INTERNET
The Journals for the Senate are available at

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

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

SITTING DAYS—2012

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>7, 8, 9, 27, 28, 29</td>
</tr>
<tr>
<td>March</td>
<td>1, 13, 14, 15, 19, 20, 21, 22</td>
</tr>
<tr>
<td>May</td>
<td>8, 9, 10</td>
</tr>
<tr>
<td>June</td>
<td>18, 19, 20, 21, 25, 26, 27, 28</td>
</tr>
<tr>
<td>August</td>
<td>14, 15, 16, 20, 21, 22, 23</td>
</tr>
<tr>
<td>September</td>
<td>10, 11, 12, 13, 17, 18, 19, 20</td>
</tr>
<tr>
<td>October</td>
<td>9, 10, 11, 29, 30, 31</td>
</tr>
<tr>
<td>November</td>
<td>1, 19, 20, 21, 22, 26, 27, 28, 29</td>
</tr>
</tbody>
</table>

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

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

For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-THIRD PARLIAMENT
FIRST SESSION—FIFTH PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Senators Judith Anne Adams, Christopher John Back, Thomas Mark Bishop, Suzanne Kay Boyce, Douglas Niven Cameron, Patricia Margaret Crossin, David Julian Fawcett, Mary Jo Fisher, Helen Evelyn Kroger, Scott Ludlam, Gavin Mark Marshall, Claire Mary Moore, Louise Clare Pratt, Ursula Mary Stephens and Mark Lionel Furner
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
Chief Government Whip—Senator Anne McEwen
Deputy Government Whips—Senators Carol Louise Brown and Helen Beatrice Polley
Chief Opposition Whip—Senator Helen Kroger
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

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Adams, Judith Anne</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Arbib, Hon. Mark Victor</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Back, Christopher John</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Birmingham, Simon John</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Boyce, Suzanne Kay</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry, SC</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Brown, Robert James</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Douglas Niven</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Michaelia Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cormann, Mathias Hubert Paul</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (1)</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Di Natale, Richard</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Edwards, Sean</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Hon. Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Farrell, Donald Edward</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Fawcett, David Julian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Feeney, David Ian</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Fierravanti-Wells, Concetta Anna</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchell Peter</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Fisher, Mary Jo</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Furner, Mark Lionel</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Gallacher, Alexander McEachian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, Hon. John Joseph</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (1)</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Joyce, Barnaby Thomas Gerard</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>Kroger, Helen</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Lundy, Kate Alexander (1)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Madigan, John Joseph</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>DLP</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>McKenzie, Bridget</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Mason, Hon. Brett John</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Milne, Christine Anne</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Nash, Fiona Joy</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Pratt, Louise Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Rhiannon, Lee</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Scott Michael</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory (1)</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Singh, Hon. Lisa Maria</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Sinodinos, Arthur (2)</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Stephens, Hon. Ursula Mary</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Thistlethwaite, Matthew</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Urquhart, Anne Elizabeth</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Waters, Larissa Joy</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Wright, Penelope Lesley</td>
<td>SA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2014</td>
<td>IND</td>
</tr>
</tbody>
</table>

(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

(2) Chosen by the Parliament of New South Wales to fill a casual vacancy to be filled (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**

**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>Title</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Julia Gillard MP</td>
</tr>
<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td><strong>Minister for the Public Service and Integrity</strong></td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>Senator the Hon Kate Lundy</td>
</tr>
<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
</tr>
<tr>
<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td><strong>Assistant Treasurer</strong></td>
<td>Senator the Hon Mark Arbib</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Treasurer</strong></td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td><strong>Minister for Tertiary Education, Skills, Science and Research</strong></td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td><strong>Minister for Industry and Innovation</strong></td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td><strong>Minister for Small Business</strong></td>
<td>Senator the Hon Mark Arbib</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Industry and Innovation</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td><strong>Minister for Broadband, Communications and the Digital Economy</strong></td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td><strong>Minister for Regional Australia, Regional Development and Local Government</strong></td>
<td>The Hon Simon Crean MP</td>
</tr>
<tr>
<td><strong>Minister for the Arts</strong></td>
<td>The Hon Simon Crean MP</td>
</tr>
<tr>
<td><strong>Minister for Sport</strong></td>
<td>Senator the Hon Mark Arbib</td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Kevin Rudd MP</td>
</tr>
<tr>
<td><strong>Minister for Trade</strong></td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Trade</strong></td>
<td>The Hon Justine Elliot MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Pacific Island Affairs</strong></td>
<td>The Hon Richard Marles MP</td>
</tr>
<tr>
<td><strong>Minister for Defence</strong></td>
<td>The Hon Stephen Smith MP</td>
</tr>
<tr>
<td><strong>Minister for Defence Materiel</strong></td>
<td>Senator the Hon Kim Carr</td>
</tr>
<tr>
<td><strong>Minister for Veterans’ Affairs</strong></td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td><strong>Minister for Defence Science and Personnel</strong></td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Defence</strong></td>
<td>The Hon Dr Mike Kelly AM MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Defence</strong></td>
<td>Senator the Hon David Feeney</td>
</tr>
<tr>
<td><strong>Minister for Immigration and Citizenship</strong></td>
<td>The Hon Chris Bowen MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Immigration and Multicultural Affairs</strong></td>
<td>Senator the Hon Kate Lundy</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Transport</strong></td>
<td>The Hon Anthony Albanese MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Infrastructure and Transport</strong></td>
<td>The Hon Catherine King MP</td>
</tr>
<tr>
<td>Title</td>
<td>Minister</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------</td>
</tr>
<tr>
<td>Attorney-General</td>
<td>The Hon Nicola Roxon MP</td>
</tr>
<tr>
<td>Minister for Emergency Management</td>
<td>The Hon Robert McClelland MP</td>
</tr>
<tr>
<td>(Vice-President of the Executive Council)</td>
<td></td>
</tr>
<tr>
<td>Minister Assisting on Queensland Floods Recovery</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Minister for Home Affairs</td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td>Minister for Justice</td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td>Minister for Families, Community Services and Indigenous Affairs</td>
<td>The Hon Jenny Macklin MP</td>
</tr>
<tr>
<td>Minister for Disability Reform</td>
<td>The Hon Jenny Macklin MP</td>
</tr>
<tr>
<td>Minister for Housing</td>
<td>The Hon Robert McClelland MP</td>
</tr>
<tr>
<td>Minister for Homelessness</td>
<td>The Hon Robert McClelland MP</td>
</tr>
<tr>
<td>Minister for Community Services</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Minister for the Status of Women</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Disabilities and Carers</td>
<td>Senator the Hon Jan McLucas</td>
</tr>
<tr>
<td>Minister for Sustainability, Environment, Water, Population and Communities</td>
<td>The Hon Tony Burke MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Sustainability and Urban Water</td>
<td>Senator the Hon Don Farrell</td>
</tr>
<tr>
<td>Minister for Finance and Deregulation</td>
<td>Senator the Hon Penny Wong</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>The Hon Peter Garrett AM MP</td>
</tr>
<tr>
<td>Minister for Employment and Workplace Relations</td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Minister Assisting for School Education</td>
<td>The Hon Brendan O'Connor MP</td>
</tr>
<tr>
<td>Minister for Employment Participation</td>
<td>The Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Early Childhood and Childcare</td>
<td>The Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Indigenous Employment and Economic Development</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>Senator the Hon Jacinta Collins</td>
</tr>
<tr>
<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Parliamentary Secretary for Agriculture, Fisheries and Forestry</td>
<td>The Hon Sid Sidebottom MP</td>
</tr>
<tr>
<td>Minister for Resources and Energy</td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td>Minister for Tourism</td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Climate Change and Energy Efficiency</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Minister for Health</td>
<td>The Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td>Minister for Mental Health and Ageing</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister for Indigenous Health</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Health and Ageing</td>
<td>The Hon Catherine King MP</td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>The Hon Brendan O'Connor MP</td>
</tr>
</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Veterans' Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
## COALITION SHADOW MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Leader of the Opposition</strong></td>
<td><strong>The Hon Tony Abbott MP</strong></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
</tr>
<tr>
<td><strong>Shadow Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for International Development Assistance</td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Infrastructure and Transport</strong></td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Employment and Workplace Relations</strong></td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>(Leader of the Opposition in the Senate)</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td><strong>Shadow Attorney-General</strong></td>
<td>The Hon George Brandis SC</td>
</tr>
<tr>
<td><strong>Shadow Minister for the Arts</strong></td>
<td>Senator the Hon Sussan Ley MP</td>
</tr>
<tr>
<td>(Deputy Leader of the Opposition)</td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td><strong>Shadow Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td>Shadow Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
</tr>
<tr>
<td><strong>Shadow Minister for Education, Apprenticeships and Training</strong></td>
<td>The Hon Tony Smith MP</td>
</tr>
<tr>
<td>(Manager of Opposition Business in the House)</td>
<td>Senator Fiona Nash</td>
</tr>
<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Minister for Universities and Research</td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td>Shadow Minister for Youth and Sport</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>(Deputy Manager of Opposition Business in the House)</td>
<td>Senator Barnaby Joyce</td>
</tr>
<tr>
<td><strong>Shadow Minister for Regional Development, Local Government and Water</strong></td>
<td>Senator Barnaby Joyce</td>
</tr>
<tr>
<td>(Leader of the Nationals in the Senate)</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>(Deputy Leader of the Nationals)</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Minister for Indigenous Development and Employment</td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Finance, Deregulation and Debt Reduction</strong></td>
<td>Senator Barnaby Joyce</td>
</tr>
<tr>
<td>(Chairman, Coalition Policy Development Committee)</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Title</td>
<td>Shadow Minister</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Shadow Minister for COAG (Chairman, Scrutiny of Government Waste</td>
<td>Senator Marise Payne (Mr Jamie Briggs MP)</td>
</tr>
<tr>
<td>Committee)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Energy and Resources</td>
<td>The Hon Ian Macfarlane MP</td>
</tr>
<tr>
<td>Shadow Minister for Tourism</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Shadow Minister for Defence</td>
<td>Senator the Hon David Johnston</td>
</tr>
<tr>
<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans’ Affairs and Shadow Minister</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence Materiel</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Defence Force and Defence</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Support</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Communications and Broadband</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Shadow Minister for Regional Communications</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Shadow Minister for Health and Ageing</td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td>Shadow Minister for Ageing</td>
<td>Senator Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Shadow Minister for Mental Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Southcott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Health Services and</td>
<td>Dr Andrew Laming MP</td>
</tr>
<tr>
<td>Indigenous Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Families, Housing and Human Services (Manager of</td>
<td>The Hon Kevin Andrews MP</td>
</tr>
<tr>
<td>Opposition Business in the Senate)</td>
<td>Senator Mitch Fifield</td>
</tr>
<tr>
<td>Shadow Minister for Housing</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Seniors</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Senator Cory Bernardi</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Environment</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>Shadow Minister for Productivity and Population</td>
<td>Mr Scott Morrison MP</td>
</tr>
<tr>
<td>Shadow Minister for Immigration and Citizenship</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Citizenship and Settlement</td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Minister for Innovation, Industry and Science</td>
<td>Mrs Sophie Mirabella MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Innovation, Industry, and Science</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture and Food Security</td>
<td>The Hon John Cobb MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Fisheries and Forestry</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Small Business, Competition Policy and Consumer</td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td>Affairs</td>
<td>Senator Scott Ryan</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business and Fair Competition</td>
<td></td>
</tr>
</tbody>
</table>

Shadow Cabinet Ministers are shown in bold type.

In addition, the Hon Philip Ruddock MP will act as Shadow Cabinet Secretary
**CONTENTS**

**TUESDAY, 7 FEBRUARY 2012**

**Chamber**
STATEMENT BY THE PRESIDENT—
Former Clerk of the Senate's Wig and Gown ........................................... 1

**COMMITTEES**—
Foreign Affairs, Defence and Trade Joint Committee—
Meeting ........................................................................................................... 1
Gambling Reform Committee—
Meeting ........................................................................................................... 1
Rural Affairs and Transport Legislation Committee—
Meeting ........................................................................................................... 1

**BILLS**—
Minerals Resource Rent Tax Bill 2011—
Minerals Resource Rent Tax (Imposition—General) Bill 2011—
Minerals Resource Rent Tax (Imposition—Customs) Bill 2011—
Minerals Resource Rent Tax (Imposition—Excise) Bill 2011—
Petroleum Resource Rent Tax Assessment Amendment Bill 2011—
Petroleum Resource Rent Tax (Imposition—General) Bill 2011—
Petroleum Resource Rent Tax (Imposition—Customs) Bill 2011—
Petroleum Resource Rent Tax (Imposition—Excise) Bill 2011—
Tax Laws Amendment (Stronger, Fairer, Simpler and Other Measures) Bill 2011—
Superannuation Guarantee (Administration) Amendment Bill 2011—
  First Reading ................................................................................................. 2
  Second Reading ............................................................................................. 2

**DOCUMENTS**—
Minerals Resource Rent Tax—
Order for the Production of Documents ......................................................... 14

**BILLS**—
Tobacco Advertising Prohibition Amendment Bill 2010 .................................. 22

**MINISTERIAL ARRANGEMENTS** ................................................................. 32

**QUESTIONS WITHOUT NOTICE**—
Member for Dobell ............................................................................................. 34
Economy ........................................................................................................... 35
Gillard Government .......................................................................................... 36
Forestry ............................................................................................................ 38
Carbon Pricing ................................................................................................. 40
Automotive Industry .......................................................................................... 42
Carbon Pricing ................................................................................................. 43
Australian Federal Police ................................................................................... 45
Carbon Pricing ................................................................................................. 46
Economy ........................................................................................................... 48

**QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS**—
Carbon Pricing ................................................................................................. 49
FORESTRY ................................................................................................................. 55
Australian Federal Police ..................................................................................... 55
CONDOLENCES—
Cowen, Sir Zelman, AK, GCMG, GCVO, QC ..................................................... 57
MOTIONS—
Queen Elizabeth II: Diamond Jubilee ................................................................ 63
PETITIONS—
Global Greens ..................................................................................................... 67
NOTICES—
Presentation ........................................................................................................ 67
BUSINESS—
Consideration of Legislation ............................................................................. 73
COMMITTEES—
Public Accounts and Audit Committee—
Meeting .............................................................................................................. 73
BUSINESS—
Leave of Absence ............................................................................................... 73
COMMITTEES—
Community Affairs Legislation Committee—
Meeting .............................................................................................................. 73
Electoral Matters Committee—
Meeting .............................................................................................................. 73
NOTICES—
Postponement ..................................................................................................... 73
COMMITTEES—
Cyber-Safety Committee—
Meeting .............................................................................................................. 74
MOTIONS—
Papua New Guinea .............................................................................................. 74
Middle East ........................................................................................................... 74
Sovereign Wealth Fund .......................................................................................... 75
MATTERS OF PUBLIC IMPORTANCE—
Gillard Government ............................................................................................... 75
MINISTERIAL STATEMENTS—
Queensland and New South Wales Floods ......................................................... 89
Foreign Aid Budget ............................................................................................... 89
People Trafficking ................................................................................................. 89
Murray-Darling Basin ............................................................................................ 89
Afghanistan ............................................................................................................ 90
DOCUMENTS—
Tabling .................................................................................................................. 90
COMMITTEES—
Foreign Affairs, Defence and Trade References Committee—
Reporting Date ..................................................................................................... 164
Rural Affairs and Transport References Committee—
Reporting Date .................................................................................................... 164
CONTENTS—continued

DOCUMENTS—
Tabling.......................................................................................................................... 164
PRIVILEGE.......................................................................................................................... 166
DOCUMENTS—
Business of the Senate—
Tabling.......................................................................................................................... 166
Questions on Notice Summary—
Tabling.......................................................................................................................... 166
Register of Senate Senior Executive Officers’ Interests—
Tabling.......................................................................................................................... 166
AUDITOR-GENERAL’S REPORTS—
Reports Nos 14, 22 and 23 of 2011-12.................................................................................. 167
DOCUMENTS—
Tabling.......................................................................................................................... 168
COMMITTEES—
Government Response to Report......................................................................................... 168
DOCUMENTS—
Tabling.......................................................................................................................... 175
COMMITTEES—
Corporations and Financial Services Committee—
Report............................................................................................................................... 176
Public Accounts and Audit Committee—
Report............................................................................................................................... 176
COMMITTEES—
Membership....................................................................................................................... 176
BILLS—
Excise Tariff Amendment (Condensate) Bill 2011—
Deterring People Smuggling Bill 2011—
Tax Laws Amendment (2011 Measures No. 8) Bill 2011—
Work Health and Safety Bill 2011—
Personal Property Securities Amendment (Registration Commencement) Bill 2011—
National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011—
Excise Legislation Amendment (Condensate) Bill 2011—
Clean Energy (Household Assistance Amendments) Bill 2011—
Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2011—
Climate Change Authority Bill 2011—
Corporations (Fees) Amendment Bill 2011—
Social Security and Other Legislation Amendment Bill 2011—
Work Health and Safety (Transitional and Consequential Provisions) Bill 2011—
Tax Laws Amendment (2011 Measures No. 7) Bill 2011—
Tobacco Plain Packaging Bill 2011—
Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011—
Clean Energy (Income Tax Rates Amendments) Bill 2011—
Australian Renewable Energy Agency Bill 2011—
Australian Renewable Energy Agency (Consequential Amendments and Transitional Provisions) Bill 2011—
Clean Energy (Charges—Customs) Bill 2011—
Clean Energy (Charges—Excise) Bill 2011—
Clean Energy (Customs Tariff Amendment) Bill 2011—
Clean Energy (Excise Tariff Legislation Amendment) Bill 2011—
Clean Energy (Fuel Tax Legislation Amendment) Bill 2011—
Clean Energy (International Unit Surrender Charge) Bill 2011—
Clean Energy (Tax Laws Amendments) Bill 2011—
Clean Energy (Unit Issue Charge—Auctions) Bill 2011—
Clean Energy (Unit Issue Charge—Fixed Charge) Bill 2011—
Clean Energy (Unit Shortfall Charge—General) Bill 2011—
Clean Energy Regulator Bill 2011—
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment Bill 2011—
Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment Bill 2011—
Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011—
Maritime Legislation Amendment Bill 2011—
Navigation Amendment Bill 2011—
Veterans’ Affairs Legislation Amendment (Participants in British Nuclear Tests) Bill 2011—
Parliamentary Service Amendment (Parliamentary Budget Officer) Bill 2011—
National Vocational Education and Training Regulator Amendment Bill 2011—
Business Names Registration (Application of Consequential Amendments) Bill 2011—
Social Security Legislation Amendment (Family Participation Measures) Bill 2011—
Crimes Legislation Amendment Act (No. 2) 2011—
National Residue Survey (Excise) Levy Amendment (Deer) Bill 2011—
Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oils in the Antarctic Area) Bill 2011—
Broadcasting Services Amendment (Review of Future Uses of Broadcasting Services Bands Spectrum) Bill 2011—
Higher Education Support Amendment Act (No. 2) 2011—
Social Security Amendment (Student Income Support Reforms) Bill 2011—
Aviation Transport Security Amendment (Air Cargo) Bill 2011—
Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2011—
Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011—
Defence Legislation Amendment Bill 2011—
Competition and Consumer Legislation Amendment Bill 2011—
Competition and Consumer Amendment Bill (No. 1) 2011—
Human Rights (Parliamentary Scrutiny) Bill 2011—
Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2011—
Indigenous Affairs Legislation Amendment Bill (No. 2) 2011—
Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011—
CONTENTS—continued

Audit-General Amendment Bill 2011— 179
Assent .................................................................................................................. 179
Aviation Transport Security Amendment (Air Cargo) Bill 2011— 179
Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011— 179
Returned from the House of Representatives.................................................. 179
Business Names Registration (Application of Consequential Amendments) Bill 2011— 180
Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2011— 180
Social Security Legislation Amendment (Family Participation Measures) Bill 2011— 180
Returned from the House of Representatives.................................................. 180
Offshore Petroleum and Greenhouse Gas Storage Amendment (Significant Incident Directions) Bill 2011— 180
First Reading ................................................................................................... 180
Second Reading ................................................................................................. 180
COMMITTEES—Cyber-Safety Committee—Membership........................................... 181
MOTIONS—Dissent from Ruling .......................................................................... 181
DOCUMENTS—Australian Curriculum Assessment and Reporting Authority . 191
DOCUMENTS—Consideration ............................................................................. 193
ADJOURNMENT—Sydney Cricket Ground ............................................................. 194
B-24 Liberator Restoration Project ..................................................................... 196
Employment ........................................................................................................ 196
Beetson, Mr Arthur, AO ....................................................................................... 198
Sydney Street Choir ........................................................................................... 198
Banking ................................................................................................................ 200
Bingara Living Classroom .................................................................................... 202
Wind Farms .......................................................................................................... 205
National Space Policy .......................................................................................... 206
Defence Equipment ............................................................................................... 208
Safer Internet Day .................................................................................................. 210
Murray-Darling Basin .......................................................................................... 212
Centenary of the Brisbane General Strike ............................................................ 215
Employment .......................................................................................................... 217
Employment .......................................................................................................... 219
Workplace Relations ............................................................................................ 221
Australian Flag ...................................................................................................... 224
Defence Procurement ........................................................................................... 225
DOCUMENTS—Tabling......................................................................................... 229
Tabling.................................................................................................................... 248
Departmental and Agency Appointments—
Departmental and Agency Grants—
Order for the Production of Documents ............................................................... 249
Questions On Notice

Foreign Affairs and Trade: Overseas Travel—(Question No. 549) ................................................................. 250
Foreign Affairs and Trade—(Question No. 681) ........................................................................................................ 251
Human Rights—(Question No. 685) ....................................................................................................................... 252
Australian Bureau of Statistics—(Question No. 686 amended) ........................................................................... 253
Sudan—(Question No. 892) .................................................................................................................................. 260
Foreign Affairs and Trade—(Question No. 904) ........................................................................................................ 260
Foreign Affairs and Trade—(Question No. 930) ........................................................................................................ 261
Foreign Affairs and Trade—(Question No. 931) ........................................................................................................ 261
Australian Broadcasting Corporation—(Question No. 1021) .................................................................................. 262
Wizard Projects Pty Ltd—(Question No. 1041) ........................................................................................................ 262
Foreign Affairs and Trade: Code of Conduct Investigations—(Question Nos 1049 and 1063) ................................................. 262
School Education, Early Childhood and Youth—(Question No. 1096) ................................................................. 263
Indigenous Communities—(Question No. 1097) ....................................................................................................... 264
AusAID: Agent Orange—(Question No. 1102) ............................................................................................................. 267
Attorney-General, Home Affairs and Justice: Staffing—(Question Nos 1127, 1136 and 1137) ........................................ 268
Foreign Affairs and Trade—(Question Nos 1164 and 1178) ..................................................................................... 270
Finance and Deregulation—(Question No. 1201) ....................................................................................................... 271
Broadband, Communications and the Digital Economy—(Question No. 1208) ....................................................... 271
Climate Change—(Question No. 1215) ..................................................................................................................... 271
Climate Change—(Question No. 1217) ..................................................................................................................... 277
National Rental Affordability Scheme—(Question No. 1226) .................................................................................. 278
Tertiary Education, Skills, Science and Research, and School Education, Early Childhood and Youth—(Question Nos 1234 and 1235) ........................................................................................................... 278
Tertiary Education, Skills, Science and Research, and School Education, Early Childhood and Youth—(Question Nos 1236 and 1237) ........................................................................................................................................ 279
Foreign Affairs and Trade: Advertising—(Question No. 1244) .............................................................................. 279
Foreign Affairs and Trade—(Question No. 1248) ....................................................................................................... 280
Foreign Affairs and Trade—(Question No. 1249) ....................................................................................................... 280
Seal Products—(Question No. 1261) ........................................................................................................................ 280
Thailand—(Question No. 1264) ............................................................................................................................... 281
Pontville Detention Centre—(Question No. 1268) ..................................................................................................... 282
Sustainability, Environment, Water, Population and Communities—(Question No. 1271) .................................................. 283
Uranium Mining—(Question No. 1273) .................................................................................................................... 285
Whaling—(Question No. 1277) ............................................................................................................................... 286
Australian Health Survey—(Question No. 1278) ....................................................................................................... 288
Carbon Pricing—(Question No. 1283) ........................................................................................................................ 289
Broadband, Communications and the Digital Economy—(Question No. 1284) .................................................... 289
Pontville Detention Centre—(Question No. 1285) ..................................................................................................... 291
Pontville Detention Centre—(Question No. 1287) ..................................................................................................... 292
Pontville Detention Centre—(Question No. 1288) ..................................................................................................... 293
Tasman National Park—(Question No. 1289) .......................................................................................................... 293
Tasmanian Regional Forest Agreement—(Question No. 1290) .............................................................................. 294
Tasmanian Regional Forest Agreement—(Question No. 1291) .............................................................................. 294
CONTENTS—continued

Immigration and Citizenship—(Question No. 1292) ................................................................. 295
Pontville Detention Centre—(Question No. 1293) ....................................................................... 296
Pontville Detention Centre—(Question No. 1294) ....................................................................... 296
Defence: Special Purpose Aircraft—(Question No. 1296) .......................................................... 297
Prime Minister: Stationery—(Question No. 1302) ...................................................................... 297
Tuesday, 7 February 2012

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12:30, read prayers and made an acknowledgement of country.

STATEMENT BY THE PRESIDENT

Former Clerk of the Senate's Wig and Gown

The PRESIDENT (12:30): I advise the Senate that the wig and gown used by the former Clerk of the Senate, Mr Harry Evans, have been donated to the Museum of Australian Democracy at Old Parliament House. This will ensure that these items are properly curated and preserved for the future.

COMMITTEES

Foreign Affairs, Defence and Trade Joint Committee

Meeting

Senator FURNER (Queensland) (12:32): by leave—I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate today: (a) from 1 pm to 2 pm to take evidence for the committee's inquiry into the Australian human rights dialogues with China and Vietnam; and (b) from 5:30 pm to 6:30 pm to take evidence for the committee's inquiry into the Environment Protection and Biodiversity Conservation Amendment (Protecting Australia's Water Resources) Bill 2011.

Question agreed to.

Gambling Reform Committee

Meeting

Senator CROSSIN (Northern Territory) (12:32): by leave—On behalf of the Joint Select Committee on Gambling Reform, I move:

That the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 4 pm.

Question agreed to.

Rural Affairs and Transport Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (12:33): by leave—On behalf of Senator Sterle, I move:

That the Rural Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 5 pm, to take evidence for the committee's inquiry into the Environment Protection and Biodiversity Conservation Amendment (Protecting Australia's Water Resources) Bill 2011.

Question agreed to.

BILLS

Minerals Resource Rent Tax Bill 2011


Minerals Resource Rent Tax (Imposition—General) Bill 2011

Minerals Resource Rent Tax (Imposition—Customs) Bill 2011

Minerals Resource Rent Tax (Imposition—Excise) Bill 2011

Petroleum Resource Rent Tax Assessment Amendment Bill 2011

Petroleum Resource Rent Tax (Imposition—General) Bill 2011

Petroleum Resource Rent Tax (Imposition—Customs) Bill 2011

Petroleum Resource Rent Tax (Imposition—Excise) Bill 2011

Tax Laws Amendment (Stronger, Fairer, Simpler and Other Measures) Bill 2011
Superannuation Guarantee (Administration) Amendment Bill 2011

First Reading
Bills received from the House of Representatives.

Senator ARBIB (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (12:34):
I move:
That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.
Bills read a first time.

Second Reading
Senator ARBIB (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (12:35):
I table three revised explanatory memoranda relating to seven of the bills and 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—
MINERALS RESOURCE RENT TAX BILL 2011

Every Australian knows the mining boom is delivering tremendous benefits to our nation.
But the mining boom won’t last forever. The resources can only be dug up and sold once.
We know we need to make the most of our opportunities while the sun is shining.
We also realise that not everyone is feeling the benefits of the boom.
Many households are struggling to make ends meet.
And many businesses are struggling with a high Australian dollar, and struggling to get the workers they need.
Some of these businesses can take heart that the expanding middle class in Asia will bring opportunities well beyond mining—in sectors like tourism and other services.
But other businesses recognise that conditions are tough.
So our nation faces a fundamental choice.
We could do nothing and sit on our hands. This is the easy choice.
The government has chosen the other path. We will act to seize the opportunities and respond to the challenges of our patchwork economy.
We will not let the coming boom be squandered like the last.
That is why we’re building a fairer, simpler tax system and a stronger economy that delivers for all Australians.
The reforms that I present today are the cornerstone of that vision. They are an ambitious step in a long term reform agenda.
We recognise that many businesses are struggling with the pressures of a patchwork economy.
The Minerals Resource Rent Tax makes it possible to deliver a billion dollar tax break for Australia’s 2.7 million small businesses and cut company tax.
We recognise that many parts of the country, especially our great mining regions, have extra infrastructure needs.
The MRRT will fund billions of dollars of new roads, bridges and other critical infrastructure, such as the Gateway project in Western Australia. Much of this infrastructure will benefit the regions where the resources come from and where the workers and their families live, such as the great coal mining regions of NSW and Queensland.
We recognise that this time around Australia needs to save some of the gains of the boom.
The MRRT makes it possible to increase the superannuation guarantee from nine to 12 per
cent, boosting super savings of 8.4 million
Australian workers by $500 billion by 2035.

The MRRT also makes it possible to deliver
fairer super concessions for 3.6 million low-
income earners, who currently get little or no
concession on their employer superannuation
contributions.

Mining Boom Mark II

Australia is experiencing an unprecedented
boom in our resources sector which has delivered
record profits to mining companies year after
year.

Mining profits have jumped 262 per cent in the
last decade. Along with the coal and iron ore, a
large share of these profits are also shipped off
overseas.

The current arrangements fail to provide an
appropriate return for these non-renewable
resources to the Australian community, who own
the resources 100 per cent.

Royalties just don't keep up with the booming
profits of our miners.

Royalties often take a flat amount of revenues
or production regardless of profitability.

Taxes on profit mean the higher your profit,
the more tax you pay.

Taxes on mining profit are better for the nation
and the mining industry.

Taxes on profit return more to the nation when
times are good, but they also relieve the tax
burden on the industry when times are bad. Taxes
on profit automatically relieve struggling mines
and their communities of tax when times are
tough, unlike royalties.

We will see volatility in MRRT revenue,
particularly as prices and investment plans
change, but that is good for the nation and for the
industry.

The need for improved resource charging
arrangements is clear. That is why we are
introducing these bills today.

The Minerals Resource Rent Tax

These reforms ensure that the Australian
community receives a fairer return for its non-
renewable iron ore and coal resources.

The Australian people will get a better share in
the bounty of this mining boom, and the
government will use this share to develop a
stronger and broader economy.

We will ensure that the dividends of the boom
are directed to where they can make the greatest
contribution to jobs, to infrastructure, to national
savings and to sustainable economic growth.

The new resource tax arrangements also
represent a cooperative approach between
industry and government in the process of tax
reform.

Indeed, these bills have been developed in
partnership with the resource sector through one
of the most comprehensive stakeholder
consultation processes ever conducted by an
Australian government.

Industry was directly involved in the
development of these reforms through the
Resource Tax Consultation Panel, the Policy
Transition Group, the Resource Tax
Implementation Group and numerous public
submission processes.

So the bills that I present to the House today
are the direct result of the strong cooperation of
industry in the legislative process.

The bills before the House provide for a robust
resource rent tax regime and ensure that the long-
term attractiveness of investment in Australian
iron ore and coal is maintained.

You only have to look at the massive $430
billion pipeline of investment in our mining
sector—and $82 billion in this year alone—to see
that the industry has great confidence in the
future.

Mining companies are investing in the future
in full knowledge of the commencement of the
MRRT on July 1 next year.

The MRRT will apply, at a rate of 30 per cent,
to all new and existing iron ore and coal projects.

An extraction allowance of 25 per cent will
recognise the miner’s use of specialist skill in the
extraction of resources.

Because the MRRT only taxes the most highly
profitable mines, Australia will remain an
attractive destination for resource investment.
At the same time, Australians will receive an appropriate return on their non-renewable resources, which they own 100 per cent.

Supporting Mining Investments

Unlike royalties, the MRRT recognises the massive investments that miners make.

The tax doesn't apply to the value added by miners through processing. It applies only to profits attributable to the resource at the valuation point just after extraction.

Under the MRRT, projects will be able to immediately write-off new investment and immediately deduct expenses.

No MRRT will be payable until the project has made enough profit to pay off its upfront investment.

We expect the big miners to pay the bulk of the MRRT, and to pay it from year one. This is based on extensive consultations with the mining industry.

The big miners are expected to pay the most because they are the most profitable.

Supporting Small Miners

Small miners have been well-served by the design of the MRRT.

Companies with MRRT profits of less than $50 million a year will have a low profit offset that wipes out their MRRT liability.

Small miners who know that their profits will never exceed this threshold will not have to account for the tax or maintain MRRT records—simplifying compliance and administration.

Miners with annual MRRT profits between $50 million and $100 million will benefit from a partial reduction in their MRRT liability.

Small miners investing to grow will also benefit from the immediate deductibility of upstream capital investments.

They will only pay MRRT after the project has made enough profit to pay off these upfront investments.

The government will refer this bill to the House Economics Committee, to report by 21 November, and I hope to see passage through this chamber this year.

The Right Reform, at the Right Time

This is a proud day for every Australian.

Our nation will finally lock in the gains from our nation’s mineral endowment.

We picked this challenge long before it became popular. We picked it and we acted on it.

No reform is easy—this one has been very difficult.

But the most important reforms, those that strengthen, broaden and modernise our economy most markedly, are always the most difficult.

This was the case when far-sighted Labor governments of the past fought tooth and nail to put in place the nation-building reforms that have underpinned our current prosperity.

And it is so today, as the Gillard government gets on with the job of introducing major reforms like the MRRT—to build a stronger economy that delivers for all Australians.

With the consent of other far-sighted members of this parliament, we will pass it.

The package of bills I introduce today mean that for the first time in this nation’s history, we can be sure that every Australian will benefit from our valuable mineral heritage.

Our non-renewable natural resources will finally benefit ordinary Australians.

Our coal often fires overseas furnaces, our iron ore supports towers under different stars and a large part of the profits flow to foreign shareholders.

From now on, our resources will also contribute to better infrastructure, more productive businesses and more secure retirements for ordinary Australians.

Now is the time for our nation to choose to get a fairer return for the resource wealth in the ground.

And now is the time to reinvest that return in a stronger economy, in vital regional infrastructure, and in our national savings for the future.

This landmark legislation is part of a reform package that will build and strengthen our economy.

Legislation which will do so much for our nation and which deserves the full support of the
parliament, the business sector and the community.

It is up to us here today, to recognise that now is the time to act in the long-term interest, to seize these opportunities for the sake of all Australians—in this generation and those to follow.

I commend this bill to all Australians today and for the generations to come.

MINERALS RESOURCE RENT TAX (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2011

This bill is the second of five bills related to the imposition of the Minerals Resource Rent Tax that I am introducing to this session of parliament.

The bill provides for amendments to a range of acts that are necessary to facilitate the operation of the Minerals Resource Rent Tax.

The bill also provides for transitional matters relating to the enactment of the Minerals Resource Rent Tax.

MINERALS RESOURCE RENT TAX (IMPOSITION—GENERAL) BILL 2011

The bill imposes Minerals Resource Rent Tax to the extent that it is neither a duty of customs nor a duty of excise.

Minerals Resource Rent Tax is payable under the Minerals Resource Rent Tax Act 2011 from 1 July 2012. It is imposed at a rate of 30 per cent, less a 25 per cent extraction allowance to reflect the contribution of miners' expertise in extracting the resources.

The bill does not impose tax on property of any kind belonging to a State.

MINERALS RESOURCE RENT TAX (IMPOSITION—CUSTOMS) BILL 2011

The bill imposes Minerals Resource Rent Tax to the extent that it is a duty of Customs.

Minerals Resource Rent Tax is payable under the Minerals Resource Rent Tax Act 2011 from 1 July 2012.

It is imposed at a rate of 30 per cent, less a 25 per cent extraction allowance to reflect the contribution of miners' expertise in extracting the resources.

The bill does not impose tax on property of any kind belonging to a State.

PETROLEUM RESOURCE RENT TAX ASSESSMENT AMENDMENT BILL 2011

This bill is part of establishing a new way to tax Australia's valuable non-renewable resources.

This bill extends the existing Petroleum Resource Rent Tax regime to all oil and gas production in Australia.

The Petroleum Resource Rent Tax Assessment Amendment Bill 2011 establishes a tax that keeps pace with our booming resource sector.

Last year, the government announced new resource taxation arrangements to build a stronger economy and a fairer tax system.

Extending the PRRT to all Australian oil and gas production is another component of that vision.

It is an ambitious step in a long-term reform agenda that will provide all Australian oil and gas projects with a certain and consistent tax regime that takes account of the varying circumstances and profitability of individual projects.

Australia is experiencing an unprecedented boom in its resources sector.
Australian oil and gas production is expected to continue to grow as new projects come on line. Over $140 billion of investment has been committed to Australia’s booming LNG industry, putting Australia on track to becoming the world’s second largest exporter of LNG in 2015.

Just as the application of the PRRT in offshore areas has not prevented investments in offshore oil and gas projects, the extension of this regime to onshore oil and gas projects and the North West Shelf project is not expected to affect investment levels onshore.

Resource charging arrangements have not been keeping pace with resource profits and resource taxes have been declining as a share of resource profits.

For the first time, the Australian community will share in the profits of this resources boom to develop a stronger and broader economy, through investments in jobs, infrastructure and sustainable economic growth.

Like the MRRT, the PRRT extension has been developed in a cooperative manner between industry and government.

These bills underwent the same comprehensive consultation process as the MRRT, with industry involved in the policy, legislative development and design process.

Extensive consultation has occurred through the Resource Tax Consultation Panel, the Policy Transition Group, the Resource Tax Implementation Group and a public submission process.

The PRRT has been operating successfully offshore since 1987.

The bill before the House extends this efficient profit based tax to onshore oil and gas, including the growing onshore coal seam gas industry, while ensuring that the long-term attractiveness of investment in Australian oil and gas extraction is not impaired.

It was true back in 1987 and it is true now.

I quote Hansard back when the PRRT was first introduced:

Petroleum resources are, in their most basic sense, community property and the government believes that the community as a whole should share in the potentially high returns from the exploitation of these scarce, non-renewable resources.

The government believes that a resource rent tax related to achieved profits is a more efficient and equitable secondary taxation regime.

In contrast to production-based secondary tax regimes, the petroleum resource rent tax will be payable only in respect of projects earning a high rate of return on outlays… and

[The PRRT] strikes a reasonable balance between the objectives of satisfying the right of the community as a whole to share in the benefits of profitable offshore petroleum projects, and of providing the participants with adequate returns for the risks they accept in undertaking exploration and development activities.

The PRRT is applied at a rate of 40 per cent on the taxable profit derived from a petroleum project.

Broadly speaking a petroleum project’s profit is calculated by deducting expenses from the assessable revenues derived from the project.

Project expenditure is immediately deductible and exploration expenditure may be transferable to other petroleum projects.

Assessable revenue primarily comprises the receipts received from the sale of petroleum or marketable petroleum commodities recovered or produced from a project.

Where deductible expenditure exceeds assessable revenue from a project in a financial year, the excess expenditure is carried forward and uplifted to be deducted against project earnings in future years.

From 1 July 2012, the PRRT will apply to all new and existing oil and gas projects in Australia.

The core design features of the PRRT will remain unchanged, and offshore projects currently operating under the PRRT will be largely unaffected by the PRRT extension.

To accommodate onshore projects and the North West Shelf project into the PRRT the bill makes the following key amendments.

The project combination certificate criteria are expanded to allow onshore projects with
integrated downstream operations to be treated as a single project.

Consolidated group companies will have the choice to treat interests held by different group companies within a petroleum project as a single interest for PRRT purposes.

Project expenditure related to the environment is made explicitly deductible.

A new category of assessable incidental production receipts will include revenue generated using petroleum project facilities.

Deductible expenditure is expanded to include resource taxation expenditure to avoid the double taxation of petroleum projects subject to crude oil excise and State based royalty regimes.

And finally, existing petroleum projects that are transitioning to the PRRT are entitled to a starting base to shield historical investment and prevent the retrospective application of the extended PRRT.

The starting base is non-transferable, and unused starting base expenditure will be uplifted, consistent with the treatment of unused general project expenditure, to be deducted in future years.

Like the MRRT, under the extended PRRT the state and territory governments will continue to receive a stream of royalty revenues.

To ensure that taxpayers are not double taxed, the PRRT regime provides a deduction equivalent for state royalties paid by a taxpayer in respect of a petroleum project.

Unused resource tax credits are not transferable between petroleum projects and will be uplifted at the long-term government bond rate plus five per cent, consistent with the treatment of other losses.

The bill includes amendments to ensure that, in circumstances where onshore coal seam gas producers have an integrated gas to liquids project, they will be able to access the pricing methodologies contained in the Petroleum Resource Rent Tax Assessment Regulations 2005.

It is the government's intention to undertake subsequent consultation on the PRRT regulations to ensure they operate effectively in an onshore context.

The PRRT will ensure a more consistent share for all Australians of the returns generated from our non-renewable resources while maintaining a healthy pipeline of investment and job creation.

Like the MRRT, the PRRT extension is landmark legislation. Legislation that will do much for our great nation and it deserves the full support of the parliament, the business sector and the community.

PETROLEUM RESOURCE RENT TAX (IMPOSITION—GENERAL) BILL 2011

The bill imposes a tax in respect of the profits of certain petroleum projects, so far as that tax is neither a duty of customs nor a duty of excise and sets that rate at 40 per cent from 1 July 1986.


The bill does not impose tax on property of any kind belonging to a state.

PETROLEUM RESOURCE RENT TAX (IMPOSITION—CUSTOMS) BILL 2011

The bill imposes a tax in respect of the profits of certain petroleum projects, so far as that tax is a duty of customs and sets that rate at 40 per cent from 1 July 1986.


The bill does not impose tax on property of any kind belonging to a state.

PETROLEUM RESOURCE RENT TAX (IMPOSITION—EXCISE) BILL 2011

The bill imposes a tax in respect of the profits of certain petroleum projects, so far as that tax is a duty of excise and sets that rate at 40 per cent from 1 July 1986.

The bill does not impose tax on property of any kind belonging to a state.

TAX LAWS AMENDMENT (STRONGER, FAIRER, SIMPLER AND OTHER MEASURES) BILL 2011

This bill contains long-term reforms that will bring benefits to small business and lift the superannuation savings of millions of low income Australians and make our superannuation system fairer.

Schedule 1 removes the entrepreneurs' tax offset in order to deliver more effective assistance for small businesses. This is consistent with recommendation 6 of Australia's Future Tax System (better known as the Henry Review).

The entrepreneurs' tax offset, which according to AFTS 'provides problematic incentives related to business structure' makes way for better targeted small business assistance.

Through schedules 2 and 3 the government is delivering on its commitment to improve cash flow and reduce compliance costs for Australia's 2.7 million small businesses.

Under schedule 2, from the 2012-13 income year, small businesses will benefit from being able to immediately write-off depreciating assets that cost less than $6,500. This increase from a threshold of $1,000 will allow small businesses to claim a deduction for more expensive assets—those costing less than $6,500 instead of less than $1,000—providing a cash flow benefit. Small business will benefit from this initiative when they purchase assets such as a computer, photocopier and printer.

The government will also simplify the depreciation regime for depreciating assets costing $6,500 or more. Instead of having to allocate assets to one of two depreciation pools, each with a different depreciation rate (five per cent and 30 per cent), small business will now be able to allocate assets to a single depreciation pool with a single rate of 30 per cent (and 15 per cent in the first year).

In addition to the benefits that come with simplifying the pooling arrangements, small businesses will also benefit from being able to depreciate some assets more quickly, at an increased rate of 30 per cent instead of five per cent—again, providing a cash-flow benefit.

In addition to these measures, which were announced as part of the government's response to the AFTS Review and the Clean Energy Future package, the government has continued to deliver for small businesses through the 2011-12 Budget.

Schedule 3 will do this by providing an accelerated initial deduction for motor vehicles purchased by small businesses from the 2012-13 income year.

This means that small businesses that purchase a motor vehicle costing $6,500 or more from the 2012-13 income year will be able to immediately write-off up to $5,000 and will be able to depreciate the remainder of the value at 15 per cent in the first year and 30 per cent in following years.

As motor vehicles are primary assets for many small business operators, this increased initial deduction will improve cash flow for a large number of small businesses.

It will mean that a tradesman on a 30 per cent marginal tax rate buying a new ute worth $33,960 will receive a tax benefit of $1,275 in the year they purchase the vehicle. This means more money in the pocket of small business.

These changes improve cash flow for businesses and makes investing in and growing their business more achievable.

Businesses with an annual turnover of less than $2 million will benefit from this small business package. That is 96 per cent of Australia's 2.7 million small businesses.

The government is committed to assisting small business and has already reduced quarterly Pay As You Go (PAYG) income tax instalments for the 2011-12 income year for taxpayers using the GDP adjustment method, providing a $700 million cash flow benefit to small business.

The government is providing extensive assistance to small business through the small business support line, business.gov.au website, the small business advisory service program and enterprise connect. These services are all about helping small businesses with their day-to-day running.
In addition to these measures, the government will reduce the company tax rate for small business companies from 30 to 29 per cent from 2012-13. This will assist up to 720,000 incorporated small businesses, allowing them to reinvest more of the profits to grow their businesses.

This government values small business, it has a plan to assist small business and it is delivering on this plan.

These changes are about making a real difference to the 2.7 million small businesses in Australia.

Superannuation

Australians should not have to work hard and retire poor.

How to enjoy a fulfilling and prosperous retirement is one of the great conversations in Australian life.

I’ve talked about our significant reform to lift superannuation from nine per cent to 12 per cent, but we need to do more for low-income Australians.

It’s of great concern to me, and I know of great concern to the Prime Minister and Treasurer, that whilst women live longer than men, their super balances are in fact on average about 40 per cent lower.

This is a serious challenge to Australian women’s financial independence. It is important that we address structural imbalances such as equal pay and today the government is also addressing a structural imbalance in the superannuation system.

Currently, 3.6 million low-income Australians, including around 2.1 million women get no (or minimal) tax benefit from contributing to superannuation, due to the fact that the 15 per cent superannuation contribution tax is above or equivalent to their income tax rate.

Let’s reflect for a moment on these numbers—3.6 million Australians. That is around three out of every 10 workers who do not get a tax benefit from contributing to superannuation; 2.1 million of them are women, that is three in every eight women in the workforce.

Put another way the 3.6 million Australians includes:
- Around 1.1 million workers in New South Wales
- Around 910,000 workers in Victoria
- Around 800,000 workers in Queensland
- Around 260,000 workers in South Australia
- Around 360,000 workers in WA
- Around 90,000 workers in Tasmania
- Around 30,000 workers in the Northern Territory
- Around 50,000 workers in the ACT

The Gillard government is acting on the recommendation of the Henry Review which said that superannuation tax concessions should be distributed more equitably.

From 1 July next year, we will make the system fairer by ensuring no tax is paid on the superannuation contributions for Australians earning up to $37,000 and that the money is instead directed into their superannuation. This tax reduction is limited to $500 per person which covers the tax due on nine per cent SG at $37,000.

Sixty per cent of the beneficiaries of this policy are women.

The superannuation savings of 2.1 million women earning less than $37,000 will be boosted by $550 million in 2012-13 alone.

Importantly, the government has also simplified the application process for low income earners individuals who are not required to submit an income tax return. They will not need to fill out any extra paperwork. Instead the ATO will do the calculations for them using information available to the Commissioner of Taxation such as payment summaries.

This streamlined process reduces the paperwork burden on low-income Australians, while ensuring the integrity of the system.

This will be one of the most significant wealth creation reforms targeted at low income earners in modern Australian history.

Put simply, the government is lowering the tax burden on low-income Australians and directing
this forgone tax revenue into their superannuation accounts to help them build for the future.

The revenue from the Minerals Resources Rent Tax will go towards filling the resultant gap in tax revenue. It is the right way to share the benefits of the mining boom and ensure our country is well prepared for the gift of longer life.

SUPERANNUATION GUARANTEE (ADMINISTRATION) AMENDMENT BILL 2011

I am in introducing this bill because the parliament should pass laws which are optimistic and hopeful about Australia's future.

It proposes to increase the Superannuation Guarantee charge from nine per cent to 12 per cent.

And this bill abolishes the Superannuation Guarantee age limit.

This bill passes the test of being positive and constructive.

We are living longer than ever before. So we must change with the new rhythms of life.

Those of us over 65 now are only three million in number, but by 2050 there'll be 8.1 million.

Today there are 50 of us in work for every 10 of us in retirement. By 2050, there will be 27 of us in work for every 10 of us in retirement.

These days we're probably at school and in college until we're 20 or 25.

We then work for 35 years, and after that we have another twenty or even thirty years to think about things, play bowls, go fishing, join reading groups, write family histories, and the rest of it. Thirty years, perhaps. Forty, maybe.

Life itself, our life in the best country on earth, has been redefined by these new unchangeable figures of a long and largely healthy life.

Longer life full of quality and meaning is the great gift of 20th century Australians to 21st century Australians. And we should celebrate it.

Therefore the goal of lifetime income security celebrates a long and quality life.

This bill declares that the Australian people understand change is inevitable.

This bill declares Australians reject the proposition that Australians should stay frozen in the moment.

This bill declares that Australians do not believe change is too hard.

This bill declares that Australians understand that as we are living longer, we need to smooth our prosperity over longer life.

Until 1985, private retirement income under the superannuation provisions applied to the very wealthy and some well-paid employees in the public sector.

Until 1985 the great majority of working Australians had no viable access to the generosity of the superannuation tax provisions.

Until 1985 most Australians had to rely on the taxpayer provided age pension as their principal post-employment income system.

The first move towards universal access under the superannuation provisions came as part of the Hawke government's Accord with Australian trade unions.

Government and unions agreed that the profit share in the economy had to be restored to re-ignite private investment. At the time, unemployment and inflation were both hovering around 10 percent.

In return for this restraint the government supported the ACTU's claim that three percentage points of wages should be contributed by employers to a superannuation account in the name of each worker.

This was 1985. Then on 20 August 1991; in the Hawke government's ninth budget laid the groundwork for the superannuation industry as we know it now. Not long after becoming Prime Minister, Paul Keating announced the introduction of the Superannuation Guarantee Charge.

Under this path-breaking legislation, employer contributions to superannuation would rise from three percentage points of ordinary time earnings in 1992-93 to nine percentage points of ordinary time earnings by 2002-03.

Over the period when the Superannuation Guarantee Charge grew from three to nine per
cent of employer contributions, unit labour costs fell. This meant that the cost of superannuation was rarely borne by employers. It was absorbed into the overall wage cost.

Had employers not paid nine percentage points of wages as superannuation contributions to employee super accounts: they would have paid it in cash as wages.

As Keating said in 2007: 'when you hear conservatives these days speak of superannuation as a tax on employers they are either ill-informed or they are lying. The fall in unit labour costs and the upward shift in the profit share during the period of the Superannuation Guarantee Charge is simply a matter of statistical record. It is not a matter of argument.'

Today the savings pool is worth more than $1.3 trillion to the nation.

Our retirement savings system is the fourth biggest pool of funds under management on the planet.

The original Superannuation Guarantee legislation has since proven fundamental to the sustainability of our private retirement income.

Superannuation has proved to be a terrific idea; blessing Australia with a national institution that almost every developed economy in the rest of the world would give their eye teeth for.

It is now a mature idea.

Yet in terms of providing an adequate retirement nest egg, the system still has great capacity to grow, to mature and perform even better for individuals who get to retire after a whole working life of superannuation behind them.

Compulsory superannuation's gradual introduction between 1992-93 and 2002-03 has smoothed the transition path and demonstrated how long run reforms can be successfully introduced in our country.

But adequacy remains the challenge, and task of providing for retirement is getting bigger as we live longer and as weak investment markets slow growth of fund balances, necessitating higher contribution levels.

Running the system as efficiently as possible is essential as it grows bigger balances and maximizes the return to the taxpayers of the 15 per cent concessional tax rate.

I think it obligatory to recognise the future's lament if we in the federal parliament don't take this opportunity to pass the law that will deliver 12 per cent compulsory superannuation contribution.

Of all the human emotions, it is perhaps regret we should fear the most.

It is both instant and long lasting.

In politics, the worst regret is always the regret for the path not taken, the timidity of a moment that cost us the skirmish, the skirmish that cost us the battle, the battle that cost us the war.

Too often in politics we deal, or we end up dealing, not with the problem, but the politics of the problem.

The rhetoric of the problem. Dare I even say—the spin.

We try to paper over with bravado the fragility within.

We lose the moment, and in doing so—the future.

No big economic reform is easy.

I understand that no change to our public life, no social contract—indeed no progress—could be taken for granted.

It has to be fought for, with all the guile and persistence of Fred Hollows, and all the brash force of Henry Chauvel, racing his horses for Beersheba water.

Victory is never certain.

And to be fair, probably all of us - whatever our political stripe—who have the privilege to serve fully in this place, sooner or later realize that the big public policy struggles are inevitable, and intricate, and close-fought, and exhausting.

Long-lasting economic change—whether floating the dollar or deregulating the financial markets require all the powers of political persuasion.

We believe nine to 12 per cent is profoundly necessary, and we wish to calm the anxiety and explain the detail of what this reform would do.

This bill is pressing the advantage of doing the right thing by the nation, even if vested interests
and loud voices opposite yelling 'no' make the going all the slower, all the tougher.

But this bill has an army of good voices and minds behind it.

Just as an army of commonsense, real world voices raised their game to advocate for and help deliver compulsory superannuation two decades ago.

I am inspired that always and every time, the agents of change in our national story already written—from both sides of the political divide—have had to consistently and persistently argue the merits of the case and keep a firm grip on the detail and sketch out—daily alacrity—what would happen when the changes were actually implemented.

The superannuation reforms the Gillard government has announced—lifting the Super Guarantee from nine up to 12 per cent and how it's afforded through the mining tax—has been met with a fiercely hostile opposition. And so once again we find the going harder than such good ideas deserve.

Yet as the Minister for Superannuation I am finding that the strongest argument for these retirement savings reforms is not purely through a recitation of the details.

But a simple plea that we must, for dignity of hardworking Australians in retirement and to place less pressure on the age pension, secure the goal of adequate lifetime retirement savings.

A 70 per cent replacement rate in post work life—of average earnings prior to retirement, secure the goal of adequate lifetime retirement savings.

This plea is especially applicable now because of the arithmetic we are in, in this parliament, compared with the years, in the 1980s and 1990s, of large majorities in the lower House, and of civilised reason in the Senate.

When it comes to lifting super to 12 per cent, I know that most of our nation absolutely get it.

Australians get it right in their bones.

We believe that longer life is a gift that should be celebrated.

We believe there's little point in working hard and retiring poor.

We want Australians to live long lives that have quality and meaning.

We want those lives that go up to and last beyond a hundred years to have been well-lived, both at the start and at the end.

Which means, as the numbers of the old go up, we want to deliver a better deal, a new deal, on superannuation.

Our starting point is that nine per cent is simply not enough, especially for women, who have breaks in their career rearing the next generation, when they are not earning, and therefore not putting in their nine per cent away for the nest egg.

It's why we are taking, as Paul Keating planned many years before, the nine per cent up to 12 per cent. And in doing this we are strengthening superannuation.

The Superannuation Guarantee charge percentage will be increased gradually with initial increments of 0.25 percentage points on 1 July 2013 and 1 July 2014. Further increments of 0.5 percentage points will apply annually up to 2019-20, when the SG rate will be set at 12 per cent.

These superannuation measures and others contained in the Stronger, Fairer, Simpler package of reform, along with the increases in the age pension which the government introduced in 2009, and the Stronger Super package of reforms will allow Australians to secure higher standards of living in retirement than ever before.

This bill also makes superannuation fairer for Australians of all ages.

From 1 July 2013, the Superannuation Guarantee will be payable for eligible employees over 18.

Currently, the Superannuation Guarantee only applies to people under 70. The amendments will align the SG age limit with the age limit for voluntary and self-employed contributions.

The increase in the Superannuation Guarantee age limit means that eligible individuals aged 70 and beyond will have superannuation guarantee contributions made on their behalf for the first time.

Making superannuation contributions compulsory for these mature-age workers will
improve the adequacy and equity of the retirement income system, and provide an incentive to older Australians to remain in the workforce for longer.

The actuaries tell us the average Australian needs a 70 per cent replacement rate of his or her accustomed income to live in retirement comfortably. For example, the Melbourne-Mercer Global Pension Index recommends this.

Being satisfied with just nine per cent compulsory superannuation means being satisfied with a big percentage of Australians outliving the money set aside to see them through the Third Age.

As we live longer—nine per cent just doesn't build enough.

It's why the Minerals Resource Rent Tax is so important to our nation's future.

The MRRT pays for the tax concessional treatment of the additional three per cent Superannuation Guarantee—with workers retirement contributions taxed at 15 percent instead of their marginal personal income tax rate.

It's of great concern to me, and I know of great concern to the Prime Minister, that whilst women live longer than men, their super balances are in fact on average around 40 per cent lower.

This is a serious challenge to Australian women's financial independence.

Currently, around 2.1 million women get no tax benefit from contributing to superannuation, due to the 15 per cent superannuation contribution tax being at or above their income tax rate.

The Gillard government is therefore acting on the recommendation of the Henry Review which said that superannuation tax concessions be distributed more equitably.

From 1 July next year, we will make the system fairer by ensuring no tax is paid on the nine per cent superannuation contributions for Australians earning up to $37,000 and that the money is instead directed into their superannuation.

Sixty per cent of the beneficiaries of this policy are women.

The superannuation savings of 2.1 million women earning less than $37,000 will be boosted by $550 million in 2012-13 alone.

So a 30-year-old woman on full-time average wages will have an extra $108,000 in retirement savings providing her with an extra $2,900 to spend each year of her retirement.

This is what good law—from a government that is confident in Australia's future—is all about.

In August 2011 looking at the great economic reforms of Hawke and Keating and Kelty—reforms like superannuation—can be a bit like looking at the silverware in our nation's economic trophy cabinet.

But I believe each generation has to make its own history.

To build new achievements.

We can respect our history—as families, as tribes, as nations—while still making our own history as a generation.

Surely we don't want to look back in 20 years time and regret not raising superannuation to 12 per cent.

We want to say, 'Do you remember when we lifted it to 12 per cent—to where it needed to be.'

Do any of us really think we would have saved $1.3 trillion without compulsory super?

I believe there are four pillars which today assure a quality of Australian life for all our fellow citizens:

- the minimum wage;
- the age pension;
- Medicare; and
- compulsory superannuation.

I might add that I think a National Disability Insurance Scheme has the potential to be the new fifth pillar. So early August was a wonderful time measured by the significance of first big steps.

In mid-2011, two decades after compulsory superannuation was introduced, superannuation stands as one of Australian Labor's most enduring and far sighted reforms.
The mission of adequate retirement savings is not yet completed, but the journey here has been a great national direction.

We will know that we have succeeded when all Australians recognise that superannuation is as vital a pillar for our quality of life as Medicare or the minimum wage.

And let me say when that happens, after 12 per cent is achieved, governments need to step right back and stop the tinkering with the tax treatment of superannuation.

I truly believe we are not quite there yet, but the government's reform agenda together with the good work the industry is doing on building the brand will help us get there.

Our superannuation reforms will deliver a great good to Australians upon their retirement and the Australian economy more generally.

The great good of a more comfortable post work life.

The great good of Australians retiring on a 70 per cent replacement rate.

The great good of concessional tax, compound interest and dividend imputation.

The great good of seeing Australia become even better at financial services.

The great good of reducing the cost of capital.

The great good of more capital becoming available for nation-building infrastructure.

The great good of low inflation, high savings and a future some Europeans now dream of.

The Gillard government understands the forces of change that we have to navigate to secure future waves national prosperity.

That the ageing of our population is one of these forces is undeniable and the need for greater retirement savings is therefore irresistible.

And I submit, is logically inevitable.

We always hear a lot from financial planners and investment strategists about savings and investment but it is politicians who can make the real difference. And it is the politicians who need to grasp the relative immediacy of longer life spans—with it's all too predictable dislocating consequences.

Under Prime Minister Gillard's leadership our national government is acting for the long term and we are strategically placing the nation where the challenges and opportunities of the future can be met with confidence and conquered with commonsense.

Lifting the Superannuation Guarantee change to 12 per cent is profoundly sensible.

Australians need not fear the future—we should be optimistic.

This bill keeps faith that Australians should and can live long lives full of quality and meaning. This bill keeps faith that the goal of lifetime income security for Australians is achievable.

And this parliament, I believe, should not miss the opportunity to do good.

Debate adjourned.

**DOCUMENTS**

**Minerals Resource Rent Tax**

**Order for the Production of Documents**

Senator CORMANN (Western Australia) (12:36): I seek leave to move a motion in the terms circulated in the chamber relating to the government's failure to comply with Senate orders for the production of documents concerning the Mineral Resource Rent Tax.

Leave not granted.

Senator CORMANN: Pursuant to contingent motion and at the request of the Leader of the Opposition in the Senate, Senator Abetz, I move:

That so much of the standing orders be suspended as would prevent Senator Abetz moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to the Government's failure to comply with the order of the Senate for the production of documents concerning the Mineral Resource Rent Tax.

I agree with Senator Bob Brown and the Greens. The coalition agrees with Senator Bob Brown and the Greens that the government's secrecy and its refusal to provide information about the mining tax—in
particular, about the mining tax revenue assumptions and the cost of associated measures—is unsatisfactory and that it is time for the Senate to flex its muscle. The Gillard government is treating the Senate with absolute contempt.

The coalition view, and this is where we part company with the Greens, is that the mining tax is a bad tax which came out of a bad process. It is a tax which was negotiated exclusively and in secret between the Prime Minister, the Treasurer and the Minister for Resources and Energy and the managing directors of the three biggest mining companies in Australia, excluding from that process all of their competitors and all state and territory governments. It is a tax which gives the three companies who had privileged access to that negotiation an unfair competitive advantage. We were promised root-and-branch tax reform which would make our tax system simpler and fairer—what the government has delivered is manifestly more complex and less fair.

There are serious question marks around the mining tax revenue estimates. They have been jumping around. Every couple of months the mining tax revenue estimates go up or down. There are serious question marks as to whether the mining tax would actually raise what the government says it would—the reason being that, in the way the mining tax has been designed by the government, it gives a significant up-front tax deduction to the three biggest mining companies, a tax deduction that is not available to most of their competitors.

There are also serious question marks around the interaction between state royalty arrangements for iron ore and coal production and the federal minerals resource rent tax. It is absolutely obvious that Prime Minister Gillard and Treasurer Swan have something to hide, because order of the Senate after order of the Senate requiring the release by the government of information about how they calculated the mining tax revenue estimates has not been complied with.

Then we have all of the promises that Labor have attached to their mining tax. Even if you look at it at a high level, it is obvious that the spending commitments that the Labor Party have attached to the mining tax are far greater than even what the government suggest would be raised in revenue through the mining tax. Only the Labor Party could come up with a new multibillion-dollar tax which would have huge ramifications for the most successful industry in our economy right now, huge ramifications for Australia as an investment destination and huge ramifications for jobs, and would actually leave the budget worse off.

It is no wonder the government has been bending over backwards to refuse to provide that information to the Senate. We have a job to do. We, as the Senate of Australia, have a job to do—to scrutinise government legislation and to expose the flaws in bad government legislation. When we ask for information from the government, in order to do our job, the government should provide that information unless they have a very good excuse not to.

This is where I agree with Senator Bob Brown and the Greens. The government’s conduct when it comes to Senate requests for information in relation to the mining tax has been unsatisfactory. Those are his words, but they could have come from me. It is time that the Senate flexed its muscle in the context of a government that is being inappropriately secretive. The only leverage the Senate has in the face of a government that is secretive and is refusing to provide the information that we have legitimately asked
for is to refuse to deal with legislation until such time as the government has complied.
That is why I recommend to the Senate a motion which would see the deferral of these MRRT related bills and the further listing of these bills as an order of the day until such time as the Senate agrees that the government has complied with its relevant outstanding orders for information. *(Time expired)*

**Senator FIFIELD** (Victoria—Manager of Opposition Business in the Senate) (12:42): On this side of the chamber we take very seriously the Senate's role as a place of scrutiny and as a place of accountability. I think all in this chamber have a sneaking suspicion that on occasion we are the first people in this building to actually look closely at legislation, that perhaps they do not always do so over in the other place. That is just a sneaking suspicion, but we do have an important role to play here.

I remember listening to Labor senators during the years of the Howard government saying how committed they were to appropriate scrutiny, how committed they were to evidence based policy, how outrageous the then government was and how, when they won office, they were going to usher in a glorious new period of sunlight in public administration. In fact, they have a policy called Operation Sunlight in the Department of Finance and Deregulation—such is their commitment to openness and transparency, to airing all things which should be considered in the development of public policy.

So, quite frankly, I was a little shocked when the Labor Party formed government that this approach did not come to pass. We saw that with the carbon tax, one of the most outrageous examples of the denial of the rights and duties of this chamber. This place was denied the opportunity to set up Senate committees to examine that legislation—putting to one side, of course, the fib, the bald faced lie, to the Australian people that there would be no carbon tax. Even in the face of that, this chamber was denied the opportunity for scrutiny.

