertising Rudd's now obsolete health reforms.

**The ACTING DEPUTY PRESIDENT:** Order! You should ensure that you correctly refer to members of this chamber and the other chamber by their correct titles.

**Senator BUSHBY:** Duly noted, Mr Acting Deputy President. There was $13 million wasted on advertising the then Prime Minister Mr Rudd's now obsolete health reforms. And they cannot rule out a $30 million ad campaign to try to justify their carbon tax.
The Gillard Labor government have squandered the financial prosperity that the coalition left them. They have exceeded Prime Minister Keating's debt record of $96 billion and, for the first time in eight years, they have delivered a budget that has not delivered tax cuts for everyday Australians. However, even in the face of such appalling circumstances, they have not learnt their lesson. In their ongoing commitment to debt and deficit budgeting, they have hit Australian families and businesses with $6 billion in new and higher taxes. Along with the Greens, they have committed to introducing a carbon tax from 1 July 2012. However, they have not included any of the detail in the budget. They do not want to tell Australian families and businesses how much it will cost them, but they do expect them to pay for it. But this in itself is amazing: given the proposed starting date of 1 July 2012—right in the middle of the figures contained in this week's budget—it is impossible to take anything the budget includes beyond that as at all relevant or accurate. This is the case even if you accept the Labor government's argument that it is not possible or appropriate to include forecasts of the effect of the carbon tax in these figures—and I do not accept that. What is undeniable is that the carbon tax will have a massive impact on those figures, both directly and in second- and third-round effects and so on once it is implemented. Those figures are not worth the paper they are written on.

So as ordinary Australians continue to face real challenges to meet the cost of their household bills, Labor continue to waste money and to present their accounts in ways and with exclusions that mask the true state of where we are heading. The fact remains that this Labor government are tough on families and tough on household budgets but fail to be tough on their own wasteful spending. Treasurer Wayne Swan has told us that he will have balanced the budget by the 2012-13 budget year.

Senator Mason: Do you believe that?

Senator BUSHBY: No, I do not. This is as unlikely to happen as him bringing about the enormous surpluses that will be required to repay the more than $250 billion in gross debt that will have accumulated by then. The reality of the combination of events being as fortuitous as predicted in order to achieve this result is highly unlikely given the vagaries of events that we have witnessed in recent years. It is even acknowledged in the government's own budget papers that only a small fall in the terms of trade from their current record and totally unprecedented levels would completely eliminate the projected surplus for 2012-13 and probably for years after, not to mention the potential impact of further international economic shocks, the fragile debt situation of some European countries, a fall in commodity prices, inflation uncertainty and other economic threats to China's growth and so on—any of which would overturn the assumptions upon which the government's claims of returning to surplus in 2012-13 are based.

The other challenge that defies belief is this Labor government actually delivering real cuts in spending. I am not talking about the government's tricky use of accounting methods and highfalutin economic terms and sophistry to include new taxes as savings; I am talking about real belt-tightening: actual decreases in government outlays and the slashing of spending by the government on programs not otherwise due to end—savings that actually result in falls in the amount of taxpayers' funds spent by the government. This challenge remains, because it would be a standout first for any Labor government in Australia's history to deliver real cuts in
spending. With respect to the members of the Labor caucus who valiantly defend the toughness of this budget, it is not reflected in the far less than tough budget measures that are delivered in the other place this week. The problem is, and always has been, that when Labor is in government, they spend big. Under Whitlam, spending increased to such an extent that the Commonwealth share of GDP went from 19 to 24 per cent. Thirteen years of Hawke and Keating saw that figure increase to 26 per cent—a figure that was much reduced under John Howard. The Howard years saw the rolling back of the Commonwealth share of GDP as Costello fought to balance the budget after Labor left us $96 billion in the red in 1996 dollars. But since November 2007 the Rudd Labor government, and continuing under the Gillard Labor-Green government, all of that work has been undone.

Sitting suspended from 18.00 to 20.00

BUDGET

Statement and Documents

Debate resumed on the motion:

That the Senate take note of the budget statement and documents.

Senator CORMANN (Western Australia) (20:00): I seek leave to have the opposition's budget reply speech incorporated in Hansard.

Leave granted.

The speech read as follows—

Mr President, the fundamental test of a budget is how it improves the wellbeing of the Australian people.

My three children are still in the education system and Margie, my wife, works in community-based childcare so my family knows something of the financial pressures on nearly every Australian household.

Since December 2007, the price of electricity is up 51 per cent, gas is up 30 per cent, and water is up 46 per cent. Education costs have risen 24 per cent, health 20 per cent and rent 21 per cent. Grocery prices are up 14 per cent. Since the middle of 2009, interest rate rises have added $500 a month to mortgage repayments while wages have risen just 7 per cent.

Families already know what it's like to tighten their belts. They don't need government to do it for them yet the only certainty from this budget is further upward pressure on interest rates because this government is still borrowing $135 million every single day.

The government boasts that inflation is under control because the price of flat screen TVs has fallen. It doesn't understand what every Australian family instinctively knows: the things we want might be more affordable but the things we need are much more expensive.

Mr Speaker, tonight I want to reach out to Australian families: to small business people, police, nurses, fire fighters, teachers, shop assistants, workers in our steel mills and mines, the people who are the backbone of our society and our economy.

I do not think you are rich. I know you are struggling under a rising cost of living. And I know you are sick of a government that doesn't get value from your taxes.

My commitment to the forgotten families of Australia is to ease your cost of living pressure. Stopping wasteful and unnecessary spending will keep your interest rates down. Stopping or removing unnecessary new taxes will make it easier for you to pay your bills.

My task tonight is to offer people a new direction which restores their hope in the future. It's not to detail an alternative budget but to set out an alternative vision so that the Australian people can be confident that their government need not always be as weak and directionless as it is right now.

I understand that government should live within its means, value the money it holds in trust from you the taxpayer, avoid waste and, above all else, observe the first maxim of good government: namely do no avoidable harm.

Instead, the current government has turned a $20 billion surplus into a $50 billion deficit and $70 billion in net assets into $107 billion of net
debt. Then there's the carbon tax that the Prime Minister said would never happen that will just make cost of living pressures so much worse.

A $26 a tonne carbon tax would add 25 per cent more to electricity bills and 6.5 cents a litre more to fuel bills that are already skyrocketing – and that's before it starts automatically increasing by at least four per cent every single year.

A $26 a tonne carbon tax means 16 coal mines closed, 23,000 mining jobs lost, and 45,000 jobs lost in industries like steel, aluminium, cement, glass, chemicals and motor cars. The Prime Minister talks about compensation but there's no compensation for people who have lost their jobs.

So let me make this crystal clear: the Coalition will oppose the carbon tax in opposition and repeal it in government. The Coalition will oppose the mining tax in opposition and repeal it in government.

My colleagues and I will never make things harder for the forgotten families of Australia and people can have confidence in the Coalition because they can judge us on our record, not just on our promises.

The government I served in turned a $10 billion budget black hole into consistent surpluses exceeding 1 per cent of GDP. We turned $96 billion in inherited Labor debt into $70 billion in net assets. We made the most of the China boom, we didn't complain about it. We ended the waste, repaid the debt and stopped the boats. It wasn't a slogan. It was a fact.

As minister, I was personally responsible for thousands of young people doing environmental work in the Green Corps, the stabilisation of the Job Network, the expansion of work for the dole, the establishment of a royal commission into the construction industry, ending the medical indemnity crisis, and bringing allied health professionals like dentists into the Medicare system.

Sixteen members of my shadow cabinet have been ministers in a successful government. They wouldn't have to learn on the job, should there be a change of government, because they've done the job. The challenge of producing lower taxes, fairer welfare, better services and stronger borders would not be beyond us because we've risen to it before.

Now, even from opposition, the Coalition is dominating national debate, as the Prime Minister has admitted to caucus. We're driving a positive agenda too.

My private members bill to allow economic development on Aboriginal land in Cape York comes from a decade working with Noel Pearson on what he calls Aboriginal people's "right to take responsibility". That bill is before the parliament and I call on the government to stop putting the hunt for Green preferences ahead of a fair go for Aboriginal people on their own land.

As mental health campaigners say, it was the Coalition's new deal for mental health patients that finally shamed the government into acting in the budget. As well, the government has actually adopted for itself my private member's bill on assisting the victims of overseas terrorism, arising from the time I spent with the Newcastle victims of the second Bali bombing.

Since the start of the year, the Coalition has committed to a new approach to water management including new dams and a much tougher anti-dumping regime to protect Australian industries from way-below-cost imports. We've offered to work with the government on welfare reform, on finding savings instead of increasing taxes, and on a new intervention into the developing social crisis in Alice Springs and the Northern Territory's other larger towns.

What we'll never do, though, is make weak compromises with a bad government. We respect taxpayers too much to spend their money on make work schemes for extra public servants and on "think big" projects which always end in tears.

The Coalition supports better broadband services but we're not reckless enough to spend upwards of $50 billion on a National Broadband Network without a cost benefit analysis. That $50 billion could fully fund the construction of the Brisbane rail loop, for instance, the duplication of the Pacific Highway, the Melbourne to Brisbane inland rail link, the extension of the M4 to Strathfield, and 20 major new teaching hospitals
as well as the $6 billion that the Coalition has proposed to spend on better broadband.

Speeds of up to 100 megabits are already potentially available to almost every major business and hospital, to most schools, and through high speed cable already running past nearly a third of Australian households.

The smart way to improve broadband is not to junk the existing network but to make the most of it. It's to let a competitive market deliver the speeds that people need at an affordable price with government improving infrastructure in the areas where market competition won't deliver it.

The smart way to improve the environment is not to impose a new tax on the way every Australian lives and works but to reduce emissions via common sense environmental improvements that everyone can support: by planting more trees on otherwise marginal land, by boosting the carbon content of soil through better value organic fertilisers, and by turning power station carbon dioxide from a waste product into an input in the production of stock feed and bio diesel.

The Coalition wants to give the planet the benefit of the doubt with practical measures to improve the environment rather than futile gestures that just damage our economy. That's why we'll have a standing Green Army, 15,000 strong, to supplement the land care work of local councils, farmers, and volunteers to eradicate feral animals and noxious weeds and to preserve wetlands.

Mr Speaker, government's job is not to live people's lives for them but to help people to make the most of their opportunities and to ensure that public institutions are more responsive to the people they serve. Australia, Mr Speaker, has great teachers, doctors, nurses and other professionals but our public schools and public hospitals are being strangled by too much bureaucracy.

Principal's often can't hire the teachers they want but are stuck with the next person on the transfer list. We'll work with the states to ensure that school councils can appoint principals and that principals can run schools in partnership with school communities as nearly 100 "independent public schools" in Western Australia are now doing.

We won't forget the families who want to give their children the best possible start in life. There will never be an independent schools hit list under the Coalition. We'll increase the education tax rebate for all families to $500 a year for primary and $1000 a year for secondary students and make it available for all expenses connected with education including school and sports fees.

We understand that the parents and carers of children with disabilities have the toughest job in the country. That's why we'll make $20,000 a year available to help the 6000 school children with the most serious disabilities as an important first step towards a wider scheme to give all people with disabilities access to better services.

Mr Speaker, public hospitals often can't order significant new equipment without referring it to head office. We'll work with the states to give hospitals more funding when they treat more people. Public hospitals will be run by local boards, not distant bureaucrats. And if a state was prepared to surrender some of its GST, the Commonwealth would fully fund its public hospitals, thus potentially achieving hospitals that are both nationally funded and locally run.

The Coalition understands the need for strong private hospitals too, that take some of the pressure off the public system. We will never make waiting lists worse by driving people out of private health insurance with counter-productive means tests. We won't turn the Pharmaceutical Benefits Scheme from a demand-driven to a budget-limited scheme by not listing drugs that have passed an expert cost-effectiveness test.

Mr Speaker, leaving young people on the dole and older people on welfare while so many businesses are short of staff is a terrible waste. I'm all in favour of training but first things first: the best training is on-the-job.

On Noel Pearson's advice, the Coalition would pay a $6000 relocation allowance to young unemployed people who move to a regional area for a job and who agree not to return to welfare within six months. This would be a programme not a trial. We'll pay a $2500 commitment bonus to long-term unemployed young people who take
a job and keep it for a year and a further $4000 if they stay off welfare for a second year.

We'll try to shake the cult of youth in hiring by giving employers up to $3250 for taking someone over 50 off welfare and back to work. As well, we'll give mothers real choice to be economic as well as social contributors with a fair dinkum paid parental leave scheme that gives nearly all new mums six months with their babies at full pay.

To improve their job skills and work culture, the Coalition will make work for the dole mandatory for long-term unemployed people under 50. The government's "tough love" rhetoric is hard to take seriously because since 2007 it has cut work for the dole numbers by more than 60 per cent.

We'll take the advice of Labor's former national president Warren Mundine and stop dole payments for people under 30 in places where unskilled work is readily available. We'll extend the government's mandatory family income management to all long-term unemployed people, not just those in the Northern Territory, because there shouldn't be one rule for some and a different rule for others.

As well, we'll couple more job search support for people with disabilities with a better designed welfare system that doesn't park middle aged people on the disability pension when they could still be earning.

Now Mr Speaker, the Coalition has a proven record of careful management of public finances. Just two of 12 Howard government budgets were in deficit. By contrast, the last nine Labor budgets, between them, have posted cumulative deficits of $230 billion or almost a quarter of a trillion dollars.

This budget's badge of economic virtue, a wafer-thin surplus by 2012-13, won't be achieved by tough-minded economic reform or serious spending cuts but by assumptions of very high economic growth on the back of the most favourable terms of trade in our history.

If it's achieved, it's a surplus made in China, not Australia. And let's not forget that this isn't an actual surplus. It's a predicted one - from a government which has shown all the forecasting accuracy of Nostradamus.

As we did last year, Mr Speaker, the Coalition will announce a position on individual budget items when they come before the parliament, not before, and we will announce a consolidated list of spending and savings measures in good time before the next election. When we did so last year, the Prime Minister said they were too tough but so far she has adopted $13 billion of Coalition savings.