We are seeing that again here today with this package of legislation. Senator Cormann, who has done a very comprehensive job in looking at this legislation through various committees over many, many months, is quite right to seek a suspension of standing orders in order to move his motion. His motion is merely calling upon the government to do that which the Senate has already directed it to do—that is, to provide information that goes to the heart of policy formation and to the heart of the actual, real-world impact of this legislation.

The Senate has already passed orders requesting that information and the government have not complied. So we on this side of the chamber are at a great disadvantage in being able to fully examine this legislation and its implications. I think it is very reasonable of the opposition to seek that the Senate suspend standing orders so that a motion can be put to this chamber that there be no further consideration of this legislation until the previous Senate orders have been complied with.

We have heard a great deal from the Australian Greens about the need for sunlight on the development of public policy, on the need for integrity and on the need for evidence based policy. This suspension motion should provide an opportunity for them to follow through on their fine words in actions. I hope they do. There is a pattern developing with this government where, despite their claim of the importance of evidence based policy and despite paying lip service to the role of this chamber as a place of scrutiny and accountability, they do not.
We saw that the with the NBN—the worst example of non-evidence based policy you have ever seen. It was drafted between Mr Conroy and then Prime Minister Rudd on the back of an envelope whilst on a VIP flight. We saw it with the carbon tax. We saw it with the BER. There was no evidence based policy there. We saw it with the roofing insulation policy. There was no evidence base for that policy. We do not want to see that happen again. We need that information. We want that information. The Senate is entitled to have that information. The Senate has ordered the government to deliver that information and they should do so.

We will canvass at great length in the debate on the legislation itself how complex, how unfair and how fiscally irresponsible this package of legislation is. But we have before us at the moment a very simple matter—that is, the Senate should suspend standing orders so that Senator Cormann can move his motion to defer further consideration of this legislation until the government complies with the Senate order. (Time expired)

Senator JOHNSTON (Western Australia) (12:47): The very least this parliament is entitled to is to know upon what assumptions this vast array of legislation attacking our most successful industry is based, whether the revenue is positive, negative or neutral. This government refuses to disclose the most fundamental and basic responsible information to this legislature.

The genesis of this tax comes, as we know, in the $900 given to all and sundry—the school halls, the pink butts. It is the drunken-sailor approach to fiscal responsibility. What happened? The government ran out of money. So the former Prime Minister devised the superprofits mining tax. Our biggest export earners—coal, iron ore and LNG—were attacked because they were the most profitable. This is an industry that pays very high remuneration to ordinary and unskilled workers. It is the biggest employer of Indigenous people throughout Australia. It is the biggest regional developer. Kalgoorlie, Esperance, Geraldton, Port Hedland, Karratha, Tom Price, Paraburdoo: these are all names of places that generate vast amounts of revenue and wealth. Members opposite do not even know those names; they do not even relate to them. They have never heard of them before.

There is all this bungled incompetence from those opposite. They had to ask the Western Australian Premier on the phone: 'How do we do this? How do we do a mining resources rent tax? And can you tell us, by the way, what state royalties are and who owns the minerals?' The minerals are owned by the Crown in the right of Western Australia. This is a tax on Western Australia. The incompetence was met by further incompetence by saying to BHP and Rio: 'How shall we tax you? How shall we take money off you?' They were told things that now mean that this tax is going to cost the taxpayer money. They have had to rewrite this legislation at least four times. They have had secret deals with the Independents and the Greens. Everything that is relevant to this legislature has been kept secret; it has been kept from this legislature. This incompetent government has no idea what it is doing to our best industry. The reality is that it simply refuses to tell the parliament what is going on.

The mining industry in Australia is facing hot competition from Brazil, Colombia, Mongolia and Mozambique in coal and iron ore. All mining is capital intensive. Forty-two per cent of iron ore productivity costs are capital. Forty-three per cent of coal costs are capital. What have those opposite done to the magnetite industry, our potentially best, blossoming, young mining industry? They have extinguished the investment in
that industry and the good jobs that go with that, including the Indigenous employment, in one fell swoop. This government has put its foot upon the hose of hundreds of billions of dollars in investment and jobs. It will not disclose the basic assumptions and the modelling upon which this tax is based—the estimates and the costings.

This government is an incompetent, scandalous disgrace, taxing Queensland and Western Australia to pay for its pink-batts fiasco and its drunken-sailor fiscal management. That is what is happening here. Those opposite sit over there wringing their hands, saying, 'I hope nobody is listening to this, because we are as guilty as sin.' They have no idea what they are doing. 'Please, Mr Barnett, could you explain the royalty system in Western Australia to us? Please tell us how it works, because we have no idea. We all come from Sydney and Melbourne. Please tell us how we can tax your state out of existence, because we have spent everything we have ever found in the Treasury.'

Senator ARBIB (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (12:51): I think all senators on this side of the chamber and all Australians hoped that, after the break, coalition senators would come back with a different attitude to their jobs, because over the past 12 months all we have heard is no. All we have heard is no to every reform the Labor government has tried to put in place to secure the future of Australia, to help families and to make this country a better place to live in. That is exactly what this legislation is about. It is about ensuring that Australians get a fair share, a fair deal and a fair return from the mining boom. We know that the coalition did very little with the first mining boom. In fact, during that period of rapid growth of the mining sector investment in education went down, investment in health went down and investment in infrastructure was static. This Labor government wants to ensure that Australians get the benefits of this mining boom. The big beneficiaries of the MRRT will be workers, who will get a superannuation increase from nine per cent to 12 per cent. The big beneficiaries will be small businesses, which will get a $6,500 accelerated depreciation asset allowance on the assets they purchase. The big winners will be the people of Australia, who will see greater funds going into infrastructure, which will increase the productivity of this nation. That is what this debate is about.

Today we are again seeing an attempt by coalition senators to defer these bills and to continually debate these bills to ensure that we run out of time to implement the legislation and ensure that Australia benefits. We saw this time and time again last year, when every day the coalition would take up as much time as possible, introducing MPIs and speaking on most procedural matters, often with virtually open-ended debates. That means there was less time for the chamber's vital legislative review functions. Instead, committees have been working flat out to cover all issues in their hearings. The government is also providing extensive briefings to parties on legislation. These bills are currently before the Senate economics committee. Most of the work of examining the bills is taking place in that committee now. Senator Cormann and Senator Fifield are pursuing a quite deliberate strategy. They know that their approach to chamber management forces our hand at the end of sittings and means that the government must consider gagging or guillotining debates. That is not something we wish to do. That is not a strategy that Labor senators wish to pursue, but it is a policy that coalition senators are forcing us to follow.
On the issue of the point of the Information Commissioner, I can assure the Senate that the government is continuing to talk to parties who are genuinely interested in developing a mechanism to arbitrate over orders for the production of documents. This contrasts with those opposite, who, when they were in government, took absolutely no notice of orders for the production of documents. Those opposite claim that the government is not taking seriously the requirement for accountability. That is not the case. The government has overhauled freedom of information legislation and is working to establish a mechanism to arbitrate on returns to orders.

This legislation is in the country's interest. These resources, these minerals and these metals are owned not by the mining companies but by Australians—every Australian. We get one chance to ensure that we get a fair share, a fair return, from those resources. Australians are relying on this parliament to ensure we secure our future to ensure that Australians get the very best infrastructure, the very best incomes and the very best superannuation and help for the thousands of small businesses that operate so successfully in this country.

Senator IAN MACDONALD (Queensland) (12:56): That was an inauspicious start for the new Manager of Government Business. He said that this debate is about the mining tax. I am sorry, Senator: this debate is about the procedures for debating these bills and about debating them in such a way that everyone can understand the parameters of the debate. I assume the Greens will be supporting us in this motion, which is about getting to this chamber before we debate these bills the information that this chamber has demanded of the government over the last 18 months. This is a chamber of the Parliament of Australia. We are supposedly, in a democracy, the representatives of the people in this chamber of the parliament who actually control what happens. This chamber has said to the government on a number of occasions over the past 18 months that there are certain documents and there is certain information in relation to the mining resource rent tax that it must give to the Senate so that the Senate can understand all of the parameters of these bills when it debates them.

In a direct negativing of the will of the Senate, the government has refused time and time again to present the information that the Senate has demanded. I say to the Greens party, who will I am sure be debating with us, although none of them has spoken on this contingent motion: I am sure you will support us, because in the past you have supported us and we have supported you when we have asked the government to provide this essential information. Indeed, your leader, Senator Bob Brown, said, … the lack of information on the mining tax was "increasingly unsatisfactory."

"The time is coming when the Senate is going to have to flex its muscle."

I am sure the Greens, having agreed with us that it is time that the Senate did seek to enforce the motions that have been passed by a majority of senators that the government should present this information, will join with us in making sure that, as Senator Bob Brown says, the Senate flexes its muscle and gets the government to comply with the legitimate requirements of the majority of senators. So, contrary to what the new Manager of Government Business has said—and I worry if that is the best he can do—this is not a debate about the mining tax bills. We are only too keen to get into those debates, but we do need the information. We want to know what the deal was that Ms Gillard and the three CEOs of the three major mining companies in Australia put together.
The Greens are often saying to us about these multinational mining companies that they are not even Australian. I just pause to say that when it came to the flood tax the Greens joined with the Labor Party in exempting those multinational companies from paying a tax which ordinary Australians have had to pay.

There was a deal done by the CEOs of these three major international mining companies with the Prime Minister, and we do not know what was in that deal. Wouldn't it be relevant for the Parliament of Australia, before it debates these mining tax bills, to know what deal has been done by Ms Gillard and the three CEOs of the major mining companies with, I assume, Senator Brown's imprimatur? Perhaps we would have a better debate if we had that information and all of the other information which Senator Cormann has rightly asked the government to produce. The Greens have supported Senator Cormann in doing that, meaning that it is the Senate that has asked the government to produce this information so that it can properly, adequately, sensibly, honestly and openly deal with this.

Mr Acting Deputy President, you might remember that after the last election this government had a new paradigm of openness and accountability. Where is the openness and accountability when the government refuses to acknowledge the Senate's request for this further information?

Senator STERLE (Western Australia) (13:01): I look forward to making my five minutes worth of contribution to this debate because I am trying to think of nice words I can use when I look at some of this lot on the other side. What a crock of codswallop. Let me make this very clear to the poor devils in the chamber who are listening to this rubbish and the misleading lies and deception coming from that side of the chamber. As a Western Australian I want to lay a few things on the table, because I sat and watched Senator Cormann when a minerals resource rent tax was first announced a couple of years ago. He was holding hands—not physically, as far as I could see, because I only saw a clip on the TV—with some of the poor miners from Western Australia. There was Ms Rinehart. I do not know what was bigger, her pearls or Senator Cormann's head. I take that back—the pearls were certainly just as big. He said, 'Axe the tax. These poor miners are going to go broke if they have to pay their bit.' But they only have to pay their bit once they have made a $50 million profit. If they have not made a $50 million profit, the minerals resource rent tax does not apply to them.

But then you have a cacophony of other misleading figures from Western Australia—

Senator Ian Macdonald: Mr Acting Deputy President, I rise on a point of order on relevance. This is a debate about why the government will not produce the information. It is not a debate about Ms Rinehart's pearls or the mining tax itself. It is about why the government will not provide this information that the Senate has asked for. Mr Acting Deputy President, I ask you to draw the senator to the debate before the chair.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Thank you, Senator Macdonald. You are right. The question before the chair is that standing orders be suspended. I refer you to that question, Senator Sterle.

Senator STERLE: I will take this opportunity to correct some untruths. It is all right for that side to tell blatant lies; that is what has been happening in this chamber. Nobody jumped up and pulled them into line. The truth and the facts are not being portrayed here.
I have to correct a statement I just made. I misled the Senate. I said it was a $50 million profit. I got confused. It is $75 million in profit. I apologise.

Let us get back to transparency. You lot on the other side are not transparent. You are far from being transparent. As I was saying, not only are they sticking up for the big end of town; they just do not want to see the big end of town pay their way because they could not wait to hold hands with another poor miner who is going to do it so tough in Andrew Forrest.

Let us talk about what is actually going on in this great country. The mining companies have recorded a quarterly profit of $24.6 billion and a record annual profit of $92.8 billion in the year to June 2011. While this lot are trying to portray that all these miners are going broke, the outlook for mining in Australia is very bright. The industry is investing no less than $82 billion this financial year alone. There is a massive investment pipeline, no less than $430 billion, flowing through to the resources sector. In WA alone, I think it is about $211 billion.

Let us get back to what this tax is all about. Let us make it very clear what this tax is about. This is a tax on non-renewable commodities. This is a tax on our resources, the Australian country's resources—

Senator Boswell: I rise on a point of order, Mr Acting Deputy President. I put it to you that Senator Sterle is defying your order to stick to the question. You gave a very distinct and clear order. You recognised this side of the parliament when you accepted the point of order that Senator Sterle was not debating the relevant matters before the Senate. I ask you again to pull him into line and draw his attention to what the Senate is now debating.

The ACTING DEPUTY PRESIDENT: I remind all senators of the question before the chamber.

Senator Sterle: I still will take the opportunity to correct wrongs. There are untruths being spoken and blatant lies coming across from that side of the chamber that have to be corrected. These bills are in front of a committee now as we speak. No matter what the outcome of the committee hearings are, that side over there are beholden to the major billionaires in this country. They are the mouthpieces for people like Clive Palmer, Andrew Forrest and Gina Rinehart—these poor, poor billionaires who wonder how dare the government tax them and how dare the government actually say: 'You are digging up our non-renewable resources. You are making a very huge profit. There is nothing wrong with making a huge profit, but you have to pay your way, because once you've finished mining there are just holes left in our landscape.'

Let us get another mistruth corrected here. I heard Senator Johnston talking about Kalgoorlie. I was in Kalgoorlie not long ago, talking to goldminers who did not even know that the minerals resource rent tax does not even affect them. All they get on their two seconds worth of GWN or whatever television station they are watching in Kalgoorlie is Tony Abbott defending billionaires in this country and telling lies about how Australian mining jobs would go. These are the same miners who do not want to employ Australian workers. How dare they? (Time expired)

The PRESIDENT: The question is that the motion moved by Senator Cormann be agreed to.

The Senate divided. [13:12]

The President—Senator Hogg

Ayes .....................31
Noes ......................35
Majority...............4
AYES

Abetz, E
Bernardi, C
Boswell, RLD
Bushby, DC
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Fisher, M
Humphries, G
Kroger, H
Madigan, JJ
Payne, MA
Ryan, SM
Sinodinos, A
Xenophon, N

Back, CJ
Birmingham, SJ
Boyce, SK
Cash, MC
Cormann, M
Fawcett, DJ
Fiifield, MP
Heffernan, W
Johnston, D
Mason, B
Parry, S
Ronaldson, M
Williams, JR (teller)

NOES

Arbib, MV
Bishop, TM
Brown, RJ
Carr, KJ
Crossin, P
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
Lundy, KA
McEwen, A (teller)
Millie, C
Polley, H
Rhiannon, L
Siewert, R
Stephens, U
Unquhart, AE
Wright, PL

Bilyk, CL
Brown, CL
Cameron, DN
Conroy, SM
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Sherry, NJ
Singh, LM
Sterle, G
Waters, LJ

PAIRS

Adams, J
Brandis, GH
Eggleston, A
Joyce, B
Nash, F

Wong, P
Collins, JMA
Evans, C
Thistlethwaite, M
Ludwig, JW

That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (13:15): I continue my remarks from the last occasion on which we debated the Tobacco Advertising Prohibition Amendment Bill 2010. The coalition believes that preventative health should be on the national agenda. Treating people with chronic preventable diseases leads to substantial economic and social costs and is a significant burden on Australia's healthcare system, a system that is already under considerable pressure—the social costs of which are estimated to be $31.5 billion each year. Approximately 32 per cent of Australia's burden of disease is attributable to modifiable risk factors, and tobacco smoking is one of the leading causes of preventable chronic disease amongst Australians. In 2004-05 this came at a tangible net cost of $12 billion to our economy. For every 1,000 smokers who quit at least 40 will be spared a diagnosis of chronic illness.

The Australian tobacco industry does not oppose this bill. There is a general consensus that it will remove the ambiguity which currently exists with regard to how the provisions of the act apply to the advertising of tobacco on the internet. The major manufacturers of tobacco products believe that they are already taking the necessary action in this space. Internet service providers are, however, of the view that the enforceability and practicability of this bill will be an issue. Health stakeholders are supportive of tighter regulations for tobacco. The coalition are supporting the passage of this legislation because we recognise that there is more to be done in the

BILLS

Tobacco Advertising Prohibition Amendment Bill 2010

Debate resumed on the motion:
area of preventative health. The challenge will be to ensure that we still leave people with the choice and we do not become a nanny-state bureaucracy.

It is informative to look at key milestones in tobacco control and some statistics from the Cancer Council of Victoria for the period 1980 to 2007, when the federal bans on tobacco sponsorship of sport and arts was introduced. At that stage approximately 25 per cent of males smoked and 18 per cent of females smoked. These figures went down to 16.4 per cent and 13.9 per cent respectively.

Of course, the internet today plays a very important role, particularly for our young people. The Australian Bureau of Statistics 1989-90 and 2007-08 national health surveys found some interesting statistics. They found:

People in their teens may take up smoking as part of a social activity that is perceived to be well suited to their youth culture and allows them to better fit in with or rebel against friends or family.

People who started smoking daily at a younger age were less likely than others to have reduced their frequency of smoking or to have kicked the habit altogether at the time of interview.

They also state:

Of people who had ever smoked daily, 61% first took up the habit on a daily basis when aged 15-19 years. About one in five (18%) of those who had ever smoked daily had first started doing so under the age of 15 years.

Of people aged 25-54, those who first started smoking daily as a child aged under 15 years were more likely to have also been a daily smoker at the time of interview (55%) than those who first started at an older age (46%).

In terms of the internet, statistics from the Australian Bureau of Statistics show:

In 2009, two in five children (42%) who used the internet at home reported that they spent two hours or less online at home per week, while 17% spent 3-4 hours online, 21% spent 5-9 hours online and 13% spent 10-19 hours online.

Therefore, this legislation is very important because it makes it an offence to advertise tobacco products on the internet and in other electronic media. The restriction on Australian internet advertising of tobacco products goes some way to targeting smoking and its harmful effects. There is a lack of clarity over regulations governing advertising on the internet, and this legislation will align tobacco advertising in the electronic media with restrictions in other media and at other retail points of sale.

I will refer to some comments that were made by then Minister Roxon in reply when this matter was dealt with in the other place. At the time, while she welcomed the comments made by the relevant shadow minister, the member for Boothby, Dr Southcott, in relation to our support for this legislation, she just could not help herself in having a go at the Liberal Party in relation to her allegation of 'breaking our expensive habit with big tobacco' and then she went on to list the donations that the Liberal Party had received from 'big tobacco', as she put it. She said that there was a big chunk of money which was going to the Liberal Party 'and we are concerned this may have an impact.' What hypocrisy! One of the lasting memories that we will have of Minister Roxon will be the sheer hypocrisy with which she dealt with this tobacco issue.

When we dealt with tobacco legislation last year, I canvassed this issue. I take the Senate back to 15 June 2011, when tobacco legislation was before the House of Representatives. Minister Roxon did not even front up. Why didn't she front up? She was very embarrassed. There she was, at every opportunity having a go at the Liberal Party for their supposedly cosy deals with big tobacco, when she was in there herself—she herself was seeking donations from big
tobacco. On 15 June last year, when this legislation was up for debate in the lower House, she did not even front the Main Committee in order to allow the coalition to ask her questions or herself come clean about her cosy relationship with big tobacco. She was running and hiding. That would have been an opportune time for then Minister Roxon to put on the record her relationship with big tobacco, but she was embarrassed. She had obviously and continually misled the Australian public by publicly saying one thing while privately taking another course of action entirely: she was seeking donations from tobacco companies. On the one hand—the hypocrisy of it all!—she was having a go at the coalition because we were supposedly taking donations from big tobacco, while on the other hand she was privately writing to tobacco company executives seeking their financial support. It was really irresponsible of Minister Roxon at the time not to turn up in the House, but then we have seen this irresponsibility time and time again.

What is Minister Roxon’s legacy? For the answer, one only has to look at comments made by former Labor member of the House of Representatives Barry Cohen on 5 December last year, the headline of which was ‘ALP must rediscover the core value of healthcare’. Why wouldn’t you be critical of Labor’s record on health? On 22 November 2011, Nicola Roxon fronted up to the National Press Club with a speech, the title of which was ‘Why policy and politics matter to patients’. But her record as health minister was merely a litany of failed policy and petty politics, with patients as little more than the props for Labor’s so-called health reform saga.

I take you back to early 2010, when Kevin Rudd himself was standing before the National Press Club detailing what was then described as Labor’s ‘radical, historic’ health reform plan—the much lauded National Health and Hospitals Network. But time has definitely shown that the Rudd-Roxon policy proposals have absolutely turned to dust. Like most things that this government does, they were about spin and not substance; politics, not the patients.

Minister Roxon left a legacy of many unanswered questions. It is little wonder that Prime Minister Gillard has now moved her on to another portfolio, because she did more damage than good, and I am sure that patients will not remember her very fondly. She has left so many questions unanswered. She made exaggerated and unfounded claims about the Gillard government’s now so-called historic reforms in health. I take the Senate back to 2007. Remember Kevin Rudd? Yes, you are all remembering him now. In 2007, there was the promise to fix hospitals and end the blame game. During her time as health minister, the question that former Minister Roxon should have been asking was, ‘What is the difference between today and 2007?’ The answer is that there is very little—very little has changed.

The agreement that Prime Minister Gillard signed with the states in August last year says:

This Agreement

…… …

recognises that:

……………

the States are the system managers of the public hospital system …

Where does that leave the promise that Kevin Rudd made in 2007 by which the Commonwealth was to be the majority funder of hospitals and to fix them or, if they were not fixed, to take them over? How fixed are our public hospitals? It turns out that this was another broken promise—a combined broken promise not just by then Prime Minister Kevin Rudd but also by now Prime Minister Gillard. Where exactly are:

…… the most significant—
reforms—
of Australia’s health and hospital system since the introduction of Medicare almost three decades ago—

which Kevin Rudd promised at the National Press Club in March 2010? Minister Roxon prattled on at the National Press Club about the new bureaucracies that Labor was creating in the interests of real reform, but how much from those new bureaucracies with their layers of additional reporting is going to translate into new beds for state public hospital systems? Very little—as we have seen in New South Wales, there has been very little change.

Other aspects of health have also been a debacle. The government is trying to shut down the Medicare Chronic Disease Dental Scheme. With its ill-considered rebate systems, this government is hell-bent on inflicting damage on the private health insurance system. In my own shadow portfolio of mental health, the mental health plans announced last year actually take money out of mental health treatment, and we have seen the impact that that has had on patients. It is yet another instance of backflipping. Minister Roxon was backflipping then by making a decision to cut Medicare rebates for occupational therapists and social workers dealing with vulnerable mental health patients. Of course, now the Minister for Mental Health and Ageing, Mr Butler, has had to go down the same route and undertake a backflip. Why? Because whatever this government has touched in health has turned to custard. If it had not spent and wasted so much money on pink bats and the Julia Gillard memorial halls, it would have the money. It would not have had to go down this route to close Medicare access points, to cut better access and to make a whole lot of other cuts in health.

Senator DI NATALE (Victoria) (13:30): I make some remarks on behalf of the Australian Greens. The Tobacco Advertising Prohibition Amendment Bill 2010 is very easy to support. Before coming to this place, as I have said before, I worked in general practice and I saw firsthand the terrible effects that smoking has on the lives of people and their families. In this country one in six Australians still smoke and their individual stories add up to both an enormous cost in the misery inflicted upon themselves and others and an enormous economic cost. The costs from smoking are estimated at over $31 billion each year. We should put that in some sort of perspective. I will say that number again: $31 billion each year is the cost associated with tobacco smoking. That is about 50 per cent more than the entire defence budget and it is about half of what we spend on the total health budget. For the many thousands of Australians who have experienced firsthand the death of a mother, a father, a spouse or, tragically, a child, these numbers have very, very real meaning. If there is anything we as a nation can do to reduce the toll from tobacco consumption, to improve the health of the general community, then we should do it.

This bill is part of a much wider range of measures that have been implemented in an attempt to reduce tobacco consumption. The passage of the government’s plain-packaging legislation last year was a significant milestone and a world-leading reform. The government is to be congratulated for implementing that reform. It is an initiative that over the long term will save lives.

We have also learned that the tobacco industry will stop at nothing to prevent reform. They do not want this reform or other reforms unfolding because they fear not just what those reforms might do in this nation but also what they might do in other nations. That is particularly a problem when their current business model is predicated on encouraging people to smoke in those least
developed nations. Already Philip Morris has challenged the plain-packaging law under investor provisions of a bilateral trade treaty between Australia and Hong Kong. As we enter into further negotiations—the multilateral treaty currently being negotiated between the nations of the Pacific in the form of a trans-Pacific partnership—we need to be very careful we do not give another toehold to big tobacco to challenge these incredibly important reforms.

Addressing tobacco is just one part of what the Greens believe is an important preventative health agenda. Yes, we agree that Australia does need more health professionals, it needs hospitals that work efficiently and that we deserve access to the latest medicines, and we need them to remain healthy, but there are much bigger gains to be made in keeping people from becoming unwell in the first place. We have said that on many occasions and it is critical that we continue working on that preventative health agenda. There is work to be done, for example, on the issue of obesity: making sure we address food labelling—we are concerned that not enough is being done in that area; ending the advertising of junk food to young kids; and promoting active lifestyles. In the area of alcohol, for example, we need to ensure that we get a much more rational and public health focused system that addresses the pricing regime around alcohol and getting better labelling—all very important. But smoking remains the No. 1 preventable cause of disease in this nation and any agenda focused on preventative health cannot afford to ignore it.

The bill updates the laws surrounding the advertising of cigarettes and it ensures that the internet will not be a loophole that tobacco manufacturers and retailers can use to advertise their wares and to lure potential new customers. It makes it very clear that the existing bans on tobacco advertising apply to new media as well as traditional forms. It means that the internet, social media and mobile phones will now be off limits to tobacco advertisers. Regulations stemming from the bill will control how online tobacco merchants can present their wares. It will include how they describe the product; it will specify when and how images can be used, if at all; and it will ensure that health warnings are prominently displayed. However, the bill does not outlaw the sale of cigarettes online and grocery stores and other retailers will still be able to sell online what they can sell in their physical stores. We are concerned about this aspect of the legislation because it is crucial that mechanisms exist to ensure that products, particularly dangerous products like tobacco, are only ordered by and delivered to adults. We have got to keep a very close eye on this component of the legislation. We have to make sure it is effectively administered and we look forward to seeing very tough regulations on this aspect of the bill being rigorously enforced. The bill is also very timely. We know that online commerce is exploding and we know that online tobacco retailing is an area of certain future growth in tobacco retailing. More young people spend time online. They spend very long periods of time when they go online. Tobacco is easier for minors to access on the internet because they remain unseen by the vendors and there is no identification required. So if this bill restricts the ability of current and future online merchants to recruit or sell to young customers as well as existing smokers then the public health benefits from that are all the greater.

We know that marketing and advertising is very powerful. It impacts on consumer behaviour—on the behaviour of all of us. We are often reluctant to acknowledge just how powerful it is, but there is a lot of money spent on advertising and marketing because
it works. So further tightening of the restrictions around advertising of dangerous products like tobacco is good public policy.

Unfortunately, the tobacco industry in this country still has a lot of clout. I am very pleased to say that the Australian Greens do not accept donations from big tobacco, or indeed from any tobacco. I am also pleased that the Labor Party—although a little later than many of us would have liked—stopped accepting donations from big tobacco in 2004. It is something the Liberal and National parties should have done a long time ago, yet they continue to accept hundreds of thousands of dollars in tobacco industry donations. They remain hopelessly compromised on this issue. It is a little rich to hear Senator Fierravanti-Wells talk about hypocrisy in this area of public policy when she is part of a political party which continues to benefit from the largesse of an industry that kills people.

On 15 June, the leader of the Australian Greens introduced the Commonwealth Electoral Amendment (Tobacco Industry Donations) Bill 2011 in the Senate to seek an end to big tobacco’s buying influence in the parliament. It is a bill that should not be necessary. There will be a time at some point in the future, I am sure, when all sides of politics refuse to accept donations from big tobacco. I am sure there will be people who come after us—people on all sides—who will look back on a time when political parties were accepting those donations and wonder about the morality of that decision.

There is a lot more to be done. As we speak, the Future Fund—a fund that exists to pay for the unfunded superannuation liabilities of Australians; a fund in which ordinary Australian taxpayers contribute—invests in the tobacco industry. It invests $36.5 million in Philip Morris, $46.4 million in British American Tobacco and $26.1 million in Lorillard, and it has a number of other tobacco investments. As a nation we cannot reconcile this large investment of public money in companies that profit from damaging the health of Australians at the same time as we implement important, sensible and—in the case of plain packaging—courageous reforms that cut in the opposite direction. It makes no sense, and the sooner the Australian government divests itself of holdings in the Future Fund, the better off we will be. That is why the Greens have introduced the Government Investment Funds Amendment (Ethical Investments) Bill, which would force the Future Fund and other government funds to divest themselves of their holdings in tobacco companies. It is something that other nations have done. Ordinary Australians are horrified to learn that their hard-earned money is contributing to this industry.

Finally, the Australian government is a signatory to the World Health Organisation Framework Convention on Tobacco Control. That framework calls on all of us to restrict tobacco advertising, promotion and sponsorship on radio, television, print media and other media, such as the internet. This bill is in line with our fulfilling our obligations under this treaty. At a time when international obligations seem to mean very little and we are prepared to flout our obligations under international law, it is pleasing to see, again, that the government has taken this issue on and is doing something that is entirely consistent with the World Health Organisation Framework Convention on Tobacco Control.

Ordinary public opinion is firmly in favour of this bill. Major public health advocates approve of this bill and are grateful to see this reform before the parliament. The bill will go a long way to improve the health of ordinary Australians. But this bill is not the end of the road in the
fight against the harms associated with tobacco. There is more to be done. I know the government is intent on doing it and I commend it for its work in this area. It is an important step in the road towards a nation where fewer people are dying from smoking related diseases. It is an important step and for that reason the Greens are very pleased to be able to support it.

Senator URQUHART (Tasmania) (13:43): I rise to speak in support of the Tobacco Advertising Prohibition Amendment Bill 2010. It is a bill that will remove an ambiguity in current legislation that allows advertisements for tobacco products on the internet and in other electronic media. This brings electronic means of advertising, whether on the internet or by mobile phone, in line with restrictions already in place for other mediums. Tobacco smoking remains one of the leading causes of preventable deaths and disease amongst Australians. Smoking kills over 15,000 Australians every year and costs our nation over $31 billion each year.

Australia has much to be proud of in this area. Sustained and coordinated actions from the Australian government and state governments have seen smoking rates cut in half over the past 30 years. Now only about 15 per cent of Australians smoke daily. I am pleased that all levels of government have committed to reduce the harm caused by tobacco and aim to lower smoking rates to 10 per cent by 2018. This is a commitment not only to give Australians support in kicking the habit but, importantly, to seek to prevent Australians from taking up the smoking of tobacco in the first place. The bill will make it a specific offence to advertise or promote tobacco products on the internet and all other electronic media and future technologies unless compliant with state or territory legislation or Commonwealth regulations. Consider that, in 2009, 79 per cent of young Australians were regularly accessing the internet. That is four in five young Australians having regular access to a medium where there are no controls and no regulations over the advertising of tobacco products. This exposure, which I am told includes the glamorising of tobacco products in a manner that makes them subconsciously appealing to young people, could lead to a 'curious puff' in the playground and a terrible addiction. If we can limit this exposure and the perceived normality of tobacco smoking, we will limit the damage done to young Australians.

In 2010, approximately four per cent of teenagers smoked tobacco—that is, one in 25 children, or at least one child in each high school classroom across this country, regularly smoked tobacco. People who start smoking when they are young are more likely to smoke heavily, to become more dependent on nicotine and to be at increased risk of smoking related illness or death. And more people tend to smoke in the lower socioeconomic regions of the country, such as parts of my home state of Tasmania. In the 2010 National Drug Strategy Household Survey, Tasmania was one of two states to record a statistically significant decrease in the proportion of daily smokers over the period from 2007 to 2010. The rate was down over 6.5 per cent—from 22.4 per cent of Tasmanians to 15.9 per cent. This is the first time in 10 years that Tasmania has recorded a decline in the proportion of people smoking daily.

There is still much work to be done, though, as unfortunately there are some worrying statistics in this report for Tasmania. The proportion of daily smokers, while down on 2007, is the third worst amongst the states and territories. More than 500 Tasmanians die each year as a result of smoking. Alarming, over 25 per cent of those aged between 20 and 29 smoke daily—
the second worst rate in the nation, only marginally behind the Northern Territory and a lot higher than the national average. These people grew up during the 1990s, after the act was legislated. Tobacco advertising and sponsorship was being seriously wound back in Australian society when they were children. Also, these people become adults after it became mandatory for graphic health warnings to be displayed on cigarette boxes. This figure is down from a constant rate of about a third of this age group throughout the 1990s and 2000s, which is a positive thing.

The measures the Australian and Tasmanian governments have put in place are working. However, we must continue to make positive reforms and invest in positive programs to see this rate decrease further. Alarmingly, a large number of Tasmanian women—around 24 per cent—continue to smoke during pregnancy. This is a major concern not only because of the impact on the health and well-being of these women but also because of the impact on babies and small children.

This bill is part of the Gillard Labor government's comprehensive anti-smoking action package, headlined by the mandatory plain packing of tobacco products, which passed the parliament last year and comes into effect later this year. This is the latest package in a 40-year effort to inform Australians about the harms of tobacco smoking. Reforms to tobacco advertising started in 1973 with the banning of tobacco advertising on television and radio and the introduction of mandatory health warnings on cigarette packets. And then in 1989 tobacco advertising was banned from newspapers and magazines.

The Keating government introduced the Tobacco Advertising Prohibition Act in 1992, which sought to ban tobacco advertising in this country. The act makes it an offence to give publicity to, or promote, tobacco products but is not clear in its application to internet and mobile phone advertising of tobacco products. Since 1992 the use of the internet and other electronic means of advertising has increased. There is not much point in regulating other forms of advertising while allowing tobacco to be advertised on the internet and mobile phones without regulation. This unregulated loophole also undermines the effectiveness of the rest of the act and fosters the false perception that smoking is the norm.

Several Australian websites sell cigarettes, while there are many where advertising is prevalent. These retail sites often do not post health warnings, nor do they comply with state and territory based legislation around point-of-sale advertising. I have come across Australian websites that offer large discounts on boxes of cigarettes. On these websites all of the packets are neatly presented; but there are no health warnings, let alone graphic health warnings, to be seen. It is not until you try to purchase a box that the 'not for sale to Australian residents' notice appears. These websites export Australian-made cigarettes across the globe. But the glamorous advertising is the damager here, and ending it is the crux of this bill.

My concern with these websites is the ambivalent manner in which the health effects of tobacco smoking are treated; the advertised labels are a throwback to the 1960s, when no health warnings were displayed at all. As these shops are on the internet and currently not covered by the act, they do not have to show the appropriate graphic health warnings and they are able to show the packets in all their glory. This legislation will remove this loophole.

A content analysis study of pro-tobacco websites revealed that only 11 per cent of the sites contained health warnings. The pro-
tobacco sites frequently associated smoking as glamorous, with images of attractive young males and females. This raises concern that young people, who may not have seen a cigarette packet before, will stumble across these websites and interpret the pictures as the norm. They may not understand the effects of tobacco smoking. We must provide them with the same amount of protection from tobacco advertising as is provided through other mediums.

People do not need to smoke many cigarettes to become addicted to smoking. Young people can be at risk of becoming addicted to smoking even if they only smoke occasionally, such as at parties or on holidays. Tobacco smoking is the single most preventable cause of ill health and death in Australia, contributing to more drug related hospitalisations and deaths than alcohol and illicit drug use combined. Diseases such as lung cancer and heart disease tend to occur in people who have smoked tobacco for a number of years. However, there are immediate and obvious effects from smoking just one cigarette. If a person has not smoked for 12 hours and then has a cigarette, the following things may happen: carbon monoxide levels in the lungs increase, vision and perception are impaired, coordination slows and the risk of an accident increases. Nicotine from tobacco smoke reaches the brain and muscle tissue soon after being inhaled. When nicotine is present, a number of things occur: the heart rate increases, blood pressure increases, skin temperature lowers, hands tremble, stomach secretions increase and brain activity spasms.

Tobacco smoke increases resistance in the airways leading to the lungs and reduces lung capacity. This is why most smokers have heavy coughs and often struggle to walk up a small hill. Tobacco smoking is a leading cause of emphysema and chronic bronchitis. Emphysema, or lung rot, is a degenerative disease of the lung tissue. It destroys the tiny air sacs in the lungs slowly over many years. The lungs cannot repair this damage. Chronic bronchitis is the excess production of mucus in the air passages of the lungs.

This bill seeks to go some way to stopping young or, indeed, any Australians from starting or returning to tobacco smoking. Lowering smoking rates will lower the number of people who are affected by these health problems I have just outlined. I commend the bill to the Senate.

Senator SINGH (Tasmania) (13:53): I rise to speak to the Tobacco Advertising Prohibition Amendment Bill 2010. This bill seeks to bring advertising of tobacco products on the internet or on hand-held devices such as mobile phones, tablets or any future technologies in line with the restrictions already in place in other advertising forums.

The Tobacco Advertising Prohibition Act 1992 had a number of objectives, which are as relevant today as they were when they were first introduced. The act's objectives were to limit the exposure of the public to messages or images that may persuade them to start smoking or continue smoking, to use or continue to use tobacco products and to improve public health. The Gillard Labor government is very serious when it comes to tobacco control, and rightly so, as it remains one of the leading causes of preventable death and disease amongst many Australians.

I would like to take a moment to share with senators a few frightening statistics related to tobacco. We know that tobacco is responsible for more than $31 billion a year in costs to the Australian community. Sadly, we also know that tobacco is responsible for around 15,000 deaths every single year. Tobacco accounts for 56 per cent of total drug abuse cost. Perhaps surprisingly, this is more than alcohol and all other drugs...
combined. Tobacco costs Australia more than $15 billion in workplace costs. This is twice as much as the workplace costs associated with alcohol and other drugs combined. Tobacco is responsible for more than 750,000 hospital bed days, with eight per cent of these beds occupied by children under the age of 15.

How can we as a nation let tobacco affect our youth like this? How can we let it affect anyone, when the dangers associated with this product are so well known and have been known for so long? Simply put, we cannot do so. No longer is it okay to stand back and let big tobacco ruin so many lives in exchange for its big profits. So the Gillard Labor government is taking a comprehensive approach to tobacco control. In April 2010, a 25 per cent tobacco excise was introduced by the Gillard Labor government. There have also been record investments—$27.8 million—in anti-smoking campaigns. The government has also provided an additional $700,000 to the World Health Organisation to help the global fight against tobacco smoking.

We also had the opportunity to vote on and successfully pass legislation on plain packaging in this very place just last year. This is legislation that will lead the world, and the world is most definitely watching. It is an honour to be part of a Gillard Labor government that is not afraid of tackling the tough issues and talking to big tobacco companies. These measures, together with this legislation I speak on today, will make a difference when it comes to reducing smoking rates and reducing the burden of tobacco related disease. We cannot stop the fight, and it is a fight that will not be over for many years to come. Big tobacco will fight us all the way, but we cannot and we will not let them win. We have to keep fighting.

While national statistics show a quite dramatic decrease in smoking rates, it is, sadly, still a different story in my home state of Tasmania. In 1995, Tasmanian smoking rates were 1.5 per cent higher than the national average, at 25.5 per cent. In 2007-08 they were 4.8 per cent higher than the national average of 20.1 per cent. But I would like to take a moment to acknowledge some of the work that has been undertaken by the state Labor government in Tasmania, who have been working hard to rectify this scenario. They too understand that we cannot sit back and do nothing and that we must act in concert with one another.

Some of the most innovative non-smoking legislation has been passed in Tasmania over the last decade with more to come regarding smoke-free areas, including banning smoking in sporting venues, playgrounds and all outdoor dining areas. This will not only continue to denormalise smoking but also protect our community from the dangers associated with second-hand smoke. There is no safe level of exposure to second-hand smoke, and only 100 per cent smoke-free environments provide that effective protection. It may not be a surprise to senators to know that, of more than 400 chemicals present in tobacco smoke, more than 60 are cancer causing. The anti-smoking campaigns are true: every cigarette you smoke is doing you damage.

Tobacco has long been known as a deadly substance, and a national ban on tobacco advertising on radio and television first came into effect in Australia way back in 1973. A decade later, the Smoking and Tobacco Products Advertisements (Prohibition) Act 1989 banned advertising in newspapers and magazines. And it was in 1992 that a more rigid ban was introduced, making it an offence to publicly promote tobacco products.

Scientific evidence tells us that images and mentions of tobacco normalise smoking
to our most vulnerable and valuable, our youngest generation. It is vital that we limit such images and conversations and protect this generation from the addiction of tobacco. Given that we have known for decades that tobacco is deadly, there can be no more excuses.

Debate interrupted.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:00): Mr President, I table for the information of the Senate a revised ministry list reflecting the changes to the ministry announced by the Prime Minister on 12 December 2011. I seek leave to have the document incorporated in Hansard.

Leave granted.

The document read as follows—

SECOND GILLARD MINISTRY

14 December 2011

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Kate Lundy</td>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon Wayne Swan MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
<td>Senator the Hon Penny Wong</td>
</tr>
<tr>
<td>Assistant Treasurer</td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td>(Manager of Government Business in the Senate)</td>
<td>Senator the Hon Mark Arbib</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td>Minister for Tertiary Education, Skills, Science and Research</td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td>(Leader of the Government in the Senate)</td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td>Minister for Industry and Innovation</td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td>Minister for Manufacturing</td>
<td>Senator the Hon Kim Carr</td>
</tr>
<tr>
<td>Minister for Small Business</td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Industry and Innovation</td>
<td>Senator the Hon Mark Arbib</td>
</tr>
<tr>
<td>Minister for Broadband, Communications and the Digital Economy</td>
<td>The Hon Stephen Conroy</td>
</tr>
<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
<td>The Hon Anthony Albanese MP</td>
</tr>
<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>The Hon Simon Crean MP</td>
</tr>
<tr>
<td>Minister for the Arts</td>
<td>The Hon Simon Crean MP</td>
</tr>
<tr>
<td>Minister for Sport</td>
<td>The Hon Simon Crean MP</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Kevin Rudd MP</td>
</tr>
<tr>
<td>Minister for Trade</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Trade</td>
<td>The Hon Justine Elliot MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>The Hon Richard Marles MP</td>
</tr>
<tr>
<td>Minister for Defence</td>
<td>The Hon Stephen Smith MP</td>
</tr>
<tr>
<td>(Deputy Leader of the House)</td>
<td>Senator the Hon Kim Carr</td>
</tr>
<tr>
<td>Title</td>
<td>Minister</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Minister for Defence Materiel</td>
<td>Senator the Hon Kim Carr</td>
</tr>
<tr>
<td>Minister for Veterans' Affairs</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Minister for Defence Science and Personnel</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence</td>
<td>The Hon Dr Mike Kelly AM MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence</td>
<td>Senator the Hon David Feeney</td>
</tr>
<tr>
<td>Minister for Immigration and Citizenship</td>
<td>The Hon Chris Bowen MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Immigration and Multicultural Affairs</td>
<td>Senator the Hon Kate Lundy</td>
</tr>
<tr>
<td>Minister for Infrastructure and Transport</td>
<td>The Hon Anthony Albanese MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Infrastructure and Transport</td>
<td>Senator the Hon Kim Carr</td>
</tr>
<tr>
<td>Attorney-General</td>
<td>The Hon Nicola Roxon MP</td>
</tr>
<tr>
<td>Minister for Emergency Management</td>
<td>The Hon Robert McClelland MP</td>
</tr>
<tr>
<td>(Vice-President of the Executive Council)</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Minister for Home Affairs</td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td>Minister for Justice</td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td>Minister for Families, Community Services and Indigenous Affairs</td>
<td>The Hon Jenny Macklin MP</td>
</tr>
<tr>
<td>Minister for Disability Reform</td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td>Minister for Housing</td>
<td>The Hon Robert McClelland MP</td>
</tr>
<tr>
<td>Minister for Homelessness</td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td>Minister for Community Services</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Minister for the Status of Women</td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td>Parliamentary Secretary for Disabilities and Carers</td>
<td>Senator the Hon Tony Burke</td>
</tr>
<tr>
<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>Senator the Hon Don Farrell</td>
</tr>
<tr>
<td>Minister for Sustainability, Environment, Water, Population and</td>
<td>The Hon Tony Burke MP</td>
</tr>
<tr>
<td>Communities</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td>Minister for Finance and Deregulation</td>
<td>The Hon Penny Wong</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>Senator the Hon Penny Wong</td>
</tr>
<tr>
<td>Minister for Employment and Workplace Relations</td>
<td>The Hon Peter Garrett AM MP</td>
</tr>
<tr>
<td>Minister Assisting for School Education</td>
<td>Senator the Hon Joe Arbib</td>
</tr>
<tr>
<td>Minister for Early Childhood and Childcare</td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Minister for Employment Participation</td>
<td>Senator the Hon Mark Arbib</td>
</tr>
<tr>
<td>Minister for Indigenous Employment and Economic Development</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>Senator the Hon Mark Arbib</td>
</tr>
<tr>
<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon Tony Burke MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Agriculture, Fisheries and Forestry</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Minister for Resources and Energy</td>
<td>The Hon Sid Sidebottom MP</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td>Minister for Tourism</td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Climate Change and Energy Efficiency</td>
<td>Senator the Hon Joe Arbib</td>
</tr>
<tr>
<td>Minister for Health</td>
<td>The Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td>Minister for Mental Health and Ageing</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Minister for Indigenous Health</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Health and Ageing</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Parliamentary Secretary for Health and Ageing</td>
<td>The Hon Catherine King MP</td>
</tr>
</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Veterans' Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
Senator ABETZ. (Tasmania—Leader of the Opposition in the Senate) (14:00): I seek leave to make a brief statement on ministerial arrangements.

Leave granted.

Senator ABETZ: On behalf of the coalition, we wish Senator Sherry well in his pending retirement. He was a worthy frontbencher and we acknowledge his contribution. We commiserate with Senators Evans, Ludwig and Carr and we congratulate Senator Arbib as we fear that we are the only ones that will be congratulating him on his elevation. Consequent upon the changes made by Labor, I will be tabling a schedule of minor changes in relation to the coalition arrangements. Suffice to say, there has been no bloodletting on this side.

QUESTIONS WITHOUT NOTICE

Member for Dobell

Senator ABETZ. (Tasmania—Leader of the Opposition in the Senate) (14:01): My question is to the Deputy Leader of the Government in the Senate and the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Will the minister confirm whether or not he has had contact with former federal Labor Party vice-president and embattled former Health Services Union boss Michael Williamson since the Senate arose last year, including at the ALP national conference? In the event the minister did speak with Mr Williamson, will he confirm that he did not discuss matters concerning the Health Services Union, Fair Work Australia, Mr Craig Thomson or Ms Kathy Jackson?

Senator Chris Evans: Mr President, on a point of order: I am sure Senator Conroy will answer any relevant parts of that question but, listening to the question, there was no part of the question that went to Senator Conroy's ministerial responsibilities in this chamber. There was not even an attempt to pretend that it was at all relevant to his responsibilities and it seems to me that it is out of order.

The PRESIDENT: Senator Conroy, you will be required to answer those parts of the questions that pertain to your portfolio.

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) (14:02): Thank you. As Senator Evans has indicated, there is no part of that question that impinges on my ministerial responsibility. As I have said publicly already, I do not even know the number of the switch at Fair Work Australia, I do not think I have ever met anybody from Fair Work Australia and I have had no contact with Fair Work Australia.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:03): He studiously avoided mentioning contact with Mr Thomson, the HSU and Ms Kathy Jackson. My supplementary question is: I refer to the existence of a Labor Party dirt file on HSU boss, Kathy Jackson. Has the minister seen it or any part of it?

The PRESIDENT: Again, the minister can only answer matters that relate to the portfolio. I invite the minister, if there are matters relating to his portfolio, to answer the question.

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) (14:03): I have spoken publicly on this issue before. I have been accused of accessing Telstra's database
apparently and, as I said, I have never had access to anybody's phone records.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:04): A further supplementary question: will the minister confirm whether he has had any part in any of the attempts to traduce Ms Kathy Jackson's reputation—

Senator Conroy interjecting—

Senator ABETZ: it is not a laughing matter, Minister—in an attempt to protect the member for Dobell, Mr Craig Thomson?

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) (14:04): He has got absolutely nothing. I am not surprised that those opposite do not want to ask about the rollout of the National Broadband Network because they have not bothered about it for the past six months or year and they are not interested. They campaign for it in their electorates but they oppose getting it. Mr President, there is no part of that question that touches on my portfolio. I invite them to ask me a question about my portfolio.

Economy

Senator MOORE (Queensland) (14:05): My question is to the Minister representing the Prime Minister and the Leader of the Government in the Senate, Senator Evans. Can the minister advise the Senate how the Australian economy has continued to grow and create new jobs for working Australians despite our difficult ongoing global economic conditions?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:05): I thank Senator Moore for her question, particularly as it focuses on the economy and working families and on what the government is doing to protect their interests, which is in sharp contrast to the opposition who again seem to be only focused on muckraking and opposition. It is the case that the current Australian economy is in good shape but it is also the case that we have seen a deterioration in the global economic outlook since May, following the global economic crisis. That does mean that our international partners are doing it tough. Many are very envious of Australia's economic condition.

We are in very strong shape, and that is reflected in our employment numbers. This government has created more than 700,000 new jobs since coming to office and expectations are that jobs will continue to grow this year. Interestingly, despite some recent softness, we saw the other day that job ads had increased by six per cent last month, which is an encouraging sign that the jobs market may again be strengthening. But compared to America, the UK and other nations, this country is in great shape. That allows us to look after families, because the best thing that can assist a family is having people in work. We have people in work, and the reason we have people in work is this government intervened in the global financial crisis to stimulate the economy, to keep people in jobs, to create activity in the economy.

Those opposite opposed that stimulus package; they opposed the stimulus that we provided. That stimulus not only provided infrastructure in every school in this country—new science labs, new libraries—but kept people in work. And this government remains committed to keeping people in work and creating job opportunities for Australians.

Senator MOORE (Queensland) (14:07): Mr President, I ask a supplementary question. Can the minister further outline to
the Senate how the government is working to support Australian families with school aged children?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:07): The strength of the Australian economy allows the government to help families through difficult times. One of the things we have done in recent times is continue to assist families with the costs of children's education. We know some families do it tough having older children stay at school or at TAFE in further learning and we know that families find the costs involved in returning to school quite difficult, so we have made two measures recently. The family tax benefit changes will see children aged 16 to 19 receiving extra payments of up to $4,200 per teenager to allow their parents to support them in school. We think 630,000 families will benefit over the next five years. We have also extended the education tax refund so that, in addition to school uniforms and laptops and stationery, people will be able to get support in terms of the deductions for hats, footwear and sports uniforms—real help for families sending kids to school. (Time expired)

Senator MOORE (Queensland) (14:09): Mr President, I have a further supplementary question. Is the minister aware of any alternative approaches towards the management of Australia's economy?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:09): It seems today that we are the only party committed to returning the economy to surplus, because what we have seen today is the opposition walking away from a surplus. Mr Robb says, 'We might be able to do it in about five years time.' Mr Hockey has had about four different goes at it. I do not know what Mr Abbott is saying because he is not interested in economics. Apparently, the Liberal Party are no longer interested in a surplus. Only the Labor government is committed to getting this country back to surplus.

The reason the Liberal Party are no longer committed to a surplus is they know they cannot get a surplus and find the $70 billion in cuts to education and health they will need. They would rather pay money to Gina Rinehart and Twiggy and Rio and BHP than support Australian families. They would rather pay back the mining tax than support Australian families. (Time expired)

Honourable senators interjecting—

The PRESIDENT: Order! When there is silence, on both sides, Senator Cormann will get the call.

Gillard Government

Senator CORMANN (Western Australia) (14:10): My question is to the Minister representing the Prime Minister, Senator Evans. Can the minister explain why the Information Commissioner is still not in a position to arbitrate on Gillard government refusals to provide information requested by the Senate, when the Prime Minister made clear commitments that this would happen when she signed agreements to form government with the Greens and key—

Senator Wong interjecting—

The PRESIDENT: Order! I need to hear the question. Senator Cormann.

Senator CORMANN: Can the minister explain why the Information Commissioner is still not in a position to arbitrate on Gillard government refusals to provide information requested by the Senate, when the Prime Minister made clear commitments that this would happen when she signed agreements
to form government with the Greens and key Independent MPs more than 18 months ago? Is this another broken promise by the Prime Minister, this time at the expense of the Greens and Mr Oakeshott and Mr Windsor?

Senator Wong interjecting—

Senator Conroy interjecting—

The PRESIDENT: Order! The Minister representing the Prime Minister, Senator Evans, has the call.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:11): Mr President, this is a most unusual question. I am asked by the Liberal Party whether or not we have kept our promises to the Greens. I do not quite understand why Senator Cormann, who is so far to the right of the Liberal Party he is almost falling off the edge, is so concerned about the interests of the Greens. I do not understand his interest in that, Mr President, and I do not see—

Senator Cormann: Mr President, on a point of order: there is, of course, a requirement for the minister to be directly relevant to the question under our standing orders. I asked a very specific question which goes to the heart of how this government formed government, reaching an agreement with the Greens which the government has not acted on now 18 months later. There is a very specific question here. The minister is talking about all sorts of other things that have got nothing to do with the question asked. I ask you to direct the minister to be directly relevant to the question.

The PRESIDENT: The minister has been going 29 seconds. The minister still has a minute 31 remaining to address the question.

Senator CHRIS EVANS: Mr President, as I said, I am bemused by the question. The senator quite rightly points to the fact that any arrangements entered into by the government with the Independents and minor parties were released publicly and they are available to the Australian public, so those arrangements are transparent and on the public record. The government continues to honour those commitments and work with those of goodwill in this parliament to deliver stable government and get on with a reform agenda that is important for this country.

All we hear from the opposition is opposition and negativity. For them to try and make claims about whether or not we have met our commitments to the Independents is absolutely ludicrous. What we have done is introduce a range of reforms that provide for better accountability and transparency in government. The FOI legislation and other measures have provided for much greater transparency, much more open government. We have been transparent with the Australian people about the operations of government, but also about the operations of any agreements entered into with the Independents.

The proper avenue for senators seeking information is through the Senate processes. I know Senator Cormann is pursuing some of those; this government will respond accordingly. But all those processes are transparent, and concerns about any agreement I think are probably between the parties.

Senator CORMANN (Western Australia) (14:14): Mr President, I ask a supplementary question. Can the minister confirm whether he or the Prime Minister have received any representations from Senator Brown, Mr Oakeshott or Mr Windsor over the past 18 months insisting that the commitment the Prime Minister made be acted on? Given that we are more than halfway through this term
of parliament, will the government ever act on this promise and, if so, when?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:15): I can only surmise that Senator Cormann's interest goes to the question of the mining resource rent tax package and his fixation with those issues. As I say, we have been as open and transparent as we can regarding those matters, and those matters will obviously be debated in the Senate as the legislation is considered in coming weeks. If there is anything in Senator Cormann's question which the Prime Minister feels she needs to reply to, I will ask her to provide me with that information. I do make the point that those agreements are on the public record and any concerns people, who are party to those agreements, have would obviously be raised with the other parties to the agreements not, I suspect, by those who have made themselves irrelevant to this parliament and irrelevant to public policy debate in this country, which is the Liberal-National Party opposition.

Senator CORMANN (Western Australia) (14:16): Mr President, I ask a second supplementary question. Is the minister aware that the government has completely ignored an order of the Senate passed in November last year requesting the release of information about the cost of all the mining tax related promises over the forward estimates? Is that the new era of openness and transparency that we were promised by Prime Minister Gillard 18 months ago?

The PRESIDENT: I believe the minister is answering the question. The minister does have 39 seconds remaining.

Senator CHRIS EVANS: Mr President, I was just outlining the fact that we have engaged openly with the industry about these issues, and many of them go to the potential taxation revenue and the impost on companies. That has been part of the public debate. In terms of the costings the government is working to, the Mid-Year Economic and Fiscal Outlook was released on 29 November last year shortly after the Senate order was issued. The Mid-Year Economic and Fiscal Outlook is the Treasury analysis of projected revenue and expenditures. That is the key reference point that Senator Cormann ought to turn his attention to. (Time expired)

Forestry

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:18): Mr President, my question goes to the
Minister representing the Minister for Sustainability, Environment, Water, Population and Communities. In the Australian government's report to the World Heritage Committee for submission by 1 February about the Tasmanian Wilderness World Heritage Area, is it not the case that the government has misled that global authority by stating that, under the terms of the intergovernmental agreement in Tasmania, significant iconic areas adjacent to the Tasmanian Wilderness World Heritage Area will be given interim protection from logging activities and names them while an independent verification process takes place? Is it not true that while that process is taking place those very areas are subject to logging?

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) (14:19): I thank Senator Brown for his question and I reject utterly the assertion, Senator Brown. The intergovernmental agreement between the Australian and Tasmanian governments is not only historic but unique. It is historic because it provides the opportunity to end decades of conflict. It is also the first time that a solution in Tasmania has been driven by the community. The market has changed and there has been a downturn in the forest industry and in international demand for some forest products. The community has responded to this change. Industry and community groups have come together and sought a way forward. The agreement is unique because of its long-term focus. It will help the forest industry adapt to market changes while protecting the communities and families that rely on the sector to survive. It will assist regions adapt and develop for years to come while also delivering increased protection of high-conservation-value forests and ensuring ongoing sustainable timber supply for the forest industry.

The legally binding conservation agreement signed on 13 January 2012 by Forestry Tasmania, the Tasmanian government and the Australian government delivers a major conservation outcome under the Tasmanian Forests Intergovernmental Agreement. It ensures hundreds of thousands of hectares of Tasmanian public native forests are excluded from rotation forestry while the independent verification process undertakes a comprehensive analysis of conservation values and industry timber supply requirements. There is $25 million available for immediate employment, training and relocation support for workers displaced by the industry downturn and it was made available as soon as the agreement was signed. Almost $11 million—(Time expired)

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:21): Mr President, I ask a supplementary question. As you will have heard, the minister did not answer the question, so I will ask him: can he tell the Senate that no logging has taken place since 7 August last—as asserted in this letter to the World Heritage Committee—in the iconic forests adjacent to the World Heritage Area including: 'The Upper Florentine and areas within the Styx, Huon, Picton and council valleys,' while the independent verification process takes place?

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) (14:22): The independent verification group being led by Professor Jonathan West is making good progress and expects to present its final report by the end of February. While this is a little longer than
originally envisaged, it is a complex process and it is vital that the group takes the time to get it right. The group's final advice will inform the development of a second conservation agreement to protect additional areas of native forest that are found to be of high conservation value and compatible with the industry wood supply guarantees. The second conservation agreement will protect these areas until formal legislative protection is provided by the Tasmanian parliament. On the very specific question that I think was also included there, Senator Brown, I will seek further information from Minister Burke.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:22): Mr President, I ask a further supplementary question. I presume that this submission from the Australian government to the world authority came via the minister for the environment. I would ask the minister to check that in fact the minister has not misled that world authority, because logging, he says, will not take place while an independent verification process is undertaken. In fact, 960 hectares so far is subject to logging, which has either been completed or is underway. That is nearly 10 square kilometres of the forest subject to—(Time expired)

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) (14:23): Senator Brown wrote to Minister Burke requesting that Minister Burke consider minor modifications to the boundary of the Tasmanian Wilderness heritage area, an area of approximately 150,000 hectares. The Department of Sustainability, Environment, Water, Population and Communities is currently assessing potential World Heritage values of the areas identified by Senator Brown. Any assessment by the department will need to take into account work being done as part of the independent verification process being led by Professor Jonathan West. As part of the verification process, the conservation values contained within the ENGO-nominated 572,000 hectares are being assessed. The findings of the group will contribute to any assessment of World Heritage values and, once this process is complete, the department will provide the minister with advice on the values of the area.

Carbon Pricing

Senator BIRMINGHAM (South Australia) (14:24): My question is to the Minister for Manufacturing and Minister for Defence Materiel, Senator Carr. Can the minister confirm how much extra Australia's manufacturing businesses will have to pay in additional business costs from 1 July this year as a result of the introduction of Labor's carbon tax?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:25): I thank Senator Birmingham for his question. As has been indicated on numerous occasions, the amount of money individual businesses would have to pay will of course be very, very small, and the number of businesses that are directly affected by the changes that we are making with regard to making Australia more efficient and more effective in moving towards a low-carbon energy process will be very small indeed. We are also able to remind the Senate that we are providing some $1.2 billion in clean technology programs to assist industries make that transition.

This is a critical reform, a critical opportunity for this country to be able to address some of the big challenges we face in the 21st century—the ability to actually adjust to the changing needs in terms of our
energy consumption and the opportunity we have to attract the new investment that manufacturing needs to secure the jobs for the future. This is a policy, one would hope, that those who are concerned about the future of this country would embrace. On the contrary, what we have seen is a very, very short-sighted attitude being taken by those opposite, who are not really interested in the preservation of Australian jobs. They are not really interested in providing opportunities for Australians to enjoy the benefits of the high living standards this country can provide, and ought to provide, for every single person in this country. That is the only way in which this country has been able to preserve its prosperity, and its economic security lies in attracting new investment, new technologies, new industries and, of course, the new industrial processes that allow us to look forward with confidence to the future. That is what working people want in this country. They want a secure future, and they will not find that from those on the opposite side.

Senator BIRMINGHAM (South Australia) (14:27): Mr President, I have a supplementary question. Will the minister tell the Senate how many businesses will share in the $1.2 billion fund he referred to and how many of Australia's manufacturing businesses will miss out on getting anything from that fund? Further, will the minister outline how the extra costs Australia's manufacturing businesses face as a result of the carbon tax impact will impact on the competitiveness of these businesses compared with imports from those countries that do not have a carbon tax?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:28): This a program which will be based on competitive applications. Unlike those opposite, we do not work on the basis that these competitive arrangements can be fixed in advance. We have an opportunity here, for instance, through the Clean Technology Food and Foundries Investment Program, with some $200 million available to assist industries in that particular sector to adjust to the circumstances that they find themselves in and help attract the new investment that is needed. We have money available for the $200 million dollar Clean Technology Innovation Program, which will be open for applications from the middle of this year. This is—I repeat—a competitive merit based program which will provide assistance of some $50,000 up to $5 million for individual businesses on a matching funding arrangement. We have a whole series of programs there to help people adjust to the circumstances. (Time expired)

Senator BIRMINGHAM (South Australia) (14:29): Mr President, I have a further supplementary question. Will the minister at least tell the Senate whether most of Australia's manufacturing businesses will receive any assistance under this $1.2 billion fund? Isn't it really the case that most of Australia's manufacturing businesses will miss out altogether? Why is it that the minister will not acknowledge that the carbon tax imposes significant additional cost on manufacturing businesses, is a direct threat to the competitiveness of manufacturing businesses and therefore poses a real risk of yet more job losses in manufacturing in Australia?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:29): The senator talks about real risks—real risks to Australian manufacturing. The real risk to Australian manufacturing is a policy position that says you can do nothing; you can pretend these problems are going to go away. The real risk is from those opposite, who take the view that somehow or other there are hero entrepreneurs out there who are going to fix up these problems.
by themselves without any help from the government and without any help from the rest of society.

There are, of course, those opposite who take the view that we do not need to change. Of course, the reality is somewhat different. The harsh economic reality is that this country is under enormous pressure as a result of international circumstances; we need to respond to that. We need to respond to the changes that are occurring within terms of our environment and we need to change the circumstances as a result of the international economy, and that is what we are doing on this side. What are you doing?

Automotive Industry

Senator GALLACHER (South Australia) (14:30): My question is to the Minister for Manufacturing, Senator Carr. In the light of the impact of the record high dollar on car production, can the minister inform the Senate of what the government is doing to help the industry and the 200,000 workers it supports through these hard times?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:31): I thank the senator for his question and for his commitment to Australian jobs. I want to send a very clear message in answering this question that this Labor government will remain committed for the long haul to the success of the Australian automotive industry. This is an industry that is the foundation stone for manufacturing generally in this country. It is fundamental to our ability to remain an advanced industrial society—a high-tech society. It is fundamental to employment and it is fundamental to exports. Even in these most extraordinary times, the automotive industry is still exporting $3.4 billion in automotive projects.

We have the $5.4 billion new car plan which, of course, is keeping the industry moving forward in a way that allows us to deal with these extraordinary circumstances. The New Car Plan for a Greener Future is, in fact, the key reason we still remain one of the 13 countries in the world that can make a motor car from the point of conception through to the showroom floor. We have to secure that position, and we have done so with a per capita cost of something less than the price of a football ticket—$17.80—which, of course, compares with the German situation: it is five times that amount in Germany. We see that with the Americans it is some 14 times more.

Our approach is to ensure that we attract the investment through a co-investment strategy. We are in the business of protecting the security of working people. We are in the business of securing the future and the economic prosperity of this country. And at a time when the dollar has risen by some 67 per cent since 2008 it is necessary for the government to step up to its responsibilities, to join with people to ensure that we are able to secure the jobs for the future.

Senator GALLACHER (South Australia) (14:33): Mr President, my supplementary question is: considering the importance of new investment, is the minister confident that global investors are genuinely committed to their future in this country?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:33): My recent trip to Detroit highlighted that in Detroit there is confidence in the Australian automotive industry, there is confidence in General Motors Holden and there is confidence in Ford, and it is a pity that there is not the same level of confidence from those opposite. It is a pity that the shadow ministry has not taken that view. It is one year tomorrow, I think, since that infamous
pledge by the Liberal Party to take $500 million from the new car plan—$500 million! They refused to offer any assistance, what is more, beyond 2016. So in reality their proposal is to take $1.5 billion from the automotive industry. What we have is a situation where the opposition is voting for cuts to jobs in the automotive industry. They are voting for the destruction of the automotive industry in this country. *(Time expired)*

**Senator GALLACHER** (South Australia) (14:34): Mr President, I ask a second supplementary question. Given that the car industry has historically enjoyed bipartisan support in the parliament, what is the impact of the coalition's refusal to endorse the government's commitments in full?

**Senator CARR** (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:35): What we have seen today in the Age-Nielsen poll, for instance, is that four out of five Australians want support for the automotive industry to continue. Three out of four coalition voters want to see support for the automotive industry. Three out of four Green voters—even Green voters—support assistance for the automotive industry. And, of course, Mr Abbott is turning his back on workers in the automotive industry. His approach would see the end of the automotive industry in this country.

Of course, we see the message that is not delivered by Mr Abbott when he goes to Geelong, not delivered to the people in Altona and not delivered to the people in Elizabeth: four out of five Australians have a different view of what it means actually to support jobs in this country. This is a country that needs to be able to ensure its economic prosperity and, of course, the automotive industry is very much part of that.

We need to defend the jobs—and you would think this whole parliament would come to this point—of working people; we need to defend high-skilled, high-wage jobs for working people. *(Time expired)*

**Carbon Pricing**

**Senator WILLIAMS** (New South Wales—Nationals Whip in the Senate) (14:36): My question is to the minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. I refer the minister to a speech she made to the Economist Conference on 23 August 2011, where she said:

> Previous Parliaments have recognised the importance of economic reform and the role those reforms played in providing a stable platform for economic growth and prosperity.

Given that the minister has often referred to the government's carbon tax as an economic reform, can the minister explain how the carbon tax will provide economic growth and prosperity when, according to page 101 of Treasury's own report into the carbon tax, it is set to reduce our economic output by $32 billion by the year 2020 and by over $1 trillion by the year 2050?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:36): I rise with pleasure to take that question from my colleague and to thank him for the opportunity in this new year. Happy New Year to him and to his colleagues. It is a new year but it is the same old set of misinformation and falsehoods from those opposite. In the Treasury are the same people who advised Mr Howard when Mr Howard adopted the policy of a price on carbon, and the Treasury has told Australians in the modelling that has been released that we can grow our economy, grow our incomes and grow employment with a carbon price. The reality is that those opposite have nothing to say except negativity on the economy. We heard from Mr Abbott that somehow this year those opposite were going to become more positive.
Opposition senators interjecting—

Senator WONG: They were going to tell Australians about their plans to secure jobs and to lock in prosperity today and for future generations, but what do we have when we come into this chamber? We have the same old sleaze from Senator Abetz, we have something incomprehensible from Senator Cormann, who has been rolled when it comes to finances, and we have the National Party back on its old tactic of negativity and tearing down the economy.

Senator Williams: Mr President, a point of order on direct relevance to answering the question: I asked if the minister could explain how the carbon tax will provide economic growth and prosperity and all we are getting is the usual attempt at trashing the opposition. Can she please answer the question and be directly relevant to the question?

The PRESIDENT: The minister has 37 seconds remaining to answer the question. There is no point of order at this stage. Minister, I am listening closely to your answer.

Senator WONG: Thank you, Mr President. I commenced my answer very clearly by reminding the good senator that the Treasury modelling which the government stands by shows that the economy continues to grow while emissions are reduced. National income continues to grow, all states continue to experience strong economic growth and output to Australia’s manufacturing, mining, agriculture and services sector continues to grow out to the midcentury. The problem for the opposition is that the facts simply do not match up with the scare campaign, and increasingly Australians are waking up to that fact.

Senator WILLIAMS: Mr President, in my supplementary question I refer the minister to the Treasury’s modelling, which shows that the carbon tax will reduce real wages by one per cent by 2020, or the equivalent of $600 a year, for someone earning around $70,000. Is this the first economic reform in Australia’s history that on the government’s own modelling is predicted to have a negative impact on Australian working wages?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:40): I am very happy to talk about wages, because where was the National Party when the Liberal Party imposed a work arrangements industrial system which was all about reducing Australia’s wages and conditions? We did not hear much then. I was in this chamber when people crossed the floor and made sure that they voted for lower wages and conditions when Work Choices was here. Where was the National Party then? I remind the senator that the Treasury modelling shows that by 2020 employment is projected to increase by 1.6 million jobs, real wages to rise by 20 per cent and gross national income to increase by $9,000 per person.

We believe in preparing the economy for the future and a price on carbon is a part of that. Sensible Liberals once understood that. Mr Turnbull still understands it, but regrettably he is no longer the person in charge of your policy in this area. (Time expired)

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (14:41): Mr President, I have a second supplementary question. Given that the Treasury’s forecast for wages and economic growth under a carbon tax are based on the rest of the world acting on climate change, can the minister therefore confirm that if the rest of the world does not act on climate change the reductions in economic output and wages will be even greater in Australia?
Senator WONG (South Australia—Minister for Finance and Deregulation) (14:41): Again, we have a range of misstatements in that question. I think I have refuted them in my responses to the first question and the second. We simply do not agree with the propositions that the senator is putting.

I am happy to deal with the second part of his question, which is essentially the assumption or the false proposition that no-one else is doing anything. Again, I remind him that Australia's top five trading partners, and another six of our top 20 trading partners, are implementing or are piloting carbon-trading or taxation schemes, something that those opposite simply want to airbrush out of the economic debate. The simple proposition is this: does anybody really believe that you can be a first-class economy in the 21st century without moving to a low-pollution economy? I do not believe so and our competitors do not believe so. It appears the National Party is living in the past. (Time expired)

Australian Federal Police

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:42): My question is to the Minister representing the Attorney-General, Senator Ludwig. Can the minister confirm that the Minister for Resources and Energy, the Hon. Martin Ferguson, sought advice from the Attorney-General on the use of the Australian Federal Police to 'assist the energy sector and jurisdictional police to manage the increasing risk of disruptions' by environmental protesters? Further, I ask whether the minister can confirm that the AFP:

… continually monitors the activities of issue-motivated groups and individuals who may target establishments through direct action, or action designed to disrupt or interfere with essential services.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:43): I thank Senator Milne for her question in this new year. Can I say at the outset that the AFP is a strong organisation that is about defending this country and it manages itself in a way that is second to none. With respect to the specific issue the senator has raised, which goes to what Minister Ferguson may or may not have done, I am advised that no request has been received from the Australian Federal Police, from the office of the Hon. Martin Ferguson or any other minister's office relating to the surveillance of protest groups. In relation to the second part of your question—which, as I recall, went to the issue around the surveillance of environmental and other protest groups—I am also advised that the AFP's protection liaison team does utilise the services of NOSIC to monitor publicly available information to assist in identifying and preventing possible criminal offences against Australian high office holders, foreign dignitaries and diplomatic missions.

In addressing the next part of your question, which goes to the issue of the AFP's use of monitoring protest groups, as I am advised, the AFP monitors protests groups in line with legislative requirements to prevent the occurrence of criminal acts and, by so doing, is able to ensure law enforcement resources are positioned in an effective and efficient manner. (Time expired)

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:45): Mr President, I ask a supplementary question. Noting and thanking the minister for his answer, I just want clarity: is the minister saying that Minister Ferguson did not seek advice from the Attorney-General on the use of the Federal Police to assist the
energy sector? I note he said 'the office', and I would specifically like to know if the minister sought advice from the Attorney-General. Further, has Minister Ferguson instigated or is the Commonwealth involved in any way with Queensland and New South Wales authorities and police in the surveillance of those involved in coal-seam gas protests, including farmers seeking to protect their land and parents seeking to protect their children? (Time expired)

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:46): I thank Senator Milne for her first supplementary question. As I understand, there are a couple of parts to the question and so I will attempt to deal with them in seriatim. What I said in answer to the first question was that I am advised that no request had been received by the Australian Federal Police from the office of the honourable Mr Martin Ferguson or any other minister's office relating to the surveillance of protest groups. I will take that additional part of your question on notice and see what further information the Attorney-General may be able to provide you in respect of that issue.

As to the second part of your question, which relates more broadly to the coal-seam gas issue, I said in my answer to the first question, the AFP monitors protest groups in line with legislative requirements to prevent the occurrence—(Time expired)

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:47): Mr President, I ask a further supplementary question. Can the minister tell me whether information on the surveillance of protesters—now being outsourced to a private contractor, the National Open Source Intelligence Centre—is available under FOI laws, given that the community deserves to know if people are monitoring their activities?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:48): I thank Senator Milne for her second supplementary question. As I understand the question, it is asking me as Minister representing the Attorney-General whether the information that NOSIC gains would be available under FOI. As I understand, FOI decisions are made by FOI officers within each department in accordance with the relevant legislative requirements under the FOI legislation. In that instance, it would be a matter for a particular individual to make an FOI request for particular information that they may seek. I would encourage anyone to use or avail themselves of that.

I am not sure I am in a position to answer more broadly whether any information available under NOSIC for what I have just indicated would be available under the FOI legislation. On that basis, though, I will still seek further advice from the Attorney-General in relation to whether they want to add anything further to that supplementary question. (Time expired)

Carbon Pricing

Senator EDWARDS (South Australia) (14:49): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. I refer the minister to a recent analysis conducted by the Advertiser in her home state of South Australia showing that, under the Gillard government's carbon tax, the average South Australian family will pay $3,231 for their electricity bills—a whopping increase of around 16 per cent from the last financial year. How can the Gillard government stand by its claim that the world's
biggest carbon tax will be good for South Australians?

Senator Wong (South Australia—Minister for Finance and Deregulation)
(14:49): Here we go—I think it is Groundhog Day again here in the Senate, despite their promise to do something different. They obviously do not want to talk about the economy, because they are in such disarray when it comes to budget numbers.

Senator Brandis: You are the government that has never produced a surplus.

Senator Wong: I am very happy, Senator Brandis, if you want to debate surplus. Have you seen what Mr Robb has said? He has walked away from the surplus. How embarrassing!

The President: Senator Wong, answer the question that has been asked and ignore the interjections.

Senator Wong: Mr President, I am responding to the interjection from Senator Brandis. And bring it on: if you want that debate, I am happy to have it.

The President: Ignore the interjections, Senator Wong. Interjections are disorderly. Senator Wong, continue with the answer.

Senator Wong: We see Mr Robb walking away from a surplus, because you know you cannot find the money. But coming back to Senator Edwards, as a senator for South Australia, I appreciate his interest in jobs. I wonder whether that is extended to talking Mr Abbott around when it comes to reducing the ongoing support for the car industry, including in our home state. If he really cared about jobs, which he suggests he does in that question, why is it that his party is telling South Australian car workers and relevant industries that they no longer deserve further support.

In relation to the carbon price, we have made it very clear—

Senator Ian Macdonald interjecting—

Senator Wong: Senator Macdonald, clearly your mood did not improve over the holidays, and that is a pity for all of us in this chamber.

Senator Ian Macdonald interjecting—

Senator Abetz interjecting—

The President: Order! Senator Wong, continue.

Senator Wong: What I was saying is that the government has in place a very strong package of support for families across Australia in all states, not just South Australia, for taxpayers earning up to $80,000 a year. There are tax cuts, which will be taken away by those opposite should they win government. For families, there are increases in family tax benefits. For age pensioners, there are increases in the age pension. (Time expired)

Senator Edwards (South Australia)
(14:52): Mr President, I ask a supplementary question. Given that the carbon tax will be an additional cost for every homeowner in South Australia, does the government stand by its claim that its compensation package will be adequate to cover the carbon tax impost and the 16 per cent increase South Australians are already facing?

Senator Wong (South Australia—Minister for Finance and Deregulation)
(14:52): If the good Senator wants to talk about the history of electricity asset ownership and prices in South Australia and who is responsible, I am sure that very many South Australian senators in this place would like to have that debate. We have put out our package. We have made clear on the Treasury modelling that, on average, the cost-of-living impact will be about 0.7 per cent of the CPI—less than when the GST
was implemented. If you turn to your right, Senator Edwards, I am sure Senator Sinodinos could talk about that. This equates to about $9.90 a week on average, and, on average, households will receive $10.10 per week in assistance.

I remind those opposite that they may not know what they are being locked into by their shadow Treasurer. They have been locked into high income taxes, because you cannot deliver the tripling of the tax-free threshold and the tax measures we have put in place. They are locked into lower pensions because they are going to rip out and take back the increase in the age pension we will deliver. (Time expired)

Senator EDWARDS (South Australia) (14:53): Mr President, I ask a further supplementary question. Can the minister explain how the government intends to assist people with rising utility bills and the cost-of-living pressures as a result of the carbon tax when welfare groups say that they are already absolutely blitzing any rise in income among South Australia's poorest people?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:55): I thank the good Senator for her question and welcome the first opportunity for a question on the economy, because we have not seen one from those opposite. I think that all Australians are aware of the serious risks which are in the global economic outlook; but we should also be aware that, despite the impact of ongoing global turbulence on our economy and on our budget, Australia's public finances are amongst the strongest in the world. Despite all the efforts of those opposite to trash the economy and to talk down the economy, which is hardly in the interests of working people, I remind those opposite what the IMF said in January of this year. Mr Jorg Decressin of the IMF said:

There is no advanced economy—or maybe there are one or two—that is as well placed as Australia in order to combat a deeper slow down, were such a slowdown to materialise, and that's because you still have room to cut interest rates if that was necessary and you also have a very strong fiscal position.

This is what the IMF have said. Those opposite might like to suggest that somehow the IMF are a bunch of reds under the bed and that somehow they are just parroting the Labor government line, but I think that sensible people, sensible commentators and unbiased listeners will know that the IMF are speaking the truth.

We know that our public finances are amongst the strongest in the world, and we are determined to bring the budget back to surplus. That stands in stark contrast to the complete disarray of those opposite. We had the shadow finance minister last night walking away from the surplus in the first term of a Liberal government. How embarrassing! (Time expired)

Economy

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:54): My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister update the Senate on the ongoing risks from the international economic uncertainty? How is the government managing these risks in the interests of working Australians, and is the minister aware of any alternative approaches?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:55): I thank the good Senator for her question and welcome the first opportunity for a question on the economy, because we have not seen one from those opposite. I think that all Australians are aware of the serious risks which are in the global economic outlook; but we should also be aware that, despite the impact of ongoing global turbulence on our economy and on our budget, Australia's public finances are amongst the strongest in the world. Despite all the efforts of those opposite to trash the economy and to talk down the economy, which is hardly in the interests of working people, I remind those opposite what the IMF said in January of this year. Mr Jorg Decressin of the IMF said:

There is no advanced economy—or maybe there are one or two—that is as well placed as Australia in order to combat a deeper slow down, were such a slowdown to materialise, and that's because you still have room to cut interest rates if that was necessary and you also have a very strong fiscal position.

This is what the IMF have said. Those opposite might like to suggest that somehow the IMF are a bunch of reds under the bed and that somehow they are just parroting the Labor government line, but I think that sensible people, sensible commentators and unbiased listeners will know that the IMF are speaking the truth.

We know that our public finances are amongst the strongest in the world, and we are determined to bring the budget back to surplus. That stands in stark contrast to the complete disarray of those opposite. We had the shadow finance minister last night walking away from the surplus in the first term of a Liberal government. How embarrassing! (Time expired)
Opposition senators interjecting—

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:57): Mr President, I ask a supplementary question. I thank the minister for her response. The interjections will help with my supplementary question, which is in relation to a surplus. Can the minister outline to the Senate the approach the government is taking to returning the budget to surplus and how this contrasts with alternative approaches?

Senator Ian Macdonald: This is not a time for jokes.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:57): Mr President, I will take the interjection about jokes if the opposition want, because the joke is Mr Hockey and Mr Robb. When it comes to the surplus, Mr Hockey said ‘we’ll deliver it a year earlier’, and then Mr Robb said ‘actually, we do not know if we can deliver it in the first term of a Liberal government’. They cannot even tell the Australian people whether they could deliver a surplus in the first term of a Liberal government. This is extraordinary—all this chest beating about economic responsibility! One wonders what happened in shadow cabinet. If this is in fact a considered position, what happened? Did Mr Robb get rolled? Did Mr Hockey get rolled? Did Senator Cormann get rolled? Or did they not even have the wherewithal to argue the right policy position? Perhaps Senator Sinodinos would have done a better job than the current lot. (Time expired)

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:58): Mr President, I ask a further supplementary question.

Senator Conroy interjecting—

Opposition senators interjecting—

The PRESIDENT: Order on both sides!

Senator POLLEY: Can the minister, given the importance of returning to surplus, outline what recent announcements have been made that should assist those looking to return to surplus?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:59): Those opposite will soon have an opportunity, available to no previous opposition, to have their policies costed by the Independent Parliamentary Budget Office. But those opposite are not interested in getting proper costings. We remember the last election when we saw Mr Abbott handball to Mr Hockey who handballed to Mr Robb for the most embarrassing press conference in recent memory. Then we remember they used accountants who were then found to have acted contrary to professional standards to do their costings and they delivered a $10.6 billion black hole.

But I think Mr Morrison has taken it one step further, because he has put out costings done by a catering company. It is an a la carte approach to budget management. Those opposite take cooking the books to a new height.

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

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Carbon Pricing

Senator CORMANN (Western Australia) (15:01): I move:
That the Senate take note of the answers given by the Minister for Manufacturing (Senator Carr) and the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by Senators Birmingham and Williams today relating to the carbon tax.
What has become obvious again today is that Labor's carbon tax is a bad tax. It is the world's largest, hardest-hitting, most complex carbon tax. It is a tax which is anti-manufacturing, it is a tax which is anti-jobs, it is a tax which is anti-workers, it is a tax which is anti-working families and it is a tax which will do nothing to reduce emissions either here in Australia or in the world. We of course know from the government's own figures that the carbon tax will push up the cost of everything. It will make Australian manufacturing businesses less competitive internationally. It will cost jobs. It will lead to lower real wages when compared to a situation without a carbon tax. This is, again, according to the government's own Treasury analysis. It will do all of that without doing anything to help reduce global greenhouse gas emissions.

Manufacturing in Australia is already under pressure. Yes, manufacturing is doing it hard because of the high Australian dollar and because of the fragile state of the global economy. This is the worst time of all times to impose the world's largest, hardest-hitting and most complex carbon tax on the Australian economy. There is never a good time to make Australian businesses less competitive internationally without doing anything beneficial in the process, but this is the worst time of all possible times. If the Labor Party cared about manufacturing, if the Labor Party cared about jobs and if the Labor Party cared about Australian working families it would scrap the carbon tax today. But, of course, the Labor Party does not care about manufacturing, the Labor Party does not care about workers, it does not care about jobs it does not care about working families. It is quite happy for working families to be confronted with increasing costs of living. It is quite happy to impose a tax which will lead to lower real wages over time. It is quite happy to impose a tax which will take $1 trillion out of the economy between now and 2050 without doing anything to help reduce global greenhouse gas emissions.

Why would the Australian Labor Party do that? Because that is the price it has to pay in order to stay in government and because that is the price that the Australian Greens extracted from the Labor Party. The Australian Labor Party has sold out workers, has sold out working families across Australia to the Australian Greens and it absolutely knows it. The government says to us: 'Don't worry. On 1 July 2012 it will become obvious that the sky has not fallen in and that things are going to be okay.' Let me make this point: I agree and the coalition agrees that the sky will not fall in on 1 July 2012. But what will happen on 1 July 2012 is that, at the direction of this Labor-Greens government, Australia will take another step in the wrong direction, another step towards pushing up the cost of living for working families across Australia, another step towards putting manufacturing jobs under more pressure and another step towards lower real wages without doing anything to help reduce global greenhouse gas emissions.

The Minister for Finance and Deregulation, Senator Wong, again said today that the economy will continue to grow despite the carbon tax. Sure, that is true, the economy will continue to grow, but the economy will grow by much less, by $1 trillion less between now and 2050, according to the government's own Treasury analysis. That is making the assumption that both the US and China will have an emissions trading scheme in place by 2016, and we all know that there is no chance that this will happen. It is very clear that the government is completely disinterested when it comes to manufacturing and jobs, because otherwise they would not be proceeding with this tax, which will hurt working families, which is anti-manufacturing, which is anti-jobs and which will do
nothing to help reduce global greenhouse gas emissions.

Senator MOORE (Queensland) (15:06):
We have seen excitement in the chamber today, which is great on the first day. In Senator Polley’s question earlier, there was so much excitement on the other side of the chamber they were all trying to answer the question. It was a wonderful moment. If you close your eyes you would think we had gone back seven months in this place to the extensive debate we had around the introduction of carbon pricing. There was nothing new, no new questions. It was just the same old focus. We have had people from the opposition standing up in this place and saying that there is no— one on the government side who cares about manufacturing, working families and the Australian economy. That shows why we are incredulous about the nature of the basis of their argument.

We know and we understand that the opposition is opposed to carbon pricing. There is no surprise in that. We had that debate and that is on the record. The opposition can run that argument but they should not confuse it by bringing in arguments about whether this government works for the economy when we have an economic record which has been acknowledged universally. We have had that situation. The only group that has been reluctant to acknowledge the role of the Australian government in protecting the Australian economy over the last period has been the opposition. We have the record of the international press and international economic fora, and we have seen the processes that show that this government is doing a responsible and effective job.

Then we have had, in their arguments about carbon pricing—there is no surprise about this—the opposition bringing in issues around manufacturing. We had the debate. Senator Carr answered several questions today. He put the question right back to the opposition about what they are doing for the manufacturing industry in this country. Standing there and blaming all the ills in manufacturing on the carbon price is not effective. We should be looking at an appropriate way forward to engage with manufacturers across this country. And we should be looking at the clean technology programs that are going to be brought in rather than running the scare argument of blame and telling the manufacturers that things are going to be worse and that there is no future. Look at the programs that have already been introduced by us to encourage people to compete in ways to change processes and change manufacturing so that manufacturing will be effective and successful in the new economy.

This is what this government is about. It has now introduced into this place a series of legislation on carbon pricing. It is not just the price on carbon; there are supplementary processes for looking at support packages for everyone in this country. Senator Wong, in some of her answers today, began to identify those. There is so much information out there that indicates what the support packages are for individuals, families and businesses—people who want to engage in moving into the future. Those on the other side just say that the world has ended and there is no value in looking at carbon pricing. We do not agree, and I doubt we ever will. What we propose—what we have now—is a road map for the future. That information is available for people.

It is really interesting when you hear people from the opposition quoting Treasury papers selectively. In the debate we had in this place earlier, the role of the Treasury was demonised. People who produced Treasury papers were seen to be biased. Their credibility was not seen to be real. So
we had, again, Senator Wong and Senator Carr putting forward information, which is all on the public record, about what the processes are and about the future projections for our economy—the growth of our economy, the growth of individual wages—and where we are going to stand, not just in Australia but in the international network. Again we have heard the complaint that we are the only people taking action on carbon pricing. It is not true. That argument is out there. Certainly other countries are doing things in different ways. No-one has pretended that there is a standard approach but there must be an approach.

Senator Cormann said that there was no good time to introduce a carbon pricing process. There is definitely a good time to make change in our country, because we must. We have argued this in this place. The arguments will continue. I expect that we will have the same discussions day in and day out—fine!—but let's make sure that we are going to have the facts on the table and not consistently debate issues that have been argued here, and about which the information is available. We need to look at the issues and qualify where we are going to go in the future.

Senator BIRMINGHAM (South Australia) (15:11): The day 1 July 2012 will be the day on which Australian businesses start paying the world's biggest carbon tax. There should be no doubt about this as, in the months since we debated it, we have seen the Australian dollar continue to strengthen relative to the European Union currency, the euro, and we have seen the value of the Australian carbon tax getting bigger and bigger when compared with the only other comparison going around town. So the Labor government's world's biggest carbon tax is just getting bigger by global standards. And that is going to mean that we will see an even greater impact on the competitiveness of Australian businesses from 1 July this year, when this carbon tax comes in.

I am pleased to note that I gather that in the other place the Prime Minister has finally—after being asked the question again and again—acknowledged that she accepts the Treasury modelling of the carbon tax. In accepting the Treasury modelling she is accepting the reality that in future, under the carbon tax, real wages for Australians will be lower than they otherwise would have been. Economic growth in Australia will be lower than it otherwise would have been. These are direct consequences of the carbon tax. It is a reality highlighted and exposed by my colleague Senator Cormann during the countless hours of debate on this. It has a real flow-through throughout the economy. But let's deal with the facts here. We know, as a result of the Treasury modelling, that real wages will be lower than otherwise would have been the case and that the Australian economy will be smaller and will grow by less than would otherwise have been the case.

The government's retort and response is always to highlight the compensation—the claimed compensation—within this package. Senator Carr today spoke about $1.2 billion in industry compensation, but when challenged as to how many of Australia's manufacturing businesses would get it—whether most Australian manufacturing businesses might get some share of this compensation—Senator Carr was silent. He was unable to give even the slightest hint of commitment as to what proportion of Australian manufacturing businesses might share in this elusive compensation. We know from the steel industry fund that ultimately the overwhelming majority of any of this compensation for business will go to just a handful of businesses. Most of the manufacturing businesses in Australia will miss out. But they will not be the only ones, because
then there is the small business sector, and in the small business sector they all miss out. On 1 July every small business around Australia will wake up and face significant rises in their electricity costs. The Treasury modelling, which I am pleased the Prime Minister accepts, indicates at least a 10 per cent rise in electricity costs, a nine per cent rise in gas costs and a rise in water costs. Senator Edwards, in his question today, highlighted research that has been released in South Australia indicating a potential 16 per cent rise in electricity costs. For small businesses, for which electricity is a significant cost impact, this is a massive hit. Small businesses are not able to negotiate contracts with electricity providers for significant discounts or for longer term price certainty; they just have to take the same type of terms and conditions as every other Australian. They will simply have to wear this vast cost impact on their inputs. They will all miss out on any of this elusive compensation. So it will be this key part of the Australian economy where we will see growth held back, real wages held back and job growth in the future held back. As a result of that, we will see a weaker Australian economy in the future.

This will be a year of shame for this government as they introduce the world's biggest carbon tax, by far and away greater in terms of its scope and impact on business and industry than anywhere else around the world. We should not allow them to hide behind a fig leaf of compensation that has a limited life span and limited accessibility for those who get it and ultimately will do nothing to change the reality, found in that Treasury modelling, that the Australian economy will be worse off with a carbon tax than it would be if it did not have a carbon tax. (Time expired)

Senator SHERRY (Tasmania) (15:16): It is a pleasure to participate in this debate. It is unsurprising, on the first day of the return of the Senate, that the Liberal-National Party should continue their doom and gloom scenario predictions that the world as we know it is going to end on 1 July with the introduction of a carbon tax. It is unsurprising that they predict that the economy will collapse, that real wages will go backwards, that jobs will be lost et cetera. It is a well worn theme and a well worn scare campaign. We have seen it in other areas of major reform undertaken by the Labor government. We saw it in respect of the introduction of compulsory superannuation all those years ago. We saw it in respect of the mining tax. Where was the end of the world with the introduction of a mining tax in Australia? We all remember the doom and gloom being predicted by those opposite about the end of investment and mining employment et cetera. We all saw those arguments advanced last year. But, of course, it did not happen, and it will not be happening when the mining tax legislation comes into this place.

Senator Boswell interjecting—

Senator SHERRY: I am just reminding you, Senator Boswell, of the constant scare campaigns, the negative attacks and the factually incorrect campaigns that the Liberal-National Party has continued to run against all major economic and social reforms that a Labor government has made. We even had it in respect of maternity leave some years ago. Of course, we now have the Liberal-National Party supporting maternity leave. I predict that the Liberal-National Party will not be reversing the mining tax as they have promised to do.

It is unsurprising that they focus on and predict gloom and doom and disaster come 1 July. Let us see what happens on 1 July. Let us see if the Australian economy goes backwards. Let us see if unemployment rises
as a consequence of the carbon tax. I predict with some certainty that the disasters that the Liberal-National Party are predicting—as they predicted with the mining tax, as they predicted with compulsory superannuation in this country and as with all of those predictions that they have made—will not come true.

It is unsurprising that we come here on the first day of the new sitting year for the Senate and the Liberal-National Party wants to talk about anything but the strength of the Australian economy: the fact that there have been over 700,000 jobs created in this country in the four years of a Labor government, the fact that real wages over the last four years have grown by 7.4 per cent cumulative on average weekly ordinary time earnings, the fact that the budget will be returning to surplus over the 2012-13 financial year and the fact that mortgage repayments are $3,000 a year less under this government than they were under the previous government. It is unsurprising that the Liberal-National Party wants to predict doom and gloom from 1 July when they do not want to acknowledge the economic strength of this country.

I remind the Senate chamber about the economic strength of this country. It is certainly in stark contrast to what is happening in Europe and the US. We have an unemployment rate of 5.3 per cent. Contrast that to the eurozone, where it is over 10 per cent, and the US, where it is still over eight per cent. And they have massive fiscal deficits. I remind the Senate chamber of the strength of the Australian economy because, come 1 July, the strength of the economy, which has been delivered very effectively by this Labor government over the last four years, will continue. It will continue. The forecasts from Treasury show that our economic strength will continue with a carbon tax. We will continue to have good economic growth. We will continue to have good jobs growth. We will continue to be one of the strongest economies, if not the strongest of all advanced economies, with a carbon tax, just as we have been one of the strongest economies in the entire Western world over the last 20 years with a superannuation guarantee of nine per cent. And we had the doom and gloom prediction that small business and industry would collapse. We had all the same predictions, which did not come true. *(Time expired)*

**Senator BOSWELL** (Queensland) *(15:21)*: We have all returned from a break. One of the great things about having a break of four weeks is that it gives us a chance to reconnect with our families, do all those sorts of things and relax. It also gives us the opportunity to go out and talk to some of our constituents. I have done that over the past two weeks, and I can tell you: there is a disaster looming out there. I have spoken to food processors, fishing operators, fish processors, and people right across the whole spectrum of the manufacturing industry, and there is a universal cry: 'The dollar is high and it is killing us. I cannot make my factory work anymore.' When we put the carbon tax on—and I have been able to tell them that the carbon tax on industrial use is far more than 10 per cent—they say, 'This won't work anymore.' One particular person told me, 'I am going to take all of my primary product, I am going to put it in a fridge, I am going to send it to China to have it processed and I am going to sell it at a cheaper price than I can at the moment.' He does not get any joy out of putting 200 people out of work, but he says, 'I can't make it work. I've got investments that will not give me a return, and I can't make it work.' That is happening all over the manufacturing area.

To prove my point, 130,000 manufacturing jobs have been lost since
2008. This is the highest number ever recorded. Yes, we have a great economy. It is a great economy; it is one of the best economies in the world. It is so great that even you people cannot kill it. You do your best to drive the economy down. You do your best to put a carbon tax on it. You do your best to increase costs. But this economy is so great and this country is so tremendous that even the Labor Party—a wholly owned subsidiary of the Greens—cannot kill it. But do not come in here with crocodile tears and say, 'Aren't we terrific.' The economy is going well despite you, and it could go a lot better without you. Everyone knows that. To prove my point, by 2020 $32 billion is going to have to come off the GDP. That means the economy will not grow by $32 billion. But when you get to 2050, it is $1 trillion—and these are government figures. We are not fudging the figures; these are government figures. I can refer you to the papers where the government has issued them. That is what the carbon tax is going to cost Australia: $1 trillion by 2050 and $32 billion by 2020.

Even the Treasury modelling that the government holds up so high is saying that carbon tax will reduce real wages by one per cent by 2020, or the equivalent of $600 a year for someone earning $70,000. These are the tradies—the aspirational voters the Labor Party want to win back. I can tell you: you are wasting your time. It is $460 million to the car industry. What is the point of putting a $460 million tax on a car industry and then crying that you are going to have to subsidise it? Don't you see that a $460 million impost on a car industry is a tax? That is why they are coming to you and asking for some support. There is $460 million worth of lead in the saddle of the car industry. And then there is Qantas with tax of $115 million. All of this adds on to costs. I can tell you: the economy will not have collapsed on 1 July, but it will be sandbagged and there will be a lot of weight in the economy's saddle, but it will survive despite the Labor Party and the Greens. (Time expired)

Question agreed to.

Forestry

Australian Federal Police

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (15:27): I move:

That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to questions without notice asked by the Leader of the Australian Greens (Senator Bob Brown) and Senator Milne today relating to Forestry Tasmania and to the surveillance of protestors by the Australian Federal Police.

Firstly, in relation to questions to Minister Ludwig on behalf of the Attorney-General, I specifically asked the minister whether the Minister for Resources and Energy, Mr Martin Ferguson, had approached the Attorney-General about the use of the Australian Federal Police to assist the energy sector and jurisdictional police to manage the increasing risk of disruptions by environmental protesters. The minister quite deceptively said that Minister Ferguson had not written to the Federal Police. I did not ask whether he had written to the Federal Police. I asked him to confirm that Minister Ferguson had written to the Attorney-General. Documents released under FOI show that Minister Ferguson did in fact write to then Attorney-General Robert McClelland in September 2009 to raise concerns about issues-motivated activism and the possibility of disruptions to critical energy infrastructure sites. The documents say that Minister Ferguson sought advice on whether the resources of the Attorney-General's portfolio...
and, in particular, the intelligence-gathering services of the Federal Police could be further utilised in this regard. So it is very clear that Minister Ferguson was actually seeking to ask the Attorney-General to heighten the role of the Federal Police in dealing with protesters in state based activities, because these are state based operations.

I also asked, in relation to coal seam gas, whether the minister had instigated any further activity of the Federal Police working with the Queensland Police Service or the New South Wales Police in surveillance of protesters, particularly farmers and families trying to look after their children's interests et cetera. I asked whether the government was seeking to have the Federal Police do surveillance on people working in the campaign against coal seam gas. The minister suggested that they seek FOI, and I am sure people will go out and do that. But what I would also like to know is whether the Federal Police and the minister have been involved in arguing for much stronger penalties to apply to protesters and whether the energy companies have been working with the Queensland police, in particular, to make sure that protesters are charged under legislation that incurs much higher penalties than the normal legislation that they would be charged under, which would be a simple trespass. What is going on here is that we have got a situation where a federal minister, the Federal Police and state agencies are working with energy companies against the interests of the community to try and bring stronger penalties and much greater surveillance into the public realm and onto the community. This is unacceptable, and I would urge people to start calling on the Premier of Queensland, Anna Bligh, to come out and say what engagement the Queensland police have had, and the same in New South Wales with the New South Wales Police, the Premier there to indicate what role the police have now been instructed to take to facilitate and work with energy companies against the interests of landholders who are simply protecting their ability to farm on their own land and their long-term commitment to the land that they currently farm. So this is a completely unacceptable scenario, and we need some answers from the Queensland Premier in particular.

I move on to Senator Conroy's answer to Senator Brown where the federal government has told the World Heritage Committee at UNESCO that the areas along the eastern boundary of the World Heritage Area in Tasmania have been protected under the intergovernmental agreement in this interim phase, and it is not the case. Senator Conroy told the Senate these areas are not being logged. They are being logged as we speak, Mr Deputy President, and you just have to go down to Tasmania and see that that is the case. So Senator Conroy has effectively stood here and told the Senate that these areas are not being logged while the logging is going on as we speak in areas that the Prime Minister stood up in Tasmania and said would be protected whilst this verification process went on. That is completely unacceptable.

Finally, we have a situation where Forestry Tasmania had better front up and answer the question whether they are currently in China trying to sell woodchips from Tasmania's forests at SUS170 a tonne delivered, which is below the cost, therefore incurring massive loss, and are lining this up for the Tasmanian Minister for Primary Industry and Water, Bryan Green, when he gets over there on his trade mission to sign off on yet more debt strategies for Forestry Tasmania. It is a failed business model. Forestry Tasmania must not go and negotiate to sell woodchips at rock bottom prices because the China market is so price
sensitive. Forestry Tasmania had better answer those questions.

Question agreed to.

CONDOLENCES
Cowen, Sir Zelman, AK, GCMG, GCVO, QC


Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (15:33): by leave—I move:

That the Senate expresses its deep regret at the death, on 8 December 2011, of the Right Honourable Sir Zelman Cowen AK, GCMG, GCVO, QC, former Governor-General of Australia from 1977 to 1982, places on record its appreciation of his long and meritorious public service, and tenders its profound sympathy to his family in their bereavement.

There is a great deal of sadness across the chamber at the loss of this great Australian, but he was someone who lived a very full and productive life and what we are doing today is recording the parliament's appreciation of that contribution. I know I will be followed by Senator Brandis, who I think knew Sir Zelman and I am sure will be able to make a better contribution than I. It is always better if you had personal interaction with the person. I look forward to that.

Sir Zelman was born on 7 October 1919 in Melbourne. His mother, Sarah, had a vision of success for her son from an early age, reportedly telling him he was destined to become a King's Counsel. Sir Zelman was educated at local primary schools and then at Scotch College, where he graduated dux in 1935. He then went on to the University of Melbourne, where he studied arts and law, receiving the Supreme Court prize for coming first on the final honours lists. Sir Zelman won a Rhodes scholarship, but delayed further studies so he could serve with the Royal Australian Navy. He was serving in Darwin at the time of the Japanese attacks in 1942.

In 1945 Sir Zelman completed his war service, married Anna—which is a marriage of some 66 years—and commenced his bachelor of civil law degree at Oriel College, Oxford. On completion of his degree he was a lecturer and fellow of the college. In 1951 he returned to Australia to take up the position of Professor of Public Law at the University of Melbourne. At the age of 31 he broke all British Commonwealth records with his appointment as Dean of the Faculty of Law, a position he held until 1966. Sir Zelman is remembered as driving a remarkable transformation and modernisation of the faculty as dean.

It came as a surprise to his colleagues when after 16 years at the helm he accepted the position of Vice-Chancellor of the University of New England. In 1970 he moved again, this time to take up the vice-chancellorship at the University of Queensland. It was a tumultuous time, especially for university leaders. Campuses across the country were a hotbed of political agitation and student protests. As VC, Sir Zelman brought calm to volatile, sometimes hostile, protest situations. His considered, calm approach and rational conversations worked with students and gained him the nickname 'Super Zel'. In 1973, the University of Melbourne awarded Sir Zelman an honorary doctor of laws degree. In 1976, he became the Law Reform Commissioner of the Commonwealth of Australia and was also knighted.
In 1977, Prime Minister Malcolm Fraser's announcement that Sir Zelman would be Australia's next Governor-General was, I think, greeted enthusiastically around the country. He became Governor-General at a time when the foundations of Australia's political system had been severely shaken. He became quickly known as a healer, bringing wisdom and dignity to the role he occupied until 1982. He served with great distinction and noted that the appointment was the greatest experience of his life. Sir Zelman turned down the offer of a second term, choosing to return to Oriel College, Oxford, where he became Provost, a position he held until 1990.

On his return to Melbourne in 1990, he became an active member of the Jewish community and a patron of the St Kilda Football Club—which was probably his only mistake, given its record as a successful football side. He also became a member of the board of Fairfax newspapers for some five years. He continued his community engagement and his passion for higher education, helping to establish a law school at Griffith University and to establish the National Academy of Music. He made a great contribution to academia across many institutions and throughout his whole life.

He leaves an enormous legacy. He stood as an international scholar, a healer of the nation and someone who contributed passionately and fully to the public, intellectual and cultural life of Australia and the world. He was someone I always respected from a distance. His passing was a great loss for Australia. On behalf of the government, I extend to his wife, Lady Anna, and to his family our sincere sympathy in their bereavement.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:38): There can be few who have served the people of Australia with greater distinction, in a variety of fields, than Sir Zelman Cowen. He was a scholar of international eminence, a public lawyer with few equals in his field, a university leader on two continents and, most importantly for us, the 19th Governor-General of the Commonwealth, who brought the balm of his wisdom and moderation to a particularly difficult passage in our national life.

Zelman Cowen was born in Melbourne on 7 October 1919—by a remarkable coincidence, the very day that, elsewhere in the same city, Alfred Deakin died. He was educated at Scotch College and the University of Melbourne, where he enjoyed a brilliant academic career, graduating with the highest honours in arts and law. He won the Supreme Court Prize, the prize awarded to the law school's best graduate, in 1940 and, in the same year, he was elected the Victorian Rhodes Scholar for 1941.

When he gave a moving eulogy at Sir Zelman's state funeral on December 13 last year, the current Warden of Rhodes House, Professor Don Markwell—one of the many distinguished Australians to whom Sir Zelman had been a mentor over the years—delved deep into the Rhodes archives to unearth the reference which Professor George Paton, then Professor of Jurisprudence at the Law School, wrote in support of 20-year-old Zelman Cowen's application for the Rhodes Scholarship. It gives us an early and accurate foretaste of the man he would become. Professor Paton wrote of him: His academic record … is one that has rarely been equalled. It is frequently the case that those who do brilliantly in Arts do not show quite the same aptitude for law, but Mr. Cowen shows the same skill in both fields. His mind is very keen and remarkably mature for one of his age.

………

CHAMBER
He has a rounded personality, broad interests and cultivated tastes … He has great energy and … intellectual integrity …

… … …

He has the assured courtesy of a much older man, and, while he has no reticence in urging his own opinions, I have found him both respectful and willing to abandon his point of view, if its weakness could be shown …

… … …

In short, I feel he has that quality which would benefit most from a period at Oxford. I have written many of these testimonials for the Selection Committee, but this is the first time that I can write for a candidate who has that intellectual flair of which great things can be predicted.

Because of the war, he deferred taking up his scholarship until 1945, and in the meantime saw service in the Royal Australian Navy, working in naval intelligence. He then went up to Oriel College, Oxford and read for the BCL. In 1947, he was awarded the Vinerian Prize—the Olympic gold medal of legal scholarship, awarded to the top BCL student of his year—and was appointed a fellow of the college. He would later be awarded the exceptionally rare honour of DCL, Doctor of Civil Law.

In 1950, at the unheard-of age of only 31, he was appointed Professor of Public Law and Dean of Melbourne Law School at his alma mater, the University of Melbourne. He held that post for the next 16 years, combining the development of one of Australia’s best law schools with significant contributions to legal scholarship. His magnum opus, *Federal Jurisdiction in Australia*, belongs to those years. He also collected and published a series of essays which he had written when at Oxford in collaboration with his friend Peter Carter. Cowen and Carter’s *Essays on the Law of Evidence* was still authoritative 30 years later, when I did my BCL. His long biographical essay on Sir John Latham, which remains the only significant biographical study of that insufficiently appreciated Australian, and his authoritative biography of Sir Isaac Isaacs, our first Australian born Governor-General and something of a hero for Sir Zelman, also belong to that period.

He was a frequent participant in public discussion, as a champion of worthy causes. He opposed the 1951 referendum to ban the Communist Party because of its potential impact on political freedom. He was active in support of the 1967 referendum on the recognition of Indigenous Australians. He campaigned against the death penalty. He became well known to the broader public, beyond the university, as a broadcaster—then a rare occupation for a professor. His judicious commentary on current affairs in a radio program called ‘Notes on the News’ began in the 1950s and ran regularly on ABC Radio for many years.

In 1969, when he delivered the Boyer Lectures, he took as his topic ‘The Private Man’, one of the earliest Australian contributions to what is now sometimes called privacy studies. At various times during this period, he was a visiting professor at the Harvard Law School, at the University of Chicago, which offered him a permanent chair, and at several universities in the British Commonwealth. He was consulted on, and was the principal draftsman of, the constitutions of several of the newly independent British colonies. In 1966, Zelman Cowen became the Vice-Chancellor of the University of New England in Armidale. Then, in 1970, he was appointed as Vice-Chancellor of the University of Queensland. It was there that I first came to know him. His vice-chancellorship coincided with a very difficult period for the university. Sir Zelman found himself standing between a belligerent student protest movement, at
the height of the Vietnam War, and a state government led by a Premier who had little interest in universities and little sympathy for freedom of speech. Relations between the Vice-Chancellor and the then Mr Bjelke-Petersen were, to say the least, difficult. It is a credit to Sir Zelman Cowen's leadership that he was able to prevent the student protests from becoming violent, as they did in some other Australian universities.

The climax of that tension occurred on 30 July 1971 when, at some personal risk, Sir Zelman addressed a crowd of some 5,000 student protesters in the Great Court. Standing beneath the great lapidary inscription which proclaimed, in Disraeli's words, the university to be 'a place of light, of liberty and of learning', he was able to win their confidence and calm their anger. He would later describe it as the speech of his life. It was a classic instance of the triumph of reason over passion, of moderation over belligerence. I have no doubt that one of the main reasons Sir Zelman prevailed that day is that the students knew that he respected their right to protest, so long as that protest remained peaceful, and that he would defend both their freedom of expression and the independence of the university. They trusted his good faith and they were won by his integrity and his appeal to their better instincts. He is remembered to this day as one of the University of Queensland's greatest ever vice-chancellors, during which it grew into the first rank of Australia's universities—a position which it maintains to this day.

So when, in 1977, the government of Prime Minister Malcolm Fraser was looking for the best person to succeed Sir John Kerr as Governor-General, Zelman Cowen was a perfect choice. He was respected and trusted by both sides of politics. He had never been a political partisan, though he left no-one in any doubt that he was a humane and enlightened liberal, in the classical and best sense of that word. Don Markwell described the liberal values of which Sir Zelman Cowen was a beacon in these words:

... individual liberty under law, including the rights to privacy and to free speech in a civil and tolerant society; the rule of reason, with a preference for moderation, collegial leadership and consensus-building, and even-tempered public and private discourse, with disagreement without rancour; uncompromising and scrupulous integrity; and education—in a college, a law school, or the wider university—that both broadens and sharpens the mind.

Sir Zelman spoke of democracy as depending upon 'a fragile consensus', and it was that fragile consensus he sought to restore, in particular by reaching out to the Labor Party, which had yet to come to terms with the resolution of the 1975 crisis and seemed almost estranged from the constitutional polity—certainly, from the office of Governor-General.

Another of Sir Zelman's many protege, Steven Skala, who also delivered a eulogy at his state funeral, caught the quality which Sir Zelman brought to the office of Governor-General—as to every other phase of his glittering career—in these words:

To understand how—he—achieved this, we should remember his authenticity. He was an exemplar of decency, unfailing courtesy, generosity, openness to reason, grace and constancy. He afforded everyone their dignity.

His life's work, in public and in private, reflected the deepest concern for the dignity of every person.

When Sir Zelman left the office of Governor-General in 1982, the strong emotions of 1975 were, if not forgotten, nevertheless a thing of memory. The emollient style of Sir Zelman was, I believe, one of the principal reasons why that was so.
Retirement from the office of Governor-General did not see the end to Sir Zelman Cowen's career. He returned to his other alma mater, Oriel College, which appointed him as its provost. His provostship coincided with my own time in Oxford and I renewed my acquaintance with him. He was, as ever, a liberalising influence and a force for good. Oriel was, at the time, the last Oxford college to refuse to admit women; under Sir Zelman's influence, it became co-ed. Such was the respect in which he was held in the United Kingdom that he was much sought after for high appointments. It was during those years that he served as chairman of the British Press Council.

But Australia was always his home, and it was to Melbourne that he and Lady Anna returned for good in 1990. He renewed his active involvement in Australian public life in a variety of ways. He served, for several years, as the chairman of Fairfax newspapers. He was instrumental in the establishment of the law schools at both Griffith University and the Victorian University of Technology. Although he had not always held that view, he became convinced that it was time for Australia to become a republic, and advocated that cause in the 1999 referendum. He continued to be a mentor to talented young Australians. In particular, Joshua Frydenberg, now the member for Kooyong, became a particular protege and close friend, and Sir Zelman discreetly encouraged him in his political career.

We remember Sir Zelman Cowen with affection and gratitude. He was both a good and a great man—qualities often not combined within the same person. He excelled in everything he did. He occupied his variety of very high offices with distinction and grace. He saw us through one of the most difficult times in our nation's story. He was generous, temperate, moderate, liberal and wise. There have been few greater Australians than he.

The opposition supports the condolence motion moved by the Leader of the Government in the Senate and extends its sympathies to Lady Anna Cowen and the family of Sir Zelman Cowen.

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (15:52): On behalf of the Australian Greens I also support this condolence motion and extend our sympathies to Lady Anna and the family of this great Australian, the 19th Governor-General of our great country from 1977 to 1982.

I did but meet Sir Zelman in passing in Melbourne with Lady Anna, but for much of my life I have looked for role models and admirable people. One could not go past this great Australian as a person who, without creating division, contributed greatly to the intellectual and social commentary and development of Australia. He will, as the previous speakers have said so well, be marked down as one of the most remarkable, humane, liberal and generous thinkers and contributors to Australian society in recorded history. We have lost a wonderful Australian who will go down in the annals of this nation's history as someone to whom we can look as an exemplar of what it is to be a contributing human being in a world and a country which have their troubles but which nevertheless look for stability, intellectual rigour and—I mean this in the full sense of the word—a moral authority that gives us centring as we each undertake to contribute to public life. Vale Sir Zelman Cowen, a great Australian.

**Senator PARRY** (Tasmania—Deputy President of the Senate and Chairman of Committees) (15:54): Lady Cowen has written to me and asked me to pass on some comments to the Senate. I do so because as Acting President representing the Senate at the funeral of Sir Zelman Cowen I wrote on
behalf of all senators to the family. I will read Lady Cowen's response to fulfil her wishes:

Dear Senator Parry

Since we lost him, our family has taken great comfort in the many expressions of sympathy we have received. We are moved to learn how many lives he touched and how widely he was loved and appreciated. We will miss him terribly. Thank you for your kind thoughts. Please convey my thanks to all the members of the Senate.

It was signed by Lady Anna Cowen.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (15:55): Sir Zelman Cowen passed away on 8 December last year, aged 92. December 8 was a significant date, being the 34th anniversary of his swearing-in as the 19th Governor-General of Australia in 1977. Sir Zelman Cowen, who was once famously quoted as saying his achievements were simply down to luck, was humble and understated throughout his life. He left a legacy of which his family can be justifiably proud and a nation grateful.

When Sir John Kerr's turbulent period of office as Governor-General ended with his early resignation in 1977, the Prime Minister, Malcolm Fraser, offered Cowen the post. He served 4½ years as Governor-General, from December 1977 to July 1982, and was instrumental in reuniting the country and our political institutions with his poise and his intellectual command of all things constitutional and through the respect he received from all Australians. Malcolm Fraser said of Sir Zelman that he 'restored Australia's faith in the office of Governor-General'.

Sir Zelman Cowen was born in Melbourne on 7 October 1919. During the Second World War he served with the Royal Australian Navy. As a Territorian I should recognise that he was stationed in Darwin during its bombing in February 1942. After the war he went on to become a distinguished constitutional lawyer, academic, Oxford Rhodes scholar and respected leader of the Australian Jewish community. Later in life, Sir Zelman became dean of law at the University of Melbourne and later Vice-Chancellor of the University of New England and then the University of Queensland. Sir Zelman Cowen's contribution to the law was not limited to Australia. He was regarded as one of the leading constitutional lawyers in the English-speaking world, an achievement highlighted by the number of colleagues who travelled from England and many other parts of the world to attend his state funeral in Melbourne.

Some beneficiaries of Sir Zelman Cowen's expertise and presence were the British Colonial Office, where he advised on constitutional matters to the governments of Ghana and Hong Kong and provided a wide range of advice on the formation of constitutions across a number of emerging nations. Sir Zelman was also a frequent visiting professor at American universities, including the University of Chicago, the University of Illinois and the University of Washington. Sir Zelman was also a member of the board of Fairfax, including a period as chairman.

As a Victorian, he was passionate about Aussie rules football and served as patron of St Kilda Football Club. In an honour the true magnitude of which can perhaps only be fully understood by fellow Victorians, after his death St Kilda placed a notice which said simply, 'Farewell, St Zelman'. On a personal and family note, Sir Zelman was married to his wife, Lady Anna, for 66 years. He had four children—Shimon, Yousef, Kate and Ben—and 16 grandchildren and was, at the time of his death, the proud great-grandfather of six—a family that can trace their heritage
back to a truly great Australian. Vale Sir Zelman

Question agreed to, honourable senators standing in their places.

MOTIONS

Queen Elizabeth II: Diamond Jubilee

The PRESIDENT (15:59): I inform the Senate that 6 February 2012 marked the diamond jubilee anniversary of Her Majesty Queen Elizabeth II.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (15:59): by leave—I move:

That the following address to Her Majesty Queen Elizabeth the Second be agreed to:

YOUR MAJESTY:

We, the President and Members of the Senate of the Commonwealth of Australia, in Parliament assembled, and on behalf of the people of Australia, offer our warm congratulations on the occasion of the Diamond Jubilee of Your Majesty's accession to the Throne. We express our respect and regard for the dedication Your Majesty has displayed in the service of the Commonwealth and Your Majesty's deep and abiding commitment to Australia and her people.

Today we acknowledge a remarkable achievement: the diamond jubilee of the reign of Her Majesty Queen Elizabeth II. It is a contrast today, having acknowledged the death of one of her most distinguished representatives in this country, that we celebrate her remarkable period as Queen. It is not often that the Senate pauses to officially mark such regal occasions, but it is equally rare that as a nation we have the opportunity to celebrate six decades of continuous service by our monarch. I am sure all senators will join me in expressing our congratulations to Her Majesty and in extending our warmest regards on the occasion of the 60th anniversary of her accession to the throne. It is also of note that we are joined by the community of nations we know today as the Commonwealth as we pay tribute to Her Majesty for the dedication with which she has served.

On 31 December 1900, the six colonies of the continent of Australia were united by one special bond: the crown of Queen Victoria. One day later, on 1 January 1901, a new united Australian nation reaffirmed its special bond to the Crown. Since that much celebrated founding of our Federation 111 years ago, a total of six monarchs have served as our head of state. I think it is fair to say that no monarch in Australia's history has been held in such deep affection as Queen Elizabeth II.

That affection was clearly displayed last year when Her Majesty visited Canberra, Brisbane, Melbourne and, of course, Perth for the Commonwealth heads of government meeting. It was her 16th visit to Australia, but as always the crowds turned out. On a personal note, my mother-in-law was very excited when I took her to the reception in Perth. It was the best thing her son-in-law had ever done as far as she was concerned. She does not always have a good word for me, but on this occasion she did! A sign of the welcome that Australians gave the Queen was that all of the events she attended were so well attended and that so many Australians were keen to meet her.

During those visits to our nation, Australians have watched Her Majesty as she has grown from a young, shy sovereign to a woman of wisdom, elegance, grace and compassion who has served with unwavering dedication. During Her Majesty's reign, Australia too has grown and matured into a modern, dynamic and sophisticated nation. Her Majesty has been with us in person for some of those moments that have defined us as a nation. The Queen opened the Opera

She was the first reigning monarch to visit this land and she has seen it go from strength to strength. In this, her diamond jubilee year, it is important for us to reflect on how both Her Majesty and our nation have grown together, maturing with wisdom and understanding but not defying change. We have become a nation which welcomes people from all over the world, a nation which has embraced diversity and celebrates multiculturalism, a nation which takes pride in its enviable tradition of parliamentary democracy and a nation mature enough to debate a constitutional future of our own and the future of monarchy itself.

Whatever the future may be, Australians regard Her Majesty with enormous respect and affection. It is with great fondness that we mark her diamond jubilee, a celebration which all Australians can participate in. Australians will all have the opportunity to participate in those celebrations. In October of last year the Prime Minister joined with British Prime Minister David Cameron to announce the establishment of the Queen's diamond jubilee trust. The trust will support charitable organisations and projects across the entire Commonwealth. The Prime Minister will announce today that Australia will contribute up to $5 million to the trust, which will provide a lasting legacy of the Queen's reign, a fitting tribute for a woman whose commitment to service has been unwavering.

I encourage all Australians to take the time to reflect on all we have achieved during the reign of Queen Elizabeth. On behalf of the government, I extend to Her Majesty our most sincere congratulations for her celebrated reign of 60 years. I am sure the Senate will join with me in offering our best wishes for her diamond jubilee year.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (16:04): Those who have sung and prayed 'God save the Queen' over the decades have had their supplications richly answered and rewarded, for yesterday marked the 60th anniversary of the unexpected accession of a quietly spoken young lady—indeed, a princess—to the throne. The untimely death of King George VI saw Princess Elizabeth become Queen Elizabeth II.

Imagine a world without Prime Minister Gillard or, for that matter, Leader of the Opposition Abbott, a world with no computers or iPhones, indeed a world into which most of us have not yet been born. Imagine the world in the year when the ANZUS Treaty came into being, Qantas Empire Airways commenced their first service between Australia and South Africa, Joan Sutherland debuted at Covent Garden and Lang Hancock discovered the world's largest iron ore deposit in the Hamersley Range. That is the world in which Her Majesty became our Queen.

During the ensuing 60 years, the world has seen immense change—inmense social change, immense technological change and immense political change, including the collapse of communism. In our own country we have seen 12 Australian prime ministers come and go, and one wonders how many more may come and go during the Queen's reign. Fourteen governors-general have come and gone and so have even more leaders of the opposition. Through all this change Australia and the Commonwealth of Nations have been blessed with one constant, one certainty, one source of stability: Her Majesty the Queen. I cannot help but recall that at Balmoral some 18 years ago a former prime minister told Her Majesty that most
Australians regarded the monarchy as an 'anachronism' which had 'drifted into obsolescence'. Eighteen years on, that prime minister has long departed the political stage himself, drifting into obsolescence, while the Queen is still standing—and standing exceptionally strongly.

Queen Victoria is the only other monarch to have celebrated a diamond jubilee. This is therefore the first diamond jubilee in the history of Australia as a nation. As a nation we are 111 years old. Our Queen has been our Queen for well over half of our life as a nation, and she has served us with distinction, style and genuine concern. I detect that, while support for our monarchy may have waned for a time some decade or so ago, the enduring symbolism and value of our monarchy and monarch are resonating yet again, especially with the young. There is a clear resurgence of support for the institution of the monarchy. A part of that resurgence is undoubtedly because people do seek anchors and constancy in institutions, especially in an era of an ever rapid increase in the pace of change. I also venture that Her Majesty has been the main cause of the resurgence. Sixteen visits from 1954 onwards have clearly helped.

Her Majesty is clearly a standout exemplar of the benefits of a constitutional monarchy. Having had the privilege of meeting her on a number of occasions, I have witnessed firsthand her genuineness, her graciousness and her sense of service. Whilst huge privilege attaches to our monarch, so too does the countervailing obligation which Her Majesty performs with such a strong sense of service to community.

I recall Her Majesty's visit to a work for the dole project in my home state. One participant, overawed by the occasion, did very well to try to make himself inconspicuous—but not well enough for Her Majesty not to notice. With a beaming smile, she deliberately sought the participant out and spoke with him. He was touched by our Queen's sensitivity. That work for the dole participant is just one of thousands of Australian lives that our Queen has personally touched. Her Majesty's support for charities and communities all around the world, including here in Australia—in a non-political, unifying manner—has done much good for our people and the peoples of the world. On taking the oath of office, the Queen swore to, among other things, serve her people—and she has done so impeccably. No other person in living memory has been held with such high regard for such a period of time, according to David Murray. I agree.

Apart from domestic obligations, Her Majesty is an international Queen, a genuine world leader and an international figurehead held in high esteem for many decades now—a reputation that no other world leader can boast. This well deserved reputation and respect that Her Majesty enjoys is not a result of slavishly following a blueprint. As Prince William has said: 'I think she's carved her own way completely. She's not had a blueprint.' This makes Her Majesty's achievements all the more remarkable.

In recognising our monarch's achievements, it would be remiss not to acknowledge the wonderful role and support of His Royal Highness Prince Philip, who brings an earthiness and a great sense of humour to our monarchy. His longevity is of course a cause for celebration as well.

The occasion of Her Majesty's diamond jubilee is a good, a right and a proper time for us to give thanks for our constitutional arrangements and the wonderful current holder of the office to celebrate her longevity, both personal and as monarch. It is also an opportunity to reflect on the benefits of our monarchy as part of our constitutional
arrangements. Our monarchy and its heritage has provided stability, certainty and numerous advantages. One such advantage is that the monarchy's tenure reposes outside of the political cycle. It is a monarchy whose role is above the cut and thrust of daily partisan politics, a monarchy which acts as a unifying focus in times of national trouble and indeed international strife, a monarchy that is genuinely independent and a monarchy that is genuinely supportive of our community.

The strength of our constitutional arrangements is found in their longevity, having been tested over time, and in their gradual forging over the centuries. The monarchy is an integral and central part of those arrangements. Her Majesty has lived up to the obligations put upon her some 60 years ago in a manner for which all Australians—and indeed all members of the Commonwealth of Nations—should be thankful.

As we congratulate Her Majesty and celebrate and give thanks for our Queen's long and successful reign of service, we do well to recall the second verse of God Save the Queen, which is the coalition's prayer for Her Majesty:

*Thy choicest gifts in store,*  
*On her be pleased to pour;*  
*Long may she reign: May she defend our laws,*  
*And ever give us cause To sing with heart and voice*  
*God save the Queen*

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (16:14): I give the concurrence and support of the Greens to this motion recognising such a noble and dignified lady and globally known personage as Her Majesty the Queen, whose 60th year of accession to the throne was noted yesterday. I think I might be one of the few people in this parliament who remembers the death of King George VI.

**Senator Boswell:** I remember, I was there.

**Senator BOB BROWN:** Yes, Senator Boswell. I said one of the few. I join you. I do not see too many other hands raised. I remember well the news coming through of the death of the king and the enormous sympathy for the burden that came upon the young then Princess Elizabeth and Prince Philip as they made their way back to Britain. Within a couple of years they went on to fulfil the engagement that was aborted by the death of the king and that was their trip here to Australia.

I remark on the extraordinary reception in this parliament last year when Her Majesty showed extraordinary resilience in an event that put huge pressure on her and the prince. That is something we must think about should they visit our shores again. They are an aged couple of very gentle people who I think should not be subject to hours of presentations from people wanting photographs and a moment of their time when they should be given much more time to relax after extraordinary lifetimes of service to their communities.

That said, I also am a republican, as Sir Zelman Cowen became during his lifetime. I have changed from being a monarchist to a republican. I do believe this great nation has many Australians who have the qualities and the wherewithal to be our head of state. Her Majesty is the Queen of the United Kingdom and she is only the Queen of Australia when she is here, which has become a very, very rare occurrence. I think there must be days, weeks and maybe months that pass where her mind rarely, if ever, devolves upon the affairs of Australia and the people of Australia and the events that are unfolding in this country.
It is time that we matured—as Jamaica is doing at the moment, as the latest in a long stream of countries inevitably moving towards appointing their own head of state—to something similar to Ireland. We should have a head of state who comes from the extraordinary wealth of human talent within our own ranks. I think I have a strong component of romanticism within my own soul, but the practicalities and my fealty to this country and to the people of this country say that when we do move to become a republic—it is an inevitability—it will be a great day of maturation for us as a people. That said, I congratulate Her Majesty and Prince Philip for a long life of service. I wish them well in the years that they are granted yet to live.

Question agreed to.

PETITIONS

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

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

The petition of the undersigned Australian people shows and acknowledges:

- That the Australian Greens are under the allegiance of the Global Greens and recognize them as a foreign power.
- That the Australian Greens allegiance, obedience or adherence to that of a foreign power, the Global Greens, has permitted such a foreign power be it by accident or that of design, to unconstitutionally hijack our Parliament, our Constitution and to a degree the Sovereignty of our nation due to their allegiances established through contracts and agreements between the aforementioned parties.
- We the undersigned do respectfully ask the Senate to acknowledge and bear witness to this petition and to debate the above in light of "The Australian Constitution Part IV Section 44 & 45" and in consideration of such refuse the Carbon Tax, clean energy legislation.

by Senator Cash (from 1 citizen) and Senator Humphries (from 3 citizens).

NOTICES

Presentation

Senator Abetz to move:

That when the Education, Employment and Workplace Relations Legislation Committee meets in February 2012 to consider additional estimates in relation to Fair Work Australia, Mr Tim Lee appear before the committee to answer questions relating to his previous work as General Manager at Fair Work Australia.