People can be confident that spending, debt and taxes will always be lower under a Coalition government because we have the record to prove it. People can also be confident that economic growth will be higher and more sustainable under the Coalition. We have the record to prove that too and we take the view that a successful business is serving its fellow Australians, not exploiting them.

A strong economy is the essential precondition for effective government so the Coalition is always looking for ways to help small business suffering in a patchwork economy because that's where jobs are created and families get ahead.

For small business people, less paperwork means higher profits, boosted sales and more time with the family. Even the current government paid lip service to this when it promised a "one in, one out" approach to regulation but so far Labor has introduced 220 new regulations for each one it has repealed. Under the Coalition, "one in one out" will be a reality, not an aspiration.

As well, a Coalition government would reduce the regulatory costs to business by at least $1 billion a year. We'd require departments to calculate the costs to business of preparing and making available information, changing their processes and obtaining approvals. Departments and ministers would be accountable for meeting annual red tape reduction targets that the Productivity Commission would verify.

Mr Speaker, Labor can't help treating small business with suspicion as potential tax cheats and havens for non-union workers. The Coalition thinks that small business is more likely to treat workers like family and is the engine of higher employment and greater prosperity. That's why helping small business is such an important productivity reform.
If the ghost of Ben Chifley now hovers over this side of the parliament it's because the Coalition is much closer to workers' real interests than a Labor party that's sold its soul to Senator Bob Brown.

Mr Speaker, this government's character flaws have been abundantly illustrated in the budget. When the government is not robbing Peter to pay Paul, it's transferring money from people's right pocket to their left and congratulating itself for cleverness.

Little in this budget is quite what it seems. The $1.5 billion in new mental health money is offset by a $580 million cut in Medicare psychologist consultations. For all the focus on the forecast surplus there's been virtually no net tightening of the fiscal position since the middle of last year. For all the talk of repaying debt, the actual budget bills increase the government's borrowing limit by another $50 billion.

The government has cut funding for defence and national security while massively increasing funding to manage illegal boat people. The disability pensioner participation changes mostly apply to people under 35 so largely miss the musculoskeletal problems that keep so many older people on welfare. The headline-hogging efforts to get teenage mums into work and delinquent parents to send their kids to school are trials only.

Tradies might get their new utes cheaper but running them will be much more expensive thanks to FBT increases. Government will spend $350 on each pensioner's set top box when Gerry Harvey can supply and install them for just $168. Perhaps this programme should be called 'Building the Entertainment Revolution'. Pensioners and self-funded retirees deserve better than this.

The Prime Minister used to say that detaining boat people on Pacific islands was "costly, unsustainable" and wrong in principle. Yet last Friday she announced that the government would try to reopen Manus Island.

She used to insist that boat people couldn't be sent to Nauru because Nauru wasn't a signatory to the UN convention on refugees. Last Saturday she announced that 800 boat people would be sent to Malaysia, which isn't a signatory either, and that 4000 of Malaysia's arrivals would come here. The policy is no longer to stop the boats but to swap the boats – at a budget cost of nearly $70,000 a person or more than ten times the cost of a Sydney-Kuala Lumpur first class air ticket.

The Prime Minister should finally pick up the phone to the president of Nauru and re-introduce all the Howard policies that stopped the boats. If she wanted to value add, with the Coalition's support, she should introduce mandatory ten year minimum sentences for repeat people smugglers. But make no mistake, a Coalition government will stop the boats.

Whether it's installing and removing roof batts that catch fire, building over-priced school halls, losing control of our borders and detention centres, needlessly digging up people's front yards, threatening to kill the mining boom with an investment destroying new tax, or imposing a carbon tax that won't clean up the environment but will clean out people's wallets, this government always has the same basic failing.

It tries to solve problems that it doesn't understand, refuses to listen to people with good advice and thinks that if it changes the subject people won't notice its mistakes. It makes announcements and moves on without the hard work that's needed to turn creating a headline into making a difference.

Typically, while the carbon tax is not in the budget, the carbon tax ad campaign most certainly is. The mining tax is in the budget too even though its details have yet to be finalised or enacted into law and it's supposed to start on the very same day as the carbon tax.

The Prime Minister can leave the carbon tax out of the budget but she can't hide the damage it will do to struggling families' cost of living, the havoc it will wreak on jobs in manufacturing industry exposed to cut-throat competition, and the fact that it will make no real difference to the environment in the absence of comparable action overseas.

The Prime Minister can't hide the truth: that this is a tax for which she has no mandate. In fact, she has a mandate not to introduce it. The declaration, "there will be no carbon tax under the
government I lead”, will haunt this government every day until it faces up to this betrayal.

Does anyone think that the Prime Minister would now be in the Lodge had she admitted truthfully, six days out from last year’s election that, yes, “there will be a carbon tax under a government I lead”? This is the cancer that’s eroding the Prime Minister’s standing and sapping the government’s authority.

As things stand, we have a parliament that can’t make decisions people respect, a Prime Minister who looks like she’s not up to the job and a minority government that’s increasingly seen as an experiment that’s failed. If Australia goes on like this for another two and a half years, what is currently a great country with a lousy government could slide into a morass of indecision and paralysis.

The government lacks legitimacy, not because it lacks a majority but because it lacks integrity. This is what should gnaw at the consciences of MPs who support the carbon tax. How can this parliament honourably decide to introduce a carbon tax when no fewer than 144 of the House of Representatives’ 150 members are in parties that were committed not to have one?

People are entitled to change their minds but national leaders can’t on something as important as a great big new tax on everything unless they validate that change by seeking a new mandate at an election.

On this subject, the Prime Minister has compared herself with John Howard and the GST. There is one fundamental difference between them: the former Prime Minister changed his policy and put the new position to an election; the current Prime Minister had an election on one policy and promptly adopted the opposite one.

The Prime Minister should copy John Howard, not just quote him. She and Bob Brown should finalise the carbon tax details including its impact on jobs, industries and Australians’ cost of living and then she should seek the people’s verdict before trying to legislate it. Otherwise, the next election won’t just be a referendum on the carbon tax. It will be a referendum on governments that betray the people.

That’s what Australia needs: not a carbon tax but an election. Only an election could make an honest politician of this Prime Minister. Only an election can give Australia a government with authority to make the tough decisions needed to build a stronger Australia and help Australians get ahead.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (20:00): We have just heard a speech from the Leader of the Opposition which in summary is the soulless talking about sold souls. It is a budget full of promises not only unfunded, and irresponsibly unfunded, but cutting current revenue by, for starters, $11 billion over the forward estimates involved in his repeal of the mining tax. Never in my experience in this parliament have so many promises been made by somebody who is going to cut $11 billion out of the budget without explaining how he is going to fund those promises and who is going to hurt in the process. The one commitment that summed up the philosophy of this Leader of the Opposition is that, in set-top boxes, he would give the job to Gerry Harvey at the expense of thousands of small businesses around this country. Where government is allocating money so that pensioners can watch TV without the threat of cutting from their meagre resources, this Leader of the Opposition is a remnant from the government which repeatedly gave $500 cheques to hundreds of thousands of Australians as a voting incentive in the run to elections.

Australia is an enormously wealthy country and its economy is booming. It has emerged strongly from the global recession with an economic stimulus package which was backed and improved by the Greens, creating hundreds of thousands of jobs. Now there is tremendous economic growth on the back of a resources boom, and mining investment will rise to about eight times the level preceding the boom—that is, $76
billion by 2011-12. We have the highest terms of trade in 140 years. So the Greens pose this question to both the government and the opposition: how is it that so few are benefiting from the country’s great natural wealth and why is it that there is growing power at the corporate sector, which is the big-winner-takes-all section of the economy? We have a two-speed economy and a two-tiered democracy, and upstairs are the mining barons.

On 2 May last year Prime Minister Rudd and Treasurer Swan announced that they would introduce a mining super profits tax based on the Henry tax review. The mining industry campaigned against the tax, spending $22 million on an advertising campaign, and as a result they got $100 billion stripped out of the people’s revenue over the next decade to line their pockets and very often the pockets of already wealthy people outside this country.

Treasury figures show that that will indeed be $10 billion lost to budgets, including the budgets a year or two from now, and then consequent years right through to the early 2020s. What could be worse? Well, the revenue that would be lost if there were no mining tax at all—that is, an Abbott government which would strip $140 billion compared with the Henry recommendations, which only the Greens endorse, over the coming decade. So the mining corporations, who employ just two per cent of Australians, would, under the Abbott prescription, deprive the other 98 per cent of Australians of $140 billion in the coming decade.

The companies that are posting record annual profits for 2010 begin in the mining sector: BHP Billiton with $14.9 billion; Rio Tinto, $14 billion; Xstrata, whose Anglo-Swiss parent company is based in Switzerland—it is not listed on the Australian Stock Exchange—net total profit in 2010 was $4.9 billion and operating profit $7.65 billion. Then there are the four big banks, which would take 12 per cent of a future tax cut to the corporate sector, which is in this budget: ANZ, $4.5 billion; NAB, $5.7 billion; Westpac, $6.4 billion; and CBA, $5.7 billion. The average worker’s salary in Australia is $65,161 a year while the average base pay of CEOs—it is higher in the companies I have just mentioned—across the sector is $2,040,892. That is 31 times higher than the wage going to the average workers in the same corporation. The average worker’s pay has gone up 52 per cent in the past decade whilst CEOs’ pay has increased 130 per cent. Compare the $65,000 of average Australian workers with the CEO of BHP Billiton—$11 million in one year; of Rio Tinto, $9 million; of Woodside, $8 million; of ANZ Bank, $10 million; of Commonwealth Bank, $16 million; NAB, $7.7 million; and Westpac, $9.5 million.

From the economy of boom let me get back to those who are going to be squeezed. There is a problem in the revenue of this budget, not a problem with spending. It is only the Greens who are looking at the revenue base of this wealthy economy in a mining boom. It has been a missed opportunity by Labor, and would have been set aside altogether had Tony Abbott been in government. As George Megalogenis noted in the Australian yesterday:

The Treasurer should be kicking himself that the mining tax wasn’t handled better last year.

Hindsight says the tax should have been framed to collect little in the early years, but crank up in the second half of the decade.

It is too late now because the half-baked Minerals Resources Rent Tax—that is Labor’s prescription—looks as if it will behave like the fuel excise—falling as a share of GDP, when the budget needs it to grow.
The Greens would reinstate the original 40 per cent mining resource tax, as recommended by Treasury, and collect that $100 billion over the next 10 years. We would drop the cut to the corporate tax rate for big business inherent in this budget, and that would save approximately $18 billion over 10 years—$3.1 billion over the forward estimates. As it is, one-third of this anomalous tax break is going to BHP, Rio Tinto and, as I indicated earlier, the four big banks alone. That is $3.1 billion in a tax break over the coming four years while the rest of Australians get no tax break at all but a squeeze is put on millions of poorer Australians in what is not only a two-speed economy but a rapidly growing gap between the rich and the poor under Labor, something that we thought would end with the Howard government.

The corporate tax cut should be applying only to small business, and we commend the government for the cut to tax on small business. After all, small business provides 47 per cent of the total employment, or around five million jobs, in this country. Compare that with the mining industry's 206,000 jobs. That tax cut for small business, while not handing over the much more expensive tax break for the big corporations who are already booming, as I have outlined, would bring Australia in line with the US, the UK, Japan and Canada, which have different and often much lower company tax rates for small business.

We would remove the fossil fuel subsidies, which total $11 billion a year, including fuel tax credits, which add up to $5 billion a year—the exclusion there being fuel tax credits for farmers, costing just $680 million of that $5 billion. These tax credits mean that, while ordinary Australians pay 38c tax per litre for their fuel, the big mining corporations pay nothing. So, every time an ordinary Australian goes to the petrol bowser, they know they are paying 38c more than these massively wealthy mining corporations going to get their fuel in the same country. Greens polling shows that 84 per cent of Australians do not consider it appropriate for the big fossil fuel companies to receive such subsidies but consider that the money could and should be better spent on development of clean, renewable energy technologies.

The government has adopted the Greens initiative to reform the fringe benefits tax concessions on company cars, so we will have a flat tax rate of 20 per cent regardless of the kilometres travelled. That will raise $1 billion in the forward estimates. It is something, of course, that the opposition will not go along with in this incredibly irresponsible presentation tonight, which is gifting everybody and costing no-one and which is short most of all on responsibility.

The Greens would establish a sovereign wealth fund. This has the support of economic experts including, if I read him correctly, the Governor of the Reserve Bank, Glenn Stephens and, just in the last week, the International Monetary Fund. There are about 37 countries which have such funds. There is currently $5 trillion in sovereign wealth funds around the world, and this will double to $10 trillion by 2015, but not here in Australia under Labor and not here in Australia under the coalition. But it would be were the Greens to be able to follow through policy responsibly on behalf of the Australian people and their future. It would be able to fund such important future infrastructure as high-speed rail in this country, rapidly carrying Australians in clean, fast, efficient and cheap transport between Brisbane and Sydney or from Sydney via Canberra to Melbourne in three to four hours. The Greens would fund that through a proper resource take from our booming mining industry through a
sovereign wealth fund. Neither of the other parties will have the wherewithal to be able to get Australia into the high-speed lane for rail.

Solar power, geothermal and other renewables deserve much greater investment in this sunny country, as does grid infrastructure, which is a critical component of a future clean energy base. The Obama administration has recognised grid infrastructure as a critical enabler for renewables, similar to the way Labor here, backed by the Greens, recognises broadband as critical infrastructure. We would strengthen and promote our cultural institutions, not cut them as in this budget.