Senator Bob Brown to move:

That the Senate congratulates the House of Representatives in the United States of America (US) for passing, on 13 December 2011, the following resolution (376) relating to the repatriation of South Korean prisoners of war still alive in North Korea:

(a) recognizes that there are South Korean prisoners of war (POWs) and civilian abductees from the Korean War who are still alive in North Korea and want to be repatriated;
(b) takes note of the U.S. – North Korean agreement of October 20, 2011, on resuming operations to search for and recover remains of American POW/MIAs and calls upon the United States Government to continue to explore the possibility that there could be American POW/MIAs still alive inside North Korea;
(c) recommends that the United States and South Korean Governments jointly investigate reports of sightings of American POW/MIAs;
(d) encourages North Korea to repatriate any American and South Korean POWs to their
home countries to reunite with their families under the International Humanitarian Law set forth in the Geneva Convention relative to the treatment of Prisoners of War;

(e) calls upon North Korea to admit to the abduction of more than 100,000 South Korean civilians and reveal the status of the abductees; and

(f) calls upon North Korea to agree to the family reunions and immediate repatriation of the abductees under the International Humanitarian Law set forth in the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

**Senators Ronaldson** and **Scullion** to move:

That the Senate—

(a) commemorates the 70th anniversary of the fall of Singapore on 15 February 1942;

(b) remembers the bombing of Darwin on 19 February 1942; and

(c) in commemorating these events of national significance, pays tribute to the thousands of Australian men and women who were taken prisoner of war following Singapore's fall, the 251 civilian and military personnel killed in the bombing raid on Darwin, and the many thousands more who served in the defence of Australia following the first ever enemy attack on our homeland on 19 February 1942.

**Senator Cormann** to move:

(1) That the Senate:

(a) notes the Government has not complied with:

(i) the order of the Senate, made on 1 November 2011, ordering the production of information relating to the cost of measures attached to the mining tax over the current forward estimates, and

(ii) a number of other outstanding orders in relation to mining tax revenue estimates and related assumptions;

(b) notes the Government has not taken any action to meet its commitment to have the Information Commissioner arbitrate on any

Government refusal to release information sought by the Senate; and

(c) affirms the importance of receiving the information about mining tax revenue assumptions and the costings of all the related measures promptly to facilitate proper scrutiny by the Senate of the proposed mining tax and all the related measures.

(2) That the orders of the day for the following bills may not be called on until the orders of the Senate have been complied with and the Senate has passed a resolution agreeing that the bills may be listed for debate:

Minerals Resource Rent Tax Bill 2011


Minerals Resource Rent Tax (Imposition—Customs) Bill 2011

Minerals Resource Rent Tax (Imposition—Excise) Bill 2011

Minerals Resource Rent Tax (Imposition—General) Bill 2011

Petroleum Resource Rent Tax Assessment Amendment Bill 2011

Petroleum Resource Rent Tax (Imposition—Customs) Bill 2011

Petroleum Resource Rent Tax (Imposition—Excise) Bill 2011

Petroleum Resource Rent Tax (Imposition—General) Bill 2011

Superannuation Guarantee (Administration) Amendment Bill 2011

Tax Laws Amendment (Stronger, Fairer, Simpler and Other Measures) Bill 2011.

**Senators Madigan** and **Xenophon** to move:

That the Senate—

(a) notes that on 23 June 2011 the Community Affairs References Committee tabled its final report, *Social and economic impact of rural wind farms* containing seven recommendations, including recommendations calling for studies on the effects of wind farms on human health; and
(b) calls on the Government to:
   (i) immediately act on the committee's recommendations in the report,
   (ii) support a moratorium on the construction of further wind turbines until the recommendations have been satisfactorily addressed, and
   (iii) cease financial support of new wind turbines until the recommendations have been satisfactorily addressed.

Senator Furner to move:
That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 28 February 2012, from 5.30 pm, to take evidence for the committee's inquiry into the review of Defence annual report 2010-11.

Senator Milne to move:
That the Senate—
   (a) notes:
      (i) the failure of the Government to adopt the recommendations of the Economics References Committee, which were supported by members of four political parties and Senator Xenophon, for reinstating specific legislative provisions on price discrimination, tightening legislation to inhibit firms achieving market power through takeovers and calling on the Australian Competition and Consumer Commission (ACCC) to conduct further study into the increasing shares of the grocery market being taken by the generic products of the major supermarket chains,
      (ii) the Government's refusal to contemplate improvements to the current competition laws on the basis that these laws have not been adequately tested in the courts,
      (iii) that Coles has announced large cuts in the prices of some fruit and vegetables, and
      (iv) that bodies such as Ausveg, the National Farmers' Federation, the Tasmanian Farmers and Graziers Association and the Council of Small Business of Australia have expressed concern about the impact on farmers and small retailers if these price cuts are sustained; and
   (b) calls on the Government to:
      (i) direct the Productivity Commission to report on the effectiveness of competition policy in the grocery retailing sector,
      (ii) direct the ACCC to update its 2008 report on competition in the grocery industry, with particular reference to the market power of the two largest retail chains, the impact of their increasing use of generic product lines and the impact of large cuts in the price of specific food items on the viability of Australian farmers,
      (iii) direct the ACCC to examine and report on the extent to which the cuts in fruit and vegetable prices initiated by Coles in early 2012 are affecting the prices of other goods sold by the major supermarket chains, their profits, the prices they pay their suppliers and the farmgate prices received by Australian farmers, and
      (iv) ensure that the ACCC is encouraged and adequately funded to bring matters before the courts that would lead to the current competition laws being adequately tested.

Senator Polley to move:
That the Finance and Public Administration Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 9 February 2012, from 10 am.

Senator Singh to move:
That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 29 February 2012, from 10.30 am to noon.

Senator Bishop to move:
That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate, from 11 am to 1 pm, on Wednesday, 29 February, Wednesday, 14 March and Wednesday, 21 March 2012.

Senator Siewert to move:
That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 9 February 2012, to take evidence for the
committee's inquiry into Commonwealth contribution to former forced adoption policies.

Senator Hanson-Young to move:
That the following bill be introduced: A Bill for an Act to amend the Migration Act 1958 to remove mandatory minimum penalties for certain offences, and for related purposes. Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012.

Senator Heffernan to move:
That the Rural Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 9 February 2012, from 4.30 pm to take evidence for the committee's inquiry into the examination of the Foreign Investment Review Board national interest test.

Senator Mason to move:
That the Senate—
(a) notes the passing and recognises the inspirational life and achievements of Vaclav Havel, the dissident playwright and first post-communist President of Czechoslovakia, who:
(i) as Warsaw Pact tanks invaded Czechoslovakia in August 1968, improvised resistance by setting up a clandestine radio station and distributing leaflets,
(ii) resisted the corruption of communist rule with plays and essays dedicated to human dignity and independence,
(iii) co-authored the human rights charter, called Charter 77, which brought him international recognition as the leader of opposition in Czechoslovakia,
(iv) endured years of persecution and imprisonment,
(v) in writings, for which he was jailed, warned communist leaders that by attempting to stifle the human urge for freedom, they were dooming their own system,
(vi) led his nation through the bloodless Velvet Revolution that toppled the brutal Soviet-backed communist regime in the then Czechoslovakia,
(vii) was elected President of his country on 29 December 1989, the day after Alexander Dubcek was elected speaker of its federal parliament,
(viii) presided over his country's transition to a free economy, steered his country into the North Atlantic Treaty Organization and prepared the way for its entry into the European Union,
(ix) guided his nation through the slow and difficult process of recovery from the spiritual damage caused by four decades of communist totalitarian rule,
(x) received the United States Presidential Medal of Freedom, the Philadelphia Liberty Medal, the Order of Canada, the Freedom Medal of the Four Freedoms Award, the Ambassador of Conscience Award and many other distinctions,
(xi) was a founding signatory of the Prague Declaration on European Conscience and Communism that proposed the establishment of the European Day of Remembrance for Victims of Stalinism and Nazism, and
(xii) advocated collective action to end ethnic cleansing in Bosnia and Kosovo and supported democratic activists in Cuba, Zimbabwe, China, Burma and elsewhere; and
(b) conveys its condolences to the people of the Czech Republic.

Senator Birmingham to move:
That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 27 February 2012, from 10 am to 12.30 pm.

Senator Boyce to move:
That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 11.30 am to 12.30 pm, on Thursday, 9 February, Thursday, 1 March, Thursday, 15 March and Thursday, 22 March 2012.

Senators Bernardi, Birmingham, Edwards, Fawcett, Fisher and Cash to move:
That the Senate—
(a) notes:
(i) February is Ovarian Cancer Awareness Month, a month to both raise awareness of gynaecological cancer as well as ensure all women know the symptoms of this silent killer,

(ii) Ovarian Cancer Australia invites the community to raise important funds for support programs and resources for women affected by this cancer and for a national program for ovarian cancer,

(iii) 2012 Teal Ribbon Day is 29 February 2012, a day when all Australians are encouraged to wear a teal ribbon to support Ovarian Cancer Australia's research programs, and

(iv) on Valentine's Day, Ovarian Cancer Australia encourages Australian women to KISS (Know the Important Signs and Symptoms of ovarian cancer), recognising the important symptoms of this cancer helps in early detection, which is critical as all too often this disease is only detected in its advanced stages;

(b) recognises:

(i) more than 1 200 women will be diagnosed with ovarian cancer in 2012, three women every day,

(ii) approximately 800 Australian women will lose their battle with this disease in 2012, one woman every 11 hours, and

(iii) that early detection of ovarian cancer is critical as 70 per cent of ovarian cancers are advanced at the time of diagnosis and are difficult to treat at this stage; there is no detection test for this disease, and pap smears do not detect it;

(c) commends the work of the late Senator Jeannie Ferris, whose courageous and tenacious work to raise awareness of ovarian cancer, as well as cervical and other gynaecological cancers, was also a deeply personal cause:

(i) after being diagnosed with the disease in October 2005, Senator Ferris was instrumental in launching a parliamentary inquiry into gynaecological cancers,

(ii) this inquiry culminated in the 2006 report, Breaking the silence: a national voice for gynaecological cancers,

(iii) the findings of the report received unanimous support for increased awareness of, and resources for, gynaecological cancers across both major parties,

(iv) as a result of the report the then Minister for Health and Ageing, Mr Tony Abbott, and the Howard Government also agreed to provide a federal government grant of $1 million for the establishment of a National Centre for Gynaecological Cancers in 2007, and

(v) although Senator Ferris succumbed to her illness in April 2007, her significant legacy was celebrated, and continues to be remembered, by her family, friends, colleagues, the medical community and others who are touched by ovarian, cervical and other gynaecological cancers; and

(d) notes that today the Jeannie Ferris, Cancer Australia Churchill Fellowship in Gynaecological Cancers is an annual fellowship aimed at reducing the effect of gynaecological cancers on those who are touched by it, whether they be a health professional, a sufferer themselves, a family member or carer.

Senator Xenophon to move—

(1) That the following matter be referred to the Community Affairs References Committee for inquiry and report by 31 May 2012:

The role of the Government and the Therapeutic Goods Administration (TGA) regarding the approval and monitoring of medical devices listed on the Australian Register of Therapeutic Goods, including:

(a) the TGA's approval, monitoring, withdrawal and follow-up of the Poly Implant Prothese (PIP) breast implants;

(b) the procedures the TGA has in place to continuously monitor relevant information in relation to device manufacturers and sponsors, including the legal or approval issues both in Australia and overseas;

(c) information provided to the Government in relation to the PIP breast implants;

(d) the impact of PIP breast implant failures on Australian patients;

(e) the procedures the TGA has in place to assess the risk to Australian patients if devices available in Australia are the subject of warnings or withdrawals overseas;
(f) the procedures the TGA has in place to communicate device information (including withdrawal information) to the general public, with a focus on affected patients; and

(g) the ability of the TGA to undertake or commission research in relation to specific areas of concern regarding devices, such as metal-on-metal implants.

(2) That, in conducting its inquiry, the committee should consider:

(a) the report and findings of the 2011 Community Affairs References Committee inquiry into medical devices; and

(b) any action the Government and TGA has taken or intends to take in relation to the 2011 report and recommendations.

Senator Evans to move:

(1) That standing order 25(1) be amended as follows:

Omit "Environment, Communications and the Arts"
Substitute "Environment and Communications".

(2) That departments and agencies be allocated to legislative and general purpose standing committees as follows:

Community Affairs
Families, Housing, Community Services and Indigenous Affairs
Health and Ageing
Human Services
Economics
Industry and Innovation
Resources, Energy and Tourism
Tertiary Education, Skills, Science and Research
Treasury
Education, Employment and Workplace Relations

Senator Moore to move:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Social Security Legislation Amendment Bill 2011 and the Stronger Futures in the Northern Territory Bill 2011 and a related bill be extended to 13 March 2012.

Senator Moore to move:

That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 1 March 2012, to take evidence for the committee's inquiry into the provisions of the Social Security Legislation Amendment Bill 2011 and the Stronger Futures in the Northern Territory Bill 2011 and a related bill.

Senator Hanson-Young to move:

That the Marriage Equality Amendment Bill 2010 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 25 May 2012.
give notice of my intention at the discovery of formal business on the next day of sitting to withdraw business of the Senate notice of motion No. 1 standing in my name proposing that the Health Insurance (Allied Health Services) Amendment Determination 2011 (No. 2) made under subsection 3C(1) of the Health Insurance Act 1973 be disallowed.

BUSINESS
Consideration of Legislation
Senator ARBIB (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (16:19):
I move:
That general business order of the day No. 51, Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011, be considered on Thursday 9 February 2012 under the temporary order relating to the consideration of private senators' bills.
Question agreed to.

COMMITTEES
Public Accounts and Audit Committee
Meeting
Senator McEWEN (South Australia—Government Whip in the Senate) (16:20): by leave—I move on behalf of Senator Bishop:
That the Joint Committee of Public Accounts and Audit be authorised to hold a private briefing, followed by a public meeting, during the sitting of the Senate on Wednesday 8 February 2012 from 11 am to 1 pm.
Question agreed to.

BUSINESS
Leave of Absence
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (16:20): by leave—I move:
That leave of absence be granted to the following senators:
(a) Senator Adams from 7 February to 22 March 2012, for personal reasons;
(b) Senators Eggleston, Joyce and Nash from 7 February to 9 February 2012, for personal reasons; and
(c) Senator Back for 9 February 2012, for personal reasons.
Question agreed to.

COMMITTEES
Community Affairs Legislation Committee
Meeting
Senator McEWEN (South Australia—Government Whip in the Senate) (16:21): by leave—At the request of the Chair of the Community Affairs Legislation Committee, Senator Moore, I move:
That the Community Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 8 February 2012, from 11 am.
Question agreed to.

Electoral Matters Committee
Meeting
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:22): by leave—I move:
That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 8 February 2012, from 9.30 am to 11 am, to take evidence for the committee's inquiry into the Electoral and Referendum Amendment (Maintaining Address) Bill 2011.
Question agreed to.

NOTICES
Postponement
Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (16:22): by leave—I move:
That general business notice of motion no. 610 standing in his name for today, relating to the work of the Standing Committee of Privileges, be postponed till 22 March 2012.

Question agreed to.

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing a reference to the Standing Committee of Privileges, postponed till 22 March 2012.

General business notice of motion no. 27 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Food Standards Amendment (Truth in Labelling Laws) Bill 2010, postponed till 28 February 2012.

General business notice of motion no. 602 standing in the name of Senator Ludlam for today, proposing the introduction of the Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012, postponed till 27 February 2012.

General business notice of motion no. 606 standing in the name of Senator Madigan for today, proposing the introduction of the Fair Work Amendment (Arbitration) Bill 2012, postponed till 13 March 2012.

General business notice of motion no. 607 standing in the name of Senator Madigan for today, proposing the introduction of the Treaties (Parliamentary Approval) Bill 2012, postponed till 9 May 2012.

General business notice of motion no. 608 standing in the name of Senator Rhiannon for today, relating to the Bsafe program, postponed till 8 February 2012.

General business notice of motion no. 609 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, relating to the Tasmanian Forests Intergovernmental Agreement, postponed till 9 February 2012.

COMMITTEES

Cyber-Safety Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (16:23): At the request of Senator Bilyk, I move:

That the Joint Select Committee on Cyber Safety be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 8 February 2012, from 4 pm to 6 pm.

Question agreed to.

MOTIONS

Papua New Guinea

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (16:24): I move:

That the Senate—

(a) congratulates the Parliament of Papua New Guinea for passing, by an overwhelming majority, the constitutional amendment to create 22 reserved seats for women in its national parliament;

(b) recognises the leadership and hard work of the women of Papua New Guinea, who have been advocating for this reform for many years;

(c) acknowledges that the next step is enabling legislation that will create the 22 new reserved seats for each province; and

(d) looks forward to seeing the reforms finalised in time to allow women candidates to stand for these seats in the 2012 national election.

Question agreed to.

Middle East

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (16:24): I move:

That the Senate—

(a) notes the recent admission of Palestine as the 195th member of the United Nations Educational, Scientific and Cultural Organization [UNESCO]; and
calls on the Government to help facilitate, as best it can, the nomination from Palestine for a number of cultural sites, including the Church of the Nativity in Bethlehem, to be classified as a World Heritage site.

The DEPUTY PRESIDENT: The question is that the motion moved by Senator Bob Brown be agreed to.

The Senate divided. [16:29]

(The Deputy President—Senator Parry)

Ayes ....................... 10
Noes ....................... 36
Majority ................... 26

AYES

Brown, RJ
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

Di Natale, R
Ludlam, S
Rhiannon, L
Waters, LJ
Xenophon, N

NOES

Arbib, MV
Bilyk, CL
Boswell, RLD
Colbeck, R
Cormann, M
Edwards, S
Faulkner, J
Feeley, D
Furner, ML
Kroger, H (teller)
Macdonald, ID
Marshall, GM
McEwen, A
McLucas, J
Parry, S
Pratt, LC
Sinodinos, A
Thistlethwaite, M

Bernardi, C
Brown, CL
Collins, JMA
Crossin, P
Farrell, D
Fawcett, DJ
Fifield, MP
Gallacher, AM
Lundy, KA
Madigan, JJ
Mason, B
McKenzie, B
Moore, CM
Polley, H
Singh, LM
Sterle, G
Williams, JR

Question negatived.

Sovereign Wealth Fund

The DEPUTY PRESIDENT: The question is that the motion be agreed to.

[The Senate divided. [16:34]

(The Deputy President—Senator Parry)

Ayes ....................... 10
Noes ....................... 36
Majority ................... 26

AYES

Brown, RJ
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

Di Natale, R
Ludlam, S
Rhiannon, L
Waters, LJ
Xenophon, N

NOES

Arbib, MV
Bilyk, CL
Boswell, RLD
Colbeck, R
Cormann, M
Edwards, S
Faulkner, J
Feeley, D
Furner, ML
Kroger, H (teller)
Macdonald, ID
Marshall, GM
McEwen, A
McLucas, J
Parry, S
Pratt, LC
Sinodinos, A
Thistlethwaite, M

Bernardi, C
Brown, CL
Collins, JMA
Crossin, P
Farrell, D
Fawcett, DJ
Fifield, MP
Gallacher, AM
Lundy, KA
Madigan, JJ
Mason, B
McKenzie, B
Moore, CM
Polley, H
Singh, LM
Sterle, G
Williams, JR

Question negatived.

Gillard Government

The DEPUTY PRESIDENT: The following letter has been received from Senator Fifield:

...
Pursuant to standing order 75, I propose that the following matter of public importance be submitted to the Senate for discussion:

The Gillard Government's inability to focus on the core function of governing Australia

Is the proposal supported?

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

Senator CORMANN (Western Australia) (16:37): Labor members and senators are very divided. The Gillard Labor government is deeply dysfunctional and so obsessed with itself that it has forgotten what it is there for. They are there to provide good government for our nation. They are there to act in the public interest, to serve Australians, to respond to the challenges we face as a nation, and to lead the nation in maximising our opportunities.

Instead, all we have had over the summer break are senior ministers at each other's throats and putting the knife into each other's backs. We have had Mr Rudd stalking the Prime Minister. We have had Mr Crean insulting Mr Rudd. We have had Mr Dick Adams from Tasmania making the observation that the Prime Minister has a credibility problem. Let me quote exactly what he said. He said:

She has a bit of a credibility issue with some of the decisions that she's made.

That is a bit like saying that Senator Arbib and Mr Shorten were a bit involved in the killing of Mr Rudd, or that Michael Clarke plays a little bit of cricket. If ever there was an understatement that the Prime Minister has 'a bit of a credibility issue with some of the decisions that she's made', this is it. There has been such a plethora of self-obsessed, self-indulgent, self-centred commentary on the record and off the record from Labor members and senators on the other side that you wonder whether they have time left to think about what they are there for, which is of course to provide good government for our great nation.

I will just give you a couple of examples at random. This is what Mr Rudd's colleagues say about him. We have the comment from Mr Crean that he is not a team player, referring to him as a 'prima donna'. We have got the comment from a senior Victorian ALP figure:

Unfairly or not, Kevin killed the Labor brand.

We have got the comment from an unnamed senior Labor Party source from Western Australia:

Rudd destroyed our brand and boosted Colin Barnett all at the same time.

We have got the comment from a Labor figure in New South Wales—perhaps that was Senator Thistlethwaite, or maybe Senator Arbib. Who knows, because they were not prepared to put their name to it?

This is what was said:

Our big mistake when he was rolled was to not show the public what a truly odd person Kevin is. The guy is a bully. He has some skills but leading the team is not one of them.

I wonder, Senator Arbib, whether you will make a confession in this chamber here today and tell us whether you were the source of that particular quote in the Sydney Morning Herald. Here is another good one.

This might have been said by Senator Arbib, or was it Senator Thistlethwaite:

There are people that would rather chew their right arm off than go back to [Mr Rudd].

I see you smiling, Senator Arbib; it seems as if you recognise the authorship of that particular comment.

Senator Arbib: It's not me.

Senator CORMANN: Not to be outdone, there is a lot of vileness and poison and division targeted at the Prime Minister...
too. One factional boss who is loyal to Ms Gillard said yesterday:

... there has been quite a shift over summer ... she's in trouble.

Another quote from another unnamed source from New South Wales—again note, Senator Arbib—said:

'She needs a flawless three months,' the factional boss said of Ms Gillard.

How many factional bosses are there in New South Wales, I wonder, who would make a comment like that?

'She needs a flawless three months,' the factional boss said of Ms Gillard. 'Her danger zone is between Queensland and the budget.'

Senator Arbib, you should tell this chamber whether you have actually put the Prime Minister on notice.

The only obsession of this government that competes with the obsession that it has with itself is Labor's obsession with Mr Abbott and with tearing him down. We have seen in recent weeks the completely incredible turn of events where the Prime Minister's office initiated a rally against the Leader of the Opposition, which led to a security threat to the Prime Minister—an extraordinary turn of events. And to think that these are the jokers that are responsible for the good government of our great nation.

In recent days the Prime Minister has said that she wants to shift the debate onto the economy.

Senator Williams: Bring it on!

Senator CORMANN: We say on this side of the chamber, Senator Williams: bring it on! In recent days we have seen the Prime Minister and Mr Swan continuing to try to trade on the strong record of the Howard government, the strong economic and fiscal inheritance left behind by the Howard government, and of course the greatest Treasurer we have ever had, Mr Peter Costello. There is one reason and one reason only why the Australian economy and our fiscal position is in so much better shape than other parts of the world and that is because the coalition left a strong economy and a strong budget position behind back in 2007. This government inherited a budget position with about a $20 billion surplus, with $70 billion worth of net government assets. And what has this Labor government done with that over the last four years? It has given us $167 billion of accumulated deficits and it has turned a $70 billion net asset position into $133 billion net debt position. It was Prime Minister Howard and then Treasurer Costello who paid off $96 billion of Labor debt between 1996 and 2007. So when you have got Labor Party people out there bragging about how 'our net debt position' and 'our deficit position' are not as bad as they are in other parts of the world, they should remember that it was not Labor which did the hard yards there; it was the Howard-Costello coalition government.

What has this government been doing over the last four years? Over the last four years the Labor government here in Canberra has done exactly the same as what governments in parts of Europe have been doing for the last 30 or 40 years—that is, tax too much, spend too much, impose too much red tape and so it goes on. If we continue to go down the path that has been set by this Labor government, we will end up in the same disastrous position that Europe has ended up in. If we continue to go down the path that Labor has set for this nation—higher taxes, wasteful spending and excessive red tape—that is exactly where we will end up. That is, of course, why there is a desperate need for a change of government.

The Howard government delivered genuine surpluses, paid off Labor's debt and delivered personal income tax cut after personal income tax cut. People across
Australia know that whenever Labor are in government they stuff up our public finances, and people across Australia instinctively know that it always comes down to the coalition to fix up the Labor mess.

Here we are: we had Minister Wong again today talking about the need for fiscal discipline. We agree with her on that. But let us have a look at what Labor does rather than what Labor says. You may remember that Labor delayed the release of the Mid-Year Economic and Fiscal Outlook in order to avoid scrutiny by this parliament. The Mid-Year Economic and Fiscal Outlook, which is normally released in November, was released in December. Why? Because Labor was worried about the scrutiny that it would face here in this parliament. And we now know why: because by the time of the MYEFO release in December 2011 the deficit for this financial year, which we were told in November 2010 would be $12.3 billion and which by the time of the May budget last year was $22.6 billion, had gone up to $37.1 billion. The deficit for this financial year under this incompetent, divided and dysfunctional Labor administration has more than tripled in 12 months. From MYEFO 2010 to MYEFO 2011 the deficit for this year has more than tripled. And this is a government that wants to give us lectures about fiscal discipline and sound fiscal policy. This is a government that stuffs up our public finances whenever it gets its hands on the levers of Treasury. It does it again, again and again. That is, of course, why there has not been a surplus delivered by a Labor government since back in 1989-90. That is, of course, why people across Australia instinctively know that we need to change the government before we can restore our public finances. They know that it is the coalition that always fixes up Labor's financial mess.

Senator THISTLETHWAITE (New South Wales) (16:47): Senator Cormann says that the opposition are happy to debate economics and that he wants to bring on a debate about economics. He makes outrageous, unjustified accusations about Labor's management of public finances. Well, let us bring on a debate about the management of public finances. Let us bring on a debate in this country about economic management, because when we do the Australian people will see that it is Labor that has been honest about our nation's public finances and it is Labor that is managing our economy in the best interests of working Australians.

But do not believe me. Let us look at what some of the experts in the field are saying. I would like to begin with a quote:

There are two possible explanations for how an opposition presenting itself as an alternative government could end up with an $11 billion hole in the cost of its election commitments.

One is that they are liars, the other is that they are clunkheads. Actually, there is a third explanation: they are liars and clunkheads.

But whatever the combination, they are not fit to govern.

They are not my words. They are not the words of a Labor member of parliament. They are not the words of a Labor member of the party, or indeed a union member in this country. They are the words of none other than the respected economic commentator for the Australian Financial Review, Laura Tingle, published in the Australian Financial Review on 3 September 2010. Of course, Ms Tingle was referring to the opposition's attempt at costing their election commitments leading into the 2010 election.

What happened in the wake of that farce that was brought on by the then opposition? Justifiably, there was outrage in the Australian community and questions were asked by the commentariat of the opposition economics spokesman, Joe Hockey. When asked what his response was, and about the fact that the opposition would not submit
their election costings for independent review and that when they did they came up $11 billion short—a massive black hole in their election costings—his response was that they had been audited. They had been audited by a team of accountants in Perth. Mr Hockey’s quote was:

You know what if the fifth biggest accounting firm in Australia signs off on our numbers it is a brave person to start saying they’re accounting tricks. I tell you it is an audit, this is an audited statement.

They were the words of the shadow Treasurer. They were followed up by the shadow finance spokesperson, Andrew Robb, when he said:

… if they make a mistake with the auditing of accounts for companies or prospectuses or mislead they’re …

…… …

… at risk of being punished and going to jail.

Unfortunately, by teaming up with the Liberal opposition they almost did go to jail! In the wake of this team of accountants teaming up with the Liberal opposition and providing so-called audited accounts of their election costings they were fined. They were fined $5,000 by the Institute of Chartered Accountants. They appealed to the independent ICA appeal tribunal, and even the independent ICA appeal tribunal found that the original decision was justified. They said that the fines were imposed because their costings of coalition policies failed to contain:

… a statement that the procedures performed do not constitute either an audit or a review …

It is quite clear that this accounting firm knew that they were not performing an audit. Joe Hockey thought that they were performing an audit. The Australian people knew that they were not performing an audit, that their figures did not stand up to scrutiny, yet those opposite tried to mislead the Australian public into believing that their accounts and their figures were accurate and correct. What they have done is make a joke of public finances from their side of the chamber. What they have done is make a joke of what, until your side teamed up with them, was probably the well-respected good name of this accounting firm in Perth.

They lie and they twist the truth when it comes to public policy. They have opposed every nation-building scheme and reform without developing or explaining their ideas and alternatives and, in doing so, they belittle and show disrespect for the intelligence of the Australian people. Yet they seek to come into this chamber today and criticise this government for getting on with the job of delivering good government in the interests of working Australians.

Yet again, over the course of the last couple of weeks, we have seen the Liberal Party in action refusing to commit to their so-called promise to deliver a budget surplus. We saw Andrew Robb, their finance spokesperson, say this week, ‘It depends on the numbers.’ Just last week we saw the Leader of the Opposition, Tony Abbott, addressing the National Press Club. He began to back them away from the commitment to deliver tax cuts to the people of Australia; he is now describing this as an aspiration rather than a policy. We have also seen him begin to back the coalition away from its support for a National Disability Insurance Scheme. And they come into this chamber and seek to criticise what is a good government doing a good job and getting on with governing in the interests of working Australians.

What about when it comes to the economy? When the global financial crisis hit Australia we acted quickly and decisively, saving 200,000 workers’ jobs in this country. Because there had been an underinvestment in education and social housing
during the years of the Howard government, we invested in schools and social housing throughout this country. We have invested $16.2 billion, through the Building the Education Revolution, in a better education and a better future for our students, and I have been privileged to visit some of those facilities in my work as a senator during the course of the last six months.

Faced with the dilemma of the mining boom and the two-speed economy, we found corporations taking resources that are owned by the people of Australia, making record profits from them and sending those profits overseas. We have acted to implement a minerals resource rent tax to ensure that all Australians are sharing in the benefits of the minerals boom. We are ensuring that we are providing for retirement incomes for Australian workers, ensuring that we are putting the conditions in place to support small business and ensuring that we are investing in rural and regional infrastructure.

Faced with the prospect of the slowest internet speeds in the OECD, we have acted quickly and decisively to implement the National Broadband Network because we believe that, regardless of where you live, your background and your income, you should have access to world-class internet and broadband services in this country. That is why we are building the National Broadband Network.

We face the prospect of skill shortages in our economy, particularly in those sectors that are performing well in the mining and resources sector. They are bottlenecks to productivity and growth in our economy. We have implemented a massive reform to vocational education and training service delivery in this country, making it easier for young people to begin and continue trades in Australia. This is leadership. This is not only getting on with the job of managing our economy in the interests of working Australians but also making our nation a fairer place to live. Those opposite plan to cut $70 billion worth of services from our economy. It will destroy growth, it will destroy our economy and, most importantly, it will make families worse off. Once again, in the words of Laura Tingle:

… they are not fit to govern.

Senator McKENZIE (Victoria) (16:57): I rise to speak on this matter of public importance. As Senator Thistlethwaite lauds the Gillard government's apparent capacity for managing the Australian economy, the workers in food bowls such as the Goulburn Valley, those in power stations down in the Latrobe Valley and the farmers and the irrigators of regional Australia would beg to differ.

To govern you need a plan. It can be a grand plan, but if that is beyond you then just stick to the basics. For a government to be successful it needs a vision. It knows where it wants to take people, it needs the capacity to inspire confidence by maintaining order and security, and it must have the commitment to get the job done in an orderly manner. Get this mix right and you will take the people with you to great heights, to success and to prosperity, which is what Australia needs and deserves. People look to governments and community leaders to protect and guide them, especially in times of tragedy. Look at what is happening in flood affected areas of Queensland and New South Wales: local communities are being ably led by locally elected councillors and staff, by emergency workers and community volunteers and even by senators, as is the case in St George, where my colleague Senator Joyce is working alongside his local community leaders to minimise damage where possible to property.
The leadership in towns and rural communities throughout the Murray-Darling Basin and beyond will inspire ordinary people to return to homes that have been flooded, some of them for the third time in three years, and to begin the long process of rebuilding. Whole communities pitch in and help those who need it—it is the Australian way—and on this anniversary of the Black Saturday bushfires we remember that these are the same people who inspired communities to face the devastating trauma of bushfires and to rebuild shattered towns, villages and lives. One hundred and seventy-three people died and more than 2,000 homes were destroyed. But, while the pain and memories never disappear, people are beginning to recover.

Australians are resilient, and on a national level they want people to pull together in times of need and help their fellow citizens. They want the same commitment to excellence from their leaders. They want to be inspired to do their best—like the dairy farmer who gets up early to milk their herd; they do it day after day to provide the freshest product for their fellow Australians. This government should lead by example, with a steady hand, if it is to inspire people to invest in a business and have the confidence that it will support them and their families. But the Australian people have been lumbered with a ratbag mob that vacillates between broken policy promises and cheap political stunts—designed, if there is any degree of thought in them at all, to capture a headline.

The Labor Party claims Ben Chifley's 1949 'Light on the Hill' speech as its beacon, but at present there is not even a glimmer on a mound. Where is the vision that Chifley spoke of, the 'movement bringing something better to the people, better standards of living, greater happiness to the mass of the people'? It is nowhere in the Gillard government. There is no leadership in breaking promises. Saying one thing and then signing worthless agreements to form government—agreements that can be torn up on a whim, and just ask Andrew Wilkie about that one over the summer break—does not inspire confidence. It looks mean and tricky. It shows that there is no long-term plan to lead this nation anywhere, other than in ever-decreasing circles of ineptitude.

On a national scale, the Gillard government is a policy failure—and on so many fronts. The greatest of all is the insidious carbon tax. This was the Prime Minister's greatest about-face: that she would never introduce a carbon tax under the government she led. Regional Australians and the owners of small businesses will be hit so hard by this tax. Modelling from the Victorian government shows that dairy farmers, for instance, will have to pay an extra $6,000 a year in a very energy-intensive agriculture pursuit—and for no environmental gain.

I have given these examples before, but obviously the government needs to be reminded—because another of its failures is that it does not listen. It does not focus on the core functions of government. Health is bogged down in so-called reforms that are adding yet another layer of bureaucracy. Education is gripped by the wasteful spending on the Building the Education Revolution. Regional infrastructure—which Senator Thistlethwaite mentioned earlier—is an absolute joke under this government. Last year the government announced $200 million in regional development funding. Two-thirds of that went to the one-third of regional seats held by Labor and Independents. From 500 worthy applications developed by local and regional governments around this nation, fewer than 10 per cent were funded. I hope we get a better deal out of round two.
This government focus only on short-term political gain. So I will remind them that a pizza shop will pay up to an extra $1,000 for electricity under the carbon tax, as will the hairdresser, and a country pub will pay close to $1,000. These are the same businesses in the same towns facing the impact on their local communities of the Murray-Darling Basin Plan—another Gillard government inspired source of uncertainty.

The world's population reached six billion in 1999 and in October 2011 it passed seven billion. The ability to feed ourselves and to feed other nations is part of Australia's prosperity and part of our future. The Goulburn Valley in Victoria provides nearly 20 per cent of our state's agricultural production and 80 per cent of that is reliant on irrigated agriculture. To work the land to produce food is one of the most honest forms of labour and one that is vital to life. But this government wants to keep its grip on power, however tenuous, for as long as it can. The Murray-Darling Basin Plan—revised—still takes water from food production areas.

Today the vast inland is awash with floodwater, but where will it be going? Where will the Commonwealth Water Holder store its H2O? Australia produces enough food for 60 million people. But, as the head of the coalition's task force on dams, Andrew Robb, has explained, a mosaic of agricultural opportunities across the north could double this production within two to three decades. The government only turned its attention to food security when the coalition reported on its inspections. The core function of governing Australia, to provide security and certainty, to give the framework for people to achieve their hopes and the capacity to earn a living, is at stake.

Yet another example of the Gillard government's inability to focus on these core aspects of living in a civil society is the live cattle export fiasco. The Gillard government has done its best to kill off exports, with the banning of live cattle exports to Indonesia in response—get it; wait for it—to a TV program, of which it had had advance notice but only acted when it was broadcast. It acted without consulting Indonesia. Our northern neighbour has understandably cut live export permits from 520,000 cattle to 280,000. In January we learned that boxed meat permits were reduced as well—from 99,000 tonnes to 20,000 tonnes. How could this government possibly have thought that boxed meat could replace live meat exports in Indonesia when most buyers of the meat are in villages and small communities without access to reliable power supplies for refrigeration?

The government have departments and advisers to explain this to them, but they must not be listening. If they do not listen to their own departments and their advisers, is it any wonder that they are not listening to the Australian people? The government change their direction faster than a rabbit stuck in headlights. They are not focused on governing, on leading the people. They are caught up in a whirlwind of speculation about which MPs support the Prime Minister and which MPs may jump sides to back the foreign minister in a coup against his leader.

This is what the Gillard Labor government does. Its faceless men and women plot late-night coups to keep themselves in jobs—yes, Senator Thistlethwaite, it does depend on the numbers—whilst the average Australian is concerned about keeping their job in the current economic climate, especially those in the regions and those in manufacturing, as Australian businesses struggle to absorb the additional costs of the coming carbon tax and the uncertain economic times globally.

There are so many examples of how this Gillard government takes its eye off the
ball—and a growing majority of Australians, particularly in the regions, are sick and tired of it. This focus on internal machinations rather than the very real and growing challenges to our great nation is clear evidence of this government's absolute inability to focus on the core functions of executive leadership. The government is, in its own words, 'a rabble'. Australians deserve so much more than the blurred, insipid and uncertain governance of the current Gillard government.

Senator BILYK (Tasmania) (17:07): I find it rather ironic that, on the first day of sitting for the new year, we instantly get this MPI pulled up. The opposition has brought this forward today, and who can say what the reason is? They constantly go on at us on this side about our economic achievements and our ability to put focus on the core function of government, and I am going to explain to them today why I think this is such a time-wasting MPI. This government understands very clearly just how serious governing is; even the crossbenchers understand how serious governing is, and I thank them for their continued efforts they make to help negotiate the passage of government legislation. The opposition, on the other hand, do not understand at all how serious governing is—they have no idea at all. This MPI is just another petty circus—a carnival—from an opposition who for the last year and a half have been an absolute sideshow. They have been a shambles; they have been a shemozzle.

If you want evidence of the government's ability to focus on governing, you need go no further than looking at the record of the government in this place and in the other place. More than 250 bills have been passed through the House of Representatives and over 200 through this parliament despite the negative, harping approach of the opposition. Among these bills are some of the most important reforms that Australia has ever seen. We will be delivering broadband infrastructure to every home, business, school and hospital premises in the country. Ninety-three per cent of premises will be connected to optic fibre with speeds of up to one gigabyte per second, and the remaining seven percent will be connected through wireless and satellite with speeds of up to 12 megabits per second. That is historic. That has not been done before. That is important to the future of Australia.

We have implemented income tax cuts, and, through the minerals resource rent tax, we will fund a tax cut for small business and a boost to the retirement savings of Australian workers through an increase to the superannuation guarantee. We have put in place a price on carbon. We are rolling out a national curriculum to schools across the country. We are providing 9,500 schools with 21st century infrastructure through the Building the Education Revolution program. What did those on the other side do for education in the 12 years they were in government?

We are building 64 GP superclinics and 288 trades training centres because we know on this side how important skills development is to the future of Australia. We have passed through parliament historic reforms which make Australia the first country to have plain packaging on tobacco products, and this will help to reduce the attractiveness of and harm done by cigarettes. We have implemented the nation's first paid parental leave scheme, ensuring that parents can afford time off work to spend quality time with their newborn children. No objective commentator can look at our achievements in government or our plans for the future and say that we are not focused on governing in the best interests of all Australians.

You cannot avoid a recession and have an economy that is the envy of the developed
world without a focus on governing. You cannot create 750,000 jobs without a focus on governing. Those opposite cannot seem to fathom that governing Australia requires a unity of purpose, but there is no question on this side of the chamber about what our plan is for Australia's future. Every senator here and every member in the other place on our side is committed to that plan.

We will deliver a surplus budget by 2012-13, but those opposite have no idea where they stand on the surplus. When the shadow finance minister, Andrew Robb, was asked on ABC News 24's Capital Hill program whether the coalition would deliver a surplus in their first term, his answer was, 'Well, it just depends. As I say, there's so much uncertainty around the numbers.' Last night, I saw shadow Treasurer Joe Hockey, when confronted with the question on Q&A, refuse to say whether the coalition would deliver a surplus. The deputy opposition leader, Julie Bishop, on ABC Radio National's Breakfast this morning also refused to commit the coalition to delivering a surplus. Bizarrely, Ms Bishop claimed that the coalition would improve Australia's debt and deficit position. How can you claim to be able to improve the debt and deficit position of the country if you cannot commit to delivering a surplus in your first term and have a $70 billion black hole in your costings? This government will deliver a surplus in 2012-13.

How much confidence can Australians have in the coalition to govern the country when they would have the equivalent of the Three Stooges in charge of the nation's finances? How much confidence can Australia have in the opposition's alternative budget when they need to find $70 billion of savings to get their budget back into the black? How much confidence can we have if they cannot even tell us whether or not they would deliver a surplus in their first term? The federal opposition are not fit to govern because, apart from saying no to every positive proposal we have put up, their only focus seems to be the leadership of the Labor Party. The opposition and the media may have an obsession with our leadership, but on this side we do not—it is not an obsession that we share. We have a leader, Prime Minister Julia Gillard, and she will lead us to the next federal election.

Senator Bushby: So you're in Julia's camp?

Senator BILYK: If you are referring to the article in the Australian, Senator Bushby, how they come to those conclusions out of no comment absolutely amazes me, but it does not surprise me with the Australian whatsoever. I am happy to take your interjection, but once again your research newspaper is a little bit wrong on a whole lot of things and a whole lot of people—so there we go.

The only leader in this parliament who should be worried about his position is the Leader of the Opposition. Mr Abbott's colleagues are starting to see that his relentless negativity and his lack of vision for Australia are demonstrating to the public that he is not fit to be the Prime Minister of this country. There is no better example of the approach that Mr Abbott would take to governing Australia than his address to the National Press Club which I watched last week. It was supposed to be a speech in which he would outline his vision for the nation; instead he delivered more invective and more relentless negativity against the government and our positive plans for Australia's future. Yet I did not notice any indication of his alternative vision for Australia—no new policies, no plans for the future.

The best summing up of his address to the Press Club came, however, not from me but
from social researcher Hugh Mackay on ABC's 7.30 program. He said:

He—

meaning Mr Abbott—

has now dug himself in this trench of negativity from which he doesn't seem to be able to emerge. So, it's always about what's wrong with the Government, the negative line, oppose, oppose, oppose.

What Mr Mackay picked up about Mr Abbott was not just his relentless negativity about the government's plans for the future but also his lack of a coherent alternative. Here is what he said:

Also, I think there's the problem of a kind of opportunism about Tony Abbott which is going to be hard for him to address; a lot of people have judged him as a man who sounds strong, tough—the classic conviction politician—but the convictions seem to change.

I read from that transcript because it goes to the heart of something that the Australian public expect from people who put themselves forward to take on possibly the toughest job in Australia: governing this great country of ours. They just do not want to know what you are against, what you are going to oppose. They want to know what you stand for and what you are going to do.

For example, would Mr Abbott deliver a surplus in the coalition's first term of government? Does he believe in the science of climate change or does he still think it is 'absolute crap'? Is he in favour of putting a price on carbon? Is he still in favour of an emissions trading scheme? Does he stand by his statement in 2009 of 'Why not do it with a simple tax'? Which of the coalition's 18 failed broadband plans does Mr Abbott support, or is he planning to come up with even more? Does Mr Abbott support unfair dismissal protections for workers or will he bring back Work Choices?

If we are going to talk about governing Australia, then the last word should come from a Prime Minister who undertook some of the most substantial economic reforms in Australia's history. In the run-up to the 1990 election campaign, Bob Hawke said about the federal coalition, 'If you can't govern yourselves, you can't govern the country.' The federal opposition cannot govern themselves. They have shown their consistent failure to present as an alternative government, their consistent failure to put forward a coherent policy and a vision for Australia. No-one in Australia knows what the federal opposition stand for other than saying no, no, no. (Time expired)

Senator SINODINOS (New South Wales) (17:17): What a privilege it is in this matter of public importance debate to follow Senator Bilyk, who reminded us of the view of Bob Hawke on the eve of the 1990 election. She is right, he did say that about the then opposition, yet today on the front pages of Australian newspapers it is the government which is the story. That is not the making of Tony Abbott. Perhaps Tony Abbott made it more difficult for the government, but the fact of the matter is that we have a riven government, a dysfunctional government. That is the topic on the front page of all of our papers. That is not the doing of the opposition; that is the doing of people within the Labor Party, this government.

The reason this is a dysfunctional government does not simply go back to the character of the Prime Minister or the character of the former Prime Minister; it actually goes back to 1996 when Labor went into opposition. One of their first acts in opposition was to forsake the reform program, the reform ambitions and the reform achievements of the Hawke and Keating governments. They did not want to talk about them. They let them go. They then spent 11½ years in opposition waiting for something to turn up. I can remember Kim
Beazley, when he was Leader of the Opposition, saying when the then coalition government introduced the GST: 'We will surf into office on the back of the GST.' In other words, 'We will wait for the GST to be implemented; some people may feel upset but we will capitalise on that misery and we will get back into government.' On it went for 11½ years. The only Leader of the Opposition who had a go at coming up with a new Labor policy—a third way, if you like, and this he did largely before he became opposition leader—was Mark Latham. When he wrote about enterprise workers and the like he showed he was doing some thinking in opposition, but when he became opposition leader the machine men of the Labor Party said: 'No, that's not the way to win. You've got to look at the polls; you've got to look at exploiting the negatives of the government of the day, and if you do that really well you'll become the government.' It did not work. It did not work then; it has never worked. You have to come to government with some conviction, some framework for governing.

Even though I had left by then, I remember well the 2007 election campaign. The Labor campaign was essentially based on the longevity of the then government, on the age of the then Prime Minister and on the fact that the Labor opposition would do some things that the government had not wished to do such as signing the Kyoto protocol. That was it, that was the policy platform, and then a few gimmicks like Fuelwatch and GroceryWatch. Do you want to go through the list? They held out the hope that they could do something about the cost of living, but it was a false hope. They were all gimmicks. That was not a framework for government; that was not a vision for changing the country or a vision for reform. Then they were blessed with a Prime Minister who decided he would try to do everything at once because he was the smartest person in the room. No problem had been adequately dealt with unless Kevin Rudd had looked at it. So we had all these reviews. Initially, we wondered what sort of government this was with all these reviews. Then all of a sudden we had a plethora of things that were on the agenda for COAG. We were going to have big health reforms—big this and big that.

Then the saviour came along for this government—the global financial crisis. It finally gave them an objective outside of themselves, outside the political framework. Something real was happening that they had to address. What did they do? They spent and they spent up big. The coalition supported some spending in response to the global financial crisis. We had to be prudent, but we did not support the full extent of spending that the government had in mind. We did not support the pink batts and we did not support the Building the Education Revolution, because it became clear after a while that the global financial crisis became an excuse for spending for spending's sake—spending for ideological reasons. I do not have anything against building school halls, but the priority in education in this country today is to improve the quality of the curriculum. Senator Bilyk talked about the work that Labor is doing on the curriculum, but that is simply a continuation of the work initiated by Brendan Nelson and Julie Bishop. I can remember Kevin Rudd, and even Kim Carr, at a higher education function talking—boasting almost—about how the global financial crisis was the last nail in the coffin of neoliberal ideology. It was going to be the last nail in the coffin of capitalism. And Rudd boasted that he would put government at the centre of the economy. He went back to his maiden speech, where he talked about government at the centre of the economy. If you want the economy to prosper you put
people at the centre of the economy—the entrepreneurs, the risk takers, the workers of Australia—not the dead hand of government.

What I am saying is that this is a government which, from the beginning, had no real program for government. It was just reacting to events. And this has gone on and on. And when Kevin Rudd was finally dispatched it was not because of some great clash of principle within the parliamentary Labor Party. He was dispatched because the polls said he had to go. And in many ways that also sealed the fate of his successor, Julia Gillard. She came to power simply off the back of the fact that if you live by the polls you die by the polls. What sort of aspiration to leadership is that?

Ms Gillard made statements before that fated election in 2010 such as, 'There will be no carbon tax under a government I lead,' and then, for the sake of retaining power, she broke that promise so quickly after the election. Then she dissembled and was forced, after an extended period, to admit: 'Okay, we did make a promise. But circumstances changed: we had to get around the roadblock set up by the other side.' That is not leadership. The Prime Minister made a commitment to the Independent Andrew Wilkie and then, when the going got tough, she welshed on it. No wonder he is ready potentially to support a no confidence motion against this government! He does not trust them. He is not the only one; the Australian people do not trust this government. They have come to that view and they keep expressing it—even in the polls so beloved of certain members of the Labor Party.

Going forward, the challenge over the next period for the next, coalition government will be what to do about the mess that it potentially inherits. Tony Abbott the other day at the Press Club gave what he called a landmark speech. It was a framework speech where he brought together many of the policies he has had for the last 18 months as leader.

Senator FEENEY: What an orator!

The ACTING DEPUTY PRESIDENT (Senator Ludlam): Order!

Senator SINODINOS: Yes, he had a critique of the government but it was largely a speech about the positives—what he would do as Prime Minister. And he talked about the importance of cutting spending. He did talk about cutting spending. He said:

The first object of any government is to do no harm.

That is what he said. He also spoke of government doing fewer things better.

Government senators interjecting—

The ACTING DEPUTY PRESIDENT: Order! Senator Sinodinos, resume your seat. This debate has mostly been reasonably respectful. I ask that Senator Sinodinos be heard in silence.

Senator SINODINOS: Recently, Tony Abbott spoke of government doing fewer things but better. The next, coalition government will forensically examine government spending and reduce that spending in an intelligent and strategic manner. We will ask the questions. What is the problem that this spending is meant to address? Is the public sector best equipped to deal with it and are there better, more cost-effective approaches? We do not just believe, for ideological reasons, that the public sector should do it.

I come to the NBN, the National Broadband Network, which was hatched on a coaster on a VIP aircraft by Senator Conroy and the then Prime Minister Mr Rudd because that is the only way they could get face time to talk about the matter. How can you determine that a $30 billion, $40 billion or $50 billion major national infrastructure project can be agreed in those terms? Some
people say, 'Look, it's blue sky. You've got to spend the money because there will be big benefits.' But we are talking about $40 billion or $50 billion worth of public revenue.

Tony Abbott is committed to an approach on infrastructure where there will be a rolling 15-year program, with projects being prioritised using published cost-benefit analysis. Transparency in this project assessment will improve confidence in government decision-making and promote better outcomes. And this approach will ensure that major programs are not treated in a cavalier fashion and are not, like Labor's NBN, approved without adequate scrutiny from a public interest perspective.

These are major issues. The Australian people regard the government as they regard their own housekeeping, and when they see the government splurging, spending too much or not thinking about what it is spending on, they think, 'What are the consequences at the household level of doing that?' And they then think, 'We don't want those consequences at the national level. We want a government that will live within its means—a government that will not be ideological but will be pragmatic about the best way to deal with a social problem; a government, ultimately, which keeps all of its election commitments.'

On that last note may I say that under the Howard government we had a charter of budget honesty. In the future, if there are Labor governments, we will need a charter of election commitment honesty, because the experience of the last few years is that Labor cannot be trusted to keep its word.

Senator FAULKNER (New South Wales) (17:27): This afternoon the opposition invites us to waste an hour of the Senate's valuable time debating the government's capacity to focus on the core functions of government! One thing is certain in such a debate: unlike the Liberal Party, the Australian Labor Party is able to put the interests of the nation above the demands of politics. And that is no better demonstrated than by the way in which the government has managed the Australian economy. The Australian economy is strong. Consider how our economy compares with that of other advanced economies. Unemployment is low. Growth is steady. Debt is low. Interest rates under the Labor government have reached lows not seen by the previous, coalition government. Inflation is contained. All of this has happened while there has been a huge investment pipeline and at a time of unprecedented international economic instability. That is focusing on the core functions of government. The Labor government has steered Australia through the worst global recession since the Great Depression, well over 70 years ago, and it has done it with solid employment growth, a strong investment pipeline and a budget position that is literally the envy of every other nation in the Western world. That is focusing on the core functions of government.

Unemployment in Australia is currently at 5.2 per cent, lower than every major advanced economy in the world bar one, at a time when unemployment has reached 10.4 per cent in the euro area and 8.3 per cent in the United States. Since Labor was elected four years ago, 750,000 jobs have been created, including 100,000 jobs in the last year alone, and the government is on track to create another 300,000 jobs this year. That is focusing on the core functions of government.

After back-to-back interest rate cuts in November and December last year, the official cash rate today is at 4.25 per cent, down from 6.25 per cent when the previous coalition government left office. That is focusing on the core functions of
government. For the first time in our history, this country has received a AAA rating from all three global ratings agencies, something that was never achieved by the coalition government. That is focusing on the core functions of government.

This government has made really vital investments in infrastructure to expand the capacity and productivity of the economy. We have doubled investment in roads, railways and ports. Investment now stands at $36 billion. That is focusing on the core functions of government. We have implemented the largest national infrastructure project in Australia's history, the National Broadband Network, which will deliver increased economic growth and productivity in the years ahead. That is focusing on the core functions of government.

The Labor government is giving Australians a fairer share of the benefits of the mining boom. The MRRT will boost retirement savings through increased superannuation contributions, provide tax breaks for small businesses and cut the company tax rate. That is focusing on the core functions of government.

Sound economic management has enabled this government to deliver Australia's first paid parental leave scheme, bringing Australia up to date with the rest of the developed world after years of inaction from the previous government. That is focusing on the core functions of government.

The Labor government has modernised 9½ thousand Australian schools, with a doubling of investment in new classrooms, halls, laboratories and the like through the Building the Education Revolution program. That is focusing on the core functions of government.

This government has ended the blame game in health by providing proper funding for hospitals, achieved through a historic deal with the states at COAG. It will mean more doctors, more nurses, more beds and less waste, together with better accountability and community control. That is focusing on the core functions of government.

The Labor government has increased the age pension, is improving aged care to give older Australians more choice and control, and has invested $2.2 million into a mental health package that delivers additional services with a greater focus on prevention and early intervention. That is focusing on the core functions of government—as is, in my view, the repealing of the draconian and unfair Work Choices laws.

We have recently seen a historic fair pay decision for 150,000 of Australia's lowest workers in the social and community services sector. As we know, 120,000 of those workers are women who perform valuable roles in our community working with people with disabilities and assisting the homeless and victims of domestic violence. And, of course, that is focusing on the core functions of government, as is what the government has done in starting to build the foundations of the nation's first ever National Disability Insurance Scheme. It is a very strong record. Instead of this endless carping, whingeing and negativity, perhaps it is about time the opposition started to acknowledge it.

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

MINISTERIAL STATEMENTS
Queensland and New South Wales Floods
Foreign Aid Budget
People Trafficking
Murray-Darling Basin
Afghanistan

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:37): I present five ministerial statements as listed at item 15 on today’s Order of Business as well as a statement on an update on current emergency events in Queensland and New South Wales:

- status of Queensland floods reconstruction
- implementation of an effective aid program for Australia (made in the House of Representatives on 23 November 2011)
- Government’s response to people trafficking (made in the House of Representatives on 24 November 2011)
- Murray Darling Basin reform (made in the House of Representatives on 24 November 2011)
- Afghanistan (made in the House of Representatives on 24 November 2011)

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Boyce) (17:38): Pursuant to standing orders, I present documents listed on today’s Order of Business at item 16 which were presented to the President, the Deputy President and Temporary Chairmen of Committees after the Senate adjourned on 23 and 25 November 2011. In accordance with the terms of the standing orders, the publication of the documents was authorised.

The list read as follows—

(a) Document certified by the President

President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 23 November 2011 (received 25 November 2011)

(b) Committee reports

1. Rural Affairs and Transport References Committee—Interim report—The impact of mining coal seam gas on the management of the Murray Darling Basin (received 30 November 2011)
2. Foreign Affairs, Defence and Trade References Committee—Interim and preliminary reports—Procurement procedures for Defence capital projects (received 30 November and 15 December 2011, respectively)
3. Parliamentary Joint Committee on Corporations and Financial Services—Report, together with the Hansard record of proceedings and documents presented to the committee—Consumer Credit and Corporations Legislation Amendment (Enhancements) Bill 2011 (received 2 December 2011)
4. Economics Legislation Committee—Report, together with submissions received by the committee—Consumer Credit and Corporations Legislation Amendment (Enhancements) Bill 2011 [Provisions] (received 7 December 2011)
5. Joint Select Committee on Gambling Reform—Report, together with the Hansard record of proceedings and documents presented to the committee—Interactive and online gambling; Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011 (received 8 December 2011)
6. Committee of Senators’ Interests—Report—Register of senators’ interests, incorporating statements of registrable interests and notifications of alterations of interests of senators lodged between 6 August and 30 November 2011 (received 8 December 2011)
7. Joint Standing Committee on Electoral Matters—Report—Funding of political parties and election campaigns (received 9 December 2011)
8. Rural Affairs and Transport References Committee—Interim report—Biosecurity and quarantine arrangements: the management of the removal of the fee rebate for AQIS export certification functions (received 12 December 2011)
9. Standing Committee on Appropriations and Staffing—Annual report for 2010-11 (received 23 December 2011)
(c) Government responses to parliamentary committee reports


2. Legal and Constitutional Affairs References Committee—Report—Review of government compensation payments (received 29 November 2011)

3. Community Affairs References Committee—Report—Gene patents (received 6 December 2011)

4. Environment, Communications and the Arts References Committee—Report—Forestry and mining operations on the Tiwi Islands (received 19 December 2011)

5. Joint Select Committee on Cyber Safety—Interim report—High-wire act – cyber safety and the young (received 20 December 2011)

6. Finance and Public Administration References Committee—Report—Native vegetation laws, greenhouse gas abatement and climate change measures (received 16 January 2012)

7. Finance and Public Administration References Committee—Report—Administration of health practitioner registration by the Australian Health Practitioner Regulation Agency (received 19 January 2012)


9. Economics References Committee—Reports—
   - Milking it for all it's worth: Competition and pricing in the Australian dairy industry (received on 3 February 2012)
   - Impacts of supermarket price decisions (received on 3 February 2012)

(d) Ministerial statement

Minister for Broadband, Communications and the Digital Economy (Senator Conroy)—Australia network (received 23 November 2011)

(e) Government documents

1. Aged Care Act 1997—Report for 2010-11 on the operation of the Act (received 25 November 2011)

2. Royal Australian Air Force Veterans' Residences Trust Fund—Report for 2010-11 (received 29 November 2011)

3. Australian Curriculum Assessment and Reporting Authority (ACARA)—Report for 2010-11 (received 29 November 2011)

4. Executive Director of Township Leasing—Report for 2010-11 (received 29 November 2011)

5. Native Title Act 1993—Native title representative bodies—Central Land Council—Report for 2010-11 (received 29 November 2011)

6. Mid-year economic and fiscal outlook—2011-12—Statement by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Senator Wong) (received 30 November 2011)

7. Australian Human Rights Commission—Report No. 47—Mr Heyward v Commonwealth of Australia (Department of Immigration and Citizenship) (received 1 December 2011)

8. Cotton Research and Development Corporation—Report for 2010-11 (received 2 December 2011)

9. Grape and Wine Research and Development Corporation—Report for 2010-11 (received 2 December 2011)


11. Social Security Appeals Tribunal—Report for 2010-11 (received 7 December 2011)


   - Report (received 9 December 2011)
   - Government response (received 9 December 2011)
14. Australian Communications and Media Authority—Report for 2010-11 (received 12 December 2011)


17. Sugar Research and Development Corporation—Report for 2010-11 (received 13 December 2011)

18. Department of Finance and Deregulation—Consolidated financial statements for the year ended 30 June 2011 (received 13 December 2011)

19. Australia Business Arts Foundation Ltd—Financial statements for 2010-11 (received 14 December 2011)

20. Murray-Darling Basin Authority—Report for 2010-11 (received 15 December 2011)

21. National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the Research Involving Human Embryos Act 2002 for the period 1 March to 31 August 2011 (received 15 December 2011)


23. Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2010-11 (received 19 December 2011)

24. Dairy Australia Limited—Report for 2010-11 (received 19 December 2011)

25. Fisheries Research and Development Corporation—Report for 2010-11 (received 19 December 2011)

26. Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2011 (received 20 December 2011)

27. Australian Transport Safety Bureau (ATSB)—Report for 2010-11 (received 20 December 2011)

28. Australian Information Commissioner—Report for the period 1 November 2010 to 30 June 2011—Corrigendum (received 20 December 2011)

29. Board of the Australian Crime Commission—Report for 2010-11 (received 20 December 2011)

30. Snowy Hydro Limited—Financial report for the period 4 July 2010 to 2 July 2011 (received 16 January 2012)


33. Private Health Insurance Administration Council—Report for 2010-11 on the operations of private health insurers (received 18 January 2012)

34. Australian Centre for Renewable Energy Board—Report for 2010-11 (received 19 January 2012)


37. Tax expenditures statement 2011 (received 31 January 2012)

(f) Reports of the Auditor-General

1. Audit report no. 15 of 2011-12—Performance audit—Risk management in the processing of sea and air cargo imports: Australian Customs and Border Protection Service (received 30 November 2011)

2. Audit report no. 16 of 2011-12—Performance audit—Management of compliance in the small to medium enterprises market: Australian Taxation Office (received 8 December 2011)

3. Audit report no. 17 of 2011-12—Performance audit—Audits of the financial statements of Australian Government entities for the period ended 30 June 2011 and correction (received 15 December 2011)

4. Audit report no. 18 of 2011-12—Performance audit—Information and communications technology security:
MANAGEMENT OF PORTABLE STORAGE DEVICES

5. Audit report no. 19 of 2011-12—Performance audit—Oversight and management of Defence's information and communication technology: Department of Defence (received 20 December 2011)


7. Audit report no. 21 of 2011-12—Performance audit—Administration of grant reporting obligations: Department of Finance and Deregulation (received 24 January 2012)

(g) Returns to order

1. Workplace Relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements (motion of Senator Fisher agreed to 18 November 2009) (received 30 November 2011)

2. Environment—Tasmanian Forests Intergovernmental Agreement—Harvesting requirements—Statement and documents (motion of Senator Colbeck agreed to 3 November 2011) (received 6 February 2012)

(h) Letters of advice relating to Senate orders

3. Letters of advice relating to lists of departmental and agency appointments and vacancies:
   - Climate Change and Energy Efficiency portfolio (received 1 February 2012)
   - Defence portfolio (received 3 February 2012)

4. Letters of advice relating to lists of departmental and agency grants:
   - Climate Change and Energy Efficiency portfolio (received 1 February 2012)
   - Defence portfolio (received 3 February 2012)

Ordered that the committee reports be printed.

The ACTING DEPUTY PRESIDENT: In accordance with the usual practice and with the concurrence of the Senate I ask that the government responses be incorporated in Hansard.

The documents read as follows—

Senate Rural and Regional Affairs and Transport Committee


Senate Rural and Regional Affairs and Transport Committee

November 2011

BACKGROUND

The 2007 Australian Labor Party made election commitments to restrict illegally logged timber imports. In particular, commitments were made to require disclosure at point of sale of species, country of origin and any certification; and identify illegally logged timber and restrict its import into Australia.

Following the 2007 election, the Department of Agriculture, Fisheries and Forestry (the department) commissioned a number of integrated projects to inform the development of the policy. These projects are available at http://www.daff.gov.au/forestry/international.

From the commissioned projects, the department developed a final Regulation Impact Statement (RIS), which assessed the costs and benefits for domestic business, individuals and the Australian economy of three regulatory options designed to restrict the importation of illegally logged timber into Australia. The RIS recommended a co-regulatory approach as the most effective means of fulfilling the government's election commitment.

On 3 June 2010 the government approved a co-regulatory due diligence approach for implementing the government's illegal logging policy.

During the 2010 election the government announced it would implement a policy that:

- restricts the importation of illegally logged timber products into Australia
- implements a code of conduct to ensure suppliers who first place timber into the...
Australian market carry out the proper tests to ensure wood coming into the country is legal.

- implements a trade description for legally verified timber products and specify the circumstances under which it can be used.

On 9 December 2010, the Minister for Agriculture, Fisheries and Forestry, the Hon. Joe Ludwig announced, in a media release, the government's intention to introduce legislation into Parliament in 2011. On 23 March 2011, Minister Ludwig referred the Illegal Logging Prohibition Bill to the Senate Committee on Rural Affairs and Transport for public inquiry.

The Senate Standing Committee on Rural Affairs and Transport released a report on 23 June 2011 that included seven key recommendations.

The Australian Government welcomes community interest in this complex issue. In this regard, the Minister for Agriculture, Fisheries and Forestry, Senator the Hon. Joe Ludwig, and the department have consulted with domestic timber producers, timber importers and retailers, Social Justice organisations, worker representatives and interested environmental Non-Government Organisations and the Construction, Forestry, Mining, and Energy Union in preparing its response to these recommendations.

Government Response to the Committee's Recommendations

Recommendation 1

5.19 The committee recommends the Government consider alternatives to provisions for timber industry certifiers and the certifier requirements in relation to them from those listed in the bill.

The Government agrees with the recommendation.

The revised Illegal Logging Prohibition Bill (2011) (the Bill) removes these provisions.

Recommendation 2

5.38 The committee recommends that importers provide a mandatory and explicit declaration of legality of product at the border and that such a requirement be incorporated into the bill.

The Government agrees with the recommendation.

The revised Bill addresses this recommendation through implementing a requirement for a declaration confirming due diligence for the importation of a ‘regulated timber product’. This would ensure that importers of ‘regulated timber products’ affirm that they have completed due diligence processes in line with the requirements outlined in the proposed Act and confirm this at the border.

Recommendation 3

5.39 The committee recommends that the Department of Agriculture, Fisheries and Forestry ensure that the declaration requirements are consistent, to the fullest extent possible, with those in the United States (US) Lacey Act and the European Union (EU) regulation and others that meet a similar standard.

The Government agrees with the recommendation.

The requirements in the revised Bill are consistent, to the extent possible, with measures being implemented by the US and EU.

Recommendation 4

5.40 The committee recommends that the Department of Agriculture, Fisheries and Forestry in consultation with the Australian Customs and Border Protection Service adapt the current Customs declaration to incorporate the bill’s declaration requirements.

The Government agrees with the recommendation.

The revised Bill makes it an offence for a regulated timber product is imported without making a declaration of compliance with the due diligence requirements of the Act through a Customs import declaration form.

Recommendation 5

5.41 The committee recommends that the Department of Agriculture, Fisheries and Forestry give consideration to providing visibility to the declaration process and that transparency is assured by way of:

- A requirement that the importer regularly publish, or provide publication of, the declarations in a publicly accessible form;
- A requirement that at a minimum, an annual audit of the importer be undertaken to determine the legality of their timber;
- A requirement that the importer publishes, or provides for publication, a Report outcome of the audit; and
- A requirement on the part of the Commonwealth Government to undertake random audits of the importer declarations, and where warranted (based on risk assessment) undertake further investigation of the supply chain from forest to importer.

The Government agrees in principle with the recommendation.

The government will implement this recommendation in consultation with industry and other interested parties. The Government acknowledges the importance of transparency but will have regard to commercial-in-confidence issues when implementing this recommendation.

The Government also proposes to publish an overview of the outcomes of audits undertaken to monitor compliance with the requirements of the Bill on the department's website.

**Recommendation 6**

5.52 The committee recommends that regulations prescribe that importers and processors should demonstrate due diligence under one of the following:
- a) an internationally recognised third-party certification scheme, or
- b) an individual country initiative, or
- c) have in place a management system to ensure legal compliance.

The Government agrees in principle with the recommendation.

The Bill includes a requirement for importers and processors of raw logs to demonstrate due diligence. Similar to the EU due diligence model the department proposes a due diligence process under the Act will require three steps:
- risk identification
- risk assessment; and
- risk mitigation

In the due diligence process the Government advises that a) an internationally recognised third-party certification scheme, b) an individual country initiative, or c) a management system to ensure legal compliance, could be used in steps of the risk assessment and to mitigate any identified risks.

**Recommendation 4 [sic] (should be 7)**

6.21 The committee recommends that the Department of Agriculture, Fisheries and Forestry conduct a review of the bill's provisions five years after enactment.

6.22 The committee recommends that consideration be given in the five-year review to further periodic reviews.

The Government agrees with the recommendation.

The revised Bill includes a five year review provision and consideration will be given during this review to further periodic reviews of the legislation.

**Government Response to the Australian Greens Dissenting Report**

**Recommendation 1**

1.1 Illegal logging not only impacts on local communities through loss of resources and environmental damage, it also damages Australian businesses' ability to compete on a fair playing field.

The Government notes this recommendation. No comment required

**Recommendation 2**

1.2 The Greens support strong action on illegal logging but it is difficult to see how this bill will lead to a substantial improvement in the policing of illegal timber imports entering Australia.

The Government notes this recommendation.

The Government's illegal logging policy aims to restrict the importation of illegally logged timber and wood products. The revised Bill introduces a prohibition, and requires importers of regulated timber products to fulfil due diligence requirements that will be prescribed in regulations.
Recommendation 3

1.3 Placing the onus on industry to self-regulate and self-monitor is a small step at a time when big steps are needed. The Greens do not support the exposure draft in its current form. Amendments to the bill should ensure:

- parity or stronger measures than those in place in the US and Europe against illegal logging, including a comprehensive definition of illegal logging that encompasses corruption, indigenous land rights and technical breaches of laws or codes;

The Government agrees in principle to this recommendation.

The Government believes the penalty provided in the revised Bill of up to five years imprisonment and/or equivalent penalty units is sufficient and consistent with other relevant Commonwealth legislation. To import 'regulated timber products' a i) declaration and ii) due diligence system is required, which is consistent with the U.S. Lacey Act and EU regulations, respectively.

The Government considers the definition of illegal logging 'timber harvested in contravention of laws in force in the place (whether or not in Australia) where the timber was harvested' provides an adequate basis for establishing the legality of timber and wood products imported into Australia.

- a) a requirement on the governments of exporting nations to avoid corruption or lose the market;

The Government does not agree to this recommendation.

The Australian Government is not able to legislate actions to be undertaken by a sovereign country.

- b) the prohibition is immediate and regulations are enacted within three months of the legislation; this legislation has been on the cards for years so industry has had plenty of time to adjust and prepare for change;

The Government agrees in part with this recommendation.

The department agrees with the recommended timeframe for the prohibition. The prohibition element of the Bill will be enacted on commencement of the legislation. The Government believes that a period of three months to commence the regulations is an unrealistic time frame for industry to develop and implement any change to meet any new requirements.

The original timeframe for the introduction of the regulations of two years after the commencement of the legislation will enable timber importers and processes of raw logs to establish systems and processes for due diligence.

- c) the prohibition is broadened beyond just the importation of timber to include all steps of the supply chain, similar to the US and EU regulations, so that all participants in the trade take responsibility;

The Government does not agree to this recommendation.

- d) penalties for breaching the prohibition are broadened to include fines or forfeiture within the act rather than it being left to the courts;

The Government agrees in principle to this recommendation.

In the revised Bill, forfeiture provisions will apply when a conviction of an offence is found under the Act. The Bill will also include maximum penalties units for the prohibition offences to give further clarity to the community.

- 0 approval of certifiers is a rigorous process, clearly outlined in the act and that any process needs to include government oversight;

The Government notes this recommendation.

As the revised Bill removes this process, no comment is required.

- f) the declaration information to be as broad as the US and EU legislation. The Government agrees in principle to this recommendation.
When establishing the requirements of the 'due diligence declaration' the department has considered the US and EU measures for consistency and the revised Bill provides for broad declaration requirements.

**Recommendation 4**

1.4 One of the difficulties in scrutinising this legislation was the absence of regulations; there is no timeline for when the regulations may be prepared or come into effect. It is inappropriate to refer key components of the process framework to delegated instruments as this limits the parliament's ability to review and amend legislation.

The Government does not agree to this recommendation. It is the government's intention that the prohibition will come into effect on commencement of the Act. The remaining elements of the Bill will come into effect in line with the regulations, which will be two years after the commencement of the Act.

The regulations will be developed through consultation with key industry and environmental and social justice organisations. It is anticipated that an existing stakeholder working group will be the main vehicle for consultation on the overarching elements. It is also expected there will be sector based working groups of industry players.

**Recommendation 5**

1.5 A chain of custody certification seems to be the most robust way to combat illegal logging. Ensuring that an independent body is responsible for certifying wood origin, type and licence to log the identified coupe then provides the foundation for certification to carry on to furniture makers, sawmillers and importers.

The Government does not agree to this recommendation. As stated in the government's 2010 election commitment the policy intention is to restrict the sale of illegally logged wood in Australia, by introducing legislation that makes it an offence to import timber products into Australia that have been illegally harvested.

**Recommendation 6**

1.6 Setting up such a process also opens the possibility of addressing the sustainability of logging. The current exposure draft is only assessing illegal timber. It does not cover logged products emanating from native forests containing rare or endangered species or where traditional owners have not given or do not maintain assent to the logging.

The Government does not agree to this recommendation.

**Recommendation 7**

1.7 Greenpeace in its submission identified 35 recommendations in 15 areas to improve the legislation; the Australian Greens support its call.

The Government notes this recommendation.

**AUSTRALIAN GOVERNMENT RESPONSE**

The Senate Legal and Constitutional Affairs References Committee Report

Review of Government Compensation Payments, December MO

**INTRODUCTION**

The Government welcomes the Senate Legal and Constitutional Affairs References Committee's Review of Government Compensation Payments. It thanks the committee members for their work and their focus on redress schemes for people who were in care as children during the 20th century and other government discretionary payment schemes.

On 16 November 2009, the then Prime Minister, on behalf of the nation delivered an Apology to the Forgotten Australians and former child migrants, as part of initiating the healing process. As part of the Apology, the Australian
Government announced a range of initiatives to provide support to Forgotten Australians and former child migrants, collectively known as care leavers, including a new Find and Connect service. The Australian Government has committed $26.5 million over four years to deliver the new national Find and Connect Service. This new service will provide:

- A national website and single online access point to help care leavers find records held by past care providers and government agencies;
- A national 1800 telephone number for care leavers to call if they want to speak with trained staff to help them locate their personal records;
- A national network of specialised search and support services to help care leavers locate and access personal records and, where possible, reunite with family members; and
- Counselling support services specifically for care leavers, from appropriately trained and skills providers, to provide support for care leavers as they trace their families.

The Government is designing this service in consultation with care leavers. It believes that, together with existing services, the Find and Connect service will contribute to an effective network of support that helps care leavers deal with the impacts of their past experiences in the care system.

All children deserve to be cared for in a safe, loving environment, enabling them to achieve happiness and success throughout their lives. It is unacceptable and incomprehensible that they are given anything less. The Australian Government, together with State and Territory Governments and the non-government sector, has developed and begun implementing the National Framework for Protecting Australia's Children.

**RESPONSE TO RECOMMENDATIONS**

The committee made seven recommendations. The Government's response to the recommendations is provided below.

**Recommendation 1**

The committee recommends that the Queensland, South Australian, Tasmanian and Western Australian Governments review their redress schemes relating to children in institutional care to ensure:

- a consistent and transparent approach to the quantum of compensation provided;
- consistent eligibility criteria for redress which avoid arbitrarily excluding applications for compensation based on where abuse occurred; and
- the application and assessment process for compensation appropriately reflects the traumatic experiences of care leavers.

**Recommendation 2**

The committee recommends that the Queensland and Western Australian Governments consider applications for redress from care leavers who were unaware of the redress schemes which operated in those states prior to the closing dates for applications.

**Response to Recommendations 1 & 2**

The Australian Government notes these recommendations.

The Australian Government considers that these are matters for the Queensland, South Australian, Tasmanian and Western Australian Governments.

**Recommendation 3**

The committee recommends that the New South Wales and Victorian Governments establish administrative schemes to provide redress to people who experienced abuse or neglect while in institutional or foster care in those states.

**Response**

The Australian Government notes this recommendation.

Redress in New South Wales and Victoria is a matter for those State Governments.

**Recommendation 4**

The committee recommends that the Australian Government pursue all available policy and political options, including through the Council of Australian Governments and other appropriate national forums, to ensure that:

- New South Wales and Victoria establish redress schemes for people who suffered abuse.
or neglect in institutional or foster care in those states;

- Queensland and Western Australia make provision to ensure continued receipt of redress claims; and

- greater consistency between the criteria applied under state redress schemes is achieved.

**Response**

The Australian Government notes these recommendations.

Redress is a matter for each State Government to consider.

Within the Council of Australian Governments (COAG) framework, the Australian Government raised these issues at a meeting of the Community and Disability Services Ministers’ Conference on 11 September 2009.

The Australian Government is continuing to work closely with State and Territory Governments to ensure that Forgotten Australians and former child migrants are able to access specialist support services and to improve access to mainstream health and welfare programs.

The Australian Government will again raise these matters in appropriate COAG forums to ensure continued progress is made.

**Recommendation 5**

The committee recommends that the Australian Government examine whether people who were placed in institutional or foster care in the Northern Territory or the Australian Capital Territory, during the periods that the Commonwealth directly administered those territories, suffered similar abuse and neglect to children placed in care in other jurisdictions.

**Response**

The Australian Government notes this recommendation.

The Government notes that there has been no evidence presented to any of the relevant Senate Inquiries, including this current Inquiry, about time in institutional care in either territory by Forgotten Australians or former child migrants.

The Australian Government announced a range of initiatives in the National Apology to Forgotten Australians and former child migrants in 16 November 2009 to assist care leavers wherever resident in Australia in ways other than providing monetary compensation.

The Australian Government's national Find and Connect Service will be available to Forgotten Australians and former child migrants no matter where they were in care or where they now reside. The national Find and Connect Service will provide an Australia-wide, coordinated, family tracing and support service for Forgotten Australians and former child migrants to locate their personal records and to reunite with their families, where this is desired and possible.

Find and Connect will also bring together historical resources relating to institutional care throughout Australia, including in the Northern Territory and the Australian Capital Territory. This information will be available through the Find and Connect website.

The Australia Government has also developed and funds assistance provided to the Stolen Generations, such as through the Aboriginal and Torres Strait Islander Healing Foundation and Link Up family reunion services.

**Recommendation 6**

The committee recommends that the Australian Government review 'waiver of debt' provisions contained in social security legislation and consider amendments to that legislation where current provisions could cause unfair and unjust outcomes for welfare recipients.

**Response**

The Australian Government is reviewing current debt waiver provisions under social security law to ensure they provide an appropriate balance between recovering amounts that exceed a person's entitlement and avoiding onerous and inequitable outcomes for customers. The Australian Government is actively engaging, and will continue to engage, the National Welfare Rights Network in ongoing discussions to make the system fairer.

**Recommendation 7**

The committee recommends that the Department of Finance and Deregulation investigate the extension, in appropriate
circumstances, of the Compensation for Detriment caused by Defective Administration scheme to Commonwealth Authorities and Corporations Act 1997 agencies and to third party providers performing functions or providing services on behalf of the Commonwealth.

**Response**

The Australian Government notes this recommendation.

The Department of Finance and Deregulation is investigating the extension of the Scheme of Compensation for Detriment caused by Defective Administration to Commonwealth Authorities and Corporations Act 1997 (CAC Act) agencies and to third party providers performing functions or providing services on behalf of the Commonwealth.

**Additional Recommendations provided by the Australian Greens**

**Recommendation 1**

That the Australian Government develop a national standard for redress schemes.

**Response**

Redress is a matter for each State Government to consider.

**Recommendation 2**

That the Australian Government develop and support a national service to provide information and support to all those affected by past government policies and practices (irrespective of whether Commonwealth, State or Territory) to access or pursue compensation, restitution or redress.

**Response**

The Australian Government announced a range of initiatives in the National Apology to Forgotten Australians and former child migrants on 16 November 2009 to assist care leavers wherever resident in Australia in ways other than providing monetary compensation.

The Australian Government's national Find and Connect Service will be available to Forgotten Australians and former child migrants no matter where they were in care or where they now reside. The national Find and Connect Service will provide an Australia-wide, coordinated, family tracing and support service for Forgotten Australians and former child migrants to locate their personal records and to reunite with their families, where this is desired and possible.

The Australian Government is continuing to work closely with State and Territory Governments to ensure that Forgotten Australians and former child migrants are able to access specialist support services and to improve access to mainstream health and welfare programs.

The Australian Government also funds assistance for the Stolen Generations, through the Aboriginal and Torres Strait Islander Healing Foundation and Link Up family reunion services.

**Recommendation 3**

That the Australian Government ensure that citizens affected by the past policies and practices of the Northern Territory or the ACT have access to appropriate compensation, restitution and redress in a timely fashion.

**Response**

The Australian Government notes this recommendation.

The Government notes that there has been no evidence presented to any of the relevant Senate Inquiries, including this current Inquiry, about time in institutional care in either territory by Forgotten Australians or former child migrants.

Further, evidence provided by the Northern Territory Government in a submission to the Senate Community Affairs Committee into the implementation of the Recommendations in the 'Lost Innocents: Righting the Record' and 'Forgotten Australians: A report on Australians who Experienced Institutional or Out-of-Home Care as Children' is that no British child migrants were placed in the Northern Territory.

The Australian Government's national Find and Connect Service will be available in all states and territories for Forgotten Australians and former child migrants, no matter where they were in care. The Find and Connect Service will provide an Australia-wide, coordinated, family tracing and support service for Forgotten Australians and former child migrants to locate their personal records and to reunite with their families, where possible and desired.
Find and Connect will also bring together historical resources relating to institutional care throughout Australia, including in the Northern Territory and the Australian Capital Territory. This information will be available through the Find and Connect website.

The Australia Government also funds assistance provided to the Stolen Generations through the Aboriginal and Torres Strait Islander Healing Foundation and Link Up family reunion services.

**Recommendation 4**

**Response**
On 13 February 2008, the then Prime Minister Kevin Rudd offered the National Apology in a spirit of respect, and in recognition of the profound grief, suffering and loss inflicted on Stolen Generations.

At the time it was acknowledged that words alone were not enough. While the Government does not support the establishment of a national reparations scheme for the Stolen Generations, we are working practically to assist members of the Stolen Generations to deal with the daily experience of various types of trauma, loss and grief and to help families and future generations to stop the cycle of trauma from continuing.

After the Motion of Apology to Australia's Indigenous Peoples on 13 February 2008 the Government committed an additional $15.7 million to important initiatives such as Link Up family reunion services and Bringing Them Home counsellors for Stolen Generations' survivors.

On 13 February 2009, the first anniversary of the Motion of Apology to Australia's Indigenous Peoples, the Government announced a further $13.8 million for the Link Up program to enable an extra 351 family reunions and around 100 'Return to Country' reunions.

The Aboriginal and Torres Strait Islander Healing Foundation was established on 30 October 2009. The 2009-10 Budget provided $26 million in funding over four years for the Foundation to address trauma and aid healing in Aboriginal and Torres Strait Islander communities, mindful of the unique needs of members of the Stolen Generations.

**Recommendation 5**
That the Australian Government develop and implement a comprehensive debt collection strategy to reduce the incidence of social security debts, provide fairer debt recovery methods and ensure that debts are not unfairly raised.

**Recommendation 6**
That the Australian Government amend the Social Security Act to remove anomalies and unfair aspects of its debt waiver provisions along the lines recommended in the evidence presented by the National Welfare Rights Network.

**Response to recommendations 5 and 6**
The Australian Government is reviewing current debt waiver provisions under social security law to ensure they provide an appropriate balance between recovering amounts that exceed a person's entitlement and avoiding onerous and inequitable outcomes for customers. The Australian Government is actively engaging, and will continue to engage, the National Welfare Rights Network in ongoing discussions to make the system fairer.

---

**Australian Government Response to Senate Community Affairs References Committee**
**Gene Patents Report**
**November 2011**

**Introduction**
On 11 November 2008 the Senate referred matters relating to the patenting of human genes and genetic materials to the Senate Community Affairs References Committee (the Senate Committee) for inquiry and report. The Senate Committee tabled its report (the Senate Gene Patents Report) on 24 November 2010.

The terms of reference for the inquiry directed the Senate Committee to inquire into:

The impact of the granting of patents in Australia over human and microbial genes and non-coding sequences, proteins, and their
derivatives, including those materials in an isolated form, with particular reference to:

(a) the impact which the granting of patent monopolies over such materials has had, is having, and may have had on:
   (i) the provision and costs of healthcare;
   (ii) the provision of training and accreditation for healthcare professionals;
   (iii) the progress in medical research; and
   (iv) the health and wellbeing of the Australian people;

(b) identifying measures that would ameliorate any adverse impacts arising from the granting of patents over such materials, including whether the Patents Act 1990 should be amended, in light of any matters identified by the inquiry; and

(c) whether the Patents Act 1990 should be amended so as to expressly prohibit the grant of patent monopolies over such materials.

The Senate Gene Patents Report contains 16 recommendations directed, in part, to:

- establishing mechanisms for monitoring the implications of gene patents and the operation of the patent system;
- increasing legal requirements for the grant of a patent;
- improving patent law and practice concerning the exploitation of gene patents, including in relation to a new research defence to claims of patent infringement, Crown use, and compulsory licensing of patents; and
- introducing measures to assist in the interpretation and application of the Patents Act 1990.

Recommendation 4 of the Senate Gene Patents Report also recommended that the Government provide a combined response to:

- the Senate Gene Patents Report;
- the 2011 Advisory Council on Intellectual Property's Patentable Subject Matter Report (ACIP PSM Report);
- the 2004 Australian Law Reform Commission's Report No. 99, Genes and Ingenuity: Gene Patenting and Human Health (ALRC 99 Report); and
- the review of Australia's patent system by IP Australia.

The Government accepts this recommendation. This Government response addresses the recommendations of the above three reports. The review of Australia's patent system by IP Australia does not involve any public recommendations for Government response. However, the relevant outcomes of this review are outlined in the responses to the recommendations of the three reports.

**ALRC 99 Report**

On 17 December 2002 the then Australian Government Attorney-General, the Hon Daryl Williams MP, asked the Australian Law Reform Commission (ALRC) to inquire into and report on the laws and practices governing intellectual property rights over genetic materials and related technologies, with a particular focus on human health issues. The ALRC's report, Genes and Ingenuity: Gene Patenting and Human Health, (ALRC 99, 2004) was tabled on 31 August 2004.

The terms of reference for the inquiry directed the ALRC to consider – with a particular focus on human health issues – the impact of current patenting laws and practices related to genes and genetic and related technologies on:

- the conduct of research and its subsequent application and commercialisation;
- the Australian biotechnology sector; and
- the cost-effective provision of healthcare in Australia.

The terms of reference also requested the ALRC to consider what changes, if any, may be required to address any problems identified in current laws and practices with the aim of encouraging the creation and use of intellectual property to further the health and economic benefits of genetic research and genetic and related technologies.

The ALRC 99 report contains 50 recommendations directed to:

- improving patent law and practice concerning the patenting of genetic materials and technologies, including through amendments
to the Patents Act 1990 and changes in the practices and procedures of IP Australia, patent examiners and the courts;

- improving patent law and practice concerning the exploitation of gene patents, including in relation to a new research defence to claims of patent infringement, Crown use, and compulsory licensing of gene patents;

- ensuring that publicly funded research, where commercialised, results in appropriate public benefit, including through the adoption of appropriate patent practices;

- encouraging universities and other research organisations to raise the awareness of researchers about patenting issues and the commercialisation of research;

- ensuring that Australian research organisations and biotechnology companies are adequately skilled to deal with issues concerning commercialisation and the licensing of patented inventions;

- establishing mechanisms for monitoring the implications of gene patents for research and healthcare so that governments have the ability to intervene where gene patents are considered to have an adverse impact, either in specific cases or systemically;

- clarifying the application of competition law to the exploitation of intellectual property rights, including patented genetic materials and technologies; and

- clarifying the scope and practical application of exceptions to copyright infringement in relation to research.

**ACIP PSM Report**

In 2008 the Minister for Innovation, Industry, Science and Research, Senator the Hon Kim Carr, requested that the Advisory Council on Intellectual Property (ACIP) conduct a review of patentable subject matter, including the appropriateness and adequacy of the 'manner of manufacture' test as the threshold requirement for patentable subject matter under Australian law, and the historical requirement that an invention must not be 'generally inconvenient'. Instigation of the review was informed by recommendation 6-2 of the ALRC 99 Report. ACIP released its report on patentable subject matter (ACIP PSM Report) on 16 February 2011.

The ACIP PSM Report contains 11 recommendations directed to various changes to the Patents Act 1990 including:

- introducing a statement of objectives;

- defining patentable subject matter requirements using clear and contemporary language; and

- removing some of the current exclusions to patentable subject matter and introducing a morality exclusion.

The Government thanks the Senate Committee, the ALRC and ACIP for their reports. The Government's response to the recommendations of these reports is set out below.

**Government Response to Recommendations**

Legend:

- The Senate Community Affairs Committee report, Gene Patents – November 2010 (SGP Report)


**SGP Report**

**Recommendation 1**

3.156 The Committee recommends that the Government support and expand on the collection of data, research and analysis concerning genetic testing and treatment in Australia, in line with recommendation 19-1 of the 2004 Australia Law Reform Commission report Genes and ingenuity.

**ALRC 99 Report**

**Recommendation 19–1**

The Australian Health Ministers’ Advisory Council (AHMAC) should establish processes for:
(a) economic evaluation of medical genetic testing and other new genetic medical technologies; and
(b) examination of the financial impact of gene patents on the delivery of healthcare services in Australia.

Response
The Government accepts these recommendations in principle.

The report and the Government response to the Review of Health Technology Assessment in Australia (HTA Review), which had been conducted as a Better Regulation Ministerial Partnership, were released by the Minister for Health and Ageing and the Minister for Finance and Deregulation in February 2010. In implementing the recommendations of the HTA Review that were accepted by Government, the Department of Health and Ageing has established the Health Technology Assessment Access Point to coordinate the provision of comprehensive advice to Government regarding co-dependent technologies, such as where the cost-effective use of a drug may be dependent on the result of a genetic test, and to determine the appropriate methodology for assessing such technologies.

The Government considers that the Medical Services Advisory Committee (MSAC) is the appropriate body to undertake evaluations of medical genetic tests (including their cost-effectiveness) based on available evidence. MSAC undertakes evaluations on eligible medical services on application from non-government bodies, on referral from Government, and as requested by the Australian Health Ministers' Advisory Committee (AHMAC). The National Health and Medical Research Council (NHMRC) can also provide advice on technical or ethical aspects of genetic testing if requested by MSAC to assist in its deliberations.

The Government considers that there is insufficient need at this time to establish a specific process for examination of the financial impact of gene patents in the delivery of healthcare. The economic value and impact of patents continues to be an area of research interest both in Australia and internationally. A number of intellectual property organisations, including the World Intellectual Property Organization (WIPO), have recently included on their staff economists for this purpose. In Australia such research is undertaken by a number of universities and institutes including the Intellectual Property Research Institute of Australia (IPRIA). IP Australia also maintains a watching brief on developments in this regard.

SGP Report
Recommendation 2
3.157 The Committee recommends that the Government conduct a public consultation and feasibility study regarding establishing a transparency register for patent applications and other measures to track the use of patents dealing with genes and genetic materials.

ALRC 99 Report
Recommendation 9–1
IP Australia should develop and regularly update a searchable online database comprising patents and published patent applications. The database should:

(a) be accessible to the public through IP Australia's website;
(b) provide user-friendly access and search capabilities on a wide variety of bases; and
(c) as soon as practicable, provide full-text searching of all complete specifications of published Australian patent applications and granted patents.

Response
The Government accepts Recommendation 9-1 of the ALRC 99 Report and notes that IP Australia has developed and implemented the AusPat search system to provide ready access to Australian patent information including full-text searching of complete specifications back to 1904 (commencement of the first Commonwealth Patents Act). AusPat is a world standard database of patent applications enabling searches to be conducted across 28 different data fields including applicant/inventor name, technology, etc.. The functionality of the system caters for the novice to the advanced searcher including on-line support through a feedback mechanism.

In addition the system includes an 'eDossier' facility which means that the public will be able
to readily see any objections raised by the patent examiner and the responses, amendments, etc. submitted by the patent applicant to overcome those and result in grant of a patent. This facility provides access to patent application files open to public inspection (which occurs 18 months from filing) from 2006.

The Government will continue to explore web-based technology to make patent data more readily accessible and understood by the Australian community as part of continuous improvement of existing capabilities.

The Government accepts Recommendation 2 of the SGP Report as it relates to patent applications rather than how it relates to the ‘use’ of patents. The Government notes that the Intellectual Property Research Institute of Australia (IPRIA), which is partly funded by Government, has in the past and continues to conduct research on the use of patents. This includes research on patent enforcement and assignment.

SGP Report
Recommendation 3
4.137 The Committee recommends that the Senate refer the Patent Amendment (Human Genes and Biological Materials) Bill 2010 to the relevant Senate committee for inquiry and report.

Response
This recommendation is a matter for the Senate.

SGP Report
Recommendation 4
5.161 The Committee recommends that the Government provide a combined response addressing the Committee’s inquiry into gene patents; the 2004 report on gene patents by the Australian Law Reform Commission; the review of patentable subject matter by the Australian Council on Intellectual Property (ACIP); and the review of Australia’s patent system by IP Australia. The Committee recommends that the response be provided not later than mid-2011 or three months after the release of the findings of all reviews.

Response
The Government accepts this recommendation.
SGP Report
Recommendation 7
5.173 The Committee recommends that the Patents Act 1990 be amended to remove the limitation that 'common general knowledge' be confined to that existing in Australia at the time a patent application is lodged (that is, that 'common general knowledge' anywhere in the world be considered).

Response
The Government accepts this recommendation.

Amendments to implement this recommendation are contained in the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011. The Bill has been the subject of extensive public consultations over a two year period and provides for a number of changes to raise the standards for grant of a patent thereby realigning Australia's patent law with global trends regarding standards for patentability. The various changes proposed under the Bill will in combination increase the quality of patents that are granted.

SGP Report
Recommendation 8
5.174 The Committee recommends that the Patents Act 1990 be amended to remove the requirement that 'prior art information' for the purposes of determining inventive step must be that which could reasonably have been expected to be 'ascertained' (that is, that the 'prior art base' against which inventive step is assessed not be restricted to information that a skilled person in the relevant field would have actually looked for and found (ascertained)).

Response
The Government accepts this recommendation.

Amendments to implement this recommendation are contained in the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011. The Bill has been the subject of extensive public consultations over a two year period and provides for a number of changes to raise the standards for grant of a patent thereby realigning Australia's patent law with global trends regarding standards for patentability. The various changes proposed under the Bill will in combination increase the quality of patents that are granted.

SGP Report
Recommendation 9
5.175 The Committee recommends that the Patents Act 1990 be amended to introduce descriptive support requirements, including that the whole scope of the claimed invention be enabled and that the description provide sufficient information to allow the skilled addressee to perform the invention without undue experimentation.

Response
The Government accepts this recommendation.

Amendments to implement this recommendation are contained in the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011. The Bill has been the subject of extensive public consultations over a two year period and provides for a number of changes to raise the standards for grant of a patent thereby realigning Australia's patent law with global trends regarding standards for patentability. The various changes proposed under the Bill will in combination increase the quality of patents that are granted.

SGP Report
Recommendation 10
5.179 The Committee recommends that the Patents Act 1990 be amended to provide that an invention will satisfy the requirement of 'usefulness' in section 18(1) only in such cases as a patent application discloses a 'specific, substantial and credible' use; the Committee recommends that such amendments incorporate the full set of recommendations on this issue from the Australian Law Reform Commission's 2004 report, Genes and ingenuity (Recommendations 6-3 to 6-4).
ACIP PSM Report

Recommendation 5

Amend the Patents Act 1990 (Cth) so that the requirement of usefulness in paragraphs 18(1)(c) and 18(1A)(c) encompasses the requirement for utility that is currently an aspect of the manner of manufacture requirement, and is a ground for examination of a standard patent and an innovation patent.

ALRC 99 Report

Recommendation 6–3

The Commonwealth should amend the Patents Act 1990 (Cth) (Patents Act) to:

(a) include 'usefulness' as a requirement in the examination of an application for a standard patent and in the certification of an innovation patent;

(b) provide that an invention will satisfy the requirement of 'usefulness' only if the patent application discloses a specific, substantial and credible use;

(c) require the Commissioner of Patents to be satisfied on the balance of probabilities that the requirement of 'usefulness' is made out in order to accept an application for a standard patent or to certify an innovation patent; and

(d) include 'lack of usefulness' as a basis upon which an accepted application for a standard patent may be opposed, in addition to its current role as a ground for revocation. (See also Recommendation 8–3.)

Recommendation 6–4

IP Australia should develop guidelines, consistent with the Patents Act, the Patents Regulations 1991 (Cth) and existing case law, to assist patent examiners in applying the 'usefulness' requirement. The guidelines should outline factors relevant to determining whether a use disclosed in a patent application is specific, substantial and credible to a person skilled in the relevant art.

Response

The Government accepts these recommendations.

With regard to Recommendation 6-3(d) of the ALRC 99 Report, the Patents Act 1990 was amended in 2004 to include paragraphs 18(1)(c) and 18(1)(d) as grounds of opposition under section 59. The introduced grounds of opposition are that the claimed invention:

- must be useful (paragraph 18(1)(c)); and
- must not have been secretly used in Australia before the priority date of the claim by, or on behalf of, or with the authority of, the patentee or nominated person or the predecessor in title to the invention (paragraph 18(1)(d)).

With regard to Recommendation 6-4 of the ALRC 99 Report, IP Australia has commenced work in developing such guidelines. The date for completion of the guidelines to implement this recommendation will depend on the timing of the legislative changes required to implement all other elements of these recommendations.

Amendments to implement all other elements of these recommendations are contained in the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011. The Bill has been the subject of extensive public consultations over a two year period and provides for a number of changes to raise the standards for grant of a patent thereby realigning Australia's patent law with global trends regarding standards for patentability. The various changes proposed under the Bill will in combination increase the quality of patents that are granted.

SGP Report

Recommendation 11

5.185 The Committee recommends that the Patents Act 1990 be amended to clarify the circumstances in which the Crown use provisions may be employed; and that the Government develop clear policies for the use of the Crown use provisions. The Committee recommends that the Government adopt the Australian Law Reform Commission's recommendations on this issue from its 2004 report, Genes and ingenuity (Recommendations 26-1 to 26-3)

ALRC 99 Report

Recommendation 26–1

The Australian Health Ministers' Advisory Council should develop a policy regarding the circumstances in which it may be appropriate for the Commonwealth or a State to exploit a
 patented invention under the Crown use provisions of the Patents Act 1990 (Cth) (Patents Act) for the purposes of promoting human health. Similarly, the Department of Health and Ageing should develop a policy regarding the circumstances in which it may be appropriate for the Commonwealth to acquire a patent for the purposes of promoting human health. Decisions about Crown use in specific cases must be made on their individual merits.

Recommendation 26–2
The Commonwealth should amend the Patents Act to clarify that, for the purposes of the Crown use provisions, an invention is exploited 'for the services of the Commonwealth or of a State' if the exploitation of the invention by a Commonwealth or State authority (or by an authorised person) is for the provision of healthcare services or products to members of the public.

Recommendation 26–3
The Commonwealth should amend the Patents Act to provide that, when a patent is exploited under the Crown use provisions, the remuneration that is to be paid by the relevant authority must be paid promptly and must be just and reasonable having regard to the economic value of the use. Similarly, the Act should be amended to provide that, when a patent is acquired under the Crown acquisition provisions, compensation must be paid promptly and must be just and reasonable having regard to the economic value of the patent.

Response
The Government notes these recommendations.


The Government decided that there was insufficient evidence to support any legislative changes to the current provisions. As a result of the ACIP Review, the Minister for Innovation, Industry, Science and Research wrote to relevant Commonwealth, State and Territory Ministers in March 2009 to raise awareness of government rights and obligations under the provisions. IP Australia also developed a public information sheet highlighting the Crown's rights and obligations and the rights of intellectual property owners under the provisions.

The Government does not see a need at present to develop a health-specific policy on the circumstances in which Crown use provisions should be exploited as the provisions are available for all Commonwealth, State and Territory services. The Government agrees that the circumstances in which a patented invention should be exploited pursuant to the Crown use provisions should be considered on a case-by-case basis.

SGP Report
Recommendation 12
5.190 The Committee recommends that the Government amend the Patents Act 1990 to clarify the scope of the 'reasonable requirements of the public' test, taking into account the recommendation of the Australian Law Reform Commission on this issue in its 2004 report, Genes and ingenuity (Recommendation 27-1); the Committee recommends that the Government review the operation of the competition based test for the grant of a compulsory licence, with particular reference to its interaction with the Trade Practices Act 1974.

ALRC 99 Report
Recommendation 27–1
The Commonwealth should amend the provisions of the Patents Act 1990 (Cth) relating to compulsory licences by:
(a) inserting the competition-based test recommended by the Intellectual Property and Competition Review Committee as an additional ground for the grant of a compulsory licence; and
(b) clarifying the scope of the 'reasonable requirements of the public test'.

Response
The Government accepts these recommendations.

As the SGP Report notes, the Government introduced a competition-based test as an additional ground for the grant of a compulsory licence in the Intellectual Property Laws Amendment Act 2006. Specifically, the provision provides for a compulsory licence to be available as a remedy if a person has contravened any anti-
competitive conduct provision under Part IV of the Competition and Consumer Act 2010. The Government will review the operation of the compulsory licence provisions of the Patents Act 1990 including measures to raise awareness of these provisions.

SGP Report
Recommendation 13

5.195 The Committee recommends that the Patents Act 1990 be amended to include a broad research exemption.

ALRC 99 Report
Recommendation 13–1

The Commonwealth should amend the Patents Act 1990 (Cth) (Patents Act) to establish an exemption from patent infringement for acts done to study or experiment on the subject matter of a patented invention, for example, to investigate its properties or improve upon it. The amendment should also make it clear that:

(a) the exemption is available only if study or experimentation is the sole or dominant purpose of the act;
(b) the existence of a commercial purpose or objective does not preclude the application of the exemption; and
(c) the exemption does not derogate from any study or experimentation that may otherwise be permitted under the Patents Act.

Response

The Government accepts these recommendations.

Amendments to introduce an exemption from infringement for acts done for experimental purposes are contained in the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011. The Bill has been the subject of extensive public consultations over a two year period and provides for a number of changes to raise the standards for grant of a patent thereby realigning Australia’s patent law with global trends regarding standards for patentability. The proposed amendments include a broad research exemption as well as an exemption for acts connected with obtaining regulatory approval (such as the conduct of trials to provide data necessary for obtaining regulatory approval). The exemption is technology neutral applying to research in any technology field and regulatory approval of any technology. The various changes proposed under the Bill will in combination increase the quality of patents that are granted and provide the sought after certainty for researchers.

SGP Report
Recommendation 14

5.197 The Committee recommends that, to assist courts and patent examiners with the interpretation and application of the Patents Act 1990, the Government consider amending the Act to include anti-avoidance provisions.

Response

The Government does not accept this recommendation.

The Government has considered the submissions and examples put forward to the Senate inquiry and in the SGP Report relating to this recommendation.

The Government is of the view that existing measures including: the ability for third parties to make submissions during examination of a patent application (section 27 of the Patents Act 1990), pre-grant opposition (Chapter 5 and 9A Part 3 of the Patents Act 1990), re-examination (Chapter 9 and 9A Part 2 of the Patents Act 1990), internal quality audits, and external administrative and judicial processes, provide for compliance and quality.

These measures will be enhanced further with improved access to patent information through the new eDossier system. The eDossier provides on-line, free of charge, public access to relevant documents and correspondence on the patent application prosecution file. The improved access to this information will increase the transparency of the patent system and enable members of the public to address any concerns they may have about perceived misuse of the system through these existing measures.

Furthermore, the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011 which has been the subject of extensive public consultations over a two year period provides for a number of changes to raise the standards for grant of a patent thereby realigning Australia’s patent law with global trends regarding standards
for patentability. Specifically, the Bill seeks to change the burden of proof to 'balance of probabilities' for all patentability criteria which will balance the courts and patent examiners with the interpretation and application of the Patents Act 1990. The various changes proposed under the Bill will in combination increase the quality of patents that are granted.

**SGP Report**

**Recommendation 15**

5.198 The Committee recommends that, to assist courts and patent examiners with the interpretation and application of the Patents Act 1990, the Government consider amending the Act to include objects provisions.

**ACIP PSM Report**

**Recommendation 1**

Include a statement of objectives in the Patents Act 1990 (Cth) describing the purposes of the legislation.

**Recommendation 2**

The statement of objectives to be included in the Patents Act 1990 (Cth) should describe the purposes of the legislation as being to provide an environment that promotes Australia's national interest and enhances the well-being of Australians by balancing the competing interests of patent rights holders, the users of technological knowledge, and Australian society as a whole.

**Response**

The Government accepts these recommendations.

The Government recognises that a statement of objectives in the Patents Act 1990 would provide a clear statement of legislative intent. The Government will develop legislation to give effect to these recommendations and its intention that patents should not lead to patients being denied reasonable access to healthcare. The legislation will be the subject of the same considered and comprehensive public consultation process as the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011 including public exposure of the legislation drafting instructions and the draft legislative provisions.

**SGP Report**

**Recommendation 16**

5.202 The Committee recommends that the Government establish a patent audit committee.

**Response**

The Government notes this recommendation.

The Government notes that the objective of the patent audit committee is to provide assurance to Government that the patent system is working as intended. The Government notes that the Advisory Council on Intellectual Property (ACIP) which is comprised of expert members appointed by the Minister for Innovation, Industry Science and Research already has the powers to undertake quality reviews where directed by the Minister and to co-opt temporary members with expertise in the relevant subject area of a review. The Government will consider varying ACIP's membership to ensure industry, research and community/consumer interests are sufficiently represented. ACIP can be tasked with providing advice to the Minister on matters such as:

- whether the patent system appropriately balances economic considerations with the needs of the community (including benefits to the community);
- emerging technologies and access issues; and
- compulsory licensing.

The Government also notes that any such reviews would be in addition to existing avenues to assure the quality of individual patents in Australia including substantive patent examination, re-examination, pre-grant opposition procedures, third party notification under section 27 of the Patents Act 1990, the administrative and judicial review system, and IP Australia's internal quality audits and transparency in the prosecution of patent applications through the eDossier facility (which provides on-line, free of charge, public access to relevant documents and correspondence on the patent application prosecution file). The Intellectual Property Research Institute of Australia (IPRIA) also has an active and varied...
research program looking at various topical patent issues, including issues of quality.

**ACIP PSM Report**

**Recommendation 3**

Define patentable subject matter in the Patents Act 1990 (Cth), for the purposes of both a standard patent and an innovation patent, using clear and contemporary language that embodies the principles of inherent patentability as developed by the High Court in the NRDC case and in subsequent Australian court decisions.

**Recommendation 4**

Amend the Patents Act 1990 (Cth) to enhance the clarity of the patentability requirements, and to remove overlap of the patentable subject matter provision with the provisions on novelty, inventive step and usefulness.

**ALRC 99 Report**

**Recommendation 6–2**

The responsible Minister should initiate an independent review of the appropriateness and adequacy of the 'manner of manufacture' test as the threshold requirement for patentable subject matter under Australian law, with a particular focus on the requirement that an invention must not be 'generally inconvenient'.

**Response**

The Government accepts these recommendations in principle, and will develop legislation to define patentable subject matter using clear and contemporary language. The Government recognises the important role of patents in commercialising health research and the need to provide industry with certainty within the patent system. The development of this legislation will be subject to considered and comprehensive public consultation. This will enable an opportunity to consider benefits and impacts on the health sector. The legislation drafting instructions and the draft legislative provisions will be subject to the same considered and comprehensive public consultation process as the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011.

The Government has already acted on Recommendation 6–2 of the ALRC 99 Report which has resulted in the ACIP PSM Report. The 'manner of manufacture' test has served the Australian intellectual property system well to date, but the Government recognised that as part of continuous improvement and international harmonisation it would be appropriate to review the test. However, due to the high degree of overlap between 'manner of manufacture' and other criteria for patentability, in order to be effective the scope of the review was broadened to encompass 'patentable subject matter'. The terms of reference for the review were to conduct a review of patentable subject matter, including the appropriateness and adequacy of the 'manner of manufacture' test as the threshold requirement for patentable subject matter under Australian law, and the historical requirement that an invention must not be 'generally inconvenient'.

The ACIP PSM Report is the result of extensive public consultation over a two and a half year period including written submissions and public forums. The Government recognises the complexities of providing incentives for creating innovations, enabling further innovation and cost effective access to innovations. Any changes must therefore have full regard to all these. This is particularly important with respect to health-related innovations where understandably there is strong public concern about affordable access to healthcare.

It is also important to note that the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011 which has also been the subject of extensive public consultations over a two year period provides for a number of changes to raise the standards for grant of a patent thereby realigning Australia's patent law with global trends regarding standards for patentability. The higher standards for demonstrating novelty, inventive step and usefulness will provide for patenting of inventions that demonstrate a more substantial level of inventiveness and thereby raise the overall quality of patents granted in Australia. In that regard the changes proposed under the Bill will deal directly with broad and speculative patents which are understandably of public concern. The Bill also has provisions to provide researchers and innovators with the freedom to undertake research and regulatory approval activities without fear of infringing patents. All
these proposed changes to the Patents Act 1990, in combination with existing safeguards of Crown use and compulsory licences, increase clarity over patentability requirements, provide incentives for creating innovations and making them available and establish mechanisms for responding to anti-competitive behaviour.

The Government will also continue to monitor international developments through its membership of various fora including the World Intellectual Property Organization (WIPO) and World Health Organization (WHO), and international and domestic patent-related jurisprudence to ensure that the balance of interests continues to be maintained.

ACIP PSM Report
Recommendation 6
Retain the specific exclusions set out in subsections 18(2) and 18(3) of the Patents Act 1990 (Cth).

Response
The Government accepts this recommendation.

ACIP PSM Report
Recommendation 7
Repeal section 50 of the Patents Act 1990 (Cth), and the corresponding grounds for revocation of an innovation patent contained in section 101B of the Patents Act 1990 (Cth).

Response
The Government accepts this recommendation having regard to the response in relation to Recommendations 8, 9 and 10 of the ACIP PSM Report.

ACIP PSM Report
Recommendation 8
Include in the Patents Act 1990 (Cth) a patentability exclusion as permitted by Article 27(2) of the TRIPS Agreement.

Recommendation 9
Amend the Patents Act 1990 (Cth) so as to exclude from patentability an invention the commercial exploitation of which would be wholly offensive to the ordinary reasonable and fully informed member of the Australian public.

Recommendation 10
Amend the Patents Act 1990 (Cth) to provide the Commissioner of Patents with an explicit power to seek advice, from any person the Commissioner considers appropriate, to assist the Commissioner in applying the general patentability exclusion proposed in ACIP Recommendation 8 and in ACIP Recommendation 9.

ALRC 99 Report
Recommendation 7–1
The Patents Act 1990 (Cth) should not be amended:
(a) to exclude genetic materials and technologies from patentable subject matter;
(b) to exclude methods of diagnostic, therapeutic or surgical treatment from patentable subject matter; or
(c) to expand the existing circumstances in which social and ethical considerations may be taken into account in decisions about granting patents.

Rather, social and ethical concerns should be addressed primarily through direct regulation of the use or exploitation of a patented invention.

Response
The Government accepts Recommendation 7–1 (a) in principle and (b) in full but not (c) of the ALRC 99 Report in recognition of the more recent proposals in the ACIP PSM Report.

The Government recognises the need for the patent system to reflect contemporary community expectations and therefore accepts Recommendations 8, 9 and 10 of the ACIP PSM Report but notes that the specific amendments to the Patents Act 1990 will need to be consistent with Australia's international obligations. The Government will develop legislation to give effect to these recommendations. The legislation will be subject of the same considered and comprehensive public consultation process as the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011 including public exposure of the legislation drafting instructions and the draft legislative provisions.
ACIP PSM Report
Recommendation 11
Amend the Patents Act 1990 (Cth) to require the Commissioner of Patents to be satisfied that an invention is a patentable invention before accepting an application for a standard patent or certifying an innovation patent.

ALRC 99 Report
Recommendation 8–3
The Commonwealth should amend the Patents Act to require patent examiners to be satisfied on the balance of probabilities when assessing all statutory requirements for patentability that are relevant at the stage of examination. (See also Recommendation 6–3.)

Response
The Government accepts these recommendations.

The amendments to give effect to these recommendations are contained in the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011. The Bill has been the subject of extensive public consultations over a two year period and provides for a number of changes to raise the standards for grant of a patent thereby realigning Australia’s patent law with global trends regarding standards for patentability. The various changes in combination will increase the quality of patents granted in Australia.

ALRC 99 Report
Recommendation 5–1
IP Australia should:
(a) assess the impact of patent fees on the actual term of Australian patents; and
(b) periodically review the structure and quantum of patent fees to ensure that fees are set at levels appropriate to discourage patent holders from maintaining patents that lack real commercial value.

Response
The Government accepts this recommendation. IP Australia sets fees consistent with:
• achievement of the following agency Outcome as agreed with Government:
• increased innovation, investment and trade in Australia, and by Australians overseas, through the administration of the registrable intellectual property rights system, promoting public awareness and industry engagement, and advising Government;
• the Australian Government Cost Recovery Guidelines 2005;
• the Financial Management and Accountability Act 1997; and
• other Government policies and international obligations.

IP Australia employs a fee schedule structure where the renewal fees increase with the age of the patent and thereby discourage renewal of patents with no or little remaining commercial value. In developing the fee schedules, IP Australia takes into consideration a range of issues including the mean age of Australian patents, consistency in cost of like services across other intellectual property rights, international benchmarking and equality of access for patent holders of different economic means. IP Australia completed a review of its fee structure in July 2010, having last reviewed its fees in 2006. It will continue to conduct regular reviews of its fee structure and will take all the relevant issues into account including assessing the impact of fees over the period of Australian patents as well as the need to consider disincentives for behaviour that could reduce innovation.

ALRC 99 Report
Recommendation 6–1
Patent applications relating to genetic materials and technologies should be assessed according to the same legislative criteria for patentability that apply to patent applications relating to any other type of technology.

Response
The Government accepts this recommendation noting Australia’s obligation under the World Trade Organization’s Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) to maintain technology-neutral patentability criteria.

The Government is pursuing a number of changes to raise the standards for grant of a patent
thereby realigning Australia's patent law with global trends regarding standards for patentability. These changes are contained in the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011 which has been the subject of extensive public consultations over a two year period. The various changes proposed under the Bill will require more evidence that the invention can do what it claims to do and increase quality of the patents granted in Australia.

ALRC 99 Report
Recommendation 8–1

To ensure the ongoing competence of Australian patent examiners in examining patent applications, IP Australia should enhance its efforts to provide examiners with education and training in areas of technology relevant to their particular specialty. IP Australia should review and update its education and training programs regularly so that new developments can be incorporated as required.

Response

The Government accepts this recommendation.

The Government recognises the importance of the skills of patent examiners in ensuring quality of decision making in the grant of Australian patents. To that end IP Australia has an active program of continuing professional training and development. Opportunities are available for examiners in the form of internal and external training courses, part-time university study and attendance at seminars, conferences (including international conferences), industrial visits and placements. The programs are subject to periodic reviews and improvements. In the 2009-10 financial year, IP Australia spent 3.4% of its expense budget on staff training and development. On average, $5,900 was spent per patent examiner on training and development.

IP Australia also continues to recruit new staff with knowledge and experience in developing technologies. IP Australia requires all patent examiners to have tertiary qualifications. As at early 2010, 53% of patent examiners employed by IP Australia had postgraduate tertiary qualifications with 80% of these being science-based.

ALRC 99 Report
Recommendation 8–2

IP Australia should develop examination guidelines, consistent with the Patents Act 1990 (Cth) (Patents Act), the Patents Regulations 1991 (Cth) and existing case law, to explain how the criteria for patentability apply to inventions involving genetic materials and technologies.

Response

The Government accepts this recommendation.

The Government agrees that there should be clear examination guidelines for how the criteria for patentability apply to inventions for all technologies, including genetic materials. IP Australia has examination guidelines to give effect to this recommendation and these are contained in the publicly available Australian Patent Office Manual of Practice and Procedure which is a controlled document under its externally certified ISO 9001 quality management system. The Government believes the current examination guidelines provide appropriate guidance on how these criteria apply to inventions involving genetic materials and technologies. IP Australia will continue to provide appropriate guidance as the law develops, and will update the examination guidelines as appropriate in consultation with stakeholders.

ALRC 99 Report
Recommendation 9–2

Information about patent litigation should be readily accessible to the public.

To this end:
(a) the Commonwealth should amend the Patents Act 1990 (Cth) (Patents Act) to require courts exercising jurisdiction under the Act to give written notice to the Commissioner of Patents when a legal proceeding to challenge or enforce a patent is commenced, and when a decision or judgment is given in any such proceeding;
(b) the Commissioner of Patents should include information about any such notice in the file of a patent and make the information readily available, for example in the Official Journal of Patents and in the patents database on IP Australia’s website; and
(c) courts exercising jurisdiction under the Patents Act should amend their Rules of Court, as necessary, to give effect to this Recommendation.

Response
The Government accepts this recommendation noting however that a change to the Patents Act 1990 is not necessary.

Section 139 of the Patents Act 1990 and provisions contained in Rule 34.42 of the Federal Court Rules already require parties to provide information to the Commissioner of Patents. The Commissioner places this information on the file for the patent in question and this information is accessible using the e-Dossier facility in AusPat which allows online, public access to patent files.

Also, the Federal Court has implemented an internet inquiry system called 'Federal Law Search' which provides this information for patent-related proceedings. IP Australia will continue to work with the Federal Court to improve the existing notification process and visibility of proceedings via AusPat and the Federal Court's Federal Law Search system.

ALRC 99 Report
Recommendation 10–1
Courts exercising jurisdiction under the Patents Act 1990 (Cth) (Patents Act) should continue to develop their practices and procedures for dealing with patent matters in order to promote the just, efficient and cost effective resolution of patent disputes.

Response
This recommendation is a matter for courts exercising jurisdiction under the Patents Act 1990.

ALRC 99 Report
Recommendation 10–2
Courts exercising jurisdiction under the Patents Act should continue to develop procedures and arrangements to allow judges to benefit from the advice of assessors or scientific advisors in litigation involving patents over genetic materials and technologies.

Response
This recommendation is a matter for courts exercising jurisdiction under the Patents Act 1990.

ALRC 99 Report
Recommendation 11–1
The Australian Research Council (ARC) and the National Health and Medical Research Council (NHMRC) should review the National Principles of Intellectual Property Management for Publicly Funded Research (National Principles) to ensure that publicly funded research, where commercialised, results in appropriate public benefit. (See also Recommendations 12–1 and 17–2.)

Response
The Government accepts this recommendation. The National Health and Medical Research Council (NHMRC), in collaboration with the Australian Research Council (ARC) are convening a review of the Principles of Intellectual Property Management for Publicly Funded Research. The review will include consultation with interested stakeholders.

ALRC 99 Report
Recommendation 11–2
The ARC and NHMRC should develop guidelines to assist organisations receiving public funding for research in complying with the National Principles. The guidelines should, among other things:

(a) provide guidance on what is meant by 'public benefit';

(b) assist organisations in determining whether it is appropriate for particular research results to be commercialised; and

(c) identify a range of approaches to the exploitation of intellectual property and the circumstances in which they might be used.

Response
The Government accepts this recommendation.

The Government supports the development of guidelines to assist organisations receiving public funding for research in complying with the Principles of Intellectual Property Management for Publicly Funded Research (National
Principles), and supports such guidelines including the elements in the recommendation. The guidelines will be developed in consultation with interested stakeholders.

The Government notes that both the Australian Research Council (ARC) and the National Health and Medical Research Council (NHMRC) require compliance with the National Principles as an integral part of receiving ARC and NHMRC funding. Until December 2010 for the ARC this was facilitated though the Funding Agreement signed between the ARC and the Administering Organisation, and was required as part of any Multi-Institutional or Collaborative Agreement signed by the Administering Organisation with other parties involved with ARC funded research. From January 2011 compliance continues to be required and will be included in both the Funding Rules and the Funding Agreement. Currently for NHMRC, compliance is facilitated through the Deeds of Agreement signed between NHMRC and the Administering Institution. It is the responsibility of the Administering Organisation or Institution to provide further guidance and facilitate the mechanics of protecting intellectual property and/or commercialising research where appropriate.

**ALRC 99 Report**

**Recommendation 11–3**

In exceptional circumstances, where the public benefit would clearly be served by broad dissemination of the results of publicly funded research, the ARC and the NHMRC should consider attaching conditions to the grant of funding. These conditions might include a requirement that research results be placed in the public domain, or that a patented invention be widely licensed.

**Response**

The Government accepts the recommendation in principle.

The Government notes that the Australian Code for the Responsible Conduct of Research and the National Principles of Intellectual Property Management for Publicly Funded Research include guidance on the dissemination of research findings and management of intellectual property. Compliance is a condition under which ARC and NHMRC funding is awarded. Where suitable, strategies for achieving impact from publicly funded research should be assessed on a case by case basis and publication should be consistent with appropriate IP management. Cooperative Research Centres (CRCs) are also required to comply with this code.

NHMRC believes that the results of government-supported health and medical research should be made widely available so that both the research community and the public are able to derive maximum benefit from these outputs. The ARC has always been supportive of the broad dissemination of research and in 2011 has introduced a new component to Funding Rules which will allow up to two per cent of awarded ARC funding (total or non-salary) to be used for publication and dissemination of Project outputs and outreach activity costs.

NHMRC has introduced a policy that requires all published outputs arising from NHMRC-supported research projects to be deposited in an open access institutional repository within 12 months of the date of publication. Similarly, the ARC strongly encourages publication in publicly accessible outlets and the depositing of data and any publications arising from a Project in an appropriate subject and/or institutional repository.

In addition, the ARC has introduced from 2011 new guidelines against which Final Reports will be evaluated including the need to justify why any publications from a Project have not been deposited in appropriate repositories within 12 months of publication, and the need to outline how data arising from the Project has been made publicly accessible where appropriate.

**ALRC 99 Report**

**Recommendation 11–4**

Research organisations should ensure that their policies on intellectual property ownership cover research undertaken by visiting researchers, students and staff—whether undertaken solely within the organisation or jointly with other bodies. (See also Recommendation 17–4.)
Response
The Government accepts this recommendation in principle noting that its implementation is a matter for research organisations.

ALRC 99 Report
Recommendation 12–1
The Australian Research Council and the National Health and Medical Research Council, in implementing Recommendations 11–1 to 11–3, should recognise the public benefit in ensuring the wide dissemination of research tools.

Response
The Government accepts the recommendation in principle.

The Government notes that the Australian Code for the Responsible Conduct of Research, jointly published by the ARC, the NHMRC and Universities Australia, includes guidance on the dissemination of research findings including manage research data and materials, how to publish and disseminate research findings, including proper attribution of authorship, how to conduct effective peer review and how to manage conflicts of interest to promote integrity in research, and manage intellectual property. Compliance with the Code is a condition under which the ARC and the NHMRC funding is awarded.

ALRC 99 Report
Recommendation 14–1
Research organisations should continue to take steps to raise the awareness of researchers in health sciences and biotechnology about intellectual property issues and the commercialisation of research, and should provide relevant advice to researchers as required.

Response
The Government accepts this recommendation in principle noting that its implementation is a matter for research organisations.

The Government notes that the Australian Code for the Responsible Conduct of Research, jointly published by the Australian Research Council (ARC), the National Health and Medical Research Council (NHMRC) and Universities Australia, includes guidance on the responsibilities of institutions. This includes the promotion of responsible conduct of research, the establishment of good governance and management practices, provision of training for researchers, promotion of mentoring and ensuring researchers have a safe working environment, and management of intellectual property. Compliance with the Code is a condition under which the ARC and the NHMRC funding are awarded.

ALRC 99 Report
Recommendation 14–2
Universities should ensure that students undertaking degrees in health sciences or biotechnology are made familiar with intellectual property issues and the commercialisation of research.

Response
The Government accepts this recommendation in principle noting that its implementation is a matter for individual universities.

ALRC 99 Report
Recommendation 14–3
The responsible Minister should initiate a review of the grace period provisions in the Patents Regulations 1991 (Cth) (Patents Regulations) to examine:

(a) whether they are well understood by the research community; and
(b) how they have affected the commercialisation of Australian research in Australia or overseas.

Response
The Government accepts this recommendation.

IP Australia completed a review of the grace period provisions and the final report was published (Review of Patent Grace Period, August 2005). This review was in response to a Government commitment to review the grace period provisions two years after they were introduced (on 1 April 2002). The report recommended that no changes to the grace period provisions were required.
Since this review, the Government has identified some aspects of the drafting of the current grace period provisions that create uncertainty as to the requirements for use and scope of these provisions. Relevant amendments to remove this uncertainty are being pursued through the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011. The Bill which has been the subject of extensive public consultations over a two year period provides for a number of changes to raise the standards for grant of a patent thereby realigning Australia's patent law with global trends regarding standards for patentability. The various changes proposed under the Bill will require more evidence that the invention can do what it claims to do and increase quality of the patents granted in Australia. The Government continues to engage in international fora in relation to a harmonised approach to grace periods. The Government will continue to monitor national and international developments and jurisprudence to ensure the grace period provision continues to serve the needs of the public and innovators.

ALRC 99 Report
Recommendation 14–4

Research organisations should ensure that their researchers are fully informed about the operation of the grace period provisions in the Patents Regulations, particularly in relation to:

(a) the effect of publication before filing a patent application; and
(b) the effect of publication on the patentability of their inventions in countries that do not have equivalent provisions.

Response
The Government accepts this recommendation in principle noting that its implementation is a matter for research organisations.

ALRC 99 Report
Recommendation 15–1

IP Australia should develop examination guidelines, consistent with the Patents Act 1990 (Cth), the Patents Regulations 1991 (Cth) and existing case law, to explain how the criteria for patentability apply to inventions involving stem cells and related technologies.

Response
The Government accepts this recommendation.

IP Australia has developed examination guidelines to give effect to this recommendation and these are contained in the publicly available Australian Patent Office Manual of Practice and Procedure (available at: http://www.ipaustralia.gov.au/pdfs/patentsmanual/WebHelp/Patent_Examiners_Manual.htm) which is a controlled document under its externally certified ISO 9001 quality management system. These guidelines will need to take account of any outcomes from the 2010 review of the Research Involving Human Embryos Act 2002 and the Prohibition of Human Cloning Act 2002.

ALRC 99 Report
Recommendation 15–2

As part of the independent reviews to be conducted under the Research Involving Human Embryos Act 2002 (Cth) and the Prohibition of Human Cloning Act 2002 (Cth), the responsible Minister and the National Health and Medical Research Council should require an examination of the exploitation of intellectual property rights over stem cells when considering the establishment of a National Stem Cell Bank.

Response
This recommendation is no longer relevant.

The 2005 Legislation Review of the Research Involving Human Embryos Act 2002 (and the Prohibition of Human Cloning Act 2002) recommended the establishment of a National Stem Cell Bank. The Government subsequently rejected this recommendation after commissioning a Report on Options for the Establishment of a National Stem Cell Bank (2007) and deciding that such a bank could not be justified for a number of reasons, including because the science is at an early stage and it would duplicate resources available overseas e.g. UK Stem Cell Bank. The National Health and Medical Research Council (NHMRC) will maintain a watching brief on developments in this area.
ALRC 99 Report

Recommendation 17–1

Biotechnology Australia, in conjunction with its member departments, should collaborate with the peak national bodies with an interest in technology transfer from the public sector:

(a) to further develop and implement programs to assist technology transfer offices in research organisations in commercialising inventions involving genetic materials and technologies; and

(b) to develop strategies to ensure widespread participation of technology transfer offices in these programs.

Response

The Government accepts this recommendation in principle, noting that Biotechnology Australia no longer exists.

The Advisory Council on Intellectual Property (ACIP) is currently conducting a review, titled Collaborations between the Public and Private Sectors: The Role of Intellectual Property, into how intellectual property acts as an enabler or disabler in collaborations between the public and private sectors. The Government will respond to the recommendations of this review in due course. The Australian Government has facilitated a number of collaborations between public and private entities such as through Commercialisation Australia, the Australian Research Council (ARC), the National Health and Medical Research Council (NHMRC) and Cooperative Research Centres (CRCs) and will monitor this issue.

ALRC 99 Report

Recommendation 17–2

The Australian Research Council (ARC) and the National Health and Medical Research Council (NHMRC), in implementing Recommendation 11–1, should recognise the importance of clear ownership of intellectual property resulting from collaborative or jointly funded research.

Response

The Government accepts this recommendation and recognises the importance of clear ownership of intellectual property resulting from jointly funded research.

The Government notes that: the Australian Research Council (ARC) and the National Health and Medical Research Council (NHMRC) funding agreements currently require that institutions have policies and procedures in place for the management of intellectual property; and, where there is a requirement for matching funding by partner organisations, ARC funding agreements require that institutions not allow a research project to commence, nor funding to be expended, until the institutions and their collaborating partner organisations have entered into a written agreement that, among other things, includes arrangements for managing intellectual property. Within the relevant ARC Funding Rules and Funding Agreement documentation, the ARC is explicit that the ARC does not claim ownership of any intellectual property in a Proposal or a funded Project.

The Government agrees that the ARC, the NHMRC and Cooperative Research Centres (CRCs) should review those requirements in the light of the outcomes of the review of the National Principles of Intellectual Property Management for Publicly Funded Research which is currently being scoped. The review will include consultation with stakeholders.

The Government notes that the Australian Code for the Responsible Conduct of Research, jointly published by the ARC, the NHMRC and Universities Australia, includes guidance on establishing agreements for collaborations, managing conflicts of interest, access to research materials and intellectual property.