The government has increased the efficiency dividends on the public sector—that is, the cuts—from 1¼ per cent to 1½ per cent for two years, and that will raise $1 billion in the forward estimates. We cannot put a dollar figure on the savings from these cuts—that is, the impact of these cuts—but the damaging cost of this for some of our national cultural institutions is emerging. Jobs and programs will be cut at the National Gallery. Exhibitions will be cut from 12 to five in the coming years. There will be cuts to travelling exhibitions which will impact on regional Australia. Thirty per cent of jobs are at risk in the Australian Institute of Aboriginal and Torres Strait Islander Studies. Seventeen jobs will go from the National Library and a similar number from the National Museum. Seven jobs and fleet vessels are threatened at the National Maritime Museum and the National Archives. Screen Australia will be hit. So will the Australian Film, Television and Radio School and the Australia Council for the Arts. All these are, totally unnecessarily, facing the razor. Australia's pride in these institutions is unlimited, but they are going to feel the razor from Labor, and of course they would be cut even more deeply under the Abbott prescription put to this parliament tonight. He overlooked them totally. Well, the Greens will be in there advocating for the restoration of funding to these great institutions in the coming weeks and months. On a brighter note, I congratulate the government on its continuing increase in the overseas aid budget. That has reached 3.5 per cent of gross national income, $4,836 million up from the $4,361 million of the last budget. Particularly welcome is the increased focus on basic education in the countries where we spend that aid money for primary schools and in-country teacher training, as is the $96 million of new funding allocated to ending violence against women initiatives and the doubling of funding that will be delivered, and therefore better targeted, not through government but through non-government organisations.

I thank the government for some important Greens initiatives taken up in this budget. There will be a Parliamentary Budget Office. It is going to be given $24.9 million over the coming four years so that this parliament will be able to readily cost proposals like the Leader of the Opposition's uncosted budget presented tonight through an independent, established Parliamentary Budget Office. With that, we are catching up with other countries, and this will be a real achievement for the Greens which will serve this parliament and give greater prudence to political promises made and schemes offered to the people of Australia for the decades to come.

I acknowledge, along with the Leader of the Opposition, the role played by all parties, but in particular the community sector in the much better spending on mental health: $2.2 billion over the forward estimates, with over the coming five years $1.5 billion in new money for mental health investment. I give credit to, amongst the many people involved here, my colleague Senator Rachel Siewert.
Also from the Greens has come—and it was written into our agreement with the government—a move to better fund dental health care in this country. In this budget there is $53 million for 150 dental internships over the coming four years, but that is just a marker of things to come. The National Advisory Council on Dental Health will be established to provide advice on dental health in this country. I quote from the budget:

Significant reform ... in line with the Government's agreement with the Australian Greens, will be a priority in the 2012-13 Budget.

I know from having a medical background that if you give good dental health to Australians, you give them good general health. And if you give good general health to Australians, you save not only a great deal of illness but billions of dollars to the national economy.

Next are some of the worst of the welfare measures in this Labor budget. Payments will be slashed to some single mothers with teenage children by $56 a week. I quote from an article relating to this matter by Adele Horin in the Sydney Morning Herald:

At least 50,000 sole parents with teenage children will be financially worse off, even if they are working, as a result of new welfare-to-work measures announced in the budget.

The chief executive of the National Council on Single Mothers and their Children, Terese Edwards, described the measure, as "harsh, mean-spirited and unnecessary".

From January 1, 2013, the mothers of children aged 12-15 will be moved from the parenting payment single to the Newstart allowance, resulting in a loss of $56 a week. The measure will apply even when sole parents are already fulfilling participation requirements by working at least 15 hours a week. Instead of being able to combine part-time earnings with a part parenting payment, they will be entitled to a portion of the much lower Newstart allowance.

The president of the Sole Parents' Union, Kathleen Swinbourne, said the shift was simply a budget-saving measure.

"It's rather feeble when the people who can afford it the least have to help fix the budget deficit," she said.

It is cruel, it is unnecessary, and we will be trying to engage the government in ameliorating that item.

The budget also includes a teenage mothers so-called education trial program, where mothers will be required to participate when their baby is six months old and compulsory activity such as education or training will be brought in when the child turns one year old—for goodness sake.

Harsher requirements for the disability support pension will threaten thousands of Australians with a disability. If there is one item we are very attracted to, and congratulate the opposition on, it is $20,000 to the parents of the most disabled children. We expect this will inherently be part of any future program that the opposition brings forward. The Greens are committed to improving this budget, not as Mr Abbott would have it: wrecking the budget. The Greens will scrutinise all of these welfare measures to see if they are necessary and with a view to removing some of the harshest thorns.

The economies of climate change are on the agenda, as Mr Abbott said in his budget reply speech. This budget has to be seen in the context of that huge issue which the Greens—including my colleagues Senator Milne and Adam Bandt, the honourable member for Melbourne—are focused on. This includes establishing a carbon price and ending the destruction of the nation's forests. How Labor must regret having not taken up their former leader Mark Latham's offer of $800 million to end the destruction of forests in Tasmania. We now have an historic opportunity to end that destruction, because
the industry is in an economic spiral down with no end in sight. I hope that this government, along with the Tasmanian government—and following on, the governments in New South Wales and Victoria—will take this historic opportunity, which is very similar to the opportunity that the Fraser government took in 1978 to end whaling, to end the destruction of the great wild forests of Tasmania and the south-east of the mainland.

The Greens are intent on bringing humanity back into the treatment of asylum seekers. My colleague Senator Hanson-Young just yesterday successfully moved in this Senate a motion deploring the government's move to send asylum seekers from this country to Malaysia. We will be doing all we can again to have a more humane regime brought in by this government, and of course that means to offset the even crueller attitude to asylum seekers in this country inherent in what the Abbott speech tonight implied.

I want to come back to the establishment of a carbon price, because that is going to be the most substantial restructuring of the Australian economy in decades. In 2007, the Stern review, described as 'the most comprehensive review ever carried out on the economics of climate change', found that the cost of not taking action on climate change will now be equivalent to five to 20 per cent of the GDP each year later this century. We face, besides the economic and lifestyle destruction inherent in climate change, leaving through our inaction our grandchildren with an up to 20 per cent hit on every budget in their lifetimes trying to ameliorate the impact of climate change.

The cost of action to reduce greenhouse gas emissions now to avoid the worst impacts of climate change could be limited to two per cent of GDP if it were coordinated globally. Sir Nicholas also said:

… the benefits over time of actions to shift the world onto a low-carbon path could be in the order of $2.5 trillion each year.

That is, it would be better for the economy, better for jobs, better for the environment and better for the security of this nation and the world.

Treasury estimates that Tony Abbott's direct action scheme will cost Australian taxpayers around $30 billion by 2020. It relies on paying polluters $10.5 billion to reduce their emissions, with a further $20 billion for the purchase of international permits to be bought by 2020 to reach the five per cent emissions reduction target he claims. So by 2020 the total cost of Mr Abbott's plan will be $720 per household minus no compensation, leaving householders exposed while the big polluters are understrapped by payments from the taxpayers.

We reject this hit on householders, again to the advantage of the big polluters, and would turn that around. The Greens' carbon price plan would put a tax on big polluters, not average Australians. It would use the money raised to compensate householders, build renewable energy and public transport and support industry transition, and, as such, will create hundreds of thousands of jobs. According to a recent report by the Climate Institute on action on climate change, a modest carbon price would create 6,600 directly in New South Wales alone.

This is not a Greens budget; it is a Labor budget. The Greens will deal responsibly with all budget legislation on its merits. We will not block the budget or supply, but we will look to improve it where we can in a fiscally responsible manner. However, in order to ensure stability in government, the Greens will not be supporting any opposition
move which aims to wreck the budget. We will not support the destabilising and wrecking tactics of the opposition as we move to improve the legislation.

I want to say this. There is more to the budget reply tonight than a thin veneer of promises to the Australian people. It is a self-invested budget reply from a Leader of the Opposition who is hell-bent on destabilisation of the elected government and the right of Australians to be able to go to an election each three years. We see the strategy in this uncosted cornucopia which does not stand any test of commonsense scrutiny as a move by Mr Abbott to look more like Mr Nice Guy when in fact he is Mr Wrecker. The Greens have his measure.

We have a job and a responsibility in this parliament to ensure that we do get stability, and we will undertake that responsibility with a very careful scrutiny of the budget measures from the government and a dialogue with the government to improve those measures which are unnecessarily harsh or punitive on individuals or institutions. My team of Greens in this parliament—now in both houses of this parliament—are committed above all not to the short-term political gain for self that we see in Mr Abbott's approach but to the betterment of all Australians, not just the big end of town. We will be judicious in our strong response to the government and some of the measures which should not be in the budget.

I have outlined tonight a revenue base which would have made this budget sing for Australians without the harsh, unnecessary lines in the budget which have been required simply because the government wants to give a massive tax break to corporations while not giving it to average Australians. The coming weeks and months will test us all out, but I can assure the people of Australia, who have generally received this budget with agreement—there has been no outcry; there is some lamenting; there has been no dancing in the street. I think, generally, Australians would see this as an average budget.

I gave it six out of 10. That is because I am more Pomeranz than Stratton! But I think that the government could do a lot better, and I will be with my team of Greens working to make it more socially just, more environmentally positive, more economically responsible and fairer in the country of a fair go, ending the two-speed economy by making sure the mass of Australians in the slow lane do better—and they will not under this budget, and they would do worse under Mr Abbott—and turning around the growing gap between wealth and poverty, luxury and harshness which we see in this country under our very eyes. We are a humane party, we are environmentally responsible and we are politically savvy. In this milieu of headbutting between the government and a very aggressive, self-invested opposition, we are up to the task of getting Australians all not only a better outcome from this budget but a better outcome from all the work that we are undertaking in this great parliament of Australia.

Debate adjourned.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Crossin): Order! It being 8.30 pm, I propose the question:

That the Senate do now adjourn.

Women's Workforce Participation

Senator PRATT (Western Australia) (20:30): Tonight I want to speak briefly about women's work and the contribution that women's paid work has made to their own empowerment, to the financial security of their families and to the productive
capacity of this nation. I also want to touch on the barriers that remain to women's full participation in the workforce. These are barriers that constrain women's personal development, limit their capacity to provide a secure economic future for themselves and their families, and restrict their contribution to Australia's productivity. They are barriers that see Australian women with significantly lower incomes than men throughout their working lives—and with woefully inadequate retirement incomes.

The women's budget statement this week highlights that, even in times of economic strength, Australia has a high proportion of long-term jobless families compared to other OECD countries. Around 70 per cent of these families with children under 15 are single parent families and the majority of these are headed by single mothers. We know that extended periods on income support can lead to significant barriers to workforce participation and entrench the disadvantage that these families experience.

There is no doubt that access to paid work and the benefits that flow from it are central to the empowerment of women. This is a fact that has long been recognised by labour feminists. Access to work under reasonable conditions and for fair reward is vital to women's economic and social wellbeing, and it is equally important to women's dependants, especially their children. As the OECD has recognised, increasing maternal employment is one of the most effective means of raising family incomes and reducing the risk of child poverty. It is certainly pleasing to see this as an emphasis within this week's budget.

On average across the OECD, children in households without an adult in work are three times more likely to grow up in poverty than children in dual-earner households. And children in one-earner households are three times more likely to grow up in poverty than children in dual-earner households. In short, women who go back to work are helping protect their children from poverty, just as surely as they are advancing their own economic and social wellbeing.

We know that increasing women's employment has also contributed a great deal to Australia's economic growth in recent decades. One recent study by Goldman Sachs estimates that progress in closing the gender gap in the employment rate has already added 22 per cent to Australia's GDP since 1974. And increasing women's workforce participation has become more urgent as our population ages and as Australia confronts looming skills shortages as a result of the current resources boom.

There is now a positive correlation between employment rates and fertility rates in developed countries. Women in Scandinavia, for example, are both more likely to work and more likely to have children than their sisters in Italy or Japan. So it seems that when women are not forced to choose between child rearing and paid work, most women will in fact choose to do both. In other words, we can have both more children and more working mothers—a double benefit in terms of our ageing population—if we get the policy settings right.

Given how important access to paid work is for women and their children and for the Australian economy, it is concerning that Australia has fallen behind many other developed nations on this front. While women's workforce participation rates in Australia have continued to rise over the past 20 years, they have risen slowly, much more slowly than in other comparable countries. So it is pleasing that in this week's budget we have seen significant measures to lift women's workforce participation.
I think it really does matter that women with young children are less likely to work in Australia than in many other comparable countries. When women disengage from the workforce because of child-rearing responsibilities, either by not working or by working part time, they are less likely and less likely to work full time in the future. They are also more likely to earn less later in life and more likely to retire on an inadequate income. Taking a career break to have children will in all probability affect a woman's financial security not just at the time but, indeed, for the rest of her life.

We know that much of the gender pay gap can be explained by the impact of parental and marital status on men's and women's earnings. So if we care about equal employment opportunity, if we care about pay equity, if we care about women's retirement incomes, if we care about child poverty and family income inequality and if we care about Australia's future productivity and prosperity, we need to confront the fact that parenthood is exacerbating gender inequality in our workforce. We need work that works for women in this country, including women with children, so that fewer women have to choose between children and a rewarding career and more women can choose to have both.

The question is: how do we do this? We have met many of the required policy milestones, which include: early childhood education for preschoolers, three- to five-year-olds; publicly funded child care for very young children; universal, moderate length, job protected, unpaid parental leave; short-term paid maternity and paternity leave; ensuring that work benefits that help parents manage work and family responsibilities, such as flex time, are readily available and that employees are not penalised for using them; and, importantly, reducing disincentives to work for second earners within the tax/welfare system. I am pleased that within this budget and with many of our previous achievements we have done things like roll out early childhood education, in the years prior to school, of 15 hours per week for 40 weeks per year for four-year-olds. We have boosted public support for child care by increasing the childcare tax rebate substantially as well as by increasing the quality of care children in this nation receive. We have also introduced the nation's first national paid parental leave.