In implementing Recommendation 11–1 of the ALRC 99 Report, review of the National Principles, the Principles currently state that, 'The ARC and the NHMRC do not wish to hold a stake in direct ownership of IP nor do they intend to benefit directly from commercial outcomes of the research funded through their financial support' and 'Recognising the Common Law rights of research institutions as employers, the ownership and the associated rights of all IP generated by the NHMRC and the ARC supported research will initially be vested in the research institutions administering the grants'.
The ARC and NHMRC, in implementing Recommendation 11–2, should:
(a) provide guidance on ensuring clear ownership of intellectual property resulting from collaborative or jointly funded research; and
(b) identify a range of approaches to ensuring clarity of ownership.

Response
The Government accepts this recommendation in principle, noting that while it is not appropriate for the Government to provide legal advice to third parties, it is common for issues of intellectual property ownership to be negotiated as part of contractual processes.

However, the Government notes that the Australian Code for the Responsible Conduct of Research, jointly published by the Australian Research Council (ARC), the National Health and Medical Research Council (NHMRC) and Universities Australia, recommends that organisations involved in joint research projects ensure that an agreement is reached with the partners on the management of the research including issues relating to intellectual property.

The Government also notes that with regard to Recommendation 11-2 of the ALRC 99 Report, the ARC continues to require compliance with the National Principles of Intellectual Property Management for Publicly Funded Research (National Principles) as an integral part of receiving ARC funding through Funding Rules and Funding Agreements. As noted above, this includes the requirement that compliance with the National Principles must be part of any Multi-Institutional or Collaborative Agreement signed by the Administering Organisation with other parties involved with ARC funded research.

The Government also notes that the Australian Council on Intellectual Property (ACIP) is currently conducting a review entitled Collaborations between the Public and Private Sectors: The Role of Intellectual Property.

Research organisations should ensure that their policies and practices address the problems of ownership of intellectual property resulting from collaborative or jointly funded research. (See also Recommendation 11–4.)

Response
The Government accepts this recommendation in principle noting that its implementation is a matter for individual research organisations.

The Government further notes that the National Principles of Intellectual Property Management for Publicly Funded Research would apply to research organisations where their research is government funded.

Biotechnology Australia, in conjunction with its member departments, should collaborate with the peak national bodies with an interest in technology transfer from the public sector to develop model materials transfer agreements for use by research organisations, along the lines of the models developed by the United States Association of University Technology Managers. (See also Recommendation 22–2.)

Response
The Government accepts this recommendation in principle, noting that Biotechnology Australia no longer exists.

The Government will investigate options for developing model materials transfer agreements for use by research organisations. A proposed process for developing model agreements will involve stakeholder consultation.

Biotechnology Australia, in conjunction with its member departments, and in consultation with state and territory governments and other stakeholders, should:
(a) develop further programs to assist biotechnology companies in commercialising inventions involving genetic materials and technologies; and
(b) develop strategies to ensure widespread participation of biotechnology companies in these programs.

Response

The Government accepts this recommendation in principle.

Although not specifically directed at biotechnology, these initiatives are available to biotechnology companies:

- Australia’s Innovation Agenda, Powering Ideas: an Innovation Agenda for the 21st Century, was released on 12 May 2009. It sets a 10-year reform agenda to make Australia more productive and more competitive. Powering Ideas takes a holistic approach to developing a 10-year vision for the national innovation system (NIS) as it builds on the review of the NIS, other reviews, and investigation and policy work undertaken throughout 2008-09. Powering Ideas outlines actions taken to boost Australia’s innovation system, as well as new proposals to improve innovation within the research, business and public sectors including reforms to the governance of the innovation system. It sets innovation priorities and strengthens coordination: to improve skills and expand research capacity; to increase incentives for innovation in business, government and the community sector; and to boost domestic and international collaboration over the next 10 years;

- The R&D Tax Credit, which replaces the R&D Tax Concession from income years starting on or after 1 July 2011, supports business R&D and targets small innovative firms, including in the biotechnology sector. Legislation implementing the new program passed the Australian Parliament on 24 August 2011. The legislation awaits Royal Assent. The new R&D Tax Credit has two key components: (i) a 45 per cent refundable tax credit (equivalent to a 150 per cent concession) will be available to firms with an aggregated turnover of $20 million per annum; and (ii) a 40 per cent non-refundable tax credit (equivalent to a 133 per cent concession) will be available to all other firms. The new R&D Tax Credit is a broad-based and market-driven package. It increases the base rate of government assistance for R&D conducted by businesses of all sizes, with no limit to the amount of R&D expenditure for support. The new measure is simple, predictable and adopts the international practice of using a well-understood tax credit to support business R&D. To be available from 1 January 2014, a new element to the R&D Tax Credit, Quarterly Credits, will be open for small and medium enterprises (SMEs) in anticipation of receiving a tax offset under the R&D Tax Credit. Quarterly credits will further improve cash flow of SMEs and provide an added incentive to invest in R&D;

- Commercialisation Australia is a competitive, merit-based assistance program offering funding and resources to accelerate the business building process for Australian companies, entrepreneurs, researchers and inventors. Commercialisation Australia offers not only a range of funding options, but multi-layered networking opportunities to help applicants achieve business success; and

- The Innovation Investment Fund program targets new companies at the seed, start-up and early expansion stages of development to assist them to grow rapidly and to build upon their research and development capability. This is achieved by providing capital and business assistance from venture capital fund managers. Of the 13 current fund managers, three are specifically targeted at biotechnology while another six have an interest in the sector.

ALRC 99 Report

Recommendation 19–2

AHMAC should examine options for using government funding and purchasing power to control the cost of goods and services that are subject to gene patents and used in the provision of healthcare.

Response

The Government does not accept this recommendation

The Government does not see a need at present for additional mechanisms to address the cost of medical goods and services. The Government has existing funding mechanisms, the Medicare
Benefits and Pharmaceutical Benefits Schemes, which are aimed at providing Australians with access to appropriate and affordable and cost-effective medical services and medicines.

ALRC 99 Report

Recommendation 19–3

Where particular gene patent applications, granted patents or patent licensing practices are considered to have an adverse impact on medical research or the cost-effective provision of healthcare, Commonwealth, state and territory health departments should consider whether to exercise any existing legal options to facilitate access to the inventions. These options should be exercised only with appropriate legal or patent attorney advice, and include:

(a) challenging a patent application or granted patent by initiating proceedings to oppose a patent application; requesting re-examination of a patent; or applying for revocation of a patent under the Patents Act 1990 (Cth) (Patents Act) (see Chapter 9);

(b) making a complaint to the Australian Competition and Consumer Commission where evidence arises of a potential breach of Part IV of the Trade Practices Act 1974 (Cth) (see Chapter 24);

(c) exploiting or acquiring a patent under the Crown use and acquisition provisions of the Patents Act (see Chapter 26); or

(d) applying for the grant of a compulsory licence under the Patents Act (see Chapter 27).

Response

The Government accepts this recommendation in principle and notes that the National Health and Medical Research Council (NHMRC) has the capability to provide technical advice on the expected impact of patents and patent practices on medical research and the provision of healthcare. In line with the responses to Recommendations 19-1 of the ALRC 99 Report, the Government considers that the Medical Services Advisory Committee (MSAC) is the appropriate body to undertake economic evaluation of new health-related technologies.

With regard to Recommendation 19-3(c), the Advisory Council on Intellectual Property (ACIP) undertook a review of the use of Crown use provisions (see ACIP Report Review of Crown Use Provisions for Patents and Designs), following which the Minister for Innovation, Industry, Science and Research wrote to relevant Commonwealth and State Ministers in March 2009 to raise awareness of government rights and obligations under the provisions. IP Australia also developed a public information sheet highlighting the Crown's rights and obligations and the intellectual property owners' rights under the provision.

ALRC 99 Report

Recommendation 19–4

The proposed Human Genetics Commission of Australia (HGCA) should monitor the application of intellectual property laws to genetic materials and technologies, where these may have implications for medical research or human health, both generally and in specific cases. The HGCA should liaise with and provide advice to AHMAC, health departments, and other stakeholders about ways to facilitate access to inventions, in accordance with Recommendation 19–3. Pending the establishment of the HGCA, AHMAC should establish a mechanism to perform these functions.

Response

The Government notes this recommendation.

In response to the Human Genetics Commission of Australia (HGCA) recommendation in the Australian Law Reform Commission/Australian Health Ethics Committee Report, Essentially Yours: The Protection of Human Genetic Information, the Human Genetics Advisory Committee (HGAC) has been established as a principal committee of the National Health and Medical Research Council (NHMRC). HGAC advises the CEO of the NHMRC on high-level technical and strategic issues in human genetics, and on the broad social, ethical and legal implications of human genetics and related technologies. The Australian Health Ministers' Advisory Council (AHMAC) and other government stakeholders can request advice from HGAC via the NHMRC CEO. However, detailed monitoring of the application of intellectual property laws to genetic materials and
technologies is outside HGAC's Terms of Reference and the National Health and Medical Research Council Act 1992.

The Crown use provisions were reviewed by the Advisory Council on Intellectual Property (ACIP) and their report issued in 2005 (see 2005 ACIP Report, Review of Crown Use Provisions for Patents and Designs), following which the Minister for Innovation, Industry, Science and Research wrote to relevant Commonwealth and State Ministers in March 2009 to raise awareness of government rights and obligations under the provisions. IP Australia also developed a public information sheet highlighting the Crown's rights and obligations and the intellectual property owners' rights under the provisions.

The Government also supports a review of the operation of the compulsory licensing provisions of the Patents Act 1990 (see response to Recommendation 12 of the SGP Report and Recommendation 27-1 of the ALRC 99 Report) to ensure that the provisions are achieving their intended purpose as a safeguard to facilitate access to innovations where the reasonable requirements of the public are not being met. The review will also include measures to raise awareness of these provisions.

**ALRC 99 Report**
**Recommendation 22–1**

Biotechnology Australia, in conjunction with its member departments, should develop and implement programs to assist research organisations and biotechnology companies in licensing and commercialising inventions involving genetic materials and technologies. The programs should be developed in collaboration with state and territory governments, peak national bodies with an interest in licensing and commercialisation of intellectual property, and other relevant stakeholders. (See also Recommendations 17–1 and 18–1.)

**Response**

The Government accepts this recommendation in principle, noting that Biotechnology Australia no longer exists.

The Government notes that there are existing government and private sector initiatives that encourage the commercialisation of innovations from public sector research and biotechnology companies, as set out in the responses to Recommendations 17-1, 17-2 and 18-1 of the ALRC 99 Report.

**ALRC 99 Report**
**Recommendation 22–2**

AusBiotech Ltd, as the peak industry body in the biotechnology sector, should develop model agreements and interpretative guidelines for patent licences involving genetic materials and technologies. The model agreements should be developed in collaboration with Biotechnology Australia, state and territory governments, and other relevant stakeholders as a non-binding model of desirable licensing practices. (See also Recommendation 17–5.)

**Response**

The Government accepts this recommendation in principle, noting that Biotechnology Australia no longer exists.

The Government will investigate options for developing model agreements and interpretative guidelines for patent licences. A proposed process for undertaking these investigations will involve stakeholder consultation.

**ALRC 99 Report**
**Recommendation 22–3**

AusBiotech Ltd should consider whether additional industry initiatives are necessary or desirable to facilitate the licensing of patent rights over genetic materials and technologies.

**Response**

This recommendation is a matter for AusBiotech Ltd.

**ALRC 99 Report**
**Recommendation 24–1**

The Commonwealth should amend s 51(3) of the Trade Practices Act 1974 (Cth) (Trade Practices Act) to clarify the relationship between Part IV of the Act and intellectual property rights.

**Response**

The Australian Competition and Consumer Commission (ACCC) should develop guidelines to clarify the relationship between Part IV of the Trade Practices Act and intellectual property rights. The guidelines should address:
(a) when the licensing or assignment of intellectual property might be exempted under s 51(3) or might breach Part IV; and

(b) when conduct that would otherwise breach Part IV might be authorised under Part VII of the Trade Practices Act.

The guidelines should extend to the exploitation of intellectual property rights in genetic materials and technologies, including patent pools and cross-licensing.

**Response**

The Government notes the recommendations to amend section 51(3) of the Competition and Consumer Act 2010 (CCA) and for the Australian Competition and Consumer Commission (ACCC) to subsequently produce guidance material.

As the agency responsible for the enforcement of the provisions of the CCA, the ACCC produces a wide range of publications that deal with its functions and the legislation for which it is responsible.

If subsection 51(3) of the CCA is amended to change the application of the competition laws to intellectual property in the future, the Government will ask the ACCC to consider issuing relevant guidance.

**ALRC 99 Report**

**Recommendation 24–3**

As the need arises, the ACCC should review the conduct of firms dealing with genetic materials and technologies protected by intellectual property rights, to determine whether their conduct is anti-competitive within the meaning of Part IV of the Trade Practices Act.

**Response**

The Government notes this recommendation.

The Australian Competition and Consumer Commission (ACCC) is an independent statutory authority charged with the responsibility for enforcing the Competition and Consumer Act 2010 (CCA). Relevantly, subsection 29(1A) of the CCA prohibits the Minister giving directions to the ACCC about its performance of functions or exercise of powers under Part IV (prohibition of anti-competitive conduct) of the CCA.

The ACCC publishes guidelines on its enforcement and compliance policies, which are available on its website – www.accc.gov.au. The Government expects that if any concerns arise, the ACCC will consider these issues in the same way as it would all suspected breaches of the CCA.

**ALRC 99 Report**

**Recommendation 24–4**

Commonwealth, state and territory health departments, and other stakeholders, should make use of existing complaint procedures under the Trade Practices Act where evidence arises of conduct that may breach Part IV and have an adverse impact on medical research or the cost-effective provision of healthcare.

**Response**

The Government accepts this recommendation in principle.

The Government notes that concerned parties should use the Australian Competition and Consumer Commission’s (ACCC’s) existing complaints mechanisms to raise any concerns that conduct is occurring which may breach the competition provisions of the Competition and Consumer Act 2010.

**ALRC 99 Report**

**Recommendation 25–1**

If evidence arises that the prices of patented genetic materials and technologies have adversely affected access to healthcare services in Australia, the responsible Minister should consider whether to:

(a) refer the matter to the Productivity Commission for a study or inquiry pursuant to the Productivity Commission Act 1998 (Cth); or

(b) direct the Australian Competition and Consumer Commission, or another body, to conduct an inquiry pursuant to Part VIIA of the Trade Practices Act 1974 (Cth).

**Response**

The Government notes this recommendation.

Part VIIA of the Competition and Consumer Act 2010 provides for price inquiries where, in the view of the Minister, competitive pressures are not sufficient to achieve efficient prices and
protect consumers. The Government will consider the need for such an inquiry if this evidence arises.

**ALRC 99 Report**

**Recommendation 28–1**

The Commonwealth should amend the Copyright Act 1968 (Cth) (Copyright Act) to provide that research with a commercial purpose or objective is 'research' in the context of fair dealing for the purpose of research or study.

**Response**

The Government does not accept this recommendation.

The issue of whether the term ‘research’ in sections 40 and 103C of the Copyright Act 1968 can include a commercial purpose has not been specifically considered by the courts. The wording in the provisions does not currently exclude research with a commercial purpose from the scope of the fair dealing exception. The reasoning of cases examining these provisions confirms that the terms ‘research’ and ‘study’ should be interpreted with their ordinary meanings. The ordinary meaning of ‘research’ connotes a broad meaning that does not distinguish whether the purpose is of a commercial or private nature.

The current wording of the Copyright Act 1968 does not exclude research with a commercial purpose from falling under the fair dealing exception. Until a contrary finding is made under case law the Government sees no need for legislative amendments to be made to the Copyright Act 1968.

**ALRC 99 Report**

**Recommendation 28–2**

The Commonwealth should amend the Copyright Act to provide that, in relation to databases protected by copyright, the operation of the provisions relating to fair dealing for the purpose of research or study cannot be excluded or modified by contract.

**Response**

The Government does not accept this recommendation.

The operation of the provisions relating to fair dealing for the purpose of research or study in relation to databases protected by copyright is a subset of the broader issue of the exclusion or modification by contract of the fair dealing exceptions. The views of the Australian Law Reform Commission (ALRC) are noted and provide valuable assistance to the Government. However, the Government does not propose to examine this broader issue at this time.

**ALRC 99 Report**

**Recommendation 28–3**

Prior to the implementation of art 17.4.7 of the Australia–United States Free Trade Agreement—which includes a prohibition on the circumvention of access control measures—the Australian Government should assess the need for an exception for researchers engaging in fair dealing for the purpose of research or study in relation to databases protected by copyright. Once the prohibition has been implemented, the Australian Government should periodically review the impact of the anti-circumvention provisions on the practical exercise of fair dealing for the purpose of research or study in copyright works.

**Response**

The Government notes this recommendation.

The Government notes the views expressed by the Australian Law Reform Commission (ALRC) that the Government should assess the need for an exception to circumvention for researchers engaging in fair dealing for the purpose of research and study in relation to databases. However, the ALRC indicated that there did not appear to be any significant problems being experienced by Australian researchers in this regard.

The then Australian Government Attorney-General, the Hon Philip Ruddock MP, gave a reference to the House of Representatives Standing Committee on Legal and Constitutional Affairs to inquire into, and report on, possible additional exceptions to the technological protection measures liability scheme. The Committee concluded its inquiry in March 2006. The Committee did not recommend an exception to allow circumvention by researchers engaging
in fair dealing for the purpose of research and study in relation to databases.

In accordance with the Australia-United States Free Trade Agreement, amendments to the Copyright Act 1968 set out the criteria for determining additional exceptions. Amongst other matters, proponents of an exception must credibly demonstrate that there is an actual or likely adverse impact on their non-infringing activities. Future reviews to determine the need for any additional exceptions will provide the opportunity for those affected by the liability scheme to demonstrate that the need exists for an exception to allow circumvention of technological protection measures for research and study in relation to databases.

1 Given the overlap and similar areas covered by many of the recommendations, the Government has provided a single response to multiple recommendations of the reports where appropriate.

2 Patents Act 1903 (Cth).

Australian Government Response to the Senate Environment, Communications and the Arts References Committee Report: Forestry and mining operations on the Tiwi Islands

Recommendation 1

The committee recommends that, as a matter of urgency, relevant Federal and Northern Territory agencies work with the Tiwi Land Council and Tiwi Islanders to:

- undertake an urgent assessment of the ongoing economic viability of the plantations and if a model or models of management are found to be economically viable, assist in the preparation of business plans necessary to support their successful execution; and

- consider the provision of infrastructure support, especially for the port facilities, if it will assist in the economic viability of the plantations.

Response

In 2009, Indigenous Business Australia (IBA) and the Indigenous Land Corporation (ILC) commissioned P5yry Forest Industry Pty Ltd to conduct a viability assessment for the Tiwi Forestry Project. The Poyry Report findings were released in January 2010 and found that the project is viable.

In March 2011, the IBA Board approved, subject to satisfactory completion of due diligence, an equity investment of $5 million in the Tiwi Forestry Project via IBA subscribing for cumulative preference shares in Tiwi Plantations Corporation Pty Ltd.

In addition, support from the Aboriginals Benefit Account totalling $6 million was provided in early 2010 through the ILC to administer a grant for land and environmental management activities relating to the maintenance of the plantation. This program delivers the following environmental management activities:

- fire planning, fire consultation, fuel reduction burning, wildfire suppression and fire education;
- joint research with CSIRO on fire/carbon dynamics;
- control of woody weeds, especially Acacia mangium wildling control, annual mapping and control;
- water resource planning by development of a Tiwi Islands Water Management Plan;
- protection of rare, endangered and vulnerable flora and fauna on the Tiwi Islands by Red Goshawk surveys and monitoring;
- eradication of the Tropical Fire Ant (Solenopsis geminate)—monthly inspection of nests, training and information sharing with representative from CSIRO;
- coastal surveillance patrols; and
- development of Cadet Ranger program at Tiwi College.

The construction of the port was initially grant funded through the Aboriginals Benefit Account. The Government considers that ongoing investment into the Tiwi forestry operation should be sourced from commercial investors. The Tiwi Land Council has advised that it has received an insurance payment resulting from damage sustained from Cyclone Carlos in early 2011 which, together with private investment already sourced, will be used towards repairing the...
island's port infrastructure. The Tiwi Land Council has advised that harvesting is scheduled for the 2012/13 financial year.

**Recommendation 2**

The committee recommends that, consistent with the view of Oakton and the Land Council, that the Department of Families, Housing, Community Services and Indigenous Affairs should work with the Tiwi Land Council and other major stakeholders to develop guidelines for the distribution of money to traditional owners.

**Response**

Under the *Aboriginal Land Rights (Northern Territory) Act 1976*, Land Councils are generally responsible for the distribution of money to traditional owners. The Tiwi Land Council has advised that it undertakes the following actions in relation to the distribution of money to Tiwi landowners:

- requires all landowning groups to develop budgets that reflect general landowner benefits prior to distributions being made;
- analyses budgets and benefits by the Strategic Economic Planning Group and the Tiwi Land Council Independent Audit Committee;
- monitors distributions through private accountants and requires regular audit of statements;
- sets investment criteria for Tiwi landowners that receive significant revenues from commercial activities; and
- receives monthly statements from Tiwi landholder corporations and monitors distributions.

**Recommendation 3**

The committee recommends that the Tiwi Land Council and the business entities of the Tiwi people work to ensure that those business entities operate in the most efficient and transparent manner possible.

**Response**

Under the *Aboriginal Land Rights (Northern Territory) Act 1976*, the functions of a Land Council include, 'assisting Aboriginals to carry out commercial activities in any manner that will not cost the Land Council to incur financial liability or avoid it to receive financial benefit'.

The Tiwi Land Council has advised that it undertakes the following actions:

- engages external commercial lawyers to assist where appropriate;
- monitors agreements and corporate relationships that business entities enter into by assisting and supporting Tiwi commercial entities;
- requires minimum standards of audit and compliance among Tiwi corporations and investors;
- convenes a Strategic Economic Planning Group of skilled members, with transparent access to all corporate arrangements and Tiwi Land Council files, protocols and processes;
- requires Indigenous corporations work towards a majority of skilled directors on corporate boards;
- developed a Tiwi training program and sourced capable lecturers for delivery of governance training from the Australian Institute of Company Directors; the Australian Forestry Institute, and through the Tiwi Employment and Training Board;
- supports training that is consistent with Tiwi commercial business requirements;
- has developed and identified training of junior members for leadership roles through Tiwi College, and engaged in developing programs for this purpose;
- retains external auditors (KPMG Chartered Accountants) to measure effectiveness and diagnose structural flaws and capacity of education and training sub-committees; and
- retains external auditors (ISO 14001) for land and resource management sub-committee.

The Tiwi Land Council has advised that it has documented the links between the operations of the Land Council and external commercial entities operating within its region. The relevant documents disclose:

- the shares and interests held in commercial entities;
• joint programs, projects and activities between Tiwi landowners and commercial entities monitored by the Tiwi Land Council;
• the benefits to Aboriginal people planned and contemplated through the commercial activities;
• governance compliance and conditions of audit and annual financial statements required of all commercial undertakings;
• landowner consultation and regular meeting schedules between Tiwi landowners and investors;
• scrutiny and due diligence requirements assisted through the Macquarie Bank Pro Bono Guiding Panel comprising business appraisal, corporate structuring, legal and other senior skilled Macquarie personnel providing a continuing oversight of projects and detailed interrogation of all Tiwi corporate proposals; and
• the Macquarie Bank Pro Bono Panel also assists the Strategic Economic Planning Group established 2009.

Recommendation 4

The committee recommends that the Tiwi Land Council and the business entities of the Tiwi people initiate new communication strategies to ensure that their structures, roles and activities are more widely understood by the Tiwi people.

Response

The Tiwi Land Council has advised that it has responded to the Senate Inquiry's recommendation to initiate new communication strategies to ensure that the Land Council's structures, roles and activities are more widely understood by the Tiwi people through the following initiatives:

• displaying and putting up notices regarding Tiwi Land Council meetings and decisions made at those meetings at many public sites;
• providing information booklets to the Tiwi people in relation to proposals to be considered and acted upon by the Tiwi Land Council (such as township leasing and forestry operations);
• providing and distributing DVDs of meetings and discussions held for cultural, commercial and dispute resolution purposes;
• verbal communication (both formally and informally) between Tiwi Land Council members and the Tiwi people in general;
• printing in excess of 100 copies of all minutes of Tiwi Land Council meetings for distribution;
• publicising the availability of all Annual Reports since 1978 at all six on-island offices of the Tiwi Land Council;
• providing opportunities for the Tiwi people to provide feedback, comments, or complaints via suggestion box, email, verbally and written and actively considering such feedback, comments, or complaints at Tiwi Land Council meetings;
• holding meetings for the Tiwi people to provide information and the opportunity to ask questions; and
• re-designing the Tiwi Land Council website with links and information brochures including all monthly publications.

Government Response to the Minority Report Recommendations

Recommendation 1

That, as a matter of priority, relevant Federal and Northern Territory agencies work with the Tiwi Land Council and Tiwi Islanders to:

a) Undertake an adequately resourced research project to determine the most appropriate process for rehabilitating the plantation area; and

b) Consider the provision of financial and technical support to ensure the full range of employment and rehabilitation opportunities is explored and that ongoing management of the area is undertaken.

Response

Support from the Aboriginals Benefit Account totalling $6 million has been provided through the ILC to administer a grant for land and environmental management activities relating to the maintenance of the plantation with a particular focus on training and employment. The
Tiwi forestry operation is managed by a skilled workforce of seventeen Tiwi employees including twelve forestry graduates or Tiwi apprentices in training.

These activities include weed and feral animal control, nursery propagation of plants for the revegetation of old mineral sand and mining sites, propagation of plants and food, control of coastal erosion, monitoring of water quality and biodiversity, fencing and site protection for threatened species including the Red Goshawk. The work will also include any remediation works required on the Tiwi forestry lease should the commercial operations cease.

The ILC program delivers the following benefits to Aboriginal people living on the Tiwi Islands:

- knowledge and skills gained in weed and pest surveillance, prescribed burning practices, fire management strategy/program, coastal patrols, feral weed and animal control, natural resource planning and community awareness and education; and
- work undertaken by Tiwi Rangers to ensure that forestry operations are carried out in an environmentally sensitive manner, including monitoring of the Red Goshawk which is on the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and Northern Territory threatened bird species list.

**Recommendation 2**

*That the Federal Environment Minister ensures that all existing environmental requirements are met.*

**Response**

The Department of Sustainability, Environment, Water, Population and Communities is working with the Tiwi Land Council to ensure that existing environmental obligations under the EPBC Act are met. This will continue to be achieved through close monitoring of the project conditions.

The Tiwi Land Council has provided a draft Rehabilitation Management Plan to the Department of Sustainability, Environment, Water, Population and Communities for consideration. Subject to approval, Tiwi Land Council will seek access to the $1 million bond posted by Sylvatech Ltd (the original proponent) to carry out the necessary survey and research to implement rehabilitation requirements.

Four hundred and fifty thousand dollars was required to be paid by Sylvatech Ltd in the three calendar years 2009 to 2011 to the Tiwi Land Council for offset projects which included control of feral animals, control of priority weeds, development and implementation of ecologically sensitive burning regimes, and monitoring of threatened flora species. This work has recommenced with environmental funding provided through the Aboriginals Benefit Account.

Plantation Management Partners (the operations staff employed by Tiwi Plantations Corporation Pty Ltd to manage the plantation) maintains AS/NZS ISO 14001 accreditation. The AS/NZS ISO 14001 standard establishes a structured approach to planning and implementing environment protection measures and provides for monitoring of environmental performance. The Tiwi forestry operation is audited against this ISO standard twice a year—once by an independent auditor and once by internal audit. The independent findings of the December 2010 audit record that the Environmental Management System operated by Plantation Management Partners complies with the requirements of ISO standard. The independent auditor records that the management and staff of Plantation Management Partners, Tiwi Plantation Corporation, Tiwi Land Council and interested parties on the Tiwi Islands all expressed understanding and commitment to environmental protection in balance with socio-economic needs. The internal audit completed on 25 August 2011 found that the Tiwi forestry operation remains compliant with the requirements of the ISO standard.

**Recommendation 3**

*That there should be no further clearing of native vegetation for additional plantations on the Tiwi Islands.*
Response
The Tiwi Land Council has advised that there are no plans for additional plantations to be established on the Tiwi Islands. The Australian Government notes that establishing any additional plantations on the Tiwi Islands is a business decision for the relevant Tiwi landowners. The Tiwi islands are Aboriginal land held by the Tiwi Land Trust under the Aboriginal Land Rights (Northern Territory) Act 1976. Decisions over the use of Aboriginal land must be consented to by, the relevant Tiwi landowners as a group and ratified by the Tiwi Land Council. Any future plantation development may require consideration under the EPBC Act before it can proceed.

Recommendation 4
That the remediation plan to address environmental damage in breach of the EPBC conditions for the project should be made available for public comment before its implementation.

Response
The Australian Government supports this recommendation.

Recommendation 5
That the actual and potential hydrological impacts of the plantation operations be assessed, with specific attention to the management of erosion and other associated land management issues.

Response
On 12 August 2001, the then Minister for the Environment and Heritage approved the Tiwi Forestry Project pursuant to section 133 of the EPBC Act. The impacts of the plantation were considered in the environmental impact assessment of the project conducted as part of the statutory approval process. Mitigation measures, including erosion and sediment controls, were also taken into account when the original approval was granted.

Condition 4 of the EPBC Act approval required the proponent to submit a plan for the responsible Minister's approval dealing with, amongst other things, erosion and sediment control. This plan has already been approved. An annual report on compliance against all EPBC Conditions, including Condition 4 continues to be provided regularly to the Department of Sustainability, Environment, Water, Population and Communities. In addition, an annual erosion survey is carried out. The Department of Sustainability, Environment, Water, Population and Communities will continue to monitor closely the effectiveness of the erosion and sediment controls.

Recommendation 6
That the Commonwealth establish a full forensic financial inquiry into logging and plantation operations on the Tiwi Islands to uncover the details of

a) The extent of taxpayer money that has been spent on infrastructure and support for this project,

b) The reasonable market value for the 40,000 tonnes of Red Tiwi logs,

c) The circumstances surrounding the export of native hardwood logs, where they were exported, to whom, at what rate of return,

d) What profit (if any) was received by Pirntubula on behalf of the Tiwi Traditional Owners from the export of native hardwood logs, and

e) Which other companies or interests received profits from these exports.

Response
The Tiwi Land Council has provided the following advice in relation to this recommendation.

a) The Aboriginals Benefit Account provided a grant of $4 million dollars in 2004 for the original wharf facility. The Aboriginals Benefit Account provided a grant of $6 million in early 2010 through the ILC to administer a grant for land and environmental management activities relating to the maintenance of the plantation.

b) Forty thousand tonnes of Red Tiwi remain stored at Port Melville. The current market value of these logs is minimal as the age of most of these logs is in excess of five years.

c) Logs were exported from 2004 to 2007 into Asian markets including Indonesia, Malaysia and China. A number of markets were trialled such as plywood veneer, sawlog for flooring and
furniture. Characteristics of a hard, high density Australian eucalypt made it a difficult product for Asian manufacturers to process.

The hardwood logs yielded a negative return in the order of $600,000. It should be noted the logs were sold under CRP arrangements (meaning the seller was responsible for the freight to market).

In 2006-07, shipping rates out of Australia were pushed to record levels as a result of the mining boom. It should also be noted that the logs were sold in $US which meant the return in $AUD was severely affected by the strengthening SAUD.

d) No profits were made or received. The sale of hardwood logs yielded a negative return.

e) Entities known to be involved with the sale of these logs were Pentarch Forest Products for Marketing and Shipping and Pensyl Pty Ltd (owned by Great Southern) for operational costs.

Recommendation 7

That the Commonwealth provide training and support in governance to develop capacity and decision-making processes on the Tiwi Islands, with particular attention to the inclusion of women and fiduciary issues.

Response

The Northern Territory Land Councils are independent statutory authorities and are responsible for meeting their legislative responsibilities under the Aboriginal Land Rights (Northern Territory) Act 1976. Land Council administration costs are met through payments made from the Aboriginals Benefit Account.

The Tiwi Land Council 2009-10 Annual Report records (at page 22) that one role of the Strategic Economic Planning Group is to ensure Tiwi participation by:

- assisting Tiwi personally seeking to create or participate in business opportunities to be 'business ready' and suitably skilled and motivated to undertake these roles;
- assisting in providing full access to appropriate training, support programs and services;
- contributing at a strategic level in the development and implementation of appropriate financial and workforce strategies to ensure good business governance and the ongoing development of organisational capabilities;
- providing assistance, mentorship and attitudinal leadership to ensure that Tiwi build the knowledge, skills and abilities necessary to keep their businesses operating effectively and efficiently;
- encouraging quality management practices, continuous improvement, innovation and the adoption of best business and health & safety practices;
- assisting to safeguard against fraud, corruption or unscrupulous practices;
- assisting in preserving the commercial nature of business activities to ensure that they are operated in a purely business-like manner without social activities or other objectives diluting their focus;
- assisting to ensure that business profits are correctly distributed, rather than filtering into private pockets or arms-length shareholders; and
- assisting with securing grants and/or business loans as required.

In the Senate Inquiry report, the Committee reserved its position in relation to the inclusion of women in the decision-making process. The Committee did not make a recommendation as it had not (at 4.77):
... had an opportunity to address all of the cultural matters [to which] this relates, nor seek wider input on these mailers, evidence from anthropological experts or others.'

The Tiwi Land Council has advised that the Tiwi landowners continue to draw women into decision-making about land whilst maintaining male line ownership inheritance. This approach is reflected in landowner consultative forums and landowner meetings which are both well attended by local women. These fora provide a platform for feedback, advice and recommendations to be made to the Tiwi Land Council. The Minister for Families, Housing, Community Services and Indigenous Affairs has written to the Tiwi Land Council requesting that the level of involvement by women in the Land Council be given further consideration.

**Recommendation 8**

That the Commonwealth facilitate a comprehensive planning process to direct future economic and community development on the Tiwi Islands.

**Response**

The Northern Territory Land Councils are independent statutory authorities and are responsible for meeting their legislative responsibilities under the *Aboriginal Land Rights (Northern Territory) Act 1976*. Land Council administration costs are met through payments made from the Aboriginals Benefit Account. The Tiwi Land Council 2009-10 Annual Report (at pages 21—22) sets out the objectives, strategy and role of the Strategic Economic Planning Group. These are detailed below.

The Objectives of the Strategic Economic Planning Group are to:

- stimulate and support the sustainable advancement of the Tiwi economy for the benefit of current and future generations;
- create employment opportunities and to increase participation of Tiwi people in the economy;
- guide and assist the Tiwi in ultimately becoming independent of welfare and government; and
- assist the Tiwi Education Board and the Tiwi Islands Training and Employment Board in improving educational, training, participation and employment outcomes.

The strategy of the Strategic Economic Planning Group is to:

- identify and foster the development of commercially viable projects and business opportunities which have a financial benefit to the people and economy of the Tiwi Islands;
- increase the participation of Tiwi individuals and Tiwi owned or partnered businesses within the Tiwi economy; and
- attract high quality non-Tiwi business partners who have the proven expertise to sustain self funded and commercially viable business operations on the Tiwi Islands.

One role of the Strategic Economic Planning Group is to develop new business opportunities by:

- evaluating potential new business opportunities by analyzing business models and strategies;
- conducting appropriate background checks and reviewing compliance issues and risk;
- ensuring that proposed business partners are suitably skilled, financed and motivated;
- ensuring that a proposed new venture is suitable and in harmony with the overall needs and objectives of the Tiwi;
- helping to identify, develop and maximise Tiwi employment opportunities within new and existing businesses;
- making recommendations to and seek approvals from Tiwi landowners, community leaders and the Tiwi Land Council; and
- closing new business deals by coordinating requirements, developing and negotiating contracts, integrating contract requirements with business operations.

---

1 The Tiwi Land Council 2009-10 Annual Report records (at pages 21-22) that the Strategic Economic Planning Group has two roles. These include, developing 'new business opportunities'...
Government Statement of Response

This statement is the Government's response to the Joint Select Committee on Cyber-Safety's interim report *High-Wire Act: Cybersafety and the Young*.

Introduction

The Australian Parliament established the Joint Select Committee on Cyber-Safety (JSCC) in early 2010 as a part of the Government's commitment to investigate and improve cybersafety measures.

The Committee's inquiry is based on the Terms of Reference finalised in November 2010. In summary, these require that the JSCC inquire and report on:

- the online environment in which Australian children currently engage
- cybersafety risks, such as exposure to illegal content and breaches of privacy
- responses to current cybersafety risks, such as regulation and enforcement
- opportunity for cooperation between stakeholders dealing in cybersafety issues
- examining how new technologies may present opportunities and economic benefits
- ways to support schools in dealing with cyberbullying incidents
- analysing information on world's best practice safeguards
- the merit of establishing an Online Ombudsman
- other matters on cybersafety referred by the Minister for Broadband, Communications and the Digital Economy or either House of Parliament.

The JSCC undertook a range of consultation activities in order to investigate these Terms of Reference, including roundtable discussions, public hearings, school forums and online surveys. The committee tabled an interim report *High-Wire Act: Cybersafety and the Young* on 20 June 2011 containing thirty two recommendations.

Key messages of the report

The *High-Wire Act* report provides an overview of current cybersafety concerns, such as defining the 'online environment' and the concept of cybersafety. It outlines the roles of current stakeholders in the cybersafety field. The report also describes the Committee's concerns with educational strategies, law enforcement issues and cybersafety approaches undertaken by Australian and international governments, industry and non-government organisations.

The report's recommendations relate to options for improving the safety of the online environment. In particular, they reflect the key messages that were received through the consultation process: that better education, knowledge and skills would assist young people in participating online with confidence and a sense of control; that privacy in an online environment needs to be improved through tighter provisions; that research into emerging technologies and the interactions of young people online is required; and that parents, carers, teachers and all those who engage with young people need to gain an understanding of the online environment and its benefits and risks.

Addressing the issues raised in the report requires a multifaceted approach. Australian governments, schools, families and communities all have a responsibility to provide safe online environments and teach children how to use technology in positive and productive ways that will support 21st century learning and living, both in and out of school.

The Government understands there is a need for strengthening an understanding of cybersafety issues and promoting the safety of children online, and is actively pursuing measures to address these issues.

Government Cybersafety Initiatives

The Australian Government is committed to improving the cybersafety of Australian children and young people. The Government's Cybersafety Plan was established in May 2008 with funding of $125.8 million committed over four years to
combat online risks and help parents and educators protect children from inappropriate material. Measures include increased funding towards cybersafety education and awareness raising activities, content filtering and law enforcement.

The Australian Government has also established a Consultative Working Group on Cybersafety (CWG) to bring together representatives from industry, the community and the programs with a close involvement in cybersafety issues faced by children. The CWG's role is to provide advice to government to ensure properly-developed and targeted programs and policy initiatives are undertaken.

Examples of Australian Government cybersafety initiatives include:

- the Youth Advisory Group which provides advice to government on cybersafety issues from a young person's perspective
- the Teachers and Parents Advisory Group (TAP) that provides a forum where members can share ideas on how to protect children online and promote cybersafety messages
- the Cybersafety Help Button which provides internet users, particularly children and young people, with easy online access to cybersafety information and assistance available in Australia
- the development of an Easy Guide to Socialising Online which provides information and step by step instructions about how to use the safety features of popular social networking sites, search engines and online games
- the Cybersmart website which provides a single access point for cybersafety advice across a range of target audiences
- the Cybersmart Outreach program which provides free Professional Development programs for teachers in schools and universities focusing on teaching students to have safe and positive online experiences
- funding for the Alannah and Madeline Foundation to conduct a national pilot of an approach to cybersafety for Australian schools (eSmart)
- the revised and nationally endorsed National Safe Schools Framework to assist in creating learning environments that are free from bullying and harassment
- the Bullying. No Way! website that provides information for parents, students and teachers on strategies to address bullying, harassment and violence
- the Think U Know Internet safety program that delivers interactive training to parents, carers and teachers through primary and secondary schools across Australia using a network of accredited trainers
- $2.3 million for ongoing research into the changing digital environment to identify issues and target future policy and funding. A key component of this ongoing work is surveying the changes in levels of cybersafety awareness and behaviour.

The Government is also looking at building upon its current cybersafety initiatives to address serious issues which arise when engaging online. This includes mechanisms to strengthen the existing co-operative arrangements with social networking sites.

The responses to the recommendations take into account existing government activities on cybersafety and cybersecurity issues and are provided in the context of the inquiries on related issues such as the House of Representatives' Standing Committee on Communications report Hackers, Fraudsters and Botnets: Tackling the Problem of Cyber Crime.

The responses also reflect the Government's announcement that it will develop a Cyber White Paper. In developing the White Paper, the government will examine the full spectrum of cyber issues such as better coordination of awareness raising activities, development of skills, more centralised reporting of cyber incidents and a more coherent approach to cyber education. Public consultation for the Paper commenced mid-September 2011, and many of the topics that will be explored in this consultation are relevant to the Committee's recommendations.
Government Response on Individual Recommendations of the Report

Recommendation 1
That the Minister for School Education, Early Childhood and Youth consider the feasibility of assisting preschools and kindergartens to provide cyber-safety educational programs for children as part of their development activities.

Government Response
The Australian Government accepts this recommendation in principle, pending the outcomes of the Cyber White Paper process which will conclude in mid-2012.

The Australian Government through the Department of Education, Employment and Workplace Relations (DEEWR), will write to the Directors General and Chief Executive Officers of the education authorities to refresh awareness and encourage take-up of all Australian Communications and Media Authority (ACMA) programs, including Cybersmart for Young Kids.

The Government supports the ACMA’s Cybersmart for Young Kids program. This is an ideal program for the Australian Government and education authorities to support and expand access to preschools and kindergartens.

In addition, the Government has provided $3 million to the Alannah and Madeline Foundation for a national pilot of its eSmart cybersafety initiative which addresses cyberbullying in schools. The Victorian Government has announced the eSmart program will be rolled out in Victorian schools and the Queensland Government has also announced that the eSmart program will be rolled out to all its state government schools.

Recommendation 2
That the Minister for Broadband, Communications and the Digital Economy invite the Consultative Working Group on Cybersafety, in consultation with the Youth Advisory Group, to develop an agreed definition of cyber-bullying to be used by all Australian Government departments and agencies, and encourage its use nationally.

Government Response
The Australian Government accepts this recommendation.

The Safe and Supportive School Communities (SSSC) is a Working Group of the Australian Education, Early Childhood Development & Youth Senior Officials Committee (AEEYSOC). The Working Group includes nominated representatives of all Australian education jurisdictions - all state, territory and federal education departments as well as national Catholic and independent schooling representatives.

The SSSC working group has developed the following definition of cyberbullying:

“Bullying is repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Cyberbullying refers to bullying through information and communication technologies.”

The Department of Broadband, Communications and the Digital Economy (DBCDE) has invited the Consultative Working Group on Cybersafety (CWG), the Youth Advisory Group (YAG) and the Teachers and Parents Advisory Group (TAP) on cybersafety to provide comment on this definition. CWG comments will be forwarded to the SSSC for further consideration.

The definition will be discussed and agreed by state and territory governments through AEEYSOC.

The definition of cyberbullying agreed through these consultation processes will be promoted nationally via government programs and resources such as the Cybersafety Help Button the Easy Guide to Socialising Online and the Cybersmart website.

Recommendation 3
That the Minister for Broadband, Communications and the Digital Economy and the Minister for School Education, Early Childhood and Youth work with the Ministerial Council for Education, Early Childhood Development and Youth and the Australian Communications and Media Authority to investigate the feasibility of developing and
introducing a cyber-safety student mentoring program in Australian schools.

Government Response for Recommendations 3 and 28

The Australian Government accepts these recommendations in principle pending the outcomes of the Cyber White Paper process which will conclude in mid-2012.

The ACMA piloted a Cybersmart student mentoring program in March this year. Students were trained and then guided to develop and deliver their own presentations and workshops building on content from the Outreach program’s internet safety awareness presentations. The pilot program was well received.

DEEWR will seek AEEYSOC agreement that education authorities work with the ACMA to investigate the feasibility of expanding the ACMA student mentoring pilot.

The Government notes that ultimately the implementation of any student mentoring programs is a matter for state and territory, independent and non-government education authorities.

Recommendation 4

That the Australian Government consider amending small business exemptions of the Privacy Act 1988 (Cth) to ensure that small businesses which hold substantial quantities of personal information, or which transfer personal information offshore, are subject to the requirements of that Act.

Government Response

The Australian Government notes this recommendation. The Australian Law Reform Commission Report (ALRC) 108, For Your Information: Australian Privacy Law and Practice (R39-1 at page 1358 — Volume 2) recommended that the Act be amended to remove the small business exemption.

The Government will take the Committee's recommendation into account when it is considering the ALRC’s recommendation to remove the small business exemption.

Recommendation 5

That the Australian Privacy Commissioner undertake a review of those categories of small business with significant personal data holdings, and make recommendations to Government about expanding the categories of small business operators prescribed in regulations as subject to the Privacy Act 1988 (Cth).

Government Response

The Australian Government notes this recommendation. The Government will consider this recommendation in conjunction with its deliberations on recommendation 4 above.

Recommendation 6

That the Office of the Privacy Commissioner examine the issue of consent in the online context and develop guidelines on the appropriate use of privacy consent forms for online services and the Australian Government seek their adoption by industry.

Government Response

The Australian Government supports this recommendation in principle. The Government agrees that guidelines would be useful and notes that it has previously supported the ALRC recommendation 19 — 1 (i.e. develop and publish further guidance about what is required of agencies and organisation to obtain an individual’s consent under the Privacy Act 1988) as part of its stage one response.

Recommendation 7

That the Australian Government amend the Privacy Act 1988 (Cth) to provide that all Australian organisations which transfer personal information overseas, including small businesses, ensure that the information will be protected in a manner at least equivalent to the protections provided under Australia’s privacy framework.

Government Response

The Australian Government notes this recommendation and will consider this recommendation in conjunction with its deliberations on recommendations 4 and 5 above.

Further, the draft Australian Privacy Principle (APP) 8 will provide a framework for the regulation of cross-border disclosures of personal information. Before a cross-border disclosure can occur, the draft APP 8 imposes minimum obligations on an organisation to take such steps as are reasonable in the circumstances (for
example, by imposing contractual obligations) to ensure that the overseas recipient does not breach the draft APPs.

In addition, an organisation will remain accountable for the acts and practices of the overseas recipient, unless an exemption applies.

Recommendation 8
That the Office of Privacy Commissioner, in consultation with web browser developers, Internet service providers and the advertising industry, and in accordance with proposed amendments to the Privacy Act 1988 (Cth), develop and impose a code which includes a 'Do Not Track' model following consultation with stakeholders.

Government Response
The Australian Government notes this recommendation. As part of its stage one response to the ALRC recommendations, the Government has announced that it supports the development of binding and mandatory codes. It will be a matter for the Commissioner to consider whether a code is necessary.

Recommendation 9
That the Australian Government amend the Privacy Act 1988 (Cth) to provide that an organisation has an Australian link if it collects information from Australia, thereby ensuring that information collected from Australia in the online context is protected by the Privacy Act 1988 (Cth).

Government Response
The Australian Government notes this recommendation. The Government will consider this aspect as part of the stage one response to the ALRC recommendations currently being undertaken.

Recommendation 10
That the Australian Government amend the Privacy Act 1988 (Cth) to require all Australian organisations that transfer personal information offshore are fully accountable for protecting the privacy of that information.

Government Response
The Australian Government notes this recommendation. The Government will consider this aspect as part of the stage one response to the ALRC recommendations currently being undertaken.

Recommendation 11
That the Australian Government consider the enforceability of provisions relating to the transfer of personal information offshore and, if necessary, strengthen the powers of the Australian Privacy Commissioner to enforce adequate protection of offshore data transfers.

Government Response
The Australian Government notes this recommendation. The Government will consider this as part of the stage one response to the ALRC recommendations currently being undertaken.

Recommendation 12
That the Australian Government continue to work internationally, and particularly within our region, to develop strong privacy protections for Australians in the online context.

Government Response
The Australian Government accepts this recommendation. The Government has been and will be continuing to work with appropriate international bodies including in particular regional bodies to further privacy protections.

The Government actively participates in the work of the Organisation for Economic Cooperation and Development (OECD) and Asian Pacific Economic Council (APEC) on international privacy issues. Australia has played a leading role in the development of the APEC Cross-Border Enforcement Arrangement (CPEA), which allows participating privacy regulators to share information and provide assistance in relation to privacy matters that have a cross-border aspect. The APEC CPEA commenced in July 2010 and the privacy regulators of Australia, Canada, New Zealand, Hong Kong China, and the United States are currently participants.

The Office of the Australian Information Commissioner (OAIC) continues to foster strong ties with other privacy authorities in the region via the Asia Pacific Privacy Authorities group.

Recommendation 13
That the Attorney-General, as a matter of priority, work with State and Territory
counterparts to develop a nationally consistent legislative approach to add certainty to the authority of schools to deal with incidents of inappropriate student behaviour to other students out of school hours.

**Government Response**

The Australian Government accepts this recommendation in principle.

The Government notes that state and territory government and non-government education authorities currently bear legal responsibility for the duty of care of their students. This includes ensuring that appropriate measures are in place so that students can learn in a safe and supportive school environment, and in some instances this responsibility may extend beyond school hours.

DEEWR will investigate the feasibility of this recommendation further with state and territory education authorities.

**Recommendation 14**

That the Minister for School Education, Early Childhood and Youth propose to the Ministerial Council of Education, Early Childhood Development and Youth Affairs:

- to develop national core standards for cyber-safety education in schools
- to adopt a national scheme to encourage all Australian schools to introduce ‘Acceptable Use’ Agreements governing access to the online environment by their students, together with the necessary supporting policies, and
- to encourage all Australian schools to familiarise students, teachers, and parents with the ThinkUknow program, and the Cyber-Safety Help Button and other resources of the Australian Communications and Media Authority to promote the cyber-safety message.

**Government Response**

The Australian Government accepts this recommendation, pending the outcomes of the Cyber White Paper process which will conclude in mid-2012.

The Government, through DEEWR, will consult with the AEEYSOC to seek agreement to address these issues, by building on work underway through the National Safe Schools Framework and agreeing to promulgate key cybersafety messaging through existing and expanded ACMA and Australian Federal Police (AFP) activities.

The SSSC working group promotes key messaging through activities of the annual National Day of Action Against Bullying and Violence and is working directly with the ACMA to include cybersafety as a key element of these activities.

The Government notes that in regards to Information and Communication Technology (ICT) policies the state and territory education authorities have primary responsibility for decisions about design, purchase, distribution and the use of educational hardware and software to meet the specific needs of their schools.

In regard to Acceptable Use Agreements, the National Safe Schools Framework articulates the importance of safety and wellbeing policies and procedures and states that "a responsible technology usage agreement should be in place" in all schools.

The Government will continue to promote cybersafety resources and assistance through the Cybersafety Help Button. The Help Button provides internet users with a 'one-stop shop' for access to cybersafety information and advice. It offers counselling, reporting and educational resources to assist children deal with online risks including cyberbullying, unwanted contact, scams and fraud, and offensive or inappropriate material.

Since the Cybersmart portal's launch in June 2009 the School Gateway area of the site has received more than 600,000 views. Since May 2011 there have been 7,000 downloads of Cybersmart teaching resources. The portal links to other cybersafety resources such as ThinkUKnow, the Help Button, Stay Smart Online and relevant state and territory policies.

The Ministerial Council for Education, Early Childhood Development and Youth Affairs funded Bullying. No Way! Website is being refreshed to provide key messaging, current information and best practice resources. The rebuilt Bullying. No Way! website will be officially launched on the National Day of Action
Against Bullying and Violence on 16 March 2012.

**Recommendation 15**

That the Minister for School Education, Early Childhood and Youth and the Minister for Broadband, Communications and the Digital Economy consider extending the Australian Communications and Media Authority's Connect.ED program and other training programs to non-administration staff in Australian schools including school librarians, chaplains and counsellors.

**Government Response**

The Australian Government supports this proposal in principle, but it will need to be considered against competing priorities in the budget context.

The ACMA's online professional development program, Connect.ed, was designed in consultation with cybersafety experts, teachers and students to specifically meet the needs of practising teachers. Connect.ed currently consists of four modules that guide teachers in how to integrate an effective cybersafety process and policy into their school.

**Recommendation 16**

That the Minister for Tertiary Education, Skills, Jobs and Workplace Relations and the Minister for Broadband, Communications and the Digital Economy work together to ensure that sufficient funding is available to ensure the Australian Communications and Media Authority can provide the necessary training for professional development of Australian teachers.

**Government Response**

The Australian Government accepts this recommendation in principle, pending the outcomes of the Cyber White Paper process. While the Australian Government funds Australian universities, they are autonomous institutions and are able to make decisions on pre-service teacher training course content to suit their own individual needs and industry requirements.

Guidance on course content and graduate outcomes will be articulated through the National Professional Standards for Teachers, a key facilitation reform under the Smarter Schools - Improving Teacher Quality National Partnership. It will include the expectation that graduate teachers will be able to "use ICT safely, responsibly and ethically" (Standards 4.5) in both learning and teaching.

The ACMA is currently delivering a teacher training course across Australian universities on Cybersafety. Thirty-three of the 45 universities with a dedicated faculty or school of education have registered or completed the ACMA's program since it was launched in June last year.

Under the Government's Outreach program, the ACMA offers a range of programs to meet the professional development needs of Australian teachers including the Professional Development for Educators face-to-face workshops, online professional development program Connect.ed and internet safety presentations. The programs are available for all teachers across Australia and count towards professional development accreditation.

Since the Outreach program's inception in January 2009, over 45,000 teachers have already attended a professional development workshop or presentation with a further 2,800 teachers having registered to do Connect.ed.

**Recommendation 17**

That the Minister for Tertiary Education, Skills, Jobs and Workplace Relations and the Minister for Broadband, Communications and the Digital Economy encourage all Australian universities providing teacher training courses to ensure that cyber-safety material is incorporated in the core units in their curriculums.

**Government Response**

The Australian Government accepts this recommendation in principle, pending the outcomes of the Cyber White Paper process.

It will include the expectation that graduate teachers will be able to "use ICT safely, responsibly and ethically" (Standards 4.5) in both learning and teaching.
The ACMA has worked closely with universities to raise awareness of the importance of incorporating cybersafety in their teacher training courses. The ACMA's Pre Service Teacher program which consists of a lecture and tutorial for final year student teachers has been well received by universities across Australia. Consideration could be given to expanding this program to include first, second and third year students as well as the Vocational Education and Training and Technical and Further Education sectors.

**Recommendation 18**
That the Minister for School Education, Early Childhood and Youth establish a position similar to Queensland's 'reputation management' position to provide nationally consistent advice to teachers who are being cyber-bullied by students about the role and processes of the Australian Communications and Media Authority, law enforcement agencies and Internet service providers in facilitating the removal of inappropriate material.

**Government Response**
The Australian Government accepts this recommendation in principle.

The ACMA provides advice to teachers on this issue through its Cybersmart program. With the increase of teachers reporting to Outreach trainers that they have been cyberbullied by students, the ACMA in 2010 incorporated a component on this issue in its Outreach presentations and the Cybersmart portal. The Cybersmart program focuses on equipping teachers with the skills and knowledge to help students stay safe online.

The Government is working with states and territories through the Safe and Supportive Schools Community to improve accessibility to resources for teachers that will be provided via the Bullying. No Way! website rebuild.

The Government notes that school principals are responsible for the wellbeing of the whole school community and for ensuring that all members of that community, including teaching staff, are safe, supported and respected.

The implementation of policies such as the 'reputation management' model is a matter for state and territory governments.

**Recommendation 19**
That the Minister for School Education, Early Childhood and Youth and the Minister for Broadband, Communications and the Digital Economy investigate funding a national, online training program for teachers and students that addresses bullying and cyber-bullying, and is validated by national accreditation.

**Government Response**
The Australian Government supports this proposal in principle, but it will need to be considered against competing priorities in the budget context and the outcomes of the Cyber White Paper process.

The Government currently funds several multi-platform training programs for teachers and students that addresses bullying and cyberbullying.

As articulated in the response to Recommendation 17, the National Professional Standards for Teachers includes the expectation that teachers will develop and employ practical strategies to promote the safe, responsible and ethical use of ICT in learning and teaching.

Teachers will be able to use the range of support materials currently being developed by the Australian Institute for Teaching and School Leadership alongside resources from agencies such as the ACMA to develop student awareness and understanding of appropriate ICT practice.

In addition, the ACMA's current Connect.ed program provides teachers with information and guidance on a broad range of cybersafety issues, such as cyberbullying, sexting, privacy and digital reputation, and offers effective strategies and resources to assist in keeping students safe when they go online. Connect.ed is accredited or endorsed by State and Territory Education Departments and counts towards continuing professional development for teachers.

**Recommendation 20**
That the Minister for School Education, Early Childhood and Youth invite the Ministerial Council of Education, Early Childhood Development and Youth Affairs to formulate a cooperative national approach to the development of a whole-of-school community approach to cyber-safety, and to provide all schools with the
necessary information and strategies to measure the effectiveness of their cyber-safety policies.

Government Response

The Australian Government accepts this recommendation, pending the outcomes of the Cyber White Paper process.

Australian communities have a responsibility to provide safe online environments and teach children how to use technology in positive and productive ways.

The Government is currently working collaboratively with education authorities through the SSSC Working Group to ensure schools are learning environments where every student and school community member is safe, supported, respected and valued.

The National Safe Schools Framework is the nationally endorsed key safe school policy document that all schools are encouraged to adopt with a "whole of school" approach and commitment. The Frameworks resource manual includes a school audit tool which helps schools to objectively assess the effectiveness of existing safe school policies and to identify and address any gaps.

In the Australian Curriculum students will develop understandings about cybersafety through the ICT competence general capability which will have students learn to apply appropriate social and ethical protocols and practices to operate and manage ICT when investigating, creating and communicating ideas and information at school, at home, at work and in their communities.

This will be reinforced through the teaching of ICT as a key aspect of the Australian Curriculum: Technologies learning area.

Recommendation 21

That the Attorney-General work with State and Territory counterparts to invite all Australian Police Forces to develop a range of online courses to provide training in cyber-safety issues for all ranks, from basic training for recruits and in-service and refresher courses for more senior members.

Government Response

The Government accepts this recommendation in principle, pending the outcomes of the Cyber White Paper process.

The Government agrees that it is essential for Australian Police Forces to receive appropriate training to effectively investigate online crimes and deal with cyber-safety issues. A range of work is currently underway to address the need for appropriate training, including through the National Cyber Crime Working Group (NCWG), which was established by the Standing Committee of Attorneys-General (SCAG) in May 2010. The NCWG is comprised of representatives from police and justice agencies in each jurisdiction, the Australia New Zealand Policing Advisory Agency (ANZPAA), the Australian Crime Commission and CrimTrac.

The NCWG noted the work of ANZPAA in developing the following products:

- an online training calendar for specialist technology investigators
- education and training guidelines for technology crime investigators and digital evidence practitioners.

The NCWG is also working with ANZPAA to undertake a scoping study to assess law enforcement capabilities across jurisdictions in relation to cyber crime for consideration by Police Ministers.

In addition, the AFP conducts Technology Enabled Crime Awareness Training, which is mandatory for all AFP staff. The training program aims to give staff a greater awareness of the concept of technology enabled crime, the impact it has on law enforcement, and how members can more efficiently and effectively investigate such crimes. The AFP also runs a more advanced training program for e-crime investigators that provides participants with the ability to extract sound forensic digital evidence.

Recommendation 22

That the Attorney-General work with State and Territory counterparts to initiate a mandatory training program for judicial officers and all relevant court staff addressing cyber-safety issues, to ensure they are aware of these issues, and of emerging technologies.
**Government Response**

The Government accepts this recommendation in principle, but notes that it is not possible for the executive Government to specify mandatory training for judicial officers.

The AFP runs an education and awareness program for the legal fraternity. Workshops have been run with Victorian judges and barristers of the NSW Bar. A workshop for NSW Supreme Court judges is scheduled for late September. The AFP's High Tech Crime Operations works closely with the Judicial Colleges in each jurisdiction when designing and delivering these workshops.

The AFP has also commissioned the building of an eCourt facility at the AFP's Canberra Headquarters. The eCourt is designed to place the AFP at the forefront of electronic evidence presentation and provide the legal fraternity with the tools and education they need to address the challenges of complex electronic evidence. It is due to become operational in September 2011.

The NCWG is also considering existing arrangements for judicial and legal practitioner training throughout Australia, to determine whether a national or State-based approach is preferred and consider the need for guidelines in this area.

**Recommendation 23**

That the Attorney-General in conjunction with the National Working Group on Cybercrime undertake a review of legislation in Australian jurisdictions relating to cyber-safety crimes.

**Government Response**

The Government accepts this recommendation in principle.

The Government recognises the importance of effective and comprehensive offences relating to online criminal activity, including conduct directed at children.

The Government will refer this recommendation to the NCWG for its consideration of whether any review of relevant legislation in Australian jurisdictions is necessary.

The Commonwealth has enacted comprehensive legislation to protect children from online sexual exploitation. The Criminal Code sets out a range of offences directed at use of a carriage service, such as the internet, for child pornography material, using a carriage service to procure a child for sexual purposes or using a carriage service to 'groom' a child for sexual activity.

In 2010, the Commonwealth Parliament passed the *Crimes Legislation Amendment (Sexual Offences Against Children)* Act, which extended the coverage of child pornography offences, improved the operation of the grooming and procuring offences, introduced new offences for using a carriage service for indecent communications with a child or for sexual activity with a child. The Act also introduced a new aggravated offence directed at a child pornography network. These amendments ensure that Commonwealth offences reflect contemporary offending and that internet-related child sexual exploitation is comprehensively covered in light of rapidly changing technologies and the anonymity that the Internet provides. These reforms followed a comprehensive review of Commonwealth child sexual exploitation legislation.

The Criminal Code also criminalises the use of a carriage service to make threats, or to menace, harass or cause offence. These offences target the kind of behaviour that underlies serious cases of cyber bullying and cyber stalking. In 2010, the NCWG considered whether new nationally consistent offences were necessary to combat this kind of conduct. It was agreed that existing offences are adequate and no further work is currently required on a national basis.

**Recommendation 24**

That the Australian Communications and Media Authority facilitate the development of and promote online self assessment tools to enable young people, parents/carers and teachers to assess their level of awareness and understanding of cyber-safety issues.

**Government Response**

The Government accepts this recommendation in principle, pending the outcomes of the Cyber White Paper process.

The Government notes that it currently provides a number of targeted self assessment tools on the ACMA's Cybersmart portal.
At present the Cybersmart program has a number of self-assessment tools developed for parents, teachers and students. For example:

- the students' technology audit on the Schools' Gateway
- "How Cybersmart am I" quiz on Cybersmart kids and teens pages
- "Your child's online safety" quiz for parents.

The ACMA will continue to monitor the take-up and responses to these tools and update these as appropriate.

**Recommendation 25**

That the Consultative Working Group on Cybersafety investigate possible improvements to the information provided to parents at the point of sale of computers and mobile phones.

**Government Response**

The Government accepts this recommendation in principle, pending the outcomes of the Cyber White Paper process.

The CWG is working closely with the Government to consider options for providing information to parents at the point of sale of computers and mobile phones.

The Australian Mobile Telecommunications Association (AMTA), a member of the CWG, is working with DBCDE to investigate the provision of information about cybersafety resources, e.g. the Cybersafety Help Button, at the point of sale for mobile devices. AMTA will also investigate the possibility of pre-loading cybersafety material on mobile devices.

**Recommendation 26**

That the Minister for Broadband, Communications and the Digital Economy negotiate with mobile phone companies to increase affordable access to crisis help lines, with a view to ensuring greater accessibility by young people seeking assistance.

**Government Response**

The Government accepts this recommendation in principle.

The Government has provided financial assistance over three years to Lifeline to increase the capacity of the organisation to respond to more calls and to support free calls from mobiles.

As of 1 July 2011, mobile phone calls to Lifeline from anywhere in Australia are also available free of charge under an agreement with Telstra, Optus and Vodafone Hutchison Australia.

Kids Helpline provides a free online counselling service for young people aged between five and twenty five. The Helpline is promoted through a number of channels, including the ACMA's Cybersmart initiative, and it is a prominent feature in the Cybersafety Help Button. Kids Helpline is a service provided by Boystown.

The Government will continue to work with AMTA and the Communications Alliance on the issue of accessibility to crisis help lines.

The Government also notes that during 2010 and 2011 the ACMA has been examining a wide range of issues related to the regulatory framework for telephone numbers including the cost of calls from mobile phones to freephone (180) and local rate (13/1300) numbers which many organisations use to provide crisis help and to provide other key community services.

The ACMA is currently considering responses to the numbering work program and is expected to release a directions paper in late 2011 that examines changes needed to improve the efficiency and effectiveness of the numbering arrangements, including the issue of how calls from mobile phones to freephone and local rate numbers are charged.

**Recommendation 27**

That the Minister for Broadband, Communications and the Digital Economy invite the Consultative Working Group on Cybersafety, in conjunction with the Youth Advisory Group, continue to advise Government on enhancing the effectiveness of cybersafety awareness campaigns including targeted media campaigns and educational programs.