In this budget, we are investing $7.1 million over four years to provide support to help jobless parents living in 10 disadvantaged locations—parents who have been on income support for at least two years or who are under 23 years of age and who are not currently working or studying. We will also help more parents with the costs of child care with the Jobs, Education, Training and Childcare Fee Assistance, JETCCFA, package being extended from 26 to 52 weeks for employment related activities. We are focused on helping single parents enter the workforce with career advisory services and investments to help single parents improve their skills and plan for their transition into the workforce.

Most importantly, we have provided incentives to single parents through parenting payment reforms. We are rewarding people, most of whom are women, who are earning an income while on Newstart and establishing their connection to the labour force. To achieve this, we are adjusting the taper rate. I am not going to explain the technical details of that tonight, but it means that many recipients will be able to earn almost $400 extra per fortnight, to a total of $1,346 per fortnight, before they lose any eligibility for at least some form of income support. You can see that that is a significant incentive to help single parents, most of whom are women, back into the workforce.
We have also increased the low-income tax offset, but I do not have time to go into that this evening.

Clearly, there is much to be done to ensure that all women in Australia can choose to have children and a rewarding career. We have taken important steps since we have been elected, and indeed in this budget, to ensure that this is the case. As our Prime Minister has highlighted, Australians should not be denied the benefits and dignity of work. These benefits are vital not only to women but also to their dependent children. As I have highlighted, Labor has taken many steps since first being elected but there is much more to do in the future still to advance this agenda.

**National Disability Insurance Scheme**

**Senator CAROL BROWN** (Tasmania—Deputy Government Whip in the Senate) (20:40): I rise tonight to speak on the National Disability Insurance Scheme, the NDIS.

The federal Labor government asked the Productivity Commission to investigate the feasibility of new approaches for funding and delivering long-term disability care and support. The announcement of the government's intention to have the Productivity Commission investigate the options for the implementation of the National Disability Insurance Scheme was a significant announcement and something I was certainly excited about. I am sure this excitement was shared across the wider disability sector.

Upon coming to government, we recognised that the status quo was not good enough. That is why we asked the Productivity Commission to conduct this inquiry. The Productivity Commission inquiry, I believe, presents the government with a unique opportunity to implement significant policy reform in the area of disability.

Upon our re-election to government, Senator Jan McLucas was appointed as the Parliamentary Secretary for Disabilities and Carers. Senator McLucas is a passionate advocate for people living with disabilities and has been working to advance the government's policy initiatives in the area of disabilities. Just recently Senator McLucas launched the National Disability Strategy. The strategy sets out a bold vision: an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens.

The government is committed to supporting people with a disability. That is why we are currently providing more than $6 billion over five years for more and better specialist disability services. This is for improved access to specialised employment services and for delivery of our historic pension increases for people with a disability and for carers. This funding injection has doubled previous government spending on disability, but we know more needs to be done and that is why we have put disability on the national agenda.

The release of the Productivity Commission's draft report as part of its inquiry into support for Australians living with a disability has suggested a major change to the way people with a disability are supported. The government wants to see a system that responds to the unique needs of people with a disability, provides greater incentives for early intervention to reduce the impact of a disability, provides better opportunities for people with a disability and their carers to work and fully participate in our community and is affordable and sustainable.

Of course, change of such a substantive nature does not come easily. As the report identifies, there are some significant barriers to change, like a complicated system, a limit-
ed workforce and significant cost barriers. But we should not be deterred, because with any significant piece of public policy reform there are always benefits associated with its successful implementation. The case of the NDIS is no exception.

As identified in the Productivity Commission's draft report, a National Disability Insurance Scheme would provide support for everyone in Australia. For instance, the NDIS would help a baby who is born with a significant disability or a person who gets a significant disability later in life. In effect, the scheme would cover all 22 million Australians. It would also benefit around four million Australians affected by a disability by providing them with information and helping them find the right services to fit their needs. As well as offering support to the 360,000 people who have a significant disability, this would mean services would be tailored to the person's individual needs by working out and providing the most appropriate services and support. As we move forward, the Productivity Commission have recently been conducting consultation sessions around Australia. They are conducting these consultations in response to the release of their draft report as well as accepting written submissions in response to the draft report. The consultation process was recently in Hobart and I was told that it was a very positive consultation with a great deal of support for the introduction of an NDIS.

In fact in Tasmania, the NDIS has been received very positively right across the state. With our higher prevalence of people with a disability, an NDIS would benefit many Tasmanians. Recently in Hobart, I had the opportunity to appear and speak at a parliamentary forum on the NDIS which was conducted and organised by National Disability Services Tasmania. So I would like to take this opportunity to acknowledge Margaret Reynolds and her team at NDS Tasmania for organising the parliamentary forum at Parliament House, Hobart.

NDIS do wonderful work in Tasmania providing support for people with a disability and advocating on their behalf. The forum was chaired by Mr John Della Bosca, campaign director for the National Disability Insurance Scheme. I would also like to acknowledge the fantastic work John and his team are undertaking through their work on the campaign and advocacy of an NDIS. John is a passionate advocate for the NDIS and has spoken about the importance of the political consensus for an NDIS continuing into the future. There was an excellent turnout at the forum with representatives from the sector, disability workers, people living with a disability and their carers and their families all present.

At the forum, parliamentarians had the opportunity to make a contribution and then members of the audience were able to ask questions. Senator Fifield, shadow minister for disabilities, carers and the voluntary sector, represented the opposition. He made what I believe was an excellent, worthwhile and very supportive contribution. At the forum, people shared their stories and experiences with the forum audience and there was certainly a lot of goodwill and broad bipartisan support in the room, that was shared by Senator Fifield.

It was also clear that the sector, disability workers, people with a disability and their carers and families do not expect anything less. They do not want the NDIS to turn into a political issue. They want bipartisan support for the NDIS to continue and to see an NDIS implemented. This cross-party support is crucial. If the NDIS is to be implemented, bipartisan support needs to be forthcoming. The NDIS is a huge piece of potential public policy reform, so we need
everyone to get in and work together to ensure it is delivered. Presently there is bipartisan support from all sides of politics, as I see it, and I hope this continues because there are too many Australians who stand to benefit from the implementation of such a scheme not to continue.

In recent days we had some good news for students with a disability and their families. Announced as part of the budget on Tuesday was $200 million to provide extra support for students with a disability. This funding will ensure that every student with a disability will receive a quality education. As the Minister for School Education, Early Childhood and Youth, the Hon. Peter Garrett, highlighted currently, there are more than 164,000 students with disabilities attending Australian schools. So the More Support for Students with Disabilities initiative is critically important because it will deliver new services, equipment and support on the ground where they are needed. The program will deliver new services and provide benefits for students and their families such as speech and occupational therapy, access to special equipment in the classroom such as audio and visual technology so students are able to learn more easily and engage with their classmates and teachers, additional hours of in-class support from teacher aides and health and allied health professionals, and an adapted curriculum tailored to their needs.

The package will also include improved support for teachers by providing them with more support staff, better planning support so their lessons enhance the way students with disabilities learn and by giving teachers access to expert advice so they can learn the latest skills and strategies. Students will receive the benefits from the More Support for Students with Disabilities initiative by the time school starts next year. Whilst this is an excellent initiative and we have made many strides in our support for people with a disability through our large-scale investment in disability services, I believe that ultimately a national disability insurance scheme is the best way to support people living with a disability.

I look forward to the Productivity Commission delivering their final report to the government, which is due in July this year, and I look forward to the response of the government to the Productivity Commission's final report. And I look forward to reading the Productivity Commission's final report and continuing to advocate for the introduction of a national disability insurance scheme.

**Anzac Day and Day of Mourning**

Senator FURNER (Queensland) (20:50): I rise to commemorate the lives of those who have served our nation in our armed forces. Each year on Anzac Day, Australians all around the country and overseas pause to acknowledge and reflect on the sacrifices our servicemen and women have made to ensure that we enjoy the freedom that we have today. This year there were ceremonies at Anzac Cove in Gallipoli, Turkey, Villers-Bretonneux in France, Hellfire Pass in Thailand, Papua New Guinea, Sandakan in Malaysia, Afghanistan and Timor-Leste. It is also a day to recognise our troops who are still serving overseas, who are putting their nation’s interests before their own safety. We owe a debt of gratitude to you and your families for the sacrifices you have made and continue to make.

April 25 is a significant date in our Australian history. It was dawn on 25 April 1915 when thousands of Australians and New Zealanders landed at Gallipoli, Turkey, and began an eight-month long campaign. Minister for Veterans' Affairs, The Hon. Warren Snowdon, described this moment as the birth of the Anzac tradition. Our troops
exuded the qualities of mateship, selfless courage, determination and endurance and this is what symbolises the Anzac spirit. Our landing at Gallipoli during World War I was our nation's first participation in a major international conflict and we lost 8,700 Australians. By the end of World War I, from the 416,000 who enlisted we had lost more than 60,000 Australians, a huge loss of life for a newly-federated nation of just 4.5 million people. More than 166,000 were wounded and more than 4,000 became prisoners of war. Our presence in this war was significant and contributed to the allied countries' win over Germany in 1918. Sixty-four Australians were awarded the Victoria Cross which is this nation's highest award for bravery in the face of an enemy. In World War II, we had 990,000 Australians enlist with almost 40,000 deaths; 17,000 Australians served in Korea, and in Vietnam we had almost 60,000 Army, Navy and Air Force personnel fighting for our freedom.

To date, our servicemen and women have served in World War I, World War II, Korea, Malaya, Vietnam, the Gulf War, Iraq, Afghanistan, Rwanda, Sudan, China, South Africa, Timor Leste and the Solomon Islands. Our nation has also been involved in peacekeeping operations since 1947.

To commemorate the service and sacrifice our service men and women have made, organisations all over the country here and abroad hold Anzac Day services. This year I was privileged to attend quite a few: a dawn service at the Pine Rivers Memorial Bowls Club held by the Bray Park-Strathpine RSL sub-branch, a memorial service held by the Pine Rivers District RSL sub-branch, and in the evening I represented the Prime Minister at the Freemasons Service in the city. Anzac Day is a day when I am even more proud to call myself an Australian.

While we remember our fallen, the Vietnamese community also remembers. Today Vietnam is a unified country but there are many in the Australian community who still remember the tears and despair of the Vietnam War. The Vietnam War began in 1955 with Australia becoming involved in 1962 with the deployment of the Australian Army Training Team Vietnam. Our interest in South Vietnam was, according to the Australian War Memorial, 'to stem the spread of communism in Europe and Asia'. Our involvement continued with Caribou transports being despatched by the Royal Australian Air Force to Vung Tau and in 1965 when the 1st Battalion, Royal Australian Regiment was deployed. At this time, the United States had increased its troop numbers and by year's end had 200,000.

We had almost 60,000 Australians serving throughout the war including Army, Navy and Air Force personnel and civilians. Our retreat from Vietnam started in the 1970s until an official proclamation from the Governor-General ended our participation in the war on 11 January 1973. In April 1975 RAAF Hercules transports were despatched to provide humanitarian assistance and carry out two important missions—to evacuate orphans and embassy staff. On 30 April 1975, Saigon fell to the North Vietnamese army.

On April 30 I was invited to a ceremony by the Vietnamese Community in Australia Queensland Chapter President, Dr Cuong Bui, to commemorate the day Saigon fell into the hands of North Vietnam. This day is described as a Day of Mourning. On April 30, 1975 the war between North and South Vietnam ended. This conflict saw more than 315,000 troops from South Vietnam and its allied countries lose their lives and more than 1½ million were wounded. Even though the
war ended that day, Dr Bui said the suffering of his people did not cease. He said:

The post war policies of the Hanoi regime such as: the revenge against the soldiers, the public servants of the previous government, the new economic zones, the concentration camps—the real name of the so called re-education camps—the discrimination against the Southerners, the Chinese, and the changes of monetary unit sent more than two million people to the sea, fleeing the country.

But not everybody was able to flee safely and there is no official figure to account for how many Vietnamese people lost their lives, but according to the United Nations High Commissioner for Refugees, this figure could be up to half a million. During his Day of Mourning speech, Dr Bui said people fled not knowing where to go or where to turn to. He said:

People died because of hunger, storms, pirates, they died in fear, in frustration without a decent burial, they just disappeared, and the ocean was their hallowed tomb.

Thirty-six years on and Dr Bui says 80 per cent of Vietnam's 84 million people live below the poverty line. Next year will mark the 50th anniversary of Australia entering the Vietnam War. It was the longest conflict we had been involved in and we lost 521 Australians and another 3,000 were wounded.

On Anzac day and Remembrance Day, I believe it is important for Australians to pause and remember the sacrifice our troops have made since our first conflicts in the 19th century to our participation in Afghanistan and Timor-Leste.

Recently in this chamber we have debated our involvement in Afghanistan and re-emphasised the reasons why our contribution should continue. I still wholeheartedly support these reasons and believe the Afghans deserve the same right to freedom as we do here.

To our troops who are currently serving overseas we say thank you. As volunteers, your commitment and bravery for this country is unwavering and extraordinary. We thank you. We thank your families and we thank your patriotism.

BUDGET

Consideration by Estimates Committees

The PRESIDENT (20:57): I remind honourable senators that legislation committees meet to consider estimates in the fortnight beginning 23 May 2011. Program details will be published on the Senate website. The Senate stands adjourned until Tuesday, 14 June 2011 at 10 am.

Senate adjourned at 20:58
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Tertiary Education, Skills, Jobs and Workplace Relations: Staffing
(Question No. 399)

Senator Mason asked the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, upon notice, on 10 February 2011:

(1) Can a list be provided detailing the number of departmental staff (and agency staff) employed outside Australia, including: (a) where they are located; (b) their position titles; and (c) their position descriptions.

(2) Can a list be provided detailing the department's offices located outside Australia, including: (a) their physical address; (b) the number of staff stationed there; (c) if leased, the cost of leasing the property annually and the terms of the lease (including the duration and any options); and (d) if purchased, the cost of purchase.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

DEEWR is the only agency with staff employed outside of Australia. Details as requested in parts (1) and (2) are contained within the excel documents available from the Senate Table Office.