**Government Response**

The Government supports this recommendation in principle, pending the outcomes of the Cyber White Paper process.

The CWG and the YAG were established in 2009 as part of the Government's Cybersafety Plan. The CWG and the YAG have provided advice to Government on a range of cybersafety
issues and informed key initiatives including the Cybersafety Help Button, the TAP and the Easy Guide to Socialising Online.

DBCDE will continue to facilitate consultation with these groups to enhance the effectiveness of cybersafety campaigns and programs.

**Recommendation 28**

That the Minister for School Education, Early Childhood and Youth consult with the Minister for Broadband, Communications and the Digital Economy to develop measures to introduce:

- youth leadership courses enabling students to mentor their school communities about cyber-safety issues, and
- courses on cyber-safety issues for parents/carers and other adults are developed in consultation with young people and delivered by young people.

**Government Response**

The Australian Government accepts this recommendation in principle, pending the outcomes of the Cyber White Paper process. Please see response to Recommendation 3.

**Recommendation 29**

That the Minister for Broadband, Communications and the Digital Economy facilitate a cooperative approach to ensure all material provided on cyber-safety programs is accessible through a central portal, and that a national education campaign be designed and implemented to publicise this portal, especially to young people.

**Government Response**

The Government accepts this Recommendation in principle, pending the outcomes of the Cyber White Paper process.

The Cybersafety Help Button provides internet users, particularly children and young people, with a 'one-stop shop' for access to counselling, reporting and educational resources to assist children deal with online risks including cyberbullying, unwanted contact, scams and fraud, and offensive or inappropriate material. The Cybersafety Help Button is available from the DBCDE website ([www.dbcde.gov.au/helpbutton](http://www.dbcde.gov.au/helpbutton)), and promoted through the ACMA’s Cybersmart website and many other sites.

The Cybersafety Help Button is expanding to include a new section called *Cybersafety Resources* which contains a comprehensive range of cybersafety information, educational programs, research and events. The expanded Cybersafety Help Button will be promoted widely through organisations represented on the CWG member organisations, and education networks.

The ACMA’s Cybersmart website is a key source of cybersafety advice and information for teachers, parents, librarians and students of all ages, from kindergarten through to university.

As well as its own substantial body of resources, this web portal links to other cybersafety program providers such as ThinkUKnow, Stay Smart Online, the Cybersafety Help Button, and state school cybersafety websites and resources. It also links to the Kids Helpline for online counselling advice. The portal has seen large volumes of traffic with more than 1,138,050 visits to date.

Promotion of the portal is a primary consideration for the ACMA and it will continue to explore mechanisms for expanding its reach to difficult-to-reach audiences, such as young people and people with disabilities.

**Recommendation 30**

That the Minister for Broadband, Communications and the Digital Economy encourages industry including the Internet Industry Association, to enhance the accessibility to assistance or complaints mechanisms on social networking sites; and develop a process that will allow people who have made complaints to receive prompt advice about actions that have been taken to resolve the matter, including the reasons why no action was taken.

**Government Response**

The Government accepts this recommendation in principle.

DBCDE is working with the CWG and a number of social networking sites to assist in developing mechanisms to streamline complaints processes and their resolution.
The Cybersafety Help Button and the Easy Guide to Socialising Online are two government projects that have been developed specifically to improve accessibility to reporting abuse and complaints assistance mechanisms for social networking sites. A significant number of social networking sites (and online game sites) participate in the Cybersafety Help Button initiative and Easy Guide to Socialising Online initiative.

The Internet Industry Association (IIA) has been consulted on this Recommendation. The IIA and its members indicated that they are committed to ensuring that users of social networking sites should have an understanding of acceptable behaviour, as well as access to visible and effective complaints handling mechanisms. They have also offered to work with industry, in particular social networking sites, to develop recommendations and best practice guidelines for the lodgement and resolution of user complaints.

**Recommendation 31**

That the Minister for Broadband, Communications and the Digital Economy invite the Consultative Working Group on Cybersafety to negotiate protocols with overseas social networking sites to ensure that offensive material is taken down as soon as possible.

**Government Response**

The Government accepts this recommendation in principle.

The issue of establishing a protocol with overseas social networking sites is currently being pursued through the CWG, of which leading social network sites are members.

**Recommendation 32**

That the relevant Ministers in consultation with service providers consider how costs may be reduced for law enforcement agencies collecting evidence against online offenders.

**Government Response**

The Government accepts this recommendation in principle.

The Government will work with service providers and the States and Territories to reduce costs for law enforcement agencies in collecting evidence against online offenders.

Under the *Telecommunications Act 1997* (Ch), agencies must compensate service providers on a no profit/no loss basis for help given by service providers.

**List of Abbreviations**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>APEC</td>
<td>Asian Pacific Economic Council</td>
</tr>
<tr>
<td>ANZPAA</td>
<td>Australia New Zealand Policing Advisory Agency</td>
</tr>
<tr>
<td>ACMA</td>
<td>Australian Communications and Media Authority</td>
</tr>
<tr>
<td>AEEYSOC</td>
<td>Australian Education, Early Childhood Development &amp; Youth Senior Officials Committee</td>
</tr>
<tr>
<td>AFP</td>
<td>Australian Federal Police</td>
</tr>
<tr>
<td>ALRC</td>
<td>Australian Law Reform Commission Report</td>
</tr>
<tr>
<td>AMTA</td>
<td>Australian Mobile Telecommunications Association</td>
</tr>
<tr>
<td>APP</td>
<td>Australian Privacy Principle</td>
</tr>
<tr>
<td>CWG</td>
<td>Consultative Working Group on Cybersafety</td>
</tr>
<tr>
<td>CPEA</td>
<td>Cross-Border Enforcement Arrangement</td>
</tr>
<tr>
<td>DBCDE</td>
<td>Department of Broadband, Communications and the Digital Economy</td>
</tr>
<tr>
<td>DEEWR</td>
<td>Department of Education, Employment and Workplace Relations</td>
</tr>
<tr>
<td>ICT</td>
<td>Information and Communications Technologies</td>
</tr>
<tr>
<td>IIA</td>
<td>Internet Industry Association</td>
</tr>
<tr>
<td>JSCL</td>
<td>Joint Select Committee on Cyber-Safety</td>
</tr>
<tr>
<td>NCWG</td>
<td>National Cyber Crime Working Group</td>
</tr>
<tr>
<td>OAIC</td>
<td>Office of the Australian Information Commissioner</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Cooperation and Development</td>
</tr>
<tr>
<td>SSSC</td>
<td>Safe and Supportive School Communities</td>
</tr>
<tr>
<td>SCAG</td>
<td>Standing Committee of Attorneys-General</td>
</tr>
<tr>
<td>TAP</td>
<td>Teachers and Parents Advisory Group</td>
</tr>
</tbody>
</table>

**Australian Government Response to the Senate Committee on Finance and Public Administration — Native Vegetation Laws, Greenhouse Gas Abatement and Climate Change Measures**

**January 2012**

Australian Government Response to the Senate Committee on Finance and Public Administration — Native Vegetation Laws, Greenhouse Gas Abatement and Climate Change Measures
The Australian Government is committed to promoting sustainable land management. The Australian Government is supporting this outcome through the implementation of legislation and a mix of policies, programs and consultative natural resource forums.

The Australian Government will continue to take an active role to support resilient, protected and productive landscapes with respect to Commonwealth matters. The Australian Government notes that management of native vegetation is primarily a state and territory responsibility.

The Australian Government acknowledges the important role that land managers play in managing private land and bringing about environmental outcomes. Much of our nation's wealth comes from our environment through agriculture, forestry and fisheries, and tourism underpinned by healthy and resilient landscapes.

This response addresses the three recommendations made by the Senate Committee as well as additional recommendations made by Government Senators. The Australian Government notes the dissenting report by the Australian Greens Senator.

Recommendation 1
The committee recommends that COAG re-examine the native vegetation legislation and its 2006 recommendations with a view to establishing a balance between maximising agricultural production and best practice conservation.

The Australian Government disagrees with the recommendation as it has recently undertaken a review of the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act). The Australian Government agrees with the policy intent of establishing a balance between maximising agricultural production and best practice conservation.

On 24 August 2011 the Australian Government announced significant reforms to Australia's national environmental law, including its response to an independent review of the EPBC Act by Allan Hawke AC, and a consultation draft Australian Government Biodiversity Policy. The reforms outline better environmental protection focusing on whole regions and ecosystems and faster environmental assessments. The reforms set out a new national approach to the protection of Australia's environment and biodiversity which will be better for the environment, better for business and mean better cooperation between government, industry and communities. Further information on the reforms including the Australian Government's response to the independent review is available at: www.environment.gov/epbc/refomi.

The EPBC Act is the Australian Government's primary legislation establishing a national approach to a wide range of environmental protection and biodiversity conservation matters. The Australian Government notes that the EPBC Act does not directly regulate most native vegetation or contain greenhouse gas abatement measures. It does on occasion affect native vegetation clearing resulting from agricultural production, but only where that clearing is the result of a change or intensification of land use and is likely to have a significant impact on matters protected under the EPBC Act.

The EPBC Act was drafted to be the primary vehicle for implementing the principles of ecologically sustainable development at the Australian Government level, giving effect to the 1992 Intergovernmental Agreement on the Environment.

The objects of the Act include:
"To provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; To promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and To promote the conservation of biodiversity."

Consideration of the principles of ecologically sustainable development in decision making under the EPBC Act does not require equal weighting to be given to environmental, social and economic factors, but it does require that they all be taken into account.

The Australian Government will also continue to work to ensure biodiversity conservation and sustainable agriculture production are considered
in the relevant regulatory arrangements. The Australian Government is working with state and territory governments on the National Framework for the Management and Monitoring of Australia's Native Vegetation review. Australia's Native Vegetation Framework recognises the importance of agricultural production and integrates the improvement of productive capacity as well as ecosystem resilience into its goals.

**Recommendation 2**

The committee recommends that the Commonwealth initiate, through the Natural Resource Management Ministerial Council, a national review to assess the impact of various native vegetation legislative and regulatory regimes, particularly those at the state level. In undertaking such a review, the following issues should be specifically addressed:

- the liability of landholders complying with native vegetation laws for the payment of rates or taxes for land that is not available for productive use;
- the right of landholders to manage competing environmental objectives over land where restrictions have been imposed, for example the management of noxious weeds and pests in protected native vegetation areas;
- the institution of inexpensive, accessible, timely and independent administrative appeals processes against decisions of enforcement agencies or officials regarding the granting of permits or institution of regulatory regimes over private land;
- the application of state-wide regulations where there are distinct and notable variations in both the environmental conditions and objectives across regions within states;
- the burden of these laws on newer farming areas and communities as opposed to more established ones; and
- the imposition of caveats by state authorities which prevent or restrict the existing use of land when converting title from leasehold to freehold.

The Australian Government agrees with the general policy intent of recommendation 2 and recognises that sustainable land management requires work across all jurisdictions. The Australian Government notes that management of native vegetation is primarily a state and territory responsibility.


The consultation draft of Australia's Native Vegetation Framework (2010) aims to ensure native vegetation across the Australian landscape is managed in an ecologically sustainable way in recognition of its enduring environmental, economic, social, cultural and spiritual values in a changing climate and will serve to inform policy across all jurisdictions. This framework will be finalised under new Ministerial arrangements.

As noted in relation to recommendation 1, the Australian Government has recently released a consultation draft of the Australian Government's Biodiversity Policy which is available at: [www.environment.gov/epbc/revi](http://www.environment.gov/epbc/revi).

The Australian Government notes that the Senate Inquiry found that the regulatory burden imposed through native vegetation regulation impacts on the cost and ability of doing business for land managers. The Department of Agriculture, Fisheries and Forestry through the Australian Bureau of Agricultural and Resource Economics and Sciences is undertaking a survey of land managers and conducting case studies to increase the understanding of the drivers and barriers to native vegetation management on private land. This analysis will help clarify the extent to which potential barriers (such as the regulatory impact on the cost of doing business) and the possible drivers (such as stewardship and other programs designed to support practice change) are impacting on native vegetation management decisions. The outcomes from the survey and case studies will enhance our understanding of the variation in vegetation management across regions and fanning.
enterprises, including possible correlations with the economic and social conditions experienced by land managers.

**Recommendation 3**

The committee recommends a review of best practice in relation to stewardship initiatives across the country with a view to re-orienting future regulatory activities.

The Australian Government agrees with the policy intent of the recommendation.

The Australian Government views best practice conservation, supporting resilient ecosystems and sustainable agriculture as priorities. The Australian Government acknowledges that Commonwealth, state and territory legislation provides critical, long-term protection for our natural assets. The role of government is to strike a balance between regulation, market-based instruments and the other mechanisms based on their effectiveness, the level of public benefit and the capacity of stakeholders.

Regulatory approaches can in some circumstances be complemented by appropriate non-regulatory measures. The Australian Government supports the use of incentives schemes as tools to complement regulatory approaches to conservation; however, these schemes do not replace legislative requirements and regulatory measures. The Australian Government also recognises that effective biodiversity conservation under a changing climate will require integration of on-reserve and off-reserve conservation and cooperation with private land managers to ensure a landscape scale approach to maximise ecological resilience.

Caring for our Country is a key Australian Government initiative that supports land managers to protect Australia's natural environment and sustainably produce food and fibre through incentive payments, market-based instruments and extension activities. The goal of Caring for our Country is to achieve an environment that is healthier, better protected, well managed, resilient, and provides essential ecosystem services in a changing climate.

Caring for our Country supports land managers to undertake stewardship activities through the National Priority Area: biodiversity and natural icons. This includes the programs: Environmental Stewardship Program (aiming to conserve nationally threatened species and ecological communities), and Sustainable Farm Practices which includes activities to support landscape scale conservation. The types of activities funded under this priority area include stewardship payments, payments for on ground works where there is a high public benefit, capacity building and information dissemination.

From 2011-12, the Australian Government will invest an additional $84.2 million over four years in a new round of the Environmental Stewardship Program. The Environmental Stewardship Program is a voluntary, market-based initiative that engages land managers to actively manage areas of native habitat on private land to reduce critical threats to biodiversity. The program targets specific matters of National Environmental Significance listed under the EPBC Act for which an improvement in their condition and extent can be effectively achieved through the actions of private land managers.

Commonwealth initiatives also include capacity building and information dissemination to enable landholders to make decisions as stewards of Australia's natural capital. Information dissemination falls into two categories: measuring our landscape and information for land managers to enable improved decision making.

Information is vital for determining trends in the natural environment, as well as the implications of change and the effectiveness of policy interventions. The Australian Government is addressing the need for improved environmental information through the new National Plan for Environmental Information. The Australian Government also works with state and territory governments on a range of collaborative processes to improve the national environmental information base including the National Vegetation Information System and work towards an integrated Environmental Information System.
Additional Comments and recommendations from Government Senators

Government Senators therefore support the essence of the recommendations. The Natural Resource Management Ministerial Council (NRMMC) should review state native vegetation laws with a view to:

- Ensuring, where practical, that the laws are sufficiently flexible in each state to allow farmers to offset clearing where that leads to an equal or enhanced environmental outcome
- Introducing into each state a cheap and quick mechanism for merits review of decisions to refuse permission to clear land
- Ensuring that native vegetation policies encourage and allow for effective weed and pest control
- Devising a strategy to ensure that the land is not effectively 'locked up' and left without maintenance
- Ascertaining whether farmers can access affordable technology to assist farmers to manage native vegetation — for example, satellite imagery
- Establishing uniform protocols across the states to guiding enforcement and investigative procedures
- Establishing training for Government officers carrying out these duties
- Making available helpful and relevant information to the public to assist landholders to understand processes and aims of the laws
- Reviewing incentive based programs available to landholders, such as environmental stewardship programs or access to sustainable agriculture grants, that allow landholders to earn income for protecting high quality native vegetation to ensure that policy settings across governments assist farmers to deliver environmental outcomes
- Ensuring native vegetation laws reflect scientific data regarding the best means to ensure enhancement of our natural environment while also enhancing productivity at the same time.

Senator Helen Polley, Senator for Tasmania
Senator Doug Cameron, Senator for New South Wales

The Australian Government agrees with the policy intent of this recommendation and will pursue action in conjunction with recommendations 2 and 3.

Australian Government Response to the Senate Finance and Public Administration References

Inquiry into The administration of health practitioner registration by the Australian Health Practitioner Regulation Agency (AHPRA)

1. Introduction

The Australian Government welcomes the report of the Senate Finance and Public Administration References Committee on the administration of health practitioner registration by the Australian Health Practitioner Regulation Agency (AHPRA).

The National Registration and Accreditation Scheme (NRAS) for health professions commenced on 1 July 2010 and is the result of a consensus agreement between the state, territory and Commonwealth governments, through the Council of Australian Governments, to align the previously disparate state and territory registration schemes for health practitioners.

The Health Practitioner Regulation National Law Act 2009 (Old) (known as the National Law), as applied in each state or territory, provides for the full operation of the NRAS. Oversight of the operation of the scheme is provided jointly by state, territory and Commonwealth Health Ministers through the Australian Health Workforce Ministerial Council (the Ministerial Council).

Under the NRAS there is a national registration board for each participating health profession. Members of a national board are appointed by the Ministerial Council and are independent in the implementation of their responsibilities. The national boards are led by the health professions and are responsible for determining the practice standards for the
professions and assessing all applications for registration.

The national boards are supported in their role by the Australian Health Practitioner Regulation Agency (AHPRA), an independent statutory agency which administers the receipt and processing of applications for registration and maintains a public register of registered health practitioners.

2. Committee recommendations

The committee made ten recommendations. Five of these recommendations were directed to AHPRA and five to the Commonwealth.

This response addresses the recommendations that were addressed to the Commonwealth, being recommendations 3, 6, 8, 9 and 10.

As AHPRA is a statutory agency constituted under state and territory legislation, and operates independently of the Commonwealth, the Commonwealth is unable to respond on behalf of AHPRA.

3. Government Senators’ minority report recommendations

The Government senators disagreed with the findings of the majority report, recognised the enormity of the task and noted that it was unsurprising that some problems arose. The Government senators’ minority report noted the overwhelming support from all sectors for this reform and focussed on the action taken to address the issues that have arisen during the transition process.

In their minority report Government senators made a further four recommendations directed to AHPRA. This response does not address the minority report recommendations as the Commonwealth is unable to respond on behalf of AHPRA.

4. Australian Government Response

The Australian Government Minister for Health and Ageing is a member of the Australian Health Workforce Ministerial Council (AHWMC)/Standing Council on Health (SCoH), which sets the general policy direction for the national scheme. The Australian Government cannot provide an undertaking that the AHWMC/SCoH will act on recommendations. Decisions of the AHWMC/SCoH are made by consensus.

Response to Committee recommendations directed to the Commonwealth

Recommendation 3

6.17 The committee recommends that the Commonwealth Government seek the support of the Australian Health Workforce Ministerial Council to undertake a regular review of the registration of overseas trained health practitioners.

Response: The Australian Government notes this recommendation.

The Australian Government will raise this matter within the AHWMC/SCoH for discussion in the context of all health practitioners. The Commonwealth will seek to have an update from AHPRA on this issue included in the regular updates to AHWMC/SCoH.

With regard to overseas trained doctors, registration of overseas trained practitioners is a matter for the Medical Board of Australia (MBA) and is regulated under state and territory legislation. Three reviews of the registration of overseas trained doctors are currently in progress.

On 8 November 2010 the MBA announced its intention to work with the Australian Medical Council (AMC) to determine the terms of a review of the implementation of assessment pathways for overseas trained doctors, including overseas trained specialists.

On 12 November 2010 the Ministerial Council gave a direction to the Australian Health Workforce Advisory Council (AHWAC) to obtain independent advice regarding the assessment requirements for fellowship of each of the medical specialist colleges, in relation to the recognition of qualifications and management of assessment processes for overseas trained doctors, particularly those from countries with health care systems similar to Australia. Further advice on this investigation will be available once it is complete.

In addition, the House of Representatives Standing Committee on Health and Ageing is conducting an inquiry into and report on Registration Processes and Support for Overseas Trained Doctors. More information on this

The need for further consideration on this issue will be determined once these reviews have been conducted.

**Recommendation 6**

6.22 The committee recommends that the Commonwealth Government seek the support of the Australian Health Workforce Ministerial Council to identify and establish mechanisms to improve the accountability of AHPRA to the Parliaments of all jurisdictions and the Australian public.

Response: The Australian Government notes this recommendation.

As the committee has noted, AHWMC has already established mechanisms to improve the accountability of AHPRA. At its meeting on 17 February 2011, AHWMC agreed the following.

Additional monitoring of AHPRA will be introduced. AHPRA will be required to report to future meetings of Health Ministers. Ministers also agreed that

AHPRA will provide regular reports to AHWMC and the AHMC Chair, WA Health Minister, Dr Kim Flames, will commence immediate frequent discussions with AHPRA management to ensure registration processes are on track.

In addition, the Ministerial Council is required under the National Law to table the AHPRA Annual Report in each parliament of Australia.

**Recommendation 8**

6.26 The committee recommends that the Commonwealth Government seek the support of the Australian Health Workforce Ministerial Council to amend the National Law to provide further practising classifications for practitioners in academic institutions and for those who practise in a limited manner.

Response: The Australian Government notes this recommendation.

The National Law specifies categories of registration including Limited Registration for practitioners who may be teaching or undertaking research, completing postgraduate training or supervised practice or working in an area of need and Provisional Registration for practitioners who wish to complete a period of supervised training. The specific requirements for Limited and Provisional Registration are articulated in registration standards, which are developed by the National Boards and approved by the Ministerial Council. It is possible for the standard requirements applying to the registration of practitioners under the various categories of Limited and Provisional registration to be modified by Boards (with the approval of the
Ministerial Council) under the existing provisions of the National Law.

In addition, under the scheme, all registration standards are to be reviewed every three years or earlier if necessary.

**Recommendation 10**

6.30 The committee recommends that the Commonwealth Government seek the support of the Australian Health Workforce Ministerial Council to implement a review of the mandatory notifications requirements and in particular take into account the Western Australia model of mandatory reporting.

Response: The Australian Governments notes this recommendation.

During the development of the National Law, an extensive consultation process was undertaken to allow organisations and individuals the opportunity to comment on all provisions, including mandatory reporting requirements. In addition to this extended consultation the National Law was debated in states and territories in parliamentary processes. In August 2009, Health Ministers confirmed their commitment to a high level of public interest protection.

On 27 August 2009, the AHWMC released a communiqué (http://www.ahmac.gov.au/site/media/releases.asox) confirming its commitment to a high level of public interest protection within the new scheme. Health Ministers noted that the new national provisions relating to mandatory reporting, student registration, criminal history and identity checks, strong community member representation on national boards, the ombudsman arrangements and easier public access to make complaints all supported this commitment. Health Ministers did not accept the recommendation that mandatory reporting requirements be removed from the legislation.

The Scheme has been in operation for only a year and as such limited data is available to enable assessment of the impact of the mandatory reporting provisions of the National Law. However the Government notes the concerns expressed during the inquiry. The need to review the mandatory reporting regulations is best determined once adequate data becomes available.

**Government Response to the Senate Finance and Public Administration Legislation Committee**

**Annual reports (No. 2 of 2009) September 2011**

**Recommendation 1**

The committee recommends that the Australian Industry Development Corporation ensure that its next annual report fulfils the requirements of section 8 of the Freedom of Information Act 1982.

Response

The subsequent Annual Reports (Reports) of the Australian Industry Development Corporation (AIDC) comply with the Committee's recommendation. The Reports provide information on procedures for Freedom of Information requests to AIDC and on the relevant categories of documents. The Reports also note that because the Corporation is in the wind down phase there are no decision-making powers that affect the public. The wind down was completed by a Proclamation repealing the Australian Industry Development Corporation Act 1970 on 22 April 2011.

**Recommendation 2**

The committee recommends that where a Commonwealth authority or company pays for the services of a 'related entity' company, the annual report should include an explanation of the decision-making process to engage that company.

Response

The Committee's recommendation is agreed. The Commonwealth Authorities (Annual Reporting) Orders 2011 and the Commonwealth Companies (Annual Reporting) Orders 2011 respectively provide for the annual reports of Commonwealth authorities and wholly-owned Commonwealth companies to disclose the decision making processes undertaken for approval of individual or aggregate transactions of at least $10,000 (GST inclusive), where a director of the Commonwealth entity is also a director of the other entity that provides the good or service or receives the grant. For the purposes
GOVERNMENT RESPONSE TO THE SENATE ECONOMICS REFERENCES COMMITTEE’S 2010 REPORT MILKING IT FOR ALL IT’S WORTH — COMPETITION AND PRICING IN THE AUSTRALIAN DAIRY INDUSTRY.

The Senate Economics References Committee’s (the Committee) 2010 inquiry, Milking it for all it’s worth — competition and pricing in the Australian dairy industry, was the first of two inquiries in relation to Australia’s dairy industry completed by the Committee since 2010. In November 2011, the Committee released its report into The impacts of supermarket price decisions on the dairy industry. The Government would like to thank the Committee for the time and effort it has put into both inquiries.

This Government response deals explicitly with the recommendations outlined in the Committee’s 2010 final report from the Milking it for all it’s worth — competition and pricing in the Australian dairy industry inquiry. The issues raised in the 2010 inquiry have largely been re-examined in the 2011 inquiry. The Government has tabled a separate response to the Committee's 2011 inquiry: The impacts of supermarket price decisions on the dairy industry.

Response to recommendations

Recommendation 1:

The Committee recommends that the Government requests that the National Competition Tribunal reviews the effectiveness of section 46 of the Trade Practices Act in preventing price discrimination and consider reinstating anti-price discrimination provisions, particularly to protect those parties participating in industries dominated by multinational corporations.

The Government notes the recommendation

The Government’s response to Recommendation Five made by the Senate Economics References Committee in its 2011 inquiry into The impacts of supermarket price decisions on the dairy industry (2011 Dairy Inquiry) provides a detailed response to this recommendation.

The Government agrees in principle to the recommendation

The Government’s response to Recommendation Two made in the 2011 Dairy Inquiry provides a detailed response to this recommendation.

Recommendation 2:

The Committee recommends that contracts with farmers should offer a clear, consistent formula for milk pricing with unambiguous conditions.

Recommendation 3:

The Committee recommends that the Government requests the Australian Competition and Consumer Commission to use its information-gathering powers, and draw on its work for its recent report on grocery pricing, to provide more accurate estimates of the proportions of the retail price of milk that reflect (i) the costs and (ii) the profits, of farmers, processors and retailers and requests that the results of that review be published by 30 September 2010.

The Government notes the recommendation

The Government notes that during the 2011 Dairy Inquiry, a significant amount of information relating to the dairy supply chain was presented to the Committee for its consideration. As outlined in the response to Additional Recommendation Four in the 2011 Dairy Inquiry, the Government is of the view that at this point in time, another Australian Competition and Consumer Commission (ACCC) inquiry into the supermarkets would not necessarily be beneficial.

However, the Government will work with the dairy industry to provide clear information on industry cost structures including input costs and farm-gate prices in each of the dairy regions across Australia.

Recommendation 4:

The Committee recommends that the Government requests the ACCC to undertake monitoring of the pricing practices within the dairy chain with a view to establishing whether
predatory pricing or misuse of market power is occurring.

The Government notes the recommendation


The Government considers it unacceptable for businesses to engage in any conduct in breach of our competition or consumer laws. The ACCC, as the independent regulator responsible for the investigation and enforcement of these laws, is actively monitoring issues in the supermarket sector and is equipped to take action should evidence arise of a breach in the Competition and Consumer Act 2010 (the Act).

The Government notes the ACCC’s media release of 22 July 2011, in which it states that it considers there is no evidence that Coles has acted in breach of the Act (formerly the Trade Practices Act 1974) in relation to milk discounting and that it will continue to monitor conduct within the dairy industry and grocery sector for signs of anti-competitive behaviour.

The Government is confident that the ACCC will take appropriate action in relation to these issues should evidence emerge in future.

**Recommendation 5:**

The Committee recommends that the Productivity Commission reviews and evaluates the effectiveness of the national competition policy and requests that it publish its report by 30 April 2011.

The Government notes the recommendation

In 2005, the Productivity Commission (Commission) concluded a major inquiry into the impact of the National Competition Policy (NCP) and related reforms, with the release of its inquiry report Review of National Competition Policy Reforms. The inquiry covered both the broad economic effects of the NCP and changes to specific industries.

The Commission found that implementation of NCP has delivered substantial benefits to the Australian community, which overall have outweighed the costs. In terms of deregulation and competition, the Commission concluded that the deregulation of the dairy industry, while entailing some transitional costs, has significantly benefited consumers in the form of lower drinking milk prices on average and an expansion in the range of dairy products available. It also noted that while some dairy farmers chose to exit the industry, deregulation has encouraged farmers to adopt innovative practices and technologies to increase production and profitability.

**Recommendation 6:**

The Committee recommends a moratorium on further takeovers and mergers in the milk processing industry until the Productivity Commission has published its report on the effectiveness of the national competition policy.

The Government notes the recommendation

The Government is committed to providing a robust and effective competition and consumer law, backed by appropriate and proportionate sanctions that can be effectively enforced by the ACCC as the independent regulator.

In relation to mergers and acquisitions, the Government's Competition and Consumer Legislation Amendment Bill 2011, which has recently passed the Parliament, clarifies the operation of the merger and acquisition laws in relation to 'creeping acquisitions'.

The Government considers that the existing framework provided by section 50 of the Act, which prohibits mergers or acquisitions that would substantially lessen competition, works well and is consistent with international practice.

The existing framework for mergers and acquisitions will continue to apply to this sector. To impose a moratorium on mergers or acquisitions not otherwise prohibited by the Act would not have a meaningful effect on competition, may prohibit mergers or acquisitions which might be beneficial to competition and may be unnecessary and counterproductive for the industry.

As indicated in the Government's response to Recommendation Five in the 2011 Dairy Inquiry, the Government believes that the competition provisions of the Act should not be reviewed until the ACCC has had the opportunity to further test the law in the courts.
Recommendation 7:
The Committee recommends that the Trade Practices Act be amended to reinstate specific anti-price discrimination provisions and inhibit firms achieving market power through takeovers or abusing market power and that 'market power' be expressly defined so that it is less than market dominance and does not require a firm to have unfettered power to set prices. A specific market share, such as, for example, one third (based on international practice), could be presumed to confer market power unless there is strong evidence to the contrary.

The Government notes the recommendation

The Government is committed to providing a robust and effective competition and consumer law, backed by appropriate and proportionate sanctions that can be effectively enforced by the ACCC as the independent regulator.

In particular, since coming into office, the Government has legislated to clarify the misuse of market power prohibitions. The Government notes the CEO of the ACCC, Mr Brian Cassidy's recent comments that 'some judicial interpretation and rulings on the substantially changed section 46 is needed before it is possible to say whether the changes have been effective or something else needs to be done'1.

The Government believes that a review of this provision of the Act should not be considered until the ACCC has had the opportunity to further test the amended law in the courts.

The Government notes its response to Additional Recommendation One made in the 2011 Dairy Inquiry which relates specifically to anti-competitive price discrimination.

In addition, as indicated in the Government's response to Recommendation Five in the 2011 Dairy Inquiry, the Government believes that the competition provisions of the Act should not be reviewed until the ACCC has had the opportunity to further test the law in the courts.

Recommendation 8:
The Committee recommends that the ACCC conducts further study into the implications of increasing shares of the grocery market being taken by the generic products of the major supermarket chains. The Committee recommends that the terms of reference of any such inquiry include not just the current and future impact on prices paid by consumers but also the needs of Australia in terms of food security and economic and environmental sustainability, as well as the economic viability of farmers and processors. The Committee requests that the findings of these reviews be reported by 30 April 2011.

The Government notes the recommendation


The Government supports the issue of working towards food security and the future sustainability of the dairy industry. It notes that the development of the National Food Plan will provide a strategic and integrated approach to food policy development and implementation and will be developed through a green and white paper process. This will help ensure a long-term and whole-of-government focus, and a considered and consultative approach to food policy. In developing the National Food Plan, the Government is working closely with the Standing Council on Primary Industries to help ensure the strong commitment to the national strategy by all states and territories.

The Government also notes recent comments by the ACCC Chairman, Mr Rod Sims, in relation to the sale of private label products by supermarkets, and in particular that 'This vertical integration in the supply chain needs close scrutiny to ensure the supermarkets do not misuse their market power under Section 46'.2 Given that the ACCC has indicated it is actively monitoring these matters, the Government does not consider it is necessary at this time to direct the ACCC, under the prices surveillance provisions of the Act (Part VITA), to inquire into the implications of increasing shares of the grocery market being held by generic products.

---

1 Cassidy, B. Senate Hansard, Economics References Committee - Impacts of supermarket price decisions on the dairy industry - Thursday 6 October 2011.

2
Recommendation 9:
The Committee recommends the Productivity Commission considers, in its review of national competition policy, the appropriateness of separating the functions and powers of the ACCC with the effect that separate agencies are responsible for the approval of mergers and the assessment of whether concentration is subsequently excessive.

The Government notes the recommendation
Noting the Government's response to Recommendation Five, the Government considers that the ACCC, as the expert, independent competition regulator, is the agency best placed to consider all aspects of the competitive effects particular of mergers and acquisitions.

Recommendation 10:
The Committee recommends that the topic of competition and pricing in the dairy industry be again referred to the Senate Economics References Committee in May 2012 to assess whether progress has been made or whether tougher and more interventionist measures need to be adopted.

The Government notes the recommendation
The Government notes that since the release of this report, the Committee has further investigated the issues of competition and pricing in the dairy industry in its inquiry into The impacts of supermarket price decisions on the dairy industry, with the final report released in November 2011.

The Committee made a range of recommendations in its final report to this inquiry and the Government has tabled a separate response addressing each of those recommendations.

Recommendation 11:
The Committee recommends that the Federal Government commissions an independent report into the main impediments to the establishment of new processors owned by farmer cooperatives and how these impediments could best be overcome and requests that the report be tabled by 30 April 2011.

The Government notes the recommendation
The Government believes that the establishment of new processors and their corporate structure is a matter for industry and outside the scope of Government intervention. The Government believes that the establishment (or otherwise) of cooperatives is a business decision best left to industry members. The Government notes previous decisions of cooperative shareholders (such as Australian Co-operative Foods Limited in 2008) to sell the enterprise to corporate entities.

Recommendation 12:
The Committee recommends that the Government reviews the collective bargaining provisions of the Trade Practices Act with a view to strengthening that framework to create a more equitable balance of power between the negotiating parties and requests that it report by 30 April 2011.

The Government notes the recommendation
The Government's response to Recommendation Six made in the 2011 Dairy Inquiry provides a detailed response to this recommendation.

Recommendation 13:
In reviewing the collective bargaining provisions the Committee requests that the Government considers the effectiveness of any existing alternative dispute resolution mechanisms and investigates:
• allowing collective bargaining groups to merge to address imbalances in bargaining power;
• the introduction of a requirement that the ACCC facilitate the timely appointment of a mediator should a party to a negotiation require such assistance; and
the introduction of a requirement that cooling off periods be mandatory in contracts between dairy farmers and processors.

**Recommendation 14:**

The Committee recommends that the Government addresses the issues of food security and the future sustainability of the dairy industry at a federal level. The Committee suggests to the Government that this review be facilitated through the Primary Industries Ministerial Council to ensure it receives the commitment and attention required. The Committee recommends that any review include the role of the ACCC and federal, state and territory agricultural departments in ensuring Australia's food security.

The Government agrees in principle to the recommendation.

The Government supports initiatives to maintain and improve food security and the sustainability of Australian food production, including the dairy industry.

As a demonstration of this support, the Government is developing a National Food Plan. The National Food Plan will be a strategic and integrated approach to food policy development and implementation and will be developed through a green and white paper process. This will help ensure a long-term and whole-of-government focus, and a considered and consultative approach to food policy. In developing the National Food Plan, the Government is working closely with the Standing Council on Primary Industries to help ensure the strong commitment to the national strategy by all states and territories.

The Food Processing Industry Strategy Group, established by the Minister for Innovation, Industry, Science and Research early in 2011 to develop a strategic plan for the processed food manufacturing sector, is also analysing the strengths and weaknesses of the industry, as well as long term opportunities to enhance its long-term competitiveness and sustainability.

As indicated in the Government's response to Recommendation Three in the 2011 Dairy Inquiry, the future sustainability of the dairy industry across Australia depends to a large extent on its ability to remain competitive in a global dairy market. Research and development also contributes to its competitiveness and sustainability. The Government works with the dairy industry through the provision of matched funding to undertake research, development and extension activities.

**Recommendation 15:**

In the light of the Tasmanian experience the Committee recommends that where industry bodies are encouraging increased production, all agencies involved in those bodies have regard to issues of long term sustainability in the context of long term trends. They should identify the source of increased demand, adopt cautious language and indicate the degree of uncertainty around any projections.

The Government notes the recommendation.

The Government encourages all organisations preparing information for the use of rural industries to be mindful of the need to adopt cautious language and to indicate the degree of uncertainty around any projections.

For example, the Department of Agriculture, Fisheries and Forestry ABARES outlines its key assumptions and, where appropriate, identifies risk factors when presenting its forecasts. ABARES is particularly mindful of presenting its forecasts and explaining key factors underlying these forecasts in a cautious manner.

**Recommendation 16:**

The Committee recommends that the Australia and New Zealand Food Regulation Ministerial Council acts to ensure that labelling on dairy products adequately and accurately informs consumers about the provenance, manufacturer and contents of the product.

The Government notes the recommendation.

Most packaged dairy products for retail sale are required to be labelled under the Australia New Zealand Food Standards Code with information which includes, in general: the name and address of the supplier; any applicable advisory and warning statements; a mandatory declaration of certain substances (such as allergens); an ingredients list; date marking; directions for use and storage where required for health or safety reasons; a nutrition information
panel; and a statement concerning the country of origin.

The Government also notes that the Australian Consumer Law, applicable in all Australian jurisdictions, prohibits misleading and deceptive conduct and false or misleading representations throughout the economy — including in relation to dairy product labelling.

The Government will refer this recommendation to the Legislative and Governance Forum on Food Regulation for consideration.

GOVERNMENT RESPONSE TO THE SENATE ECONOMICS REFERENCES COMMITTEE’S 2011 FINAL REPORT ON THE IMPACTS OF SUPERMARKET PRICING DECISIONS ON THE DAIRY INDUSTRY

The Senate Economics References Committee’s (the Committee) 2011 inquiry into the impacts of supermarket price decisions on the dairy industry is the second inquiry into Australia’s dairy industry completed by the Committee since 2010. In 2010, the Committee released its report: Milking it for all it’s worth — competition and pricing in the Australian dairy industry. The Government would like to thank the Committee for the time and effort it has put into both inquiries.

This Government response deals explicitly with the recommendations outlined in the Committee’s 2011 final report on The impacts of supermarket price decisions on the dairy industry. The 2011 inquiry has re-examined many of the issues raised in the 2010 inquiry and provides a new set of recommendations. However, as indicated in the Government’s response to the Committee’s first interim report, the Government has also tabled a separate response to the Committee’s 2010 inquiry: Milking it for all it’s worth — competition and pricing in the Australian dairy industry.

Responses to recommendations

Recommendation 1:
The committee urges processors to make their pricing structures for sourcing drinking milk:

- Reflect the volume they estimate they require to meet their total commitments;
- Offer more stability in prices rather than changing frequently; and
- Not be dependent on the final retail sales of branded vs private label milk.

The Government agrees in principle to the recommendation

This is a commercial matter for industry and the Government encourages all participants in the dairy industry to be transparent in their transactions along the supply chain. The Government acknowledges that in some instances, if processors are encouraged to provide more stable prices to farmers, they could set a fixed price which minimises their risk but which may be less profitable for farmers.

Recommendation 2:
The committee recommends that contracts with dairy farmers should offer a clear, consistent formula for milk pricing with unambiguous conditions.

The Government agrees in principle to the recommendation

While the Government recognises that this is a commercial matter for industry, it encourages the development of contracts with a consistent formula for milk pricing and unambiguous conditions.

Recommendation 3:
The committee recommends that the Government commission a study of the dairy industries in Queensland, New South Wales and Western Australia. The study should focus on the future sustainability of the dairy industry in each of these states and their capacity to meet future local consumer demand. The report of the study should also examine possible policy options and be tabled in the Senate.

The Government agrees in principle to the recommendation

The future sustainability of the dairy industry across Australia depends to a large extent on its ability to remain competitive in a global dairy market. Research and development also contributes to its competitiveness and sustainability. The Government works with the
daily industry through the provision of matched funding to undertake research, development and extension activities.

The Government provides around $18 million annually to Dairy Australia to undertake these activities, which include survey work to better understand the nature of all regional markets and the factors influencing the productivity of individual dairy farmers. Dairy Australia produces a comprehensive study of the Australian dairy industry in its annual Situation and Outlook report. This report includes regional outlooks for all dairying regions and is updated quarterly.

The Government will work with the dairy industry to provide clear public information on industry cost structures including input costs and farm-gate prices in each of the dairy regions across Australia.

**Recommendation 4:**

The committee recommends that the ACCC review its approach to publicly releasing information about its investigations with a view to providing greater general information about its current enforcement activities and relevant issues of particular public concern.

The recommendation is subject to the proviso that such action would not deny procedural fairness to the parties involved or threaten the integrity of the ACCC’s investigations.

The Government agrees in principle to the recommendation

The ACCC is an independent statutory authority responsible for enforcing the Competition and Consumer Act 2010 (the Act) and other relevant legislation.

As observed by the Committee, the degree to which the ACCC can be transparent depends on many factors. It is important that the ACCC balance the provision of public information about its enforcement activities with the need to observe procedural fairness and to ensure that adequate protection for the commercial affairs and the reputations of individuals and corporations is provided.

The Government notes the comments of the Chairman of the ACCC, Mr Rod Sims, on 27 August 2011 when he stated that in its ‘enforcement and compliance work, the communication effort is central — the ACCC needs to explain what it is and is not doing, and why’.\(^1\)

The Government supports transparency where possible and appropriate; however, ultimately, the degree to which the ACCC discloses information relating to its investigations is a matter for the ACCC.

---

\(^1\) Sims, R. ACCC: Future Directions The Law Council Competition and Consumer Workshop 2011 (27 August 2011).

**Recommendation 5:**

The committee recommends that the Government initiate an independent review of the competition provisions of the Competition and Consumer Act 2010.

The Government notes the recommendation

The Government believes it is important that Australia’s competition laws provide a strong, robust framework that guards against anti-competitive conduct, but otherwise leaves businesses free to act as they see fit. The Government considers it unacceptable for businesses to engage in any conduct in breach of our competition or consumer laws.

The Government is committed to ensuring the ongoing effectiveness of these laws. Since coming into office, the Government has legislated to clarify the misuse of market power prohibitions and has criminalised hard-core cartel conduct under the Act. The Parliament has also recently passed the Competition and Consumer Legislation Amendment Bill 2011 to clarify the operation of the merger and acquisition laws in relation to ‘creeping acquisitions’ and the Competition and Consumer Amendment Bill (No. 1) 2011 to target anti-competitive price signalling and information disclosures — initially in the banking sector.

Additionally, the Government welcomes recent comments by Mr Sims, where he expressed an intention for the ACCC to take action ‘even where the law is not completely clear’\(^2\) and notes the CEO of the ACCC, Mr Brian Cassidy’s comments that ‘some judicial interpretation and rulings on the substantially changed section 46 is needed before it is possible to say whether the
changes have been effective or something else needs to be done\(^1\).

The Government recognises the concerns raised by some participants in the dairy industry, but is mindful of the ACCC’s media release of 22 July 2011, in which it states that it considers there is no evidence that Coles has acted in breach of the Act in relation to milk discounting and that it will continue to monitor conduct within the dairy industry and grocery sector for signs of anti-competitive behaviour.

The ACCC, as the independent regulator responsible for the investigation and enforcement of our competition and consumer laws, will continue to actively monitor issues in the supermarket sector and is equipped to take action should evidence arise of a breach in the Act.

The Government believes that the competition provisions of the Act should not be reviewed until the ACCC has had the opportunity to further test the law in the courts. It is only after the laws have been suitably tested that any weaknesses in the law can be appropriately identified.

**Recommendation 6:**

The committee recommends that the Government review the effectiveness of collective bargaining laws and arrangements for agricultural industries, with a view to strengthening that framework to create a more equitable balance of power between the negotiating parties and to otherwise improve their operation.

The Government notes the recommendation

The Government notes that the collective bargaining framework in the Act is being actively used by agricultural industries, with approximately a quarter of all collective bargaining authorisations involving collective bargaining by primary producers. The Government considers that the collective bargaining arrangements in place under the Act are generally operating effectively for dairy farmers and recognises that collective bargaining can enhance the welfare of Australians where it increases productivity and efficiencies for the businesses involved in the arrangement, resulting in benefits to Australian businesses, consumers and the economy more generally.

In light of this, the Government considers that it would be premature to conduct a review of the collective bargaining arrangements at this time.

\(^2\) Sims, R. Senate Hansard, Economics Legislation Committee Estimates, Wednesday 19 October 2011.

\(^3\) Cassidy, B. Senate Hansard, Economics References Committee - Impacts of supermarket price decisions on the dairy industry - Thursday 6 October 2011.

**Government Senators Recommendation 1:**

Government Senators recommend that the Government takes steps to promote awareness of options for agricultural industries to develop more effective collective bargaining arrangements.

**The Government agrees in principle to this recommendation**

The Government supports the provision of information that promotes awareness of options for more effective collective bargaining arrangements. When new collective bargaining provisions were introduced in 2007, the Government undertook a significant information and awareness campaign targeted at industry sectors that could benefit from the new arrangements.

The ACCC plays a key role in educating businesses on their rights and obligations under the Act, including the collective bargaining arrangements through its education and outreach activities. Specifically, the Government notes the ACCC, through its Education and Engagement Managers, works closely with small businesses and their representatives, including those in rural and regional areas, to disseminate information and assist them understand the Act and the role of the ACCC. To assist outreach with the small business sector the ACCC has also established a Small Business Consultative Committee which meets biannually and includes representation from the agriculture sector.

The ACCC has also produced a number of publications specifically for small businesses and provides articles for inclusion in industry journals, magazines, association publications/newsletters and mainstream media. The ACCC has direct engagement through
participation in conferences and events organised by industry associations and community organisations. The ACCC is available for broader liaison activities, including meetings with local industry groups to explain the ACCC's role and function.

The ACCC publishes a Guide to Collective Bargaining Notifications and Streamlined Collective Bargaining for Small Business publication as sources of advice on collective bargaining for a number of industries, including the dairy industry. The ACCC's Infocentre also offers further information on collective bargaining arrangements and is available on 1300 302 502 or via www.accc.gov.au.

The Government notes that, for the dairy industry, another avenue for promoting awareness and developing capacity may be through Dairy Australia's regional development programs. These programs, which are well supported by local dairy farmers, are located in the eight dairy regions throughout Australia (Gippsland, Western Victoria, Murray Region, Tasmania, Subtropical, New South Wales, South Australia and Western Australia) and focus on issues relevant to each of these regions.

The Government encourages the ACCC, and other relevant bodies, to continue to promote awareness amongst dairy farmers of the collective bargaining arrangements in public forums and through working with industry groups.

**Recommendation 7:**

The committee recommends that the Government initiate the following:

- A review of the effectiveness of Produce and Grocery Industry Code of Conduct and mediation process undertaken though the Produce and Grocery Code Ombudsman. The review should include a consultation process regarding options to strengthen the Code, including that it captures entire supply chain relationships, and whether a revised Code should be made a prescribed mandatory industry code under the Competition and Consumer Act 2010.

- A consultation process on the need for a new statutory office to address issues regarding supply relationships in the grocery sector, and the role, powers, coverage and governance regarding such an office.

The Government notes the recommendation

The Produce and Grocery Industry Code of Conduct (the Code) is a voluntary industry code of conduct administered by the Produce and Grocery Industry Code Administration Committee (the Code Committee). The Government, through the Department of Agriculture, Fisheries and Forestry provides secretariat support to the Committee.

The Code covers vertical transactions within the produce and grocery industry supply chain and guides the conduct of businesses within the industry. The objects of the Code are to:

- promote fair and equitable trading practices amongst industry participants;
- encourage fair play and open communication between industry participants as a means of avoiding disputes; and
- provide a simple, accessible and non-legalistic dispute resolution mechanism for industry participants in the event of a dispute.

The Code is intended to cover all participants (except consumers) in the Australian produce and grocery industry, including growers, processors, wholesalers, distributors and retailers. The Government subsidises a mediation service for dispute resolution.

The Code is an industry owned code and therefore it is appropriate that industry review the effectiveness of the Code. The Government is willing to continue to engage with industry about the operation and effectiveness of the Code and would consider facilitating an industry-Government partnership to review the Code.

The Government has recently conducted an extensive consultation process with a wide range of stakeholders as part of the development of the National Food Plan. In this process elements of industry proposed the need for a new statutory office. The Government has listened carefully to those views and will respond accordingly through the drafting and release of a Green Paper as part of the development of the National Food Plan.

The work underway through the Food Processing Industry Strategy Group and the
Senate's Select Committee on Australia's Food Processing Sector may also provide further input for consideration by the Government into these issues.

**ADDITIONAL RECOMMENDATIONS:**
SENATOR XENOPHON, SENATOR WILLIAMS, SENATOR HEFFERNAN, SENATOR MADIGAN, SENATOR MILNE

**Going 'Down Down': The long-term viability of the Australian dairy industry**

Additional Recommendation 1:
Amend section 46 of the Competition and Consumer Act 2010 to effectively prohibit anti-competitive price discrimination. Consideration should be given to relevant legislation in place in the United States and United Kingdom, and the reintroduction of an 'effects test' as per section 49 of the Trade Practices Act 1974.

The Government notes the recommendation

The Government is committed to providing a robust and effective competition and consumer law, backed by appropriate and proportionate sanctions that can be effectively enforced by the ACCC as the independent regulator.

The then Trade Practices Act 1974 contained an explicit prohibition from 1974 to 1995 on specific types of price discrimination which had the effect of substantially lessening competition.

The repeal of the former section 49 of the Act, which prohibited anti-competitive price discrimination, was recommended by the Swanson Committee, the Blunt Committee and the Hilmer Committee. The inquiries raised various concerns, including that the former prohibition: caused price inflexibility; reduced price competition; was contrary to economic efficiency; and had not been of assistance to small business. The Hilmer Committee noted that price discrimination generally enhances economic efficiency, except where such conduct would contravene sections 45 (anti-competitive agreements) or 46 (misuse of market power).

The prohibition was subsequently repealed in 1995. Its repeal was subsequently endorsed by the Dawson Committees.

As indicated in the Government's response to Recommendation Five, the Government believes that the competition provisions of the Act should not be reviewed until the ACCC has had the opportunity to further test the law in the courts.

Additional Recommendation 2:
Amend the Competition and Consumer Act 2010 to provide for a general divestiture power whereby the ACCC could, in appropriate cases, apply to the Courts for the breakup of monopolies or dominant companies that engage in conduct that undermines competition.

The Government notes the recommendation

The Government is committed to providing a robust and effective competition and consumer law, backed by appropriate and proportionate sanctions that can be effectively enforced by the ACCC as the independent regulator.

Currently, section 81 of the Act provides that divestiture can only be ordered by a court, upon application by the ACCC or any other person, if a merger or acquisition within three years has resulted in a substantial lessening of competition within a market.

The Government notes that the two most recent comprehensive reviews of Australian competition law — the Hilmer and Dawson Committees, recommended against extending the application of the divestiture power within the Act. The reviews noted that a general divestiture power would create considerable uncertainty for business. A divestiture power would also place a significant obstacle in the way of foreign investment and domestic company growth to achieve international standards of efficiency and competitiveness. Both reviews concluded that the many disadvantages of providing a general divestiture power outweighed the possible advantages of such a power.
As indicated in the Government’s response to Recommendation Five, the Government believes that the competition provisions of the Act should not be reviewed until the ACCC has had the opportunity to further test the law in the courts.

**Additional Recommendation 3:**

That the ACCC undertake a full investigation into whether Coles has engaged in misleading or deceptive conduct as a result of an advertising campaign that may have created the impression that prices are coming down across the supermarket when only a percentage of products have in fact been reduced.

The Government notes the recommendation.

The Government considers it unacceptable for businesses to engage in any conduct in breach of our competition or consumer laws. The ACCC, as the independent regulator responsible for the investigation and enforcement of these laws, is actively monitoring issues in the supermarket sector and is equipped to take action should evidence arise of a breach in the Act.

The Government notes the statements by Mr Cassidy, during Senate Estimates on 19 October 2011, that the ACCC is monitoring the situation and that if it finds that there is misleading behaviour it will take action. The Government is confident in the capability of the ACCC to enforce the law.

---

9 Senate Hansard, Economics Legislation Committee Estimates, Wednesday 19 October 2011.

**Additional Recommendation 4:**

That the Federal Government give a direction to the ACCC under the Competition and Consumer Act 2010 to formally monitor pricing behaviour by the supermarket chains and along the supermarket supply chain.

The Government notes the recommendation.

The Government understands that there are concerns about the behaviour of some of the major market players towards suppliers in the grocery sector.

The Government notes that in 2008, the ACCC examined pricing practices at the grocery retail level and the factors influencing the pricing of inputs along the grocery supply chain in its inquiry, Report of the ACCC inquiry into the competitiveness of retail prices for standard groceries. In this report, the ACCC concluded that the grocery retailing market is ‘workably competitive’. The report also noted the positive impact that ALDI has had on grocery prices competition. Since the release of the report, Costco has also entered the Australian market and the expansion of ALDI has led to further price competition.

Additionally, the Government also notes that the Senate’s Select Committee on Australia’s Food Processing Sector is conducting an inquiry into aspects of the supermarket supply chain. As part of its terms of reference, the Committee will examine the competitiveness and future viability of Australia’s food processing sector in global markets and the impact of Australia’s competition regime and the food retail sector, on the food processing sector.

The Government also notes that the ACCC, as the independent regulator responsible for the investigation and enforcement of these laws, is already actively monitoring issues in the supermarket sector and is equipped to take action should evidence arise of a breach in the Act. The ACCC has also indicated it will continue to monitor the supermarkets for signs of anti-competitive behaviour as part of its normal operating activities.

**Additional Recommendation 5:**

That the Federal Government establish an Office of the Australian Small Business and Farming Commissioner.

The Government notes the recommendation.

On 20 May 2011, the Minister for Small Business released a paper to generate comments on options for providing small businesses with a low cost, speedy dispute resolution mechanism that does not duplicate existing services.

Option Four of this paper considered the introduction of a Small Business Advocate or Commissioner to offer independent representation of small business interests and concerns within the Australian Government.
There were 49 submissions received from a range of stakeholders which included leading industry and small business associations. No submissions were received from the farming or produce and grocery industries.

In light of the submissions received, the Government is carefully considering its role in small business dispute resolution.

The Government also notes its response to Recommendation 7 in relation to the consideration of the need for a statutory office through other existing consultation processes.

Additional Recommendation 6
That the Federal Government develop a mandatory industry code of conduct under the Competition and Consumer Act 2010 dealing with relationships between industry participants along the supermarket supply chain. Such a code should also include the major supermarket chains.

The Government notes the recommendation

The Government refers to its response to Recommendation 7. The Government is willing to continue to engage with industry about the operation and effectiveness of the existing voluntary Produce and Grocery Industry Code of Conduct and would consider facilitating an industry-Government partnership to review the Code.

Additional Recommendation 7
That the Federal Government extend the Australian Consumer Law framework dealing with unfair contract terms to business to business agreements involving small businesses and farmers.

The Government notes the recommendation

The Government introduced laws dealing with unfair contract terms which took effect at the Commonwealth level on 1 July 2010 and have been in place in the laws of all jurisdictions from 1 January 2011, as part of the Australian Consumer Law.

The Government notes that these provisions have only been in place for a short period of time and that, should extension of the provisions be considered in the future, careful consideration would need to be given to the costs and benefits of doing so.

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Reporting Date

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:39): by leave—At the request of the chair of the Rural Affairs and Transport References Committee, I move:

That the time for the presentation of the report of the Rural Affairs and Transport References Committee on the management of the Murray-Darling Basin be extended to 29 June 2012.

Rural Affairs and Transport References Committee

Reporting Date

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:39): by leave—At the request of the chair of the Foreign Affairs, Defence and Trade References Committee, I move:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the procurement procedures for defence capital projects be extended to 28 June 2012.

DOCUMENTS

Tabling

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:39): by leave—I move:

That consideration of the committee reports and government responses tabled earlier today be listed on the Notice Paper as separate orders of the day.

Question agreed to.

The ACTING DEPUTY PRESIDENT (Senator Boyce) (17:40): I present the following responses to resolutions of the Senate:

- from the Premier of Western Australia (Mr Barnett), the South Australian Minister for
Health and Ageing (Mr Hill), the Premier of New South Wales (Mr O’Farrell) and the Northern Territory Minister for Indigenous Development (Ms McCarthy) to a resolution of the Senate of 22 September 2011 concerning hearing health for Indigenous Australians

- from the Minister for Foreign Affairs (Mr Rudd) to a resolution of Senate of 22 September 2011 concerning sex and gender diverse people passports
- from the Minister for Foreign Affairs (Mr Rudd) to a resolution of the Senate of 1 November 2011 concerning global population
- from the Acting Premier of Queensland (Mr Fraser) to a resolution of the Senate of 2 November 2011 concerning tuberculosis
- from the Minister for Foreign Affairs (Mr Rudd) to a resolution of the Senate of 3 November 2011 concerning religious freedom in Iran
- from the Minister for Foreign Affairs (Mr Rudd) to a resolution of the Senate of 3 November 2011 concerning Coptic Christians in Egypt
- from the Minister for Foreign Affairs (Mr Rudd) to a resolution of the Senate of 8 November 2011 concerning Iran
- from the Minister for Families, Community Services and Indigenous Affairs (Ms Macklin) to a resolution of the Senate of 9 November 2011 concerning Youth in Communities (YIC)
- from the Chairman, Cricket Australia (Mr Edwards) to a resolution of the Senate of 24 November 2011 concerning Patrick Cummins

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:40): I seek leave to take note of the responses by the premiers of various states to the resolution on hearing health for Indigenous Australians.

Leave granted.

Senator SIEWERT: I am extremely pleased to see the responses from the state governments to this issue. I must say that I am not as extremely pleased with their actual responses, but I am pleased to see that they are engaging with this issue, and I think it does show the importance of Senate resolutions in bringing the issue of Aboriginal and Torres Strait Islander hearing health to the attention of, in this case, various state governments. I am pleased to see that the Premier of Western Australia has responded by outlining some of the work that they have been doing in Western Australia. I am pleased to see the response from the South Australian minister for health and ageing outlining some of the initiatives that South Australia are taking, and I am also pleased to see the response from the Northern Territory. Previously we have had responses from Tasmania and Queensland. New South Wales have responded by saying that they are going to be responding later.

Those responses have highlighted the very nature of the issue that this resolution was about, and that is the lack of adequate attention to hearing health, the uncoordinated response and the fact that we need to step up very significantly our response to this issue. That is why the Australian collaboration of hearing and education has started, as a collaboration of experts, to specifically respond to the problem of Aboriginal and Torres Strait Islander hearing health and, in particular, the devastating impacts of otitis media on Aboriginal and Torres Strait Islander people's health and education. They are specifically looking at a systematic national holistic approach. I know that the Deadly Ears program in Queensland is very successful and should be expanded across Australia. The Earbus in Western Australia, which the Premier of Western Australia talked about, has also been very successful and has been extended from metropolitan Perth to the southwest and the Pilbara, and now funding is being sought for the Kimberley. That program is also very important. But what we are not seeing is a coordinated, holistic
approach across the nation, where we are making sure that we are addressing all the issues. Yes, we do need to deal with the immediate disease problems associated with otitis media, but we have a very substantial problem in Australia now where otitis media has already damaged, very significantly, the hearing health of Aboriginal and Torres Strait Islander children to the point where it is alienating them from school and having an impact on their early education. This flows on to poor educational outcomes, poor job prospects and social isolation, which often lead to poverty, poor living conditions and poor life outcomes. I have also highlighted a number of times in this place the impact that such poor hearing health and social isolation can have on interaction with the justice system. It is absolutely no coincidence that the latest survey of hearing health of Aboriginal prisoners in the Darwin Correctional Centre showed that 90 per cent of those prisoners had some form of hearing impairment or hearing loss. Therefore, it is clear that we need a systematic national holistic approach, and we particularly need to be targeting programs about literacy and numeracy development and developing those skills in preschool.

A number of academics and practitioners have been developing some very innovative programs in this area. I encourage all of the state governments who have responded to the Senate resolution to have a look at the excellent work that is being done by both health and education experts working in this area. I particularly urge them to engage with the Australian collaboration for hearing and education. I know they are seeking funding for some of the program initiatives that they are developing. These are world-leading initiatives. They have to be because Australia has the highest level of otitis media in an aboriginal population in the world. It is at what they call pandemic proportions. This is a significant ongoing problem and we are not going to close the gap unless we address issues around hearing health and their associated impacts on people’s life outcomes.

I inform the Senate that I will continue to pursue this issue at every opportunity and I will be following up with each of the state governments that have very kindly responded to the resolution of the Senate. I congratulate them on the work they are doing, but I urge them to take further steps to make sure we have a holistic national systematic response to this devastating issue.

Question agreed to.

PRIVILEGE

The ACTING DEPUTY PRESIDENT (Senator Boyce) (17:47): I table a statement and documents relating to matters of privilege raised by the Leader of Australian Greens, Senator Bob Brown.

Senator Bob Brown: Might I have a copy of that document ASAP?

The ACTING DEPUTY PRESIDENT: I am sure the attendants can organise that for you now that it has been tabled. I imagine there will be some interest in it.

DOCUMENTS

Business of the Senate

Tabling

The ACTING DEPUTY PRESIDENT (Senator Boyce) (17:48): I table the publication Business of the Senate for the period 1 January to 31 December 2011.

Ordered that the report be printed.

Questions on Notice Summary

Tabling

The ACTING DEPUTY PRESIDENT (Senator Boyce) (17:48): I table a summary of questions on notice for the period 28 September 2010 to 31 December 2011.

Ordered that the document be printed.
Register of Senate Senior Executive Officers' Interests

Tabling

The ACTING DEPUTY PRESIDENT (Senator Boyce) (17:48): I present the Register of Senate Senior Executive Officers' Interests and a notification of alteration of interests lodged between 16 August and 30 November 2011.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (17:48): Madam Deputy President, I have taken a look at the matter that the President has just had tabled. I seek leave to ask the Senate that they be incorporated into Hansard.

The ACTING DEPUTY PRESIDENT: Is leave granted?

Senator Bushby interjecting—

The ACTING DEPUTY PRESIDENT: Perhaps we could postpone that to a later time, Senator Brown, when others have seen the document.

Senator BOB BROWN: I am prepared to do that. I would ask—

The ACTING DEPUTY PRESIDENT: There appears to be some concern about—

Senator BOB BROWN: If I may finish—

The ACTING DEPUTY PRESIDENT: granting leave when people have not seen the documents.

Senator BOB BROWN: Yes, but this is the unusual circumstance where the President has tabled documents. I would have thought that the chamber could take that as a reasonable indication that they might be incorporated into Hansard.

Senator Bushby: No.

The ACTING DEPUTY PRESIDENT: No. Senator Bushby, I am advised that it will not be printed in Hansard simply by being tabled. People would have to search out the document.

Senator Bushby: I doubt there would be any issue, but we would like to see it before we actually agree to provide leave.

The ACTING DEPUTY PRESIDENT: Are you comfortable with that, Senator Bob Brown?

Senator BOB BROWN: I leave it to you.

The ACTING DEPUTY PRESIDENT: Senator Bushby is saying that he believes there would not be a problem with granting leave, but he would seek to see the document before agreeing to do so. Are you happy to just postpone this matter for a little longer?

Senator BOB BROWN: Yes, for the comfort of the Senate, I am. I also ask that the several letters from me to the President, which are cited in the document, also be printed in the Hansard. I will be asking that; I am very happy for those letters to be provided.

The ACTING DEPUTY PRESIDENT: So you would be including that in what you would want to be printed. Thank you, Senator Brown. We will get back to that question in a minute.

AUDITOR-GENERAL'S REPORTS

Reports Nos 14, 22 and 23 of 2011-12

The ACTING DEPUTY PRESIDENT (Senator Boyce) (17:50): In accordance with the provisions of the Auditor-General Act 1997, I present the following reports of the Auditor-General:

No. 14—Performance audit—Indigenous protected areas

No. 22—Performance audit—Administration of the Gateway Review Process: Department of Finance and Deregulation

No. 23—Performance audit—Administration of the National Greenhouse and Energy
Reporting Scheme: Department of Climate Change and Energy Efficiency

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Boyce) (17:51): I present a letter from the Parliament of Canada relating to Australia Day.

COMMITTEES

Government Response to Report

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:51): I present the government's response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 7 July 2011, and seek leave to have the document incorporated in Hansard.

Leave granted

The document read as follows—

GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS

RESPONSE TO THE SCHEDULE TABLED BY THE PRESIDENT OF THE SENATE ON 7 JULY 2011

Circulated by the Leader of the Government in the Senate

Senator the Hon Chris Evans

23 November 2011

A CERTAIN MARITIME INCIDENT (Senate Select)

Report on a Certain Maritime Incident

The government response is being considered and will be tabled in due course.