Prime Minister
(Question No. 405)

Senator Mason asked the Minister representing the Minister for School Education, Early Childhood and Youth, upon notice, on 10 February 2011:

With reference to the Prime Minister's Prize for Australian History
(1) When will the 2010 prize be awarded.
(2) Who is on the Advisory Committee for the 2010 prize.

Senator Chris Evans: The Minister for School Education, Early Childhood and Youth has provided the following answer to the honourable senator's question:

(1) The 2010–2011 Prime Minister's Prize for Australian History will be awarded in the second half of 2011.

(2) The members of the 2010–2011 Prize Advisory Committee are:
• Chair – Professor Stuart Macintyre, Ernest Scott Professor of History and Laureate Professor, University of Melbourne
• Dr Michelle Arrow, Senior Lecturer, Department of Modern History, Macquarie University
• Dr John Hirst, Emeritus Scholar, La Trobe University
• Adjunct Professor Margo Neale, Senior Research Fellow, Senior Curator and Principal Advisor to the Director on Indigenous Matters at the National Museum of Australia, and Adjunct Professor, Australian Centre for Indigenous History, Australian National University.

Australian Broadcasting Corporation
(Question No. 410)

Senator Adams asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 1 March 2011:
With reference to advice that the town of Bridgetown in the Great Southern Area of Western Australia does not currently receive Radio National coverage:

(1) What plans exist to provide transmission towers to extend Radio National coverage to Bridgetown.

(2) What is the timeline for that coverage provision.

Senator Conroy: The answer to the honourable senator's question is as follows:

(1) The Australian Broadcasting Corporation (ABC) has advised that there are no current plans to extend ABC Radio National to Bridgetown.

(2) See answer to question 1.

Superannuation
(Question No. 433)

Senator Cormann asked the Minister representing the Assistant Treasurer, upon notice, on 11 March 2011:

With reference to the practice of identity theft for the purpose of stealing from superannuation accounts:

(1) How many cases of identity theft resulting in financial loss occurred in each of the following financial years: (a) 2007-08; (b) 2008-09; (c) 2009-10; and (d) the period from 1 July 2010 to 1 March 2011.

(2) What was the total amount stolen in each of the above periods.

Senator Sherry: The Assistant Treasurer has provided the following answer to the honourable senator's question:

The information requested cannot be conclusively determined because of the nature and operation of identity theft activity. The difficulty lies in the fact that in order to collect such information the person affected must be aware that their identity has been stolen and then be aware that their superannuation savings may be at risk. Further once a person is aware, there are a number of steps they may take including reporting the matter to their superannuation fund which may then settle the matter privately. Individuals may also contact the Australian Taxation Office (ATO) to report that their identity may have been compromised. The ATO is able to take measures to prevent any further activity occurring against the individual's identity through its systems.

The ATO is aware of the following cases of identity theft for the purposes of stealing superannuation savings:

- 2007-08; 44 cases of identity theft were confirmed. Fourteen of these resulted in the theft of superannuation savings totalling $474,384.
- 2008-09; 21 cases of identity theft were confirmed. Two of these resulted in the theft of superannuation savings totalling $53,250.
- 2009-10; 4 cases of identity theft were confirmed. These cases are currently under investigation and the ATO is unaware of any theft of superannuation savings at this time.
- 1 July 2010 to current date: no cases confirmed.

Superannuation
(Question No. 434)

Senator Cormann asked the Minister representing the Special Minister of State, upon notice, on 11 March 2011:
With reference to a letter dated 26 October from Ms Fiona Codd, Director of Governance, Systems and Organisational Reporting, Australian Electoral Commission, to Mr Frederick Humphrey of Freemans Beach, New South Wales, claiming that a 'system issue' meant that extra employees hired for the 2010 federal election had their superannuation monies paid into Australian Government Employees Superannuation Trust (AGEST) rather than the fund they had nominated:

(1) How many employees were in this situation.
(2) What proportion of electoral staff hired for the 2010 federal election does this amount to.
(3) In plain English, what was the 'system issue' that caused the misdirecitions.
(4) Have the misdirected amounts now been transferred to the superannuation funds the employees had specified.
(5) Has the Australian Taxation Office (ATO) enquired of AGEST whether any fees were charged by any parties involved in the transfer that would have rendered employees worse off; if so, has the ATO acted to compensate such employees.
(6) Ms Codd's letter also states employees are paid a 'total package' that is constructed to represent all work undertaken and recognise the length of polling day hours, that is, it includes hours expected to be worked in excess of what would be classed an ordinary working day. It also encompasses some allowances rather than paying these separately, therefore in relation to temporary electoral staff employed for the 2010 federal election, what components of pay attract a superannuation guarantee payment.
(7) What comprises a typical 'total package' in the context of the temporary staff employed in the 2010 federal election.
(8) Is it clear from material presented to prospective and current Australian Electoral Commission employees what components of their pay attract superannuation and those that do not.

Senator Wong: The Special Minister of State has provided the following answer to the honourable senator's question:

(1) Approximately 400 employees were in this situation.
(2) This amounts to 0.60% of electoral staff (66,874) hired for the 2010 federal election.
(3) The Australian Electoral Commission (AEC) introduced a new on-line recruitment system in 2010. That system allows applicants to select a superannuation fund of their choice. This choice is passed to the AEC payment system for action when superannuation is due. There is a default set in the new on-line recruitment system to direct funds to the Australian Government Employees Superannuation Trust (AGEST) when no superannuation fund is chosen by an employee. Unfortunately, in some cases, the new system did not work as intended and the employees' choices were overwritten and the funds sent to the default fund (AGEST) instead. The AEC has addressed this issue in system improvements to be released shortly.
(4) The AEC has substantially completed the repayments to the correct funds following provision of the corrected information by employees.
(5) The AEC is unable to comment.
(6) It has been the AEC's practice for many years to advertise polling official remuneration as a package, as an attraction mechanism and for ease of administration. Superannuation is paid on the components classed as 'ordinary time earnings' and not on overtime or other allowances.
(7) A typical 'total package' includes remuneration for ordinary time, a casual loading and overtime payments. Most polling officials are in the polling assistant classification and their package of $339.82 comprises $163.66 for standard hours, $152.16 for additional hours and $24 for meal allowance. Superannuation is payable on $163.66.
(8) Every letter of offer of employment to a polling official includes a booklet outlining important terms and conditions. The booklet specifies that the package paid comprises both ordinary time and overtime hours and notes that superannuation contributions are paid on ordinary time earnings only. The AEC has received some feedback on the terms and conditions booklet and acknowledges that its communications could be clearer. The AEC will ensure the necessary revisions are made to the booklet and other relevant publications so that all components of the packaged remuneration are listed.

Flood Levy
(Question No. 435)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 11 March 2011:

With reference to the Flood Levy:
(1) Have the likely administrative and compliance costs of implementing the proposed measure been assessed; if so, what are they.
(2) (a) What stakeholders will be directly affected by the measure;
(b) have these stakeholders been involved in consultation prior to and during the development of the measure;
(c) what consultation has the Government been engaged in; and
(d) have independent bodies or experts been involved in the consultation process.
(3) Were any alternatives considered before this approach was proposed; if so:
(a) can details of those alternatives be provided; and
(b) why was it decided that those options would not be implemented.
(4) What modelling has been carried out in developing the proposed measure.
(5) Have the broader implications of the implementation of the measure on the economy been forecast; if so, what are they.
(6) Have international comparisons been considered and does the proposed measure accord with international 'best practice'

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) Administration costs were assessed as $21.2 million over the years 2010-11 to 2014-15.

The potential compliance cost impact was assessed to be low, comprising a low implementation impact and a low increase in ongoing compliance costs.

(2) (a) The levy will be applied to individual taxpayers who have a taxable income of more than $50,000 except where there they meet certain conditions. Taxpayers or those who were affected by a disaster event in 2010-11, including cyclone Yasi or the Western Australia bushfires, and meet certain criteria, will be exempt from paying the levy.

The levy will be administered by the Australian Taxation Office as part of Australia's tax system.

(b), (c) and (d) Several stakeholders were consulted during the development of the levy. Those consulted include the Australian Taxation Office, Centrelink and Emergency Management Australia.

(3) (a) The Government adopted a number of options for funding the reconstruction of flood and cyclone affected areas, ranging from reprioritising spending to a temporary levy. These options were considered in the context of the prospect for strong growth and the potential for capacity constraints in the economy, as well as the importance of the Government's fiscal strategy of returning the budget to surplus in 2012-13. The Government considers that funding two-thirds of the reconstruction costs from
spending reductions and one-third from the flood and cyclone reconstruction levy achieves a fair and equitable balance in paying as we go for the reconstruction of affected areas.

(b) The Government believes it is important to pay as we go for the reconstruction of flood and cyclone affected areas. The Government decided to fund two-thirds of the costs of rebuilding public infrastructure through spending reductions. A significant part of this is deferrals of infrastructure projects which will free up funds and skilled workers. The temporary levy will fund the remaining third.

The levy recognises capacity to pay with a levy of 0.5 per cent applied on that part of an individual’s taxable income between $50,001 and $100,000 and a levy of 1.0 per cent applied on that part of the taxpayer's taxable income above $100,000. No levy is payable where the person has taxable income of $50,000 or less.

(4) Modelling of the levy has been carried out to inform the estimated revenue impact, as well as distributional analysis. The levy was estimated to raise around $1.8 billion, based on around 4.84 million taxpayers in 2011-12 having taxable incomes greater than $50,000, and allowing for around 185,000 of this group being exempt from the levy because they were affected by flooding in Queensland and Western Australia. Revised estimates incorporating the effect of subsequent events such as cyclone Yasi will be published in the 2011 Budget. Cameo analysis was used to examine the impact of the levy on individual taxpayers, for example showing that someone earning $60,000 a year will pay a levy amount that is less than one dollar a week.

(5) There has been no formal modelling of the impacts of the flood levy on the economy. The 2011-12 Budget forecasts will factor in the effects of overall revenue and spending on the economy.

(6) International comparisons were not considered.

**Taxation**

(Question No. 436)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 11 March 2011:

With reference to non commercial loss rules:

(1) How many applications has the Commissioner of Taxation received, in each of the past 3 financial years, from taxpayers who do not meet the $250 000 income test seeking a private ruling to allow them to offset business losses against other income.

(2) How many of these have been resolved in the taxpayer's favour.

(3) What criteria does the Commissioner use to decide whether a taxpayer, who does not pass the $250 000 income test, can nevertheless offset business losses against other income.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) To date the Commissioner has received approximately 175 private ruling requests from individuals who did not meet the income test. The income test requirement only applies to the 2009-10 income year onwards. Prior to this, individuals did not have to meet the income test.

(2) Approximately 29 of the 93 finalised rulings to date have been resolved in the taxpayer's favour. A further 18 of these finalised private ruling applications were withdrawn or allowed in part.

(3) The legislation sets out the two criteria that the Commissioner takes into account in determining whether a loss can be claimed where the income test is not met; the special circumstances test and the lead time test.

The special circumstances test deals with situations outside the taxpayer's control that have prevented a taxpayer from making a profit in a particular year from the relevant business activity. Special circumstances include such things as drought, floods, bushfires or other natural disasters.
The lead time test takes into account situations where a natural consequence of the type of business activity is that in the early years of operation the income from the business is unlikely to exceed the costs incurred. For example, if it normally takes seven years for an olive grove to produce a commercial crop and the taxpayer can demonstrate they will make a profit at that time, the discretion may be exercised to allow the losses in the earlier years.

**National Cycling Strategy**
*(Question No. 440)*

**Senator Ludlam** asked the Minister representing the Minister for Regional Australia, Regional Development and Local Government, upon notice, on 16 March 2011:

The National Cycling Strategy 2011-2016 notes that the $40 million Commonwealth stimulus funding for cycling infrastructure was significant, but states that more investment is required to 'facilitate real progress on the cycling agenda' (the $40 million stimulus package was administered by the Department of Regional Australia, Regional Development and Local Government):

1. Can an outline be provided of the funds allocated to Active transport within the department, including a breakdown of full-time equivalents and work units.

2. In relation to the 166 projects funded under the $40 million stimulus funding for the National Bike Paths program: (a) how many total kilometres of bicycle paths were built; and (b) how many jobs did this create.

3. In kilometres, what is the current estimate of dedicated bicycle paths that exist in Australia.

**Senator Sherry:** The Minister for Regional Australia, Regional Development and Local Government has provided the following answer to the honourable senator's question:

I am advised that:

1. Active transport is defined as physical activity undertaken as a means of transport and not purely as a form of recreation. Active transport generally refers to walking and cycling for travel to and/or from a destination, but may also include other activities such as roller blading or use of public transport. Use of public transport is also included in the definition as it often involves some walking or cycling to pick-up and from drop-off points (National Public Health Partnership 2001).

2. The Department can determine projects that are directly related to Active transport but does not hold separate statistics about Active transport related projects that are integrated into larger programs across the Department. Any data would not provide an accurate picture of the proportion of funding used to promote Active transport in individual projects funded through the Department.

3. The National Bike Paths program is building approximately 600kms of bike paths across Australia through 166 contracted projects. As at 1 April 2011, 127 of the completed projects have submitted details of the creation of 1,314 long term, short term, work experience, traineeships and apprentices' jobs. National Bike Paths projects facilitate both Active transport and recreation.

3. The Department is not able to provide an estimate of the number of dedicated bike paths in Australia. In addition to funding through the National Bike Paths program, bike paths are funded and constructed through local governments and state governments and are constructed as on-road line marking and off-road paths.

**National Indigenous Television**
*(Question No. 441)*

**Senator Ludlam** asked the Minister representing the Minister for the Arts, upon notice, on 16 March 2011:

With reference to National Indigenous Television (NITV):
(1) As current funding for NITV runs out on 30 June 2011, when is a decision expected to be made regarding the future of NITV.

(2) Does the Minister expect that a decision will be made to continue government funding of NITV.

(3) Will NITV be granted free-to-air status.

(4) Given that the current annual funding for NITV of approximately $15 million per annum was set back in 2007, does the Minister consider a request for increased funding is reasonable.

**Senator Arbib:** The Minister for the Arts has provided the following answer to the honourable senator's question:

(1) The Government is currently considering future funding for NITV as part of its Budget considerations.

(2) As above.

(3) Questions on broadcasting policy should be directed to the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy.

(4) See response to question one.

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**Australia Network**

(Question No. 443)

**Senator Ludlam** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 16 March 2011:

With reference to the tender for the Australia Network (Australia's publicly funded international television service provided by the Australian Broadcasting Corporation (ABC), which is due to expire and be put out to tender again:

(1) What has been the cost to the ABC to prepare its case to the Department of Foreign Affairs and Trade (DFAT) that the Australia Network service should remain with the ABC and not be put out to tender when the present contract expires (provided in hours and dollars).

(2) Can a copy be provided of the ABC’s submission to DFAT’s inquiry.

(3) If, due to confidential information, a copy cannot be provided, can a copy be provided with confidential information deleted and an explanation on why such information should not be public.

(4) When the former Howard Government put the Australia Network out to tender, how much did it cost the ABC to compete for that contract (provided in hours and dollars).

(5) To date, how much has it cost the ABC to meet the reporting and accountability requirements (to DFAT and any other areas of government) that are required of the ABC to meet the terms of its present contract to provide Australia Network (provided in hours and dollars).

(6) Is the current or potential presence and influence of Australia's public international broadcasting weakened by the separation of Australia Network and Radio Australia that results from Australia Network being a separate service that the ABC is forced to tender to operate.

(7) Is the efficiency of Australia Network and Radio Australia weakened by their separation, given the potential to share more resources and content if they were both ongoing services of the ABC.

**Senator Conroy:** The answer to the honourable senator's question is as follows:

(1) The ABC has successfully operated Australia Network and its predecessor, ABC Asia Pacific for ten years. Based on this record of achievement, the Corporation submitted a tender to operate the service for a further ten years on 25 March 2011.

However, in its response to the Department of Foreign Affairs and Trade's (DFAT) June 2010 'Inquiry into Australia's International Television Service', the ABC submitted alternatives to a
competitive tender process. The cost to the ABC to research and prepare for the short-term inquiry is estimated to be in the vicinity of $300,000.

(2) The ABC’s submission to DFAT’s inquiry into ‘Australia’s International Television Broadcasting Service’ was submitted in July 2010. A redacted copy of this document, ABC Submission: Australian International Broadcasting Service is attached.

(3) See 2 above.

(4) The cost of submitting a tender to for the 2005 Australia Network contract was absorbed within the operating costs of the ABC.

(5) The on-going reporting and accountability requirements in relation to Australia Network are absorbed within the normal operating budgets of Australia Network and the ABC.

(6) The asymmetrical nature of the Commonwealth’s funding Australia Network (via contract with DFAT) and Radio Australia (via the ABC’s budget appropriation) imposes limitations on the ABC’s flexibility to deliver international services on behalf of the Commonwealth. Under the current arrangements, it is impossible for Australia Network and Radio Australia to fully integrate because the funds allocated to Australia Network under the contract with DFAT cannot be used for any purposes beyond the strict limitations of the contract, which include Australia Network’s television, online and ancillary services. Cooperation with Radio Australia is not a requirement of the contract.

The ABC has nevertheless achieved a level of cooperation between Australia Network and Radio Australia. This has included combining their news rooms in the ABC Asia Pacific News Centre.

The ABC believes, however, that there could be closer integration between the two services if both were funded through a single ABC budget appropriation with an appropriate consultative relationship between the ABC and DFAT that maintains the independence and integrity of the services.

(7) The ABC believes that it would be beneficial if Australia Network and Radio Australia were to operate as a fully integrated multimedia, multilingual service reaching audiences across the Asia Pacific region. The region includes a wide variety of audiences with different consumption habits and levels of technological development: from the Highlands of PNG, to the highly developed and connected cities of Japan and Korea, and with audiences at all stages in between. Therefore, the ability to fully integrate the resources of the two services would enable them to deliver content tailored for particular markets on the most relevant platforms, including: cable television, direct satellite television, personal computers, mobile phones, FM radio and short wave radio.

National Heritage Strategy
(Question No. 446)

Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 16 March 2011:

With reference to national heritage strategy and the answer to question on notice no. 320 (Senate Hansard, 1 March 2011, p. 866) which said: ‘The Australian Government is developing a number of national leadership initiatives in relation to heritage. This includes the recently announced Australian Heritage Week’:

(1) Can details be provided about the full range of ‘national leadership initiatives’ as mentioned in the answer.

(2) What is the timing for the development of any strategy.

(3) What is the extent of stakeholder consultation proposed as part of developing a strategy.

(4) (a) What is the scope of the strategy; and (b) will it be limited to just Commonwealth activities or will it be truly national in scope.

(5) Will a draft strategy be publicly released for comment.
(6) What is the role of the Australian Heritage Council in the development of a strategy

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question

(1) National leadership initiatives in development include major National Heritage assessments, the inaugural Australian Heritage Week in April 2011 and an Australian Heritage Strategy.

(2) On 10 February 2011 the Minister for Sustainability, Environment, Water, Population and Communities wrote to Premiers and Chief Ministers inviting them to select a Minister who is responsible for heritage and can speak for natural, historic and Indigenous heritage to attend a special purpose meeting of Heritage Ministers. This meeting will help provide a common direction for all jurisdictions in the development of an Australian Heritage Strategy.

(3) Stakeholder consultation is an important consideration in the development of an Australian Heritage Strategy. The process for consultations will be developed in the near future.

(4) An Australian Heritage Strategy will help guide a common direction for the Commonwealth, states and territories, generating a clear vision, shared objectives and priorities for heritage.

(5) The mechanisms for consultation have not yet been finalised.

(6) The Department is in discussion with Dr Carmen Lawrence, chair of the Australian Heritage Council, about the Council's role in the development of an Australian Heritage Strategy.

Tasmanian Wilderness World Heritage Area

(Question No. 452)

Senator Bob Brown asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 21 March 2011:

With reference to the Tasmanian Wilderness World Heritage Area (TWWHA):

(1) Who: (a) requested; and (b) authorised the refurbishment of the hut and/or helipad facilities at Fincham's Crossing and other sites on the TWWHA river systems, including, but not limited to, those on the Franklin, Gordon and Davey rivers.

(2) When were these requests and authorisations made.

(3) Who undertook the environmental impact assessment and report prior to the impact of each of these works on the riparian sites and can copies of the reports be provided.

(4) What was the cost of each of the refurbishments, individually and in total.

(5) Other than huts and helipads, what other works have been carried out, including: (a) when; and (b) under whose authority.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

The Tasmanian Wilderness World Heritage Area Management Plan 1999 provides the policy framework and management prescriptions that guide the management of the Tasmanian Wilderness World Heritage Area. The plan has been endorsed by the Australian and Tasmanian Governments.

The Tasmanian Parks and Wildlife Service has advised the Department of Sustainability, Environment, Water, Population and Communities that in September 2009 Hydro Tasmania notified them that it wished to undertake maintenance works at Mt Fincham and provided an environmental impact assessment in relation to that work. The Tasmanian Parks and Wildlife Service issued an authority to Hydro Tasmania to undertake the maintenance works in October 2009. The authority authorised works to be conducted in accordance with the environmental impact assessment and the management plan for the Tasmanian Wilderness World Heritage Area.
I suggest that Senator Brown direct his questions to the Hon Brian Wightman MP, Tasmanian Minister for Environment, Parks and Heritage, who is responsible for the day-to-day management of the Tasmanian Wilderness World Heritage Area.

**Defence: Freedom of Information**

(Question Nos 497 to 499)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

For the period 1 July to 31 December 2010 and for each agency within the responsibility of the Minister/Parliamentary Secretary:

1. How many Freedom of Information (FOI) requests were received.
2. How many FOI requests were granted or denied.
3. How many conclusive certificates were issued in relation to FOI requests.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

1. During the period 1 July to 31 December 2010, Defence received 156 FOI requests. One hundred and fifty-three were requested under Section 15 (access to documents) and three under Section 48 (amendment or annotation of personal records) of the FOI Act.

2. One hundred and forty-five FOI requests were finalised between 1 July and 31 December 2010. The following tables provide a breakdown of these requests:

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<th>Section 48 requests completed</th>
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<td>Granted in full – alter record</td>
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3. There were no conclusive certificates issued in relation to FOI requests during the period 1 July to 31 December 2010. The power to issue conclusive certificates was repealed when the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009 came into effect on 7 October 2009.

**Notes**

1. Where a document is identified and exempted in full, access to the document can be denied, with reference to the relevant exemption provisions of the FOI Act. During the period in question, two denials related to documents to which Section 38 (secrecy provisions) applied and two denials related to documents to which Section 41 (personal privacy provisions) applied.

2. Section 24A of the FOI Act provides for requests for access to documents to be refused if the documents cannot be found or does not exist. Access may also be refused if the work involved in processing the request would substantially and unreasonably divert resources of an agency. For the period in question, eight refusals related to documents that do not exist or cannot be found and one refusal related to a request which would have substantially and unreasonably diverted the resources of the Department.

3. Section 51 of the FOI Act provides that where an agency refused to amend records under Section 48, the agency must offer to annotate the record. No applicants accepted this offer.

**Please Note:**
This response covers Senate Questions on Notice 497, 498 and 499 for the Minister for Defence, the Minister for Defence Science and Personnel and the Minister for Defence Materiel. All Freedom of Information requests for all agencies have been handled by the Directorate of Freedom of Information at the Department of Defence.

**Defence: Project Funding**

*(Question Nos 515 to 517)*

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

For the period 1 July to 31 December 2010:
(a) what 'First Pass' Project approvals; and
(b) what 'Second Pass' Project approvals, have been made.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

For the period 1 July to 31 December 2010:
(a) The following two projects received first pass approval:
   (i) AIR 5431 Phase 1 - Deployable Defence Air Traffic Management and Control System; and
   (ii) SEA 1442 Phase 4 - Maritime Communications Modernisation.
(b) The following five projects received second pass approval:
   (i) AIR 5416 Phase 4B2 - C-130J LAIRCM (Long Lead Items);
   (ii) LAND 17 Phase 1B - Digital Terminal Control System;
   (iii) JP 154 Phase 1 - Joint Counter Improvised Explosive Device Capability;
   (iv) JP 154 Phase 1 - Force Protection Electronic Counter Measures; and
   (v) Classified Project (as this is a classified project, details are not available but remains listed as second pass approved).

There were also two projects that received approval for re-scoping, they are:
   (i) AIR 5376 HUG - Hornet Structural Assurance Program Consolidation; and
   (ii) JP 129 Phase 2 - Airborne Surveillance for Land Operations.

**Australian Competition and Consumer Commission**

*(Question No. 532)*

**Senator Abetz** asked the Minister representing the Treasurer, upon notice, on 22 March 2011:

1. Does the Australian Competition and Consumer Commission (ACCC) consider that the current supermarket duopoly does not have a substantial share of the relevant local market in relation to liquid petroleum gas (LPG) fuel sales; if so: (a) on what research is that based; and (b) can copies of the evidence/research be provided.

2. Can the ACCC advise how much of the retail fuel market Coles and Safeway control; if so, can details be provided with particular reference to LPG fuel sales.

**Senator Wong:** The Treasurer has provided the following answer to the honourable senator's question:

1. In the context of competition assessment, market definition is a purposive process involving the specific facts of the particular matter. In some cases local market definitions are appropriate whereas in
others, a broader market might be suitable. For this reason it is not possible to answer the question of whether an entity has a substantial share of the relevant local market in the abstract.

(2) Chapter 3 of the 2010 ACCC Petrol Monitoring Report outlines unleaded petrol retailers’ share of the volume of retail petrol sales. The below table has been extracted from page 39 of that report.

Whilst the ACCC does not publish comparable share of sales data on automotive LPG, the ACCC understands that Coles' and Woolworths' shares of the volume of automotive LPG sales are smaller than their share of the volume of retail petrol sales.

Table: Share of volume of retail petrol sales by brand (per cent): 2002–03 to 2009–10

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Source: 2007 ACCC petrol inquiry report and ACCC analysis based on data obtained from firms monitored through the ACCC’s monitoring process

*Note: 2009–10 data estimated by the ACCC on the basis of information provided by the monitored companies.

Fair Work Australia
(Question No. 534)

Senator Abetz asked the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, upon notice, on 22 March 2011:

What was the rate of unfair dismissal lodgements for January and February 2011 in comparison to that in January and February 2010.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

In January 2011, 790 applications for remedy to unfair dismissal were lodged with Fair Work Australia. In comparison, 697 lodgments were made in January 2010.

In February 2011, 1122 applications for remedy to unfair dismissal were lodged with Fair Work Australia. In comparison, 1013 lodgments were made in February 2010.

Ausroads
(Question No. 536)

Senator Ludlam asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 22 March 2011:

(1) Is the department aware of any problems with the Ausroads standards in relation to the way roads are designed, where: (a) the needs of the private automobile user are placed above those of pedestrians or bicyclists; and (b) means of active transport are essentially 'designed out' of the road?

(2) Given Ausroads undertakes national strategic research on behalf of Australasian road agencies to promote improved practice, how does Ausroads consult with the department (listed by individual work units or agencies)?

(3) How often are the Ausroads standards reviewed?

(4) Who is consulted or included in the review of the design standards?
(5) Are cycling, pedestrian or active transport peak bodies included; if so, how?
(6) Will the Minister undertake to have these groups included in the next review?

Senator Carr: The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

(1) Austroads road design standards and guidelines have been developed to ensure that the safety of all road users is given equal consideration in the design and construction of roads and road related infrastructure. These standards include guidance on the design and construction of pedestrian and cyclist facilities with a view to ensuring facilities are built fit for purpose according to road type. For example, the facilities that would be provided on urban roads are likely to be different than those provided on remote roads.

There are also a number of Austroads programs that have been specifically targeted at addressing the needs of pedestrians and cyclists, such as a current project to improve the management of cyclists at roundabouts.

(2) The Department is an active member of the Austroads Board and has representatives on most of the Austroads taskforces including Assets, Freight, Network, Registration and Licensing, Safety, and Technology. These taskforces develop work plans and oversee the management of various research programs.

From time to time, officers of the Department are directly involved in individual Austroads project working groups (either in an advisory or project management capacity).

(3) The suite of Austroads guides including The Guide to Road Design are reviewed, on average, every 5 years.

(4) Various Austroads Taskforces are involved in the review of Austroads guides depending on the matter being reviewed. The Austroads Technology Program Road Design and Review Panel is routinely consulted when changes are made to The Guide to Road Design. The Road Design and Review Panel is a mixture of government and industry representatives including local government and police.

(5) Road user groups and peak bodies, such as the Australian Bicycle Council, are consulted as appropriate on each project, with involvement determined by each project working group.

(6) Through its ongoing role in Austroads processes, the Department will ensure that, consistent with Austroads’ processes, all relevant user groups will be included in consultation processes for the next review.

Australian Communications and Media Authority
(Question No. 539)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 22 March 2011:

(1) Given the Australian Communications and Media Authority’s (ACMA) report on the story was released 4 weeks ago having investigated the matter following 2 complaints about the story- are the complainants satisfied with the ruling?

(2) Had Mr Campbell not resigned as the Transport Minister an hour before the story went to air, would Channel Seven have had any public interest justification?

(3) Given that the ACMA chief executive officer, Mr Chris Chapman, stated on releasing the report that ‘the authority regards invasions of personal privacy as very serious matters’ – how does this ruling back up that statement.

(4) Will this be seen as a precedent by media organisations looking to conduct further breaches of privacy against elected representatives, if not why not.
(5) Does the Minister know of any other cases where a news story has created its own public interest justification in this way.

(6) Does the Minister believe that journalism should be impartial, or should journalists be able to secretly film a politician after hours, cause their resignation and then use that as a reason to air the story.

(7) What is the view of the ACMA on privacy breaches against other patrons visiting the club that evening, unaware they were being secretly filmed by a major media organisation?

(8) In a letter to the Federal Minister for Broadband, Communications and the Digital Economy (Senator Conroy), former interim chief executive officer of the Advertising Standards Bureau, Mr Mark Jeanes, labelled the ruling 'a shallow, narrow-minded, unprincipled and disgraceful decision', after such comments from an industry insider and a damning report on Media Watch, will the Minister consider directing ACMA to review this decision.

Senator Conroy: The answer to the honourable senator's question is as follows:

(1) The ACMA has not been advised by the complainants of their views on investigation report no. 2431. As a matter of practice, the ACMA does not seek such views.

(2) The ACMA has advised that the matter came for decision by the Authority under the terms of the Commercial Television Industry Code of Practice, an industry code. This code includes certain privacy provisions, which, like all provisions of the code, must be assessed against the facts of and circumstances behind an actual broadcast and do not countenance consideration of other areas of the law, or matters to which any other law or code may or may not apply. The Authority is charged with making judgments about the broadcast under the terms of the Code. In doing so, the Authority is also required to consider the exceptions contained in the Code – relevantly, that private matters may be broadcast if it is in the public interest to do so.

In this case, the Authority found that the public interest justification for the broadcast was very limited and, in the particular circumstances of the case, arose solely on the ground that it explained the Minister's sudden resignation.

(3) The ACMA has advised that the decision affirms the following important propositions:

(a) Public figures and private citizens alike are entitled to the privacy protections under the Code.

(b) Even conduct in a public place can be the subject of legitimate expectations of privacy.

(c) A person's sexual behaviour or preference is generally a private matter.

(d) But there is a balance to be struck between an individual's privacy and the broadcast of matters of public interest.

(e) Not all matters that are of interest to the public are matters of public interest.

(f) Under the Code, a public interest must be 'identifiable'; not some mere assertion.

(g) The public interest exception in the Code (to the prohibition of the broadcast of private material) is more likely to apply in cases involving public figures than private citizens.

The Authority found that the material breached both limbs of the privacy provisions set out in clause 4.3.5 of the Commercial Television Industry Code of Practice 2010.

The investigation report makes it clear that the footage of the Minister leaving the KK club, together with information about the nature of services offered by the club, was material that related to the Minister's personal or private affairs and invaded his privacy.

(4) The ACMA has advised that the Authority does not anticipate that its decision will create a precedent for breaches of privacy against elected representatives and this is made explicit in its report.

This is because the Authority made it clear in the investigation report that privacy protections in the Code and in the ACMA's Privacy Guidelines for Broadcasters (2005) apply to public figures, including politicians as well as to everyday individuals.
However, it also accepted that those holding public office will be open to greater and more frequent scrutiny in their personal lives than other citizens as a very consequence of their public office.

It also noted that in these cases the public interest exemption to the prohibition of the broadcast of private material is more likely to apply.

In this investigation, the decision turned on a very particular, single public interest ground – the explanation for the Minister's resignation in the context of ongoing public controversy about his discharge of his duties, including calls for his resignation.

In each case, the Authority will carefully consider whether there is a clearly identifiable linkage between the private material and a legitimate identifiable public interest.

(5) I am not aware of previous cases that are substantially similar to this one.

(6) Decisions about complaints made under the broadcasting codes of practice are matters for the ACMA.

(7) The ACMA has advised that the material broadcast included exterior shots of the Minister leaving the club, and a description of the services offered by the club. It did not include any footage taken inside the club or of any other patrons leaving or arriving. In investigating complaints about alleged breaches of broadcasting codes of practice, the ACMA can only consider the particular broadcast material.

If a complaint by another patron alleging a breach of privacy were to be made, the ACMA would consider that complaint on its merits.

(8) The ACMA is responsible for ensuring issues covered by the Commercial Television Industry Code of Practice, such as privacy and the public interest, adequately reflect current community standards.

I am aware that the Seven Nightly News segment and the ACMA's decision that it did not breach the Code have raised significant community concerns. I have discussed these concerns with the Chairman of the ACMA, Mr Chris Chapman.

I would expect that the ACMA will carefully consider all relevant matters in any future investigations concerning similar complaints.

I cannot compel the ACMA to review an ACMA investigation decision, or have another person or entity review the decision. There is no avenue under the Broadcasting Services Act 1992 for the ACMA's decision to be subject to merits review by the Administrative Appeals Tribunal. Under the Administrative Decisions (Judicial Review) Act 1977, a person aggrieved by the decision could apply for judicial review of the decision, but that review would be limited to consideration of the legality of the administrative behaviour of the ACMA in making the decision, rather than a review of the substance of the ACMA's decision. Constitutional writs are also available (ie. Common law judicial review) but these would be subject to the applicant having sufficient standing to initiate an action.

**Home Insulation Safety Program**

(Question No. 540)

Senator Abetz asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 24 March 2011:

(1) What:
(a) qualifications are; or

(b) experience is, required of inspectors appointed by UGL Services under the Home Insulation Safety Program.

(2) Can details be given of the training that is provided to inspectors.
(3) How long does the training take.
(4) Who certifies the qualification.

**Senator Wong:** The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

(1) Home Insulation Safety Program (HISP) Inspection Team members must meet all of the following competencies:

- **Occupational Health and Safety** – As a minimum, a statement of attainment in Work Safely in the Construction Industry (CPCCOHS1001) is required. This is a unit of study toward an achievement of a White card. However, it is preferable that inspectors hold full White card qualifications and the vast majority do so.
- **First Aid** – Hold a First Aid Certificate, including resuscitation.
- The Inspection Team leader must:
  - hold a relevant trade qualification (i.e. be a licensed builder, electrician, carpenter or plumber in the relevant state or territory);
  - have prior experience in the insulation installation industry (more than two years); or
  - have prior experience in a trade related to the building industry (more than two years).
- The Inspection Team member must:
  - have prior experience in the insulation installation industry (more than six months); or
  - have prior experience in a trade related to the building industry (more than six months).
- **Ceiling insulation training** – Completion of the Ceiling Insulation Installation training program (consisting of units CPCCPB3027A: Install ceiling insulation, CPCCPB3014A: Install batt insulation products, and CPCCPB3015A: Install acoustic and thermal environmental protection systems (basic) or equivalent). Inspection Team members may also be required to complete other training requirements as determined by the Department in consultation with the inspection company.
- **Safety Inspection process** – Undertake training specific to the HISP on how to safely and accurately inspect houses with insulation installed under the former Home Insulation Program.

(2) and (3) In addition to the necessary workplace safety, first aid and industry qualification training requirements outlined above, inspectors also attend a one day training course, specific to their employers, on the program itself and how to use the electronic safety inspection form. This training includes the use of example scenario inspections. The duration of training is dependent on a number of factors including specific jurisdictional requirements and existing qualifications held by the inspector.

(4) The specific training undertaken by UGL Services is certified by the Victorian Registration and Qualifications Authority. The qualification requirements specified above are issued by the relevant Registered Training Organisation and/or relevant state regulatory authority.

**Foreign Investment**

(Question No. 542)

**Senator Johnston** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 March 2011:

(1) Was the department consulted prior to the change in Australia's foreign investment rules; if so, when.

(2) Was Chinese investment in Australia mentioned during any discussion concerning the proposed change to Australia's foreign investment rules prior to the announcement in August 2009; if so, when.
(3) Was the department advised by Treasury officials that the change in Australia's foreign investment rules were intended to pose new disincentives for Chinese investment in Australia, or any words to that effect; if so, when.

(4) Has the Chinese Government made representations to either the department or the Minister's office concerning these changes; if so, when and can details of their content be provided.

**Senator Conroy:** The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) No.

(2) No.

(3) No.

(4) No.

**Foreign Affairs**

(4 Question No. 546)

**Senator Johnston** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 March 2011:

For each calendar year, from 2005 to 2010, in regard to travel by departmental staff based in Canberra:

(a) how many overseas business class flights were taken;

(b) what was the total cost to the Government of overseas business class flights; and

(c) what were the top 10 countries visited.

**Senator Conroy:** The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

The information requested is unavailable. The department's overseas business class flight data does not distinguish between flights taken by Canberra-based departmental staff and those taken by non-staff members, such as staff dependants and contractors.

**East Timor Regional Processing Centre**

(4 Question No. 551)

**Senator Johnston** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 March 2011:

(1) Have any departmental officials been appointed to work on the Government's proposed East Timor Regional Processing Centre; if so, how many.

(2) How many hours have been spent by departmental officials working on this proposal.

(3) To date, what is the total cost for the department in contributing to the development and promotion of this proposal, including, but not limited to, staffing, travel and accommodation expenses.

(4) How many representations have departmental officials made to regional governments on this proposal, and what were the dates of each representation.

(5) How many written briefings on the proposed processing centre has the Minister received from the department, and did any of these briefings raise a concern that the proposal was having a negative effect on Australia's relations with other governments in the region.

**Senator Conroy:** The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:
(1) The issue is one of a number of issues handled by the Ambassador for People Smuggling and the People Smuggling, Refugees and Immigration section in DFAT.

(2) Departmental officials do not record the time spent working on individual projects.

(3) The department does not separately record the cost of contributing to the development and promotion of the East Timor regional assessment centre proposal.

(4) Departmental officials in Canberra and overseas have made a large number of representations to regional governments on this proposal, including in the course of discussions on other issues. No log is kept of the number and dates of representations.

(5) Three, and no.

**United Nations**

*(Question No. 558)*

**Senator Johnston** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 March 2011:

With reference to the reception for United Nations' representatives from African Union countries, held by the Prime Minister during the March 2010 visit to the United States of America:

(1) Which countries: (a) were represented; and (b) declined to attend.

(2) (a) What was the total cost of the reception; and (b) what was the average cost per attendee.

(3) Where was the event held, and what was the cost of hiring the venue.

(4) Was entertainment provided; if so, at what cost.

(5) What food and beverages were served, including the names of any alcoholic beverages served.

(6) Were any gifts provided to guests; if so: (a) what were they; (b) to whom were they provided; and (c) at what cost.

(7) How many people from the Prime Minister’s entourage attended.

(8) How many consular staff members were responsible for organising the event, including how many hours they spent on the event.

(9) What was the cost of advertising and printing associated with the reception.

**Senator Conroy:** The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) (a) Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Republic of the Congo, Democratic Republic of the Congo, Cote d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe. (b) The meeting was organised by the Office of the Permanent Observer of the African Union to the United Nations. We are not aware of any countries declining to attend. However, Malawi and Sao Tome and Principe were not present.

(2) (a) USD825.96 for interpretation services, paper and postage of letters. (b) The average cost to Australia per Africa Group participant was USD16.20 (825.96 divided by 51 African representatives).


(4) No.

(5) None.
(6) No.
(7) Seven.

(8) The meeting was organised by the Office of the Permanent Observer of the African Union to the United Nations. Three staff from the Australian Permanent Mission to the United Nations were involved at different times in liaising with the Office of the Permanent Observer of the African Union on various aspects.

Approximately 10 hours of staff time was spent on liaison with the African Union ahead of this meeting.

(9) USD25.96 for postage stamps and paper for letters.

United Nations Security Council
(Question No. 559)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 March 2011:

Did any representative from an African Union country express support for Australia's bid for a seat on the United Nations Security Council; if so, which ones.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

United Nations Security Council elections are decided by secret ballot. Accordingly, as is usual practice, we do not reveal the voting intentions of individual countries.

Lucas Heights Reactor
(Question No. 568)

Senator Ludlam asked the Minister for Innovation, Industry, Science and Research, upon notice, on 4 April 2011:

With reference to the maintenance problems of the Open Pool Australian Lightwater (OPAL) reactor at Lucas Heights and, in particular:

(a) in July 2007, when the reactor was shut down, 3 months after its opening, when 13 uranium plates in the fuel core of the reactor came loose and engineers found ordinary water leaking inwards each day thereby contaminating the heavy water;

(b) in early 2008, when the reactor's designer, INVAP, tried to plug the leak with microscopic alumina particles, however, the leak reappeared when the reactor was powered up in May; and

(c) in October 2008, when the reactor was shut down for the routine replacement of uranium fuel and a second fix was attempted by installing a clamp around the leak.

(1) Have the problems been permanently fixed.

(2) Have the costs to the Australian Nuclear Science and Technology Organisation resulting from these problems been finalised with the manufacturer, INVAP.

Senator Carr: The answer to the honourable senator's question is as follows:

(1) Refer to the answer provided to B1-41, part (e), from Budget Estimates Hearing held on 31 May 2010. In November and December 2009, purpose-built mechanical clamps were applied to the seepage areas, which have resulted in a more than 90 per cent reduction in the seepage rate. The intended commissioning of a heavy water purification plant this year, subject to and following regulatory approvals, will ensure that this problem is further mitigated.

(2) Under the contract, it is the responsibility of the vendor, INVAP to rectify any defects at their cost.
Australian Nuclear Science and Technology Organisation  
(Question No. 569)

Senator Ludlam asked the Minister for Innovation, Industry, Science and Research, upon notice, on 4 April 2011:

With reference to the Australian Nuclear Science and Technology Organisation (ANSTO) and the recommendations of the Comcare report: Subsequent to investigating the case of Mr David Reid, Comcare recommended that ANSTO engage a competent person to undertake systematic monitoring of all workplaces that undertake radiopharmaceutical operations to ensure ongoing compliance with the Occupational Health and Safety Act 1991 and Safety Arrangements Regulations, therefore, have the following actions been implemented, and in respect of each action: (a) if so, to what extent; and (b) if not, why not.

1. Engage or direct a qualified person who has specialist knowledge of hazardous substances and demonstrated competency in managing risks associated with hazardous substances, to oversee an ongoing system of auditing to ensure that radiopharmaceutical operations maintain appropriate systems of work to ensure the future health and safety of radiopharmaceutical employees is appropriately managed.

2. Provide ongoing documented evidence to Comcare that systematic monitoring is occurring as outlined above.

3. Audit its consultative protocols with persons involved in radiopharmaceutical operations from time to time to ensure its policies and procedures are effectively carried out buy its employees to ensure ongoing compliance with the Act and regulations and ANSTO health and safety requirements.

4. Audit its record-keeping procedures to ensure that appropriate information is recoded, maintained and retained in relation to the health and safety of employees engaged in radiopharmaceutical operations.

5. Ensure that notifiable incidents are reported to Comcare in accordance with the relevant legislation (section 68 of the Act and regulations 37A and 37B of the Safety Arrangements Regulations).

Senator Carr: The answer to the honourable senator's question is as follows:

As previously advised to the Economics Legislation Committee at Additional Estimates on 23 February 2011, (Hansard reference E 22), the Report of Investigation by Comcare is currently under review. Accordingly, it has been agreed between ANSTO and Comcare that ANSTO's responses to any recommendations are in abeyance pending the findings of the review.

Australian Federal Police 
(Question No. 575)

Senator Ludlam asked the Minister representing the Minister for Home Affairs, upon notice, on 4 April 2011:

With reference to the attendance of Australian Federal Police (AFP) officers at public rallies:

1. Were any AFP officers deployed at the Deaths in Custody Watch Committee's rally at the Western Australian Parliament on Tuesday, 22 March 2011; if so: (a) why; and (b) what is the AFP's interest in the activities of the committee.

2. Are AFP officers ever 'off-duty'; if so, in what circumstances.

3. Can an AFP officer attend a protest rally in a personal capacity; if so, in what circumstances

Senator Ludwig: The Minister representing the Minister for Home Affairs, has provided the following answer to the honourable senator's question:
On 22 March 2011, two AFP staff attended the Deaths in Custody Watch Committee rally at the Western Australia Parliament. One staff member was at the rally for approximately 10 minutes. The other remained at the rally until it concluded. Both staff members were on duty at the time they attended the rally.

AFP staff routinely attend Issue Motivated Group (IMG) events. This affords the AFP an opportunity to observe, engage with event organisers and IMG leadership, identify IMG concerns, obtain knowledge in relation to planned IMG activities, identify Commonwealth implications arising from IMG activities and assess any risks to Commonwealth interests arising from IMG activity or planned activity.

Engagement enables the AFP to improve relationships and communication with IMGs and provides knowledge of the intentions of particular IMGs and individuals of concern in relation to Commonwealth issues including security issues.

The AFP regularly attends rallies and events in relation to a diverse range and number of IMGs.

The AFP did not have a specific interest in attending this particular event other than continuing to maintain liaison with the Deaths in Custody Watch Committee. The AFP officers liaised with the organiser, a spokesperson and members of the Deaths in Custody Watch Committee.

(2) AFP sworn Police members who are off duty are still compelled by Oath or Affirmation to act should they witness a criminal offence

(3) Yes; on the basis that participation did not pose a conflict with their duties, contravene professional standards, or otherwise not be in the public interest.

Climate Change
(Question No. 589)

Senator Ludlam asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 12 April 2011:

With reference to prescribed burns carried out by the Western Australian Department of Environment and Conservation in 2009-10, and unmanaged bush fires:

(1) Does the department keep records of the square kilometres burnt by prescribed burns in Western Australia:
   (a) if so, can copies of these figures be provided, for every years for which data exists; and
   (b) if not, why not.

(2) Does the department keep records of the square kilometres burnt by unmanaged bush fires in the Western Australia:
   (a) if so, can copies of these figures be provided, for every year for which data exists; and
   (b) if not, why not.

(3) Does the department have a figure pertaining to the carbon dioxide equivalent (CO2e) that is released, per year since 1990, as a result of prescribed burns;
   (a) if so, can copies of these figures be provided; and
   (b) if not, why not and why are these figures not acquired or kept to enable CO2e levels to be attributed to Western Australia.

(4) Does the department have a figure pertaining to the CO2e that is released, per year since 1990, as a result of unmanaged bush fires in Western Australia:
   (a) if so, can copies of these figures be provided; and
   (b) if not, why not and why are these figures not acquired or kept to enable CO2e levels to be attributed to Western Australia.
**Senator Wong:** The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

Emissions from prescribed burns for forests are estimated and reported under the Intergovernmental Panel on Climate Change (IPCC) sector 'Land use, land use change and forestry' (LULUCF) as part of Australia's National Greenhouse Accounts. Emissions from the prescribed burning of savannas are estimated and reported separately under IPCC sector 'Agriculture' as part of the same accounts. Emissions are estimated in accordance with international guidelines and published annually.

For these sectors the Department publishes state based activity and emissions data on the Australian Greenhouse Emissions Information System (AGEIS). Data is available for 1990 to 2009. Prescribed burns carried out by the Western Australian Department of Environment and Conservation are not separately identified.

(1) The Department has published activity tables on the AGEIS with hectares of land burnt by prescribed burns for 1990 to 2009. These activity tables can be found at:

http://ageis.climatechange.gov.au/Reports/2011_2009_ActivityTable_Savannas.pdf; and


(2) The Department has published activity tables on the AGEIS with hectares of land burnt by wildfires for 1990 to 2009. These activity tables can be found at:


(3) The Department has published carbon dioxide equivalent (CO\textsubscript{2}-e) emissions from controlled burning in the 'LULUCF' sector on the AGEIS for 1990 to 2009. These can be found at:


Emission estimates from the prescribed burning of savannas category can be separately interrogated under the 'Agriculture' sector:


(4) The Department has published CO\textsubscript{2}-e emissions from wildfires in forest lands on the AGEIS for 1990 to 2009. These can be found at:


**Climate Change**

(Question No. 590)

**Senator Ludlam** asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 12 April 2011:

With reference to prescribed burns carried out in the Northern Territory and Queensland:

(1) Does the department keep records of the square kilometres burnt by prescribed burns in the Northern Territory and Queensland:

(a) if so, can copies of these figures be provided, for every year for which data exists; and

(b) if not, why not.

(2) Does the department keep records of the square kilometres burnt by unmanaged bush fires in the Northern Territory and Queensland:

(a) if so, can copies of these figures be provided, for every year for which data exists; and

(b) if not, why not.

(3) Does the department have a figure pertaining to the carbon dioxide equivalent (CO\textsubscript{2}e) that is released, per year since 1990, as a result of prescribed burns:

(a) if so, can copies of these figures be provided; and
(b) if not, why not and why are these figures not acquired or kept to enable CO2e levels to be attributed to the Northern Territory and Queensland.

(4) Does the department have a figure pertaining to the CO2e that is released, per year since 1990, as a result of unmanaged bush fires in the Northern Territory and Queensland:

(a) if so, can copies of these figures be provided; and

(b) if not, why not and why are these figures not acquired or kept to enable CO2e levels to be attributed to the Northern Territory and Queensland.

**Senator Wong:** The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator’s question:

Emissions from prescribed burns for forests are estimated and reported under the Intergovernmental Panel on Climate Change (IPCC) sector 'Land use, land use change and forestry' (LULUCF) as part of Australia’s National Greenhouse Accounts. Emissions from the prescribed burning of savannas are estimated and reported separately under IPCC sector 'Agriculture' as part of the same accounts. Emissions are estimated in accordance with international guidelines and published annually.

For these sectors the Department publishes state based activity and emissions data on the Australian Greenhouse Emissions Information System (AGEIS). Data is available for 1990 to 2009.

1. The Department has published activity tables on the AGEIS with hectares of land burnt by prescribed burns for 1990 to 2009. These activity tables can be found at:
   
   http://ageis.climatechange.gov.au/Reports/2011_2009_ActivityTable_LULUCF.pdf; and
   

2. The Department has published activity tables on the AGEIS with hectares of land burnt by wildfires for 1990 to 2009. These activity tables can be found at:


3. The Department has published carbon dioxide equivalent (CO2-e) emissions from controlled burning in the 'LULUCF' sector on the AGEIS for 1990 to 2009. These can be found at:


   Emission estimates from the prescribed burning of savannas category can be separately interrogated under the 'Agriculture' sector:


4. The Department has published CO2-e emissions from wildfires in forest lands on the AGEIS for 1990 to 2009. These can be found at:


**Climate Change**

(Question No. 591)

**Senator Ludlam** asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 12 April 2011:

With reference to carbon dioxide equivalent (CO2e) emissions, and commercial and non-commercial flights in Western Australia;

1. Does the department have figures for the CO2e released from aeroplane flights within Western Australia:

   (a) if so, can copies of these figures be provided; and

   (b) if not, why not and why are these figures not acquired or kept to enable CO2e levels to be attributed to Western Australia.
(2) Does the department keep records of the kilometres of flights flown within Western Australia:
   (a) if so, can copies of these figures be provided; and
   (b) if not, why not and why are these figures not acquired or kept to enable CO2e levels to be
       attributed to Western Australia.

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the
following answer to the honourable senator's question:

(1) Emissions from the transport sector are estimated and reported as part of Australia's National
    Greenhouse Accounts. Emissions from domestic aviation are published annually on the Department's
    website and can be interrogated for each state and territory using the Australian Greenhouse Emissions

(2) (a) The Department does not record the number of kilometres flown within each state and
    territory. (b) The number of kilometres flown is not required to estimate carbon dioxide equivalent
    emissions from aviation. Emissions are estimated based on the amount of fuel combusted, the number
    of landing and takeoff cycles and the characteristics of the aircraft fleet.

Climate Change
(Question No. 592)

Senator Ludlam asked the Minister representing the Minister for Climate Change and
Energy Efficiency, upon notice, on 12 April 2011:

With reference to carbon dioxide equivalent (CO2e) emissions, and commercial and non-commercial
flights in each state and territory:

(1) Does the department have figures for the CO2e released from aeroplane flights within each State
    and Territory:
   (a) if so, can copies of these figures be provided; and
   (b) if not, why not and why are these figures not acquired or kept to enable CO2e levels to be
       attributed to each state and territory.

(2) Does the department keep records of the kilometres of flights flown within Western Australia:
   (a) if so, can copies of these figures be provided; and
   (b) if not, why not and why are these figures not acquired or kept to enable CO2e levels to be
       attributed to each state and territory.

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the
following answer to the honourable senator's question:

(1) Emissions from the transport sector are estimated and reported as part of Australia's National
    Greenhouse Accounts. Emissions from domestic aviation are published annually on the Department's
    website and can be interrogated for each state and territory using the Australian Greenhouse Emissions
    Information System:


(2) (a) The Department does not record the number of kilometres flown within each state and
    territory.
    (b) The number of kilometres flown is not required to estimate carbon dioxide equivalent emissions
        from aviation. Emissions are estimated based on the amount of fuel combusted, the number of landing
        and takeoff cycles and the characteristics of the aircraft fleet.
Fair Work Ombudsman
(Question No. 597)

Senator Abetz asked the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, upon notice, on 12 April 2011:

(1) How many former Maritime Union of Australia officials are now employed as Fair Work Inspectors?

(2) Has any back pay been sought, or ordered and paid by foreign shipping companies to the Fair Work Ombudsman; if so:
   a) how much;
   b) to how many workers has this money been distributed;
   c) how much money is held pending the tracing of the workers' whereabouts; and
   d) given that these workers are likely to be overseas, what efforts have been made by the Ombudsman to ascertain their whereabouts?

Senator Chris Evans: The answer to the honourable senator's question is as follows:

(1) The Fair work Ombudsman is not aware that any of its Fair Work Inspectors are former Maritime Union of Australia officials. Nor does the Agency retain records of Fair Work Inspectors' prior union membership. The Fair Work Ombudsman is committed to respecting staff members' privacy. The Fair Work Ombudsman does not collect and record personal information unless the personal information is collected for a lawful purpose that is directly related to a function or activity of the Fair Work Ombudsman and the collection of that personal information is necessary for, or directly related to, that purpose.