AGRICULTURAL AND RELATED INDUSTRIES (Senate Select)

Pricing and supply arrangements in the Australian and global fertiliser market—Final report

The government response is being considered and will be tabled in due course.

CHRISTMAS ISLAND TRAGEDY (Joint, Select)

Joint Select Committee on the Christmas Island tragedy of 15 December 2010

The government response was tabled in the House of Representatives on the 12 October 2011 and in the Senate on the 13 October 2011.

COMMUNITY AFFAIRS LEGISLATION

National registration and accreditation scheme for doctors and other health workers

The government response was tabled in the Senate on 7 November 2011.

National Health Reform Amendment (National Health Performance Authority) Bill 2011 [Provisions]

The government response is being considered and will be tabled in due course.

Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010

The government response is being considered and will be tabled in due course.

Family Assistance and Other Legislation Amendment Bill 2011 [Provisions]

The government response was given during the debate on the bill.

COMMUNITY AFFAIRS REFERENCES

Consumer access to pharmaceutical benefits

The government response is being considered and will be tabled in due course.

Gene patents

The government response was tabled in the Senate on 23 November 2011.

The social and economic impact of rural wind farms

The government response is being considered and will be tabled in due course.

Disability and ageing: Lifelong planning for a better future

The government response is being considered and will be tabled in due course.

COMMUNITY AFFAIRS STANDING

Towards recovery: Mental health services in Australia
The government response was tabled in the Senate on 25 August 2011.

CORPORATIONS AND FINANCIAL SERVICES (Joint Statutory)

Review of the Managed Investments Act 1998

The government response is being considered and will be tabled in due course.

The structure and operation of the superannuation industry

The government response is being considered and will be tabled in due course.

Inquiry into aspects of agribusiness managed investment schemes

The Government will provide a response on the finalisation of two separate committee inquiries that overlap with issues raised in this report.

Statutory oversight of the Australian Securities and Investments Commission

The government response is being considered and will be tabled in due course.

Access for small and medium business to finance

The government response is being considered and will be tabled in due course.

CYBER-SAFETY (Joint, Select)

High-wire act: Cyber-safety and the young – Interim report

The government response is being considered and will be tabled in due course.

ECONOMICS LEGISLATION

Food Standards Amendment (Truth in Labelling Laws) Bill 2009

The government response is being considered and will be tabled in due course.

Corporations Amendment (No. 1) Bill 2010 [Provisions]

The government response is being considered and will be tabled in due course.

Annual reports (No. 2 of 2010)

The government response is being considered and will be tabled in due course.

Notice of payments of recompense for personal injuries: Provisions of Schedule 4 of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011

The government response was given during the debate on the bill.

Customs Amendment (Anti-Dumping) Bill 2011

The Government has already published a comprehensive policy document: Streamlining Australia's anti-dumping system. The Government's further response in relation to the Bill is being considered and will be tabled in due course.

ECONOMICS REFERENCES

Consenting adults deficits and household debt – links between Australia’s current account deficit, the demand for imported goods and household debt

The government response is being considered and will be tabled in due course.

GROCERYchoice website

The government response was tabled in the Senate on 22 September 2011.

Milking it for all its worth—competition and pricing in the Australian dairy industry

The government response is being considered and will be tabled in due course.

Access of small business to finance

The government response is being considered and will be tabled in due course.

The regulation, registration and remuneration of insolvency practitioners in Australia: the case for a new framework

The government presented an interim response out of sitting in the Senate on 9 June 2011 and tabled on 14 June 2011. A further response is being considered and will be tabled in due course.

Augmented tax assessments

The government response was tabled in the Senate on 15 September 2011.

Competition within the Australian banking sector
The government response is being considered and will be tabled in due course.

**EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION**

**Social Security Amendment (Income Support for Regional Students) Bill 2010**

The government response was given during the debate on the bill.


The government response was given during the debate on the bill.


The government response was given during the debate on the bill.

**EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES**

**Provision of childcare**

The government response is being considered and will be tabled in due course.

**Welfare of international students**

The government response was presented out of sitting in the Senate on 18 November 2011 and tabled on 21 November 2011.

**Administration and reporting of NAPLAN testing**

The government response was tabled in the Senate on 13 October 2011.

**Industry skills councils—Final report**

The government response was presented out of sitting in the Senate on 25 July 2011 and tabled on 16 August 2011.

**Primary schools for the Twenty First Century Program—Final report**

The government response is being considered and will be tabled in due course.

**ELECTORAL MATTERS (Joint Standing)**

**Civics and electoral education**

The government response was presented out of sitting in the Senate on 29 August 2011 and tabled in the Senate on 12 September 2011.

**Implications of the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 (NSW) for the conduct of Commonwealth elections**

The government response is being considered and will be tabled in due course.

**ENVIRONMENT AND COMMUNICATIONS LEGISLATION**

**Product Stewardship Bill 2011**

The government response was given during the debate on the bill.


The government response was tabled in the Senate on 16 August 2011.

**ENVIRONMENT AND COMMUNICATIONS REFERENCES**

**Sustainable management by the Commonwealth of water resources**

The government considers that its response to this report has been provided by government initiatives developed since the report was tabled.

**The adequacy of protections for the privacy of Australians online**

The government response is being considered and will be tabled in due course.

**ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION**

**Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010 [Provisions]**

The Minister has written to the committee chair on 3 November 2011 advising that a response is no longer required as it was dealt with during debate on the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011.
ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES

Forestry and mining operations on the Tiwi Islands
The government response is being considered and will be tabled in due course.

The impacts of mining in the Murray-Darling Basin
The government response is being considered and will be tabled in due course.

ENVIRONMENT, COMMUNICATIONS AND THE ARTS STANDING

The operation of the Environment Protection and Biodiversity Conservation Act 1999 – First report
The government response was tabled in the Senate on 22 September 2011.

The operation of the Environment Protection and Biodiversity Conservation Act 1999 – Second and final report
The government response was tabled in the Senate on 22 September 2011.

ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES

Living with a salinity – a report on progress: the extent and economic impact of salinity in Australia
The government response is being considered and will be tabled in due course.

About time! Women in sport and recreation in Australia
The government response is being considered and will be tabled in due course.

ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS STANDING

Conserving Australia–Australia’s national parks, conservation reserves and marine protected areas
The government response is being considered and will be tabled in due course.

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION

Plebiscite for an Australian Republic Bill 2008
The government response is being considered and will be tabled in due course.

Annual reports (No.2 of 2009)
The government response is being considered and will be tabled in due course.

Exposure drafts of Australian privacy amendment legislation: Part 1—Australian privacy principles
The government response is being considered and will be tabled in due course.

FINANCE AND PUBLIC ADMINISTRATION REFERENCES

Staff employed under Members of Parliament (Staff) Act 1984
The government response is being considered and will be tabled in due course.

Government advertising and accountability
The government response was presented out of sitting in the Senate on 8 September 2011 and tabled on 12 September 2011.

Native vegetation laws, greenhouse gas abatement and climate change measures
The government response is being considered and will be tabled in due course.

The administration of health practitioner registration by the Australian Health Practitioner Regulation Agency (AHPRA)
The government response is being considered and will be tabled in due course.

Superannuation claims of former and current Commonwealth Public Service employees
The government response was tabled in the Senate on 13 October 2011.

FINANCE AND PUBLIC ADMINISTRATION STANDING

Annual reports (No. 1 of 2008)
The government response is being considered and will be tabled in due course.

Annual reports (No. 2 of 2008)
The government response is being considered and will be tabled in due course.
FOREIGN AFFAIRS, DEFENCE AND TRADE (Joint Standing)

Human rights in the Asia-Pacific: Challenges and opportunities

The government response is being considered and will be tabled in due course.

Inquiry into Australia's relationship with the countries of Africa

The government response is being considered and will be tabled in due course.

FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION


The government response was given during the debate on the bill.

Autonomous Sanctions Bill 2010 [Provisions]

The government response is being considered and will be tabled in due course.

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES

The Torres Strait: Bridge and border

The government response is being considered and will be tabled in due course.

FUEL AND ENERGY (Senate Select)

The mining tax: Still bad for the economy—Still bad for jobs—Second interim report

The government response is being considered and will be tabled in due course.

GAMBLING REFORM (Joint, Select)

First Report: The design and implementation of a mandatory precommitment system for electronic gaming machines

The government response is being considered and will be tabled in due course.

INTELLIGENCE AND SECURITY (Joint)

Review of administration and expenditure: No. 8—Australian intelligence agencies

The government response was tabled in the Senate and in the House of Representatives on 22 September 2011.

LAW ENFORCEMENT (Joint)

Inquiry into the adequacy of aviation and maritime security measures to combat serious and organised crime

The government response was tabled in the House of Representatives on 3 November 2011 in the Senate on 7 November 2011.

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION

Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010 [Provisions]

The government response was given during the debate on the bill.

Provisions of Schedule 4 of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010

The government response was given during the debate on the bill.

Sex and Age Discrimination Legislation Amendment Bill 2010 [Provisions]

The government response was given during the debate on the bill.

Combating the Financing of People Smuggling and Other Measures Bill 2011 [Provisions]

The government response is being considered and will be tabled in due course.

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011 and related bills [Provisions]

The government response was given during the debate on the bill.

LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES

The road to a republic

The government response is being considered and will be tabled in due course.

Review of government compensation payments

The government response is being considered and will be tabled in due course.

Donor conception practices in Australia

The government response is being considered and will be tabled in due course.
Inquiry into the Australian Law Reform Commission
The government response was presented out of sitting in the Senate on 8 July 2011 and tabled on 16 August 2011.

A balancing Act: provisions of the Water Act 2007
The government response is being considered and will be tabled in due course.

Review of the National Classification Scheme: achieving the right balance
The government response is being considered and will be tabled in due course.

MEN'S HEALTH (Senate Select)
Report
The government response is being considered and will be tabled in due course.

MIGRATION (Joint Standing)
Immigration detention in Australia – A new beginning – Criteria for release from detention – First report of the inquiry into immigration detention
The government response is being considered and will be tabled in due course.

Immigration detention in Australia – Community-based alternatives to detention – Second report of the inquiry into immigration detention
The government response is being considered and will be tabled in due course.

Enabling Australia—Inquiry into the migration treatment of disability
The government response is being considered and will be tabled in due course.

NATIONAL BROADBAND NETWORK (Senate Select)
Another fork in the road to national broadband – Second interim report
The government response is being considered and will be tabled in due course.

Third report
The government response is being considered and will be tabled in due course.

Fourth interim report
The government response is being considered and will be tabled in due course.

Final report
The government response is being considered and will be tabled in due course.

NATIONAL CAPITAL AND EXTERNAL TERRITORIES (Joint Standing)
Inquiry into the changing economic environment in the Indian Ocean Territories
The government response was tabled in the House of Representatives on 3 November 2011 and in the Senate on 7 November 2011.

PARLIAMENTARY BUDGET OFFICE (Joint, Select)
Inquiry into the proposed Parliamentary Budget Office
The government response was presented out of sitting in the Senate on 1 August 2011 and tabled in the Senate and in the House of Representatives on 16 August 2011.

PUBLIC ACCOUNTS AND AUDIT (Joint Statutory)
Report 412—Audit reports reviewed during the 41st Parliament
The government responded with issuing an executive minute.

The government responded with issuing an executive minute.

The government responded with issuing an executive minute.

Report 417—Review of Auditor-General's reports tabled between February 2009 and September 2009
The government response is being considered and will be tabled in due course.


The government responded with issuing an executive minute.

**Report 419: Inquiry into the Auditor-General’s Reports**

The government response was tabled in the Senate and in the House of Representatives on 13 September 2011.

**Report 420: The role of the Auditor-General in scrutinising government advertising**

The government response was presented out of sitting in the Senate on 9 September 2011 and tabled on 12 September 2011.


The committee will receive the government response on 23 November 2011.


The government response is being considered and will be tabled in due course.

**Report 424: Eighth biannual hearing with the Commissioner of Taxation**

The government response is being considered and will be tabled in due course.

**PUBLIC WORKS (Joint Standing)**


The government response is being considered and will be tabled in due course.

**PUBLICATIONS (Joint Standing)**

**Inquiry into the development of a digital repository and electronic distribution of the Parliamentary Paper Series**

The government response was tabled in the Senate and in the House of Representatives on 15 September 2011.

**REFORM OF THE AUSTRALIAN FEDERATION (Senate Select)**

**Australia’s Federation: an agenda for reform**

The government response was presented out of sitting in the Senate on 18 November 2011 and tabled on 21 November 2011.

**REGIONAL AND REMOTE INDIGENOUS COMMUNITIES (Senate Select)**

**Fourth report 2010**

The government response was tabled in the Senate on 25 August 2011.

**Final report 2010**

The government response is being considered and will be tabled in due course.

**RURAL AFFAIRS AND TRANSPORT LEGISLATION**

**Airports Amendment Bill 2010 [Provisions]**

The government response is being considered and will be tabled in due course.

**Exposure draft and explanatory memorandum of the Illegal Logging Prohibition Bill 2011**

The government response is being considered and will be tabled in due course.

**RURAL AFFAIRS AND TRANSPORT REFERENCES**

**Science underpinning the inability to eradicate the Asian honey bee—Interim report**

The government response was presented out of sitting on the 15 November 2011 and tabled in the Senate on the 21 November 2011.

**Science underpinning the inability to eradicate the Asian honey bee—Final report**

The government response was presented out of sitting on the 15 November 2011 and tabled in the Senate on the 21 November 2011.
Pilot training and airline safety; and consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010

The government response was tabled in the Senate on 22 November 2011.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES

Iraqi wheat debt – repayments for wheat growers

The government response is being considered and will be tabled in due course.

Implications for the long-term sustainable management of the Murray-Darling Basin system—Final report

The government response is being considered and will be tabled in due course.

Investment of Commonwealth and State funds in public passenger transport infrastructure and services

The government response is being considered and will be tabled in due course.

Rural and regional access to secondary and tertiary education opportunities

The government response is being considered and will be tabled in due course.

The possible impacts and consequences for public health, trade and agriculture of the Government's decision to relax import restrictions on beef—First report

The government response is being considered and will be tabled in due course.

The possible impacts and consequences for public health, trade and agriculture of the Government's decision to relax import restrictions on beef—Final report

The government response is being considered and will be tabled in due course.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT STANDING

Australia's future oil supply and alternative transport fuels – Final report

The government response is being considered and will be tabled in due course.

Climate change and the Australian agricultural sector – Final report

The government response was presented out of sitting on the 15 November 2011 and tabled in the Senate on the 21 November 2011.

SCRUTINY OF NEW TAXES (Senate Select)

The student amenities fee—Another tax by another name

The government response was tabled in the Senate on 15 September 2011.

The mining tax: A bad tax out of a flawed process

The government response is being considered and will be tabled in due course.

STATE GOVERNMENT FINANCIAL MANAGEMENT (Senate Select)

Report

The government response is being considered and will be tabled in due course.

TREATIES (Joint Standing)

Report 100 – Treaties tabled on 25 June 2008 (2)

The government response is being considered and will be tabled in due course.

Report 110—Treaties tabled on 18, 25 (2) and 26 November 2009 and 2 (2) February 2010

The government response is being considered and will be tabled in due course.

Report 116—Treaties tabled on 24 and 25 November 2010, 9 February and 1 March 2011; and Treaties referred on 16 November 2010 (Part 3)

The government response was tabled in the Senate and in the House of Representatives on 22 September 2011.

DOCUMENTS

Tabling

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:52): I table the following documents relating to parliamentarians' expenditure on entitlements:
Committees

Corporations and Financial Services Committee

Report

Senator Bushby (Tasmania—Deputy Opposition Whip in the Senate) (17:52): On behalf of the Parliamentary Joint Committee on Corporations and Financial Services, I present the following reports of the committee:

- Statutory oversight of the Australian Securities and Investments Commission, together with the Hansard record of proceedings
- Interim report into the collapse of Trio Capital. Ordered that the reports be printed.

Senator Bushby: by leave—I move:

That the Senate take note of the reports.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Public Accounts and Audit Committee

Report

Senator Polley (Tasmania—Deputy Government Whip in the Senate) (17:53): On behalf of the Joint Committee of Public Accounts and Audit, I present the following reports of the committee:

- Report no. 427—Inquiry into national funding agreements
- Report no. 428—Review of Auditor-General's reports Nos 16 to 46 (2010-11)

Senator Polley: by leave—I move:

That the Senate take note of the reports.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Documents

Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

Details of the documents also appear at the end of today's Hansard.

Letters of advice are tabled in response to the continuing order relating to departmental and agency appointments, vacancies and grants. A document is tabled relating to the Medicare Chronic Disease Dental Scheme, as ordered.

Committees

Membership

The Acting Deputy President (Senator Boyce) (17:54): Order! The President has received letters from party leaders requesting changes in the membership of committees.

Senator Feeney (Victoria—Parliamentary Secretary for Defence) (17:54): by leave—I move:

That senators be discharged from and appointed to committees in accordance with the document circulated in the chamber.
Community Affairs References Committee—
  Appointed—Participating member: Senator Sherry
Corporations and Financial Services—Joint Statutory Committee—
  Discharged—Senator Stephens
  Appointed—Senator Sherry
Economics Legislation Committee—
  Appointed—Participating member: Senator Sherry
Economics References Committee—
  Appointed—Participating member: Senator Sherry
Education, Employment and Workplace Relations Legislation Committee—
  Appointed—Participating member: Senator Sherry
Environment and Communications Legislation Committee—
  Appointed—Participating member: Senator Sherry
Environment and Communications References Committee—
  Appointed—Participating member: Senator Sherry
Finance and Public Administration Legislation Committee—
  Appointed—Participating member: Senator Sherry
Finance and Public Administration References Committee—
  Appointed—Substitute member:
  Senator Rhiannon to replace Senator Di Natale for the committee's inquiry into the operation of the Lobbying Code of Conduct and the Lobbyist Register
  Participating members: Senators Di Natale and Sherry
Foreign Affairs, Defence and Trade Legislation Committee—
  Appointed—Participating member: Senator Sherry
Foreign Affairs, Defence and Trade References Committee—
  Appointed—Participating member: Senator Sherry
Legal and Constitutional Affairs Legislation Committee—
  Appointed—Participating member: Senator Sherry
Legal and Constitutional Affairs References Committee—
  Appointed—Participating member: Senator Sherry
Privileges—Standing Committee—
  Discharged—Senator Sterle
  Appointed—Senator Sherry
Procedure—Standing Committee—
  Discharged—Senator Ludwig
  Appointed—Senator Arbib
Public Accounts and Audit—Joint Statutory Committee—
  Discharged—Senator Sterle
  Appointed—Senator Sherry
Rural Affairs and Transport Legislation Committee—
  Appointed—Participating member: Senator Sherry
Rural Affairs and Transport References Committee—
  Appointed—Participating member: Senator Sherry.

Question agreed to.

BILLS

Excise Tariff Amendment (Condensate) Bill 2011
Deterring People Smuggling Bill 2011
Tax Laws Amendment (2011 Measures No. 8) Bill 2011
Work Health and Safety Bill 2011
Personal Property Securities Amendment (Registration Commencement) Bill 2011
National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011
Excise Legislation Amendment (Condensate) Bill 2011
Clean Energy (Household Assistance Amendments) Bill 2011
Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2011
Climate Change Authority Bill 2011
Corporations (Fees) Amendment Bill 2011
Social Security and Other Legislation Amendment Bill 2011
Work Health and Safety (Transitional and Consequential Provisions) Bill 2011
Tax Laws Amendment (2011 Measures No. 7) Bill 2011
Tobacco Plain Packaging Bill 2011
Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011
Clean Energy (Income Tax Rates Amendments) Bill 2011
Australian Renewable Energy Agency Bill 2011
Australian Renewable Energy Agency (Consequential Amendments and Transitional Provisions) Bill 2011
Clean Energy (Charges—Customs) Bill 2011
Clean Energy (Charges—Excise) Bill 2011
Clean Energy (Customs Tariff Amendment) Bill 2011
Clean Energy (Excise Tariff Legislation Amendment) Bill 2011
Clean Energy (Fuel Tax Legislation Amendment) Bill 2011
Clean Energy (International Unit Surrender Charge) Bill 2011
Clean Energy (Tax Laws Amendments) Bill 2011
Clean Energy (Unit Issue Charge—Auctions) Bill 2011
Clean Energy (Unit Issue Charge—Fixed Charge) Bill 2011
Clean Energy (Unit Shortfall Charge—General) Bill 2011
Clean Energy Regulator Bill 2011
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment Bill 2011
Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment Bill 2011
Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011
Maritime Legislation Amendment Bill 2011
Navigation Amendment Bill 2011
Veterans’ Affairs Legislation Amendment (Participants in British Nuclear Tests) Bill 2011
Parliamentary Service Amendment (Parliamentary Budget Officer) Bill 2011
1. National Vocational Education and Training Regulator Amendment Bill 2011
2. Business Names Registration (Application of Consequential Amendments) Bill 2011
3. Social Security Legislation Amendment (Family Participation Measures) Bill 2011
4. Crimes Legislation Amendment Act (No. 2) 2011
5. National Residue Survey (Excise) Levy Amendment (Deer) Bill 2011
6. Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oils in the Antarctic Area) Bill 2011
8. Higher Education Support Amendment Act (No. 2) 2011
9. Social Security Amendment (Student Income Support Reforms) Bill 2011
10. Aviation Transport Security Amendment (Air Cargo) Bill 2011
11. Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2011
12. Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011
15. Competition and Consumer Amendment Bill (No. 1) 2011
18. Indigenous Affairs Legislation Amendment Bill (No. 2) 2011
19. Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011
20. Auditor-General Amendment Bill 2011
21. Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.

22. Aviation Transport Security Amendment (Air Cargo) Bill 2011
23. Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011
24. Returned from the House of Representatives

Messages received from the House of Representatives agreeing to the amendments made by the Senate to the bills.

27. Social Security Legislation Amendment (Family Participation Measures) Bill 2011
Returned from the House of Representatives

Messages received from the House of Representatives returning the bills without amendment.

Offshore Petroleum and Greenhouse Gas Storage Amendment (Significant Incident Directions) Bill 2011

First Reading

Bill received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:56): I move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:57): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This Bill amends the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (the OPGGS Act) to specifically enable the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) to issue a direction to a petroleum titleholder in the event of a significant offshore petroleum incident occurring within the title area that has caused, or might cause, an escape of petroleum. A direction would require the titleholder to take action, either within or outside the title area, in relation to the escape or possible escape of petroleum and its effects.

The matters covered by a direction could include action to prevent or eliminate the escape of petroleum, and/or to mitigate, manage or remediate the effects of an escape of petroleum. This would include, for example, clean up of petroleum that has escaped as a result of the incident and has extended beyond the boundaries of the title area.

This Bill helps to ensure that the regulator has the full ability to provide for remediation of the effects of an escape of petroleum in the event of an offshore uncontrolled release of hydrocarbons.

Currently under the OPGGS Act there are powers, including the authority in Part 6.4 of the OPGGS Act, which allows the regulator to give remedial directions to titleholders in relation to the restoration of the environment.

These powers enable the regulator to give remedial directions to petroleum titleholders about the removal or property, the plugging or closing off of wells, the conservation and protection of natural resources, or the making good of damage to the seabed or subsoil.

However, these provisions are primarily for the purposes of decommissioning, and as such this direction giving power is limited to requiring action to be taken within the titleholder’s title area.

In addition, NOPSEMA will have a general power to give directions to petroleum titleholders under the OPGGS Act in relation to a number of matters. However, it is desirable that NOPSEMA have a specific power to issue directions in the event of a significant offshore petroleum incident, to provide a clear legal basis on which to issue directions that extend to requiring action outside the title area.

The Report of the Montara Commission of Inquiry found that the regulatory framework should provide powers to regulators to enable directions to a petroleum titleholder requiring remediation of environmental damage both within and outside the title area.

In the unlikely event of a future significant petroleum incident, such as the uncontrolled release of hydrocarbons into the marine environment, remedial action would be required to be taken as quickly as practicable.

These amendments will ensure that regulators have a clear and unambiguous power to direct petroleum titleholders to take remedial action as
quickly as practicable to mitigate and manage the impacts from an escape of petroleum.

Failure of the petroleum titleholder to comply with the direction will be an offence of strict liability under the OPGSS Act to enable effective enforcement of the offshore petroleum legislation, particularly given the remote and complex nature of offshore operations.

The protection and management of the marine environment is critical to the Australian community's confidence in the ability of the offshore petroleum industry to undertake operations in a safe and environmentally sound manner.

This Bill is one of a number of amendments being introduced to improve the regulation of the offshore petroleum industry following the Montara incident. This includes legislation to establish a national regulator for the offshore petroleum industry, and additional work currently being undertaken to implement the Australian Government's Response to the Report of the Montara Commission of Inquiry. The Australian Government is committed to providing a world's best practice regulatory framework for the offshore petroleum industry that will encourage investment in exploration and development of Australia's offshore oil and gas resources, while also providing safeguards for human health and safety and the marine environment.

Debate adjourned.

COMMITTEES
Cyber-Safety Committee

Membership

Message received from the House of Representatives agreeing to vary the resolution of appointment of the Joint Select Committee on Cyber-Safety.

MOTIONS

Dissent from Ruling

Debate resumed on the motion:

That the ruling of the President on 25 November 2011 (that the motion to refer a matter to the Committee of Privileges not be given precedence) be dissented from.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (17:58):

This is one of the more serious matters that can ever come before a house of parliament—that is, a dissent from the ruling of the Presiding Officer. It is not a matter that can be taken lightly. However, if I can recast your recollection to the events of the last sitting week of last year, you will see why I took this action when I did. While we can expect that the Senate will vote on this matter on a political determination, I would also ask senators to acknowledge the argument that I will put forward because it ought to be a vote that is made on the merits, not on simply the numbers in the Senate. At the end of November in the last sitting week the President accepted a proposal—effectively a notice of motion—from Senator Kroger that had been worked on extensively, which is very abundantly clear, by the Leader of the Opposition in the Senate, Senator Abetz, to accuse my colleague Christine Milne, but more particularly me, of what is effectively a criminal matter, that is, that we were influenced by the donation of $1.6 million from Mr Graeme Wood during the last election campaign to, at that time, assist him in the purchase of a woodchip mill at Triabunna in Tasmania some year or so later, certainly many months later. The facts are, of course, absurd because the proposed site of that woodchip mill was not notified and I do not think was even in the head of Gunns Limited at the time the donation was received from Mr Wood, who is an honourable person and with whom no arrangement was, has or ever will be made as far as I or my staff are concerned or, I am sure, the good Mr Wood is concerned. It was simply a matter of a donation being made to the Australian Greens—the biggest individual donation in history. I think that that led to the enmity of members opposite
and to the fury of Senator Abetz which has led to this course of events.

You will remember, Mr President, that in July last year both Senator Abetz and Senator Brandis took on the attack on corruption on this matter in this chamber on both Senator Milne and me, though the substance was not there. In the event you, Mr President, nevertheless took, prima facie, the dossier presented to you by Senator Kroger, originating from Senator Abetz, and determined that it was a matter that should be looked at by the Senate Standing Committee of Privileges. This in itself is a very serious determination by any president. If there is a precedent for it in the history of the Senate, then I will wait to hear that come out in consequent debate. The next day the Senate took up the notice of motion and referred the matter. We Greens did not vote against it because to do so would appear that there was something to cover up or to be backward about. We did not in any way reside from the fact that this proposal to the Privileges Committee was a politically concocted attack on two good senators and a good citizen of this country in an unprecedented way and ought never have got past the President of the Senate, but it did.

To demonstrate the danger of such a failure of presidential judgment, the consequent day I wrote to you, Mr President, about a matter relating to Senator Boswell. I will not go through that; it is on the record and the motion is before us. Consequently I also wrote to you about Senator Joyce and Senator Cash, all of whom have at least equal cases to answer with the logic of your decision that the matter ought to go before the Privileges Committee. But in each of those cases you determined that they should not go to the Privileges Committee. In doing so you exhibited not only an error of judgment but a very clear bias in that determination. It is an error of judgment and a bias that should not be displayed by any presiding officer, let alone the presiding officer of this great chamber.

I would look at the process of that decision that you so falsely made, Mr President. Parliaments from the House of Commons over centuries, and this great parliament of ours, have had to tangle with many fraught matters of privilege and whether or not they should be referred to privileges committees. As far back as 1984 the then Joint Select Committee on Parliamentary Privilege in judging that a member who has an accusation that goes to a presiding officer with a request it go to a privileges committee ought to, under those rules, do so at the earliest possible moment and ought to be given a little more time and made the recommendation:

That the following rules shall apply when a Member of either of the Houses—

That includes in this case, of course, a senator—wishes to raise a matter of privilege or other contempt:

(a) The Member complaining shall, as soon as reasonably practicable after the matter in question comes to his notice, give notice thereof to the Presiding Officer of his House ...

Of course the presiding officer will look to see that the matter has been dealt with as soon as reasonably practicable.

You, Mr President, knew full well that the accusations raised in Senator Kroger's petition to you had not only been raised but that judgment had been made on those matters in this chamber by Senators Brandis and Abetz in July. It is there on the Hansard record. Five months had elapsed. In the time-honoured requirements not just of justice but of proper procedure, you ought to have ruled the matter out then and there because it had not been brought to your notice as soon as practicable. To have done that, the proposal
from Senator Kroger would have come to you in July of last year. But it did not.

Moreover—and you knew this, Mr President—it was brought to you in the last sitting week of the year so that there could not be an adequate response from Senator Milne or me, and certainly the Committee of Privileges could not look at this matter expeditiously but would have to leave it right over summer.

It was effectively a slap writ, the form of writ now outlawed in many states of the United States as well as the Australian Capital Territory simply because of the inherent unfairness. But you did not. You recommended to the Senate that the matter proceed to Privileges and, almost without exception, as all procedural manuals will point out, when that happens the matter does proceed to Privileges—but to be left right over the Christmas break.

What you did not do, Mr President, was look at that Hansard in July in which Senator Brandis, as well as Senator Abetz, had adjudged both Senator Milne and I quite falsely guilty of this concocted charge. At that point, you ought to have recognised that Senator Brandis, as a member of the Privileges Committee, was no longer a proper person to be on that committee making judgment on this matter—he had already judged it. You will know, sir, that you were going to be contacted about that matter before Christmas, but had taken no action whatever.

I inform the chamber that in consequence of these events coming from this Senate chamber—and I reiterate, these are criminal matters with potential penalties of six months in jail and many thousands of dollars in fines—they ought to be dealt with with the same probity and rules of fairness as a court of law. Until 1987 the courts were very loath to intervene on matters of privilege in the parliament. But in 1987 this parliament passed the Privileges Act and, in doing so, it acknowledged the seriousness of matters like those currently before this chamber and, effectively, made them appellable to the courts. That means—and the parliament acknowledged it—that a fair and proper judicial outcome was required of this parliament, this chamber, this President and this Privileges Committee.

I ask you, sir, how can such an outcome come from a committee of which one of the members has already adjudged the accused guilty before hearing one word of evidence before the committee? I ask you, Mr President, why didn't you ask either me or Senator Milne for a response to this matter before you moved to judgment? I ask you, did you properly assess this matter on the basis that a reasonable person would see that the matter was one beyond reasonable doubt, because you are you were required to do so, and you failed to do that.

I inform the chamber that because of the seriousness of this matter, Senator Milne and I have, as the act provides, engaged legal counsel. The letters that the President tabled, and that we now have agreement from the opposition to be put into Hansard, will show that the President and the committee had been informed—and I am not going to go into detailed matters concerning correspondence to the committee—and they know that we are retaining legal senior counsel.

I can inform the chamber that tomorrow a letter will go to the Committee of Privileges, which outlines in very clear legal argument why Senator Brandis should recuse himself from the Committee of Privileges, and I remind the chamber that that matter is appellable. If, sir, you, The President, or if any member of the opposition or elsewhere in this chamber believes that either Senator
Milne or I would take this political ambush, this unprecedented abuse of the privileges system, this failure of presidential prudence and a requirement for caution and legal level of judgment, sitting down or on the chin, you are wrong.

I am not just here to defend myself or Senator Milne. We are here to defend proper process in this Senate. One of the things that I will furnish, as well as the letter being furnished tomorrow to the committee, is a set of proper processes so that no President in the future makes such a remarkable error of judgment as this President made in referring this matter to the Committee of Privileges, effectively, through the Senate, but failing to do the same with more compelling cases of the same variety regarding Senators Boswell, Joyce and Cash. This Senate has been served badly by this process. I am not here just to defend myself, but I will. I am here to uphold the proper process, the dignity and the legal requirements of this Senate and its Privileges Committee. And I will. And our legal counsel will. I would remind the chamber that there is provision—and it ought to be considered properly—for the funding of the legal defence of such a serious matter against elected members of this parliament as the senator brought to the President, who then took it to the Senate, which took it to the Privileges Committee.

This is no light matter. I suggest that it is a political quarrel coming from Senator Abetz, well known for his antipathy both to Senator Milne and to me, and that it has inadvertently, through bad judgement, poor presidency, poor advice or an inability to defend the proper process in this Senate, been taken up and, effectively, embellished and made into a much bigger issue by the failure of the umpire, the President of the Senate.

Mr President: you not only erred, you have made an egregious mistake here. The best that will come out of this is the recommendations that we put forward to the committee and to the Senate to see that this does not occur again. But your ruling was wrong and I dissent from it. Mr President, you have had time to reflect on it, although apparently over this long break you have been absent from the matter because you have not responded to letters in a timely fashion.

I have been engaged in it. I have been in this Senate for a long, long time and I have not seen a failure of presidential authority, wisdom and the requirement to be up to the mark as we have seen on this occasion. So be it. But, sir, you have made a mistake. We are not going to endorse that mistake and we dissent from your ruling.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:17): Mr President, at the outset let me make it absolutely clear that we as a coalition support your ruling in relation to this matter, and we will be voting against the dissent motion moved so petulantly by the Leader of the Australian Greens towards the end of the last sitting period.

I thought the silly season had ended. But it seems that for the Australian Greens the silly season can start in November and continue right through to February. I think most people in this place had assumed that after the petulant outburst by the Leader of the Australian Greens he would have taken the break over the Christmas period and the summer to reconsider his motion of dissent. Instead, he comes back and reinforces his petulance and his misunderstanding of procedure.

Indeed, Mr President, it has become quite clear what this motion of dissent is all about. A well-documented proposition was put to you by Senator Kroger. You considered it and made a ruling. That was a ruling that
Mr President, you have made a ruling. Rather than allowing it to go to the adjudicator—which is the Privileges Committee—he is engaging expensive legal counsel with his $1.7 million donation, no doubt, and other donations that he will get. He is throwing mud at other senators. He will try every which way other than to answer the matters that ultimately are going to go before the Privileges Committee.

What I cannot understand is why the Australian Greens senators have not prevailed upon their leader to desist in this petulant course of action. They have now had plenty of time over the Christmas break to say, 'You may have been a bit upset just before Christmas—end of the tiring year et cetera. But, really, this dissent motion is not a good look.' It is not a good look for the Leader of the Australian Greens and it is particularly not a good look for the Australian Greens party.

More importantly, Senator Brown sought to attack the integrity of a senator whose reputation in this place is, I think, unsurpassed. That is Senator Ron Boswell, a champion of the small business community, a man who is highly regarded by all sides of politics. People know him as a man who wears his heart on his sleeve, a man who has a record second to none. Senator Brown talks about his length of service in this place; Senator Boswell could talk twice as long about his length of service in this place. It has been and continues to be a most honourable contribution, and that is where the product differentiation lies in these matters. Senator Boswell made a declaration and a statement to this place in November 2010, and in November 2011—a full 12 months later—the Leader of the Australian Greens was suddenly outraged at Senator Boswell’s alleged conflict of interest, something that Senator Boswell had actually addressed the Senate about 12 months ago.

Mr President, I would ask you to have Senator Abetz abide by standing orders and address the chair.

The PRESIDENT: Senator Abetz, you should address the chair—that is quite correct.

Senator ABETZ: He is absolutely correct on this occasion, but it shows yet again how very touchy he is whenever one mentions that huge political donation against which a would-be Leader of the Australian Greens is continually running a campaign against him within the Australian Greens: one Senator Lee Rhiannon with her website Democracy for Sale. Of course, all you need to do is look at that website and understand the internal struggles within the Australian Greens as we speak.

That struggle is going on, and you do not have to rely on me. In fact, you can read a very interesting article in the Monthly which has just been published, which makes references to the Australian Greens leader as being a megalomaniac. It makes reference to the fact that it is all about him. Do you know what? That is what this motion is in fact all about.

Senator Bob Brown: Mr President, I would ask you to have Senator Abetz abide by standing orders and address the chair.

The PRESIDENT: Senator Abetz, you should address the chair—that is quite correct.

Senator ABETZ: He is absolutely correct on this occasion, but it shows yet again how very touchy he is whenever one mentions that huge political donation against which a would-be Leader of the Australian Greens is continually running a campaign against him within the Australian Greens: one Senator Lee Rhiannon with her website Democracy for Sale. Of course, all you need to do is look at that website and understand the internal struggles within the Australian Greens as we speak.

That struggle is going on, and you do not have to rely on me. In fact, you can read a very interesting article in the Monthly which has just been published, which makes references to the Australian Greens leader as being a megalomaniac. It makes reference to the fact that it is all about him. Do you know what? That is what this motion is in fact all about.
earlier. So why this affected outrage against Senator Boswell? It was Senator Kroger's application to the President asking for consideration about Senator Brown's behaviour and whether it was appropriate to have it referred to the Privileges Committee. Mr President, you made a ruling, a proper ruling, one that we fully support.

But Senator Brown thinks it is always all about him. Some extravagant language has been used. He referred to himself and Senator Milne as 'two good senators'—and he was not doing it in a jocular manner. Really, when senators come into this place and start condescendingly to refer to themselves as being 'good senators', rather than having others do it on their behalf, we know the sort of megalomania that we are dealing with. I had occasion to look at the Hansard from 25 November last year, where Senator Brown said:

… and let me make this very clear—that we now have a ruling from the chair, directed at me …

No, it was not directed at him. It was a ruling dealing with the issues. It was not a personal matter on which you ruled, Mr President. You ruled on the information provided to you. I have no doubt that if a dossier of the extensive matters raised by Senator Kroger had been put before you dealing with Senator Arbib, Senator Abetz or anybody else in this chamber you would have come to the same ruling. It is not about the person—it is not about you, Senator Brown—it is about the facts. It is about the detail. To so immaturely personalise it yet again indicates—

Senator Bob Brown: Again, I ask Senator Abetz to abide by the rules of this house.

The President: Senator Abetz, you should address your comments to the chair.

Senator ABETZ: I thought I had been. If I was not, Mr President, I apologise. We will be picking up Senator Brown, from now on, on each occasion when he does so.

Mr President, he said:

… we now have a ruling from the chair, directed at me …

It was not a ruling about Senator Brown, it was a ruling about the facts and circumstances outlined in a very detailed dossier prepared and presented by Senator Kroger to the President. But, yes, when you are Senator Brown it is always about you. He went on to say:

… is it not a matter of privilege that senators should be left in the situation where the President does not inform them that they are victims of a proposal to go to the privileges committee …

Here we now have a self-description of a victim. One's heart has to bleed for Senator Brown. He is a victim. Can I suggest to Senator Brown that when people are referred to privileges committees they are not the victim of a referral, they are the subject of a referral. As somebody who has had that privilege—I have been subjected to a privileges inquiry—I do not see it as a matter about me. I do not see that I am a victim. I see it as a matter of process where individual senators have the right and indeed, if they so feel, an obligation to make those references so that these matters can be dealt with. It is not personalised. It is not about me. It is not about victimhood, which certain elements, especially up that end of the chamber, love to revel in to try to get some sort of sympathy.

We have seen this sort of behaviour from the Australian Greens leader before. He sought to raise huge sums of money from the public when allegations were made that he would go bankrupt and would be thrown out of this place, but he only had a legal bill of a couple of hundred thousand dollars after yet another failed legal attempt. And he kept on raising money well beyond the limit, not telling people that the target of his campaign
for money had already been reached. When it comes to big sums of money and the Australian Greens leader I suggest he would make a good state premier. Do not get between him and a bucket of money, because we know what the reaction will be. But what we have here is a situation where the Australian Greens leader, petulant as always, rushed into a strategic misadventure late last year and, rather than taking a strategic retreat and saying, 'I overstepped the mark,' is now adding insult to the injury that he occasioned to the Senate on that occasion. Indeed, so rushed and upset was the Leader of the Australian Greens about the ruling by the President that he rushed a letter to the President about Senator Boswell's situation. He wrote:

I ask you to facilitate this serious matter—
albeit it was over 12 months old and Senator Boswell had already given a full explanation—
being referred to the Committee of Privileges for due assessment.
Then he had a handwriting into the letter—
that is how rushed he was; he could not even get his letter right—which said 'before the Senate rises'.

So if Senator Brown has been the self-described victim of having this issue hang over him all of the Christmas break and dragging on, has he then not made Senator Boswell a victim by using the same tactic? But I forgot: if the Greens do it it is always justified; if anybody does it to the Greens it is horrible, it is terrible, it should be illegal, it should be outlawed. There is always that double standard with the Australian Greens, isn't there? Senator Brown as the Leader of the Australian Greens should never be subjected to a privileges inquiry hanging over the Christmas break. That is just intolerable, unacceptable, an abuse of process. But when he returns the favour to Senator Boswell, they are the methods of the Senate, time-honoured and something that is quite acceptable. That is why the Australian people I think are slowly waking up to the Australian Greens. They see the duplicity, they see the double standards, and that is why they are questioning what role this group has in fact in partnership with the current government.

Let us make no mistake: Senator Brown's leadership is in trouble with the Australian Greens. There are very real questions being asked in the Australian Greens and this is just something to distract from that internal tension. What is the best way to get people focused? Try to create an external enemy. On this occasion the external element to get all the Greens focused away from the leadership tensions is you, Mr President. You are now the subject of this, courtesy of this dissent motion. Some of us have been around this place a bit longer than Senator Brown. We know those sorts of tactics. We may have played them ourselves in the past but have given them up. But the senator still continues to play them. So be it, but we are awake to them. We know what motivates them.

No matter what Senator Brown seeks to say or seeks to assert, the allegations raised by Senator Kroger in a very detailed dossier are serious. For Senator Brown to say that these are matters that had been around since July, well, in relation to his own case that is correct to a certain extent. But of course they continued on, with question after question in this place on behalf of his donor's business interests, media conferences and speeches at the Press Club, if I recall, but whenever and wherever possible wedging in the issue—

The PRESIDENT: This matter is really the matter that is before the Privileges Committee and I would caution on comment about it. That has been a matter of what both
Senator Brown and you, Senator Abetz, have contributed in this debate. I have been willing to let it range wide but I just draw people's attention to that.

Senator ABETZ: Thank you for that, Mr President. Unlike the Leader of the Australian Greens, I am always willing to accept your guidance. I accept that and will not move a motion of dissent or show a degree of petulance. Your warning is appropriate, albeit I was not going to canvass the issues other than the matters raised in Senator Kroger's concern related to events beyond July. I will leave it at that, but to suggest that it only refers to matters that occurred in July last year and then were delayed in being reported to the President does not accurately reflect that which Senator Kroger has done. But yet again why should I be surprised at that. The obfuscation and the misleading is something that we have unfortunately become used to.

The coalition fully accepts your ruling. In this place it comes with the territory that the umpire has to make a call and even if the umpire makes a call that we do not agree with, that is the role of the umpire. Sure, we can move dissent, and if we move dissent it should be, if I might suggest, in a lot more moderate, considered manner than Senator Brown has undertaken. His personal attack on you and the suggestions that he has made about you are completely unbecoming, completely untidy, completely unseemly. You can disagree with somebody's decision and canvass those issues respectfully without seeking to denigrate the person, without seeking to denigrate that individual's reputation and in this case his standing within the community and the Senate.

That is where Senator Brown has yet again overstepped the mark. Rather than respectfully setting out the reasons technically why he disagreed with the ruling, he had to go to that which he always refers to when he is in trouble, and that is the personal attack: to play the person, make the vicious comments which he did. It is completely unseemly, completely untidy, completely unnecessary, and I just wonder why the rest of the Australian Greens have not brought Senator Brown into line in relation to this. Here we are, starting the year, the first day back, with this hangover of petulance from the Leader of the Australian Greens from 2011. Apart from his question, Senator Brown's first detailed contribution which will be shown on the Hansard will be this dissent motion. It does not reflect well on Senator Brown. It does not reflect well on the Australian Greens.

One thing we can say absolutely is that we have full confidence in Senator Boswell. He acted honourably. The President has made statements in relation to that. We fully support those statements and you, Mr President, continue to have our confidence.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (18:37): Mr President, I rise to say that I will be supporting the dissent on your ruling. The contribution we have just heard from Senator Abetz demeans the processes of the Senate and is a disgrace to the Senate. What must be dawning on his colleagues in this place is a recognition that, if anyone has rushed into a strategic misadventure and overstepped the mark, it has been Senator Abetz in prosecuting the longstanding political quarrel that he has with Senator Brown and me, and that in prosecuting that he has overstepped the mark by persuading his colleagues to take this course of action and reference to the Privileges Committee, for which there is no evidence whatsoever. He has overstepped the mark.

It will be occurring to his colleagues that that the Parliamentary Privileges Act 1987
has put this Privileges Committee in the context of a legal framework that requires a standard of proof beyond reasonable doubt and requires that there is no comprehension of bias, let alone actual bias. This has brought the whole matter of how the Privileges Committee operates in this Senate to the fore, to legal attention.

This is a very, very serious matter. I note that Senator Abetz at no stage tried to deny that he is the source of the compiled and annotated time line and chronology which Senator Kroger presented by way of a letter to you, Mr President. We now have a situation where Senator Abetz is accusing other people of petulance and bullyboy tactics. Once again he designed his whole campaign to impugn Senator Brown’s reputation, my reputation and the reputation of the Greens more broadly.

He overstepped the mark, as did Senator Kroger and Senator Brandis in the manner in which they approached this last year, in relation to a political donation to the Australian Greens—not to any one senator or group of senators but to a political party. That donation was declared to the Australian Electoral Commission and was on the public record throughout this proceeding. It was a donation made to a political party and registered with the Australian Electoral Commission. You, Mr President, made a decision to allow this to have precedence such that it was referred to the Privileges Committee, and yet you did not do the same when a donation was made personally to a senator—not to a political party but personally to a senator. You chose—

Senator Boswell: Mr President, I rise on a point of order. The reference that the senator is making about me, that I received a personal donation, is untrue. I never received—

The PRESIDENT: Senator Boswell, if there is a need for a personal explanation you will have the opportunity to do it later, not whilst the senator is speaking.

Senator Boswell: I want to just correct, and I know Senator Milne would not want to—

The PRESIDENT: There is no point of order at this stage, Senator Boswell. You will get the opportunity later.

Senator MILNE: As I was going on to say, this is a question of consistency, of consistent application of the Senate rules. I draw to your attention, Mr President, the fact that one only makes a disclosure on the Pecuniary Interest Register when a person has actually received a pecuniary interest. In the case that is before the Senate, the donation was made to a political party and therefore would not appear on the Pecuniary Interest Register of the Senate for any one senator or group of senators.

I think that is something which will be explored and looked at, but the issue here is that we have a political quarrel, a politically opportunistic action being taken by a senator through other senators in his own political party. His attempts to pretend this is petulance and that engaging senior counsel is some peripheral activity are quite wrong. This is a serious matter. The Senate Privileges Committee can jail people for up to six months and impose significant fines. In the legal profession, there have to be those levels of proof. They did not exist, and you, Mr President, ought to have taken that into account before making the decisions that you made in relation to these matters.

This is a matter without substance, but I concur with Senator Brown—as a result of the action that has been taken in this Senate, we will now be bringing forward suggestions on how the Privileges Committee can better reflect the seriousness of this. For example, it
is inappropriate that people be appointed to the Privileges Committee on the basis of numbers of political party representation and so on when they effectively are judging people in a judicial context. However, I do not intend to speak at length on this matter, because we would like it to go to a vote. But I do want to put on the record that I am extremely disappointed that, contrary to Senator Abetz’s claim that there is money to be had all around, there is a provision in the act for expenses. And there is this notion that Senator Abetz spread around that the Greens have all this money from donations or whatever. Senator Brown and I did not benefit in a pecuniary or personal sense and that matter needs to be considered very seriously.

Senator ARBIB (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (18:45): Can I indicate on behalf of the government that we will not be supporting the motion to dissent from the ruling of the President on 25 November last year. As my colleague Senator Evans said on Friday, 25 November, the government believes that the President followed proper process in considering the matter raised by Senator Brown relating to Senator Boswell. At the time Senator Evans was clear that he was not commenting in any way on the substance of the matters raised by Senator Brown. The question the government is considering in relation to this matter is merely whether the President has followed proper process, if he has acted somehow in a partisan way. Mr President, on 25 November 2011 you provided your reasons to the chamber for not referring the matter raised in this motion to the Privileges Committee. The reasoning you presented is thorough and the government accepts it.

I take this opportunity to again reiterate that the government believes that the President followed proper process and sought to give fair process to all senators. I am certain that the President took advice from the clerks and that the President made his ruling taking the advice into account.

Senator BOSWELL (Queensland) (18:47): At the start of this debate I want to clearly state, as I stated on 26 November 2010:

I have not received any donation from Metcash. The campaign donation referred to went directly from Metcash to the then Queensland branch of the National Party of Australia. I am informed by the party that it banked the donation in its central campaign account in July 2007.

Senator Milne has just said that I got a direct donation. Senator Brown has said that I have received a direct donation. I have never received a direct donation and I would not ask for money directly. I just want to clear the record up on that.

Mr President, I do want to say that Senator Brown received your ruling and then looked for someone to hit out at in a tit-for-tat response. I happened to be that person and I did not particularly like being named in parliament; I did not want it. Senator Brown has come in here today and said, a couple of hours ago, that he does not want to withdraw his motion about the donation; he wants to push it out for a couple of weeks. I have got to hang in there, worried about this for another two weeks, because he wants to refer it to the Privileges Committee. I suggest to you, Mr President, that that is the height of hypocrisy. He comes in here and says, ‘You have inconvenienced me, you have made me concerned over a two-month period and you have referred me to the Privileges Committee, and that is unacceptable,’ yet he does exactly the same to me. That reference has not been withdrawn; it merely has been extended.

So, Senator Brown, you cannot have it both ways. You have accused me, in
response to Senator Kroger's reference. You looked around and found someone that had been named as receiving a donation—

Senator Bob Brown: Mr President, I ask that Senator Boswell address the chair.

The PRESIDENT: Senator Boswell, you should address the chair.

Senator BOSWELL: I accept your ruling, Mr President, because I always accept your ruling, as I think we always should accept your ruling. Yes, we can dissent from it, but we do not have to go to the extent where we are going to turn this place into a High Court. Senator Brown may have the money to be able to do it—

The PRESIDENT: Order! It being past 6.50 pm, we will move to the consideration of government documents.

DOCUMENTS

Australian Curriculum Assessment and Reporting Authority

Senator MASON (Queensland) (18:54):

I move:

That the Senate take note of the document.

I will make just a few remarks about the annual report of the Australian Curriculum Assessment and Reporting Authority, known as ACARA, for 2010-11. In particular, I refer to pages 10 and 11 of the report, which say:

The Australian Curriculum needs to be relevant to the lives of students and to address the contemporary issues they face. With these considerations and the Melbourne Declaration in mind, the curriculum gives special attention to three priorities:

- Aboriginal and Torres Strait Islander histories and cultures
- Asia and Australia’s engagement with Asia
- sustainability.

These cross-curriculum priorities have a strong but varying presence depending on their relevance to the learning areas.

By way of explanation, the Melbourne declaration, which charted the particular three cross-curriculum perspectives to be given to Australia's schoolchildren, was drafted by education bureaucrats—not by teachers or parents or elected officials. Not at all; it was drafted by education bureaucrats. Do they reflect community opinion? I would hazard a guess that they do not. Rather than a mainstream document representing broad community consensus, we have ended up with a product that one might say neatly distils rather trendy views about education.

Without any public consultation we now have a national curriculum that will be saddled with the three cross-curriculum perspectives I mentioned: Aboriginal, Asian and environmental. You might ask whether in fact the national curriculum needs these overarching perspectives. I suspect it does not, but, even if it does, why those three? You are right. There is nothing at all wrong with Indigenous, environmental and Asian themes. Indeed, they are valid. But there are plenty of other ones that are equally or perhaps even more valid and that are not mentioned in the Melbourne declaration by the trendy bureaucrats who drafted it. For example, why wouldn't Australia's national curriculum echo themes such as the role and importance of liberal democratic institutions in shaping the society students live in? Wouldn't you think that was more important? Apparently it is not. What about, perhaps, the heritage and impact of the Judaeo-Christian western tradition that touches on every aspect of life in a modern Western country such as Australia, on everything from the arts to literature to science and the law? Wouldn't that be a more appropriate or comprehensive overarching theme for Australia's natural curriculum? I would have thought so, but the professional bureaucrats do not. Indeed, what about the role of science and technology in the material
progress of humankind, including its contribution to both creating and then solving the problems inherent in such progress? That is not a bad overarching theme either, is it? But, no, what the professional bureaucrats decided on was that Aboriginal, Asian and environmental themes were more important. Becoming very practical—not too conceptual or theoretical—what about the national curriculum including a theme that prepares students to face the challenges of life and work in the 21st century? That is a very practical overarching theme, but of course we could not have something mainstream and practical, could we? No, we have these trendy and politically correct values that have been put there not by politicians, not by the public, not even by teachers but by the professional education bureaucrats. This always worries me. It has worried me from the beginning of ACARA's existence that our national curriculum is subject to these three overarching themes.

I could go into the recent debate about getting rid of BC and AD as the date stamps for our history. We have to stop using BC and AD, to cleanse Christianity out of the national curriculum. This is all happening because a group of trendy bureaucrats have a narrow and politically correct view of Australian history and culture. It is wrong, it is not mainstream and it is not what is best for our children. (Time expired)

Senator MARSHALL (Victoria) (18:59): I would like to respond very briefly, particularly to some of the last comments. Senator Mason used an example of the so-called proposal to get rid of AD and BC. As he well knows, as that was brought up in the last estimates, that is not the proposal at all. There are additional terms that are used commonly across the world in academia to describe different years and different dates. All the curriculum was doing was to add those things so students would know what they are when they come across them.

Senator Mason: That's not right!

Senator MARSHALL: That is right. That was the evidence given and it was clear. There was no attempt to get rid of these terms. They were sorry that they did not make it perfectly clear at the time because they did not know there would be people out there being mischievous by trying to beat up some story about it. That was all they were trying to do. They did not feel that every time they wanted to add something new to the curriculum they would have to explain that that did not mean they were taking anything away. You would expect that to be quite self-explanatory.

It gives me some concern when Senator Mason, in mocking terminology, described these people as 'professional educational bureaucrats', as if mocking the responsibility they have.

Senator Mason: They're not elected!

Senator MARSHALL: They are professionals who study these things. I must say I would be more confident about having these professionals, who engage in what is required in the profession of education, setting the curriculum than Senator Mason, who has a very biased and political view of life, setting the curriculum from a political perspective. I think it is dangerous when politicians get involved in writing the curriculum for our students and ignoring the advice of the professionals. Senator Mason ran this line constantly through the estimates process. He ought not keep doing it. Senator Mason, yours is a very old-fashioned view of life, and I do not think you should be imposing your biased views on everyone else and simply ignoring those who have studied and have the professional expertise to develop these things.
Senator Mason: Liberal democracy is old-fashioned, is it?

Senator MARSHALL: Acting Deputy President Crossin, Senator Mason seems to be getting in more words than I am.

The ACTING DEPUTY PRESIDENT (Senator Crossin): Order! I have called Senator Mason to order a number of times. I think because you are yelling across the chamber you have not quite heard what I have said. Continue, Senator Marshall.

Senator MARSHALL: I do not say for a minute that Senator Mason is not passionate about these things, because he raises them on a regular basis. I do not question his commitment to education, because I know he is deeply committed to it. But I do caution him against simply saying that, as a politician coming from a political view, we should be making decisions about professional education without taking the appropriate advice. We have professional bodies set up to advise government and to advise educational systems on the appropriate curriculum.

This country needs a national curriculum. It has been so long coming, we have different standards and different curricula in every state. Finally this government has the courage to set some of these reforms in process. Senator Mason, you should not take that as an opportunity to impose on the rest of the world in the educational system your particular political view of life. Quite frankly, politicians should butt out and leave it to the professionals who have done this job and will continue to do this work.

The ACTING DEPUTY PRESIDENT: Senator Marshall, are you seeking leave to continue your remarks later?

Senator MARSHALL: No.

Question agreed to.

DOCUMENTS

Consideration

The following orders of the day relating to government documents were considered:

1. Aged Care Act 1997—Report for 2010-11 on the operation of the Act (received 25 November 2011)
2. Royal Australian Air Force Veterans' Residences Trust Fund—Report for 2010-11 (received 29 November 2011)
3. Executive Director of Township Leasing—Report for 2010-11 (received 29 November 2011)
5. Mid-year economic and fiscal outlook—2011-12—Statement by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Senator Wong) (received 30 November 2011)
6. Australian Human Rights Commission—Report No. 47—Mr Heyward v Commonwealth of Australia (Department of Immigration and Citizenship) (received 1 December 2011)
7. Cotton Research and Development Corporation—Report for 2010-11 (received 2 December 2011)
8. Grape and Wine Research and Development Corporation—Report for 2010-11 (received 2 December 2011)
10. Social Security Appeals Tribunal—Report for 2010-11 (received 7 December 2011)
   • Report (received 9 December 2011)
   • Government response (received 9 December 2011)
14. Australian Communications and Media Authority—Report for 2010-11 (received 12 December 2011)


17. Sugar Research and Development Corporation—Report for 2010-11 (received 13 December 2011)

18. Department of Finance and Deregulation—Consolidated financial statements for the year ended 30 June 2011 (received 13 December 2011)

19. Australia Business Arts Foundation Ltd—Financial statements for 2010-11 (received 14 December 2011)

20. Murray-Darling Basin Authority—Report for 2010-11 (received 15 December 2011)

21. National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the Research Involving Human Embryos Act 2002 for the period 1 March to 31 August 2011 (received 15 December 2011)


23. Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2010-11 (received 19 December 2011)

24. Dairy Australia Limited—Report for 2010-11 (received 19 December 2011)

25. Fisheries Research and Development Corporation—Report for 2010-11 (received 19 December 2011)

26. Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2011 (received 20 December 2011)

27. Australian Transport Safety Bureau (ATSB)—Report for 2010-11 (received 20 December 2011)

28. Australian Information Commissioner—Report for the period 1 November 2010 to 30 June 2011—Corrigendum (received 20 December 2011)

29. Board of the Australian Crime Commission—Report for 2010-11 (received 20 December 2011)

30. Snowy Hydro Limited—Financial report for the period 4 July 2010 to 2 July 2011 (received 16 January 2012)


33. Private Health Insurance Administration Council—Report for 2010-11 on the operations of private health insurers (received 18 January 2012)

34. Australian Centre for Renewable Energy Board—Report for 2010-11 (received 19 January 2012)


37. Tax expenditures statement 2011 (received 31 January 2012)

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Crossin) (19:05): Order! I propose the question:

That the Senate do now adjourn.

Sydney Cricket Ground

Senator FAULKNER (New South Wales) (19:05): At 10:30 am on 3 January this year, the Sydney Cricket Ground celebrated a special milestone. When the Australians took to the field against India at the SCG, it was the 100th test match to be played at that ground. The SCG joined Lords and the Melbourne Cricket Ground as one of the only three grounds in the world to have hosted 100 cricket tests. As I promised last year, I was a face in the crowd for this
historic occasion and I can inform the Senate that that 100th test match was a success. It was a success for the spectators who were there, a success for the ground, a success for the SCG staff and the SCG Trust, and it was a success for the Australian cricket team who beat India convincingly by an innings and 68 runs and went on to win the series and the Border-Gavaskar Trophy. A special mention must go to the Australian captain, Michael Clarke, who scored a historic 329 runs not out. It was his fourth test century as captain, his highest test score and also the highest test innings ever scored in an Australia-India test and the highest test innings ever scored at the SCG.

On the Indian side, the champion Indian batsman Sachin Tendulkar was very warmly received by the SCG crowd. Despite his batting average from seven previous innings at the ground being an incredible 221, the Little Master failed to score his 100th century in international cricket at the SCG. This was a disappointment to many, and I would have to admit they included me. This tour may well be the last time we see Sachin play test cricket in Australia, and it also might be the last time we will see those other champion Indian batsmen Rahul Dravid and VVS Laxman.

It was not just performances in the middle that made this 100th test a success. The Sydney test has become an important focal point for raising awareness of breast cancer and money to fight it. The third day of the Sydney test, now popularly known as Jane McGrath Day, was a sea of pink shirts, hats, bandanas, clothing and accessories of all kinds, all in aid of the McGrath Foundation. No other ground in the world can boast such a day, with such an important message. The growing success of Jane McGrath Day is a credit, I think, to the McGrath Foundation, to Cricket Australia and to the SCG Trust. Since its inception three years ago, over $2.2 million has been successfully raised at the ground to assist over 10,000 Australian families experiencing breast cancer and to support 68 breast care nurses in communities across Australia. The 100th test at the SCG was commemorated by 12 talented Australian artists tasked with capturing the historic occasion on canvas. The finished works were donated to the 100th test art auction, which itself successfully raised over than $20,000 for the McGrath Foundation.

I must say that you do not make it to 100 test matches without showing your age, and the Sydney Cricket Ground is no exception. The SCG Trust used the occasion of the 100th test to announce work to build a state-of-the-art modern pavilion to replace the 78-year-old MA Noble Stand, as well as the Bradman and Dally Messenger stands, and that work is going to begin soon. The $186 million facelift will offer patrons seats closer to the field of play and more seats under cover, and no part of the new structure will obstruct any spectator's view of play. The SCG's new video screen will be twice the size of the existing screen at the ground and the largest at any sporting ground in Australia. The new development will also include improved media facilities, corporate suites, AFL dressing rooms, bars and eateries with views of the Sydney skyline, and secure player entry. The iconic clock tower will be retained and the new modern pavilion's style, I am assured, will complement the historic members and ladies stands. Tonight I want to acknowledge the support of both the New South Wales and federal governments in making funds available for this development. The development is anticipated to lift the capacity of the ground from 45,758 to just below 48,000. It will be finished ahead of the Ashes test match between Australia and England in January 2014.

Here is a final word about the SCG from a man considered to be one of the greatest
batsmen in the history of cricket, who has scored more runs and more centuries than any other player in either test cricket or one-day internationals but who will inevitably be disappointed with his two innings of 41 and 80 in the SCG’s 100th test match and his 186th test match—that is, Sachin Ramesh Tendulkar. To finish, I quote him:

It's a terrific ground, a special place. I love the atmosphere inside. It's wonderful.

**B-24 Liberator Restoration Project**

**Employment**

Senator RONALDSON (Victoria) (19:14): I rise tonight to inform the Senate of the important work being undertaken in Werribee, in my home state of Victoria, by the B-24 Liberator restoration project, which I had the great privilege of seeing firsthand but a few short weeks ago. Some background to this aircraft is first necessary. The Consolidated B-24 Liberator was a World War II era heavy bomber produced by Consolidated Aircraft in San Diego, California, from 1939. Formed into seven squadrons, the Royal Australian Air Force had some 300 B-24s which, along with the B-17s, formed the basis of Australian bombing support in the Pacific theatre. Of course, these were not the only B-24s which defended Australia—with many more American B-24s deployed to the south-west Pacific area under General Douglas Macarthur. The Australian squadrons are particularly well known for having deterred from moving into the mainland a 50,000-strong Japanese force that had assembled in Timor.

Although the B-24 Liberator restoration project itself has been ongoing since 1995—after the derelict fuselage of aircraft A72-176 was recovered from Moe in Victoria—the push to get an aircraft on public display began in 1988. A two-day meeting arranged by the B-24 Squadrons of Australia unanimously resolved to form the B-24 Liberator Memorial Fund. The foundation committee included Mr Bob Butler, Mr Eric Clark and Mr Terry Lane, with representatives from the RAAF, the Australian War Memorial and the National Trust. The purpose of the fund, as registered, is:

To do all that is necessary to acquire an restore a B-24 Liberator and associated aircraft and artefacts, as a memorial to all those who served with Liberators during WW2, for display in an accredited museum as part of the national collection.

The fund is a not-for-profit organisation and accepts members from the general public. There are many social initiatives, including their monthly B-24 Youth Group—an initiative which I feel represents an outstanding contribution to the preservation of Australia's national heritage. The sharing of experiences with younger generations is crucial to the preservation of their memories, and I commend the project for this initiative.

To this point, the project has acquired some 90 per cent of the airframe and 70 per cent of the furniture and fittings—many having been donated from overseas. It is one of eight remaining B-24s in the world. As an indication of how few this number is, over 18,000 B-24s had been produced by September 1945. The project itself is based in Hangar 2 of the Werribee Satellite Aerodrome, a heritage listed structure constructed during the Second World War to complement the nearby RAAF airfields at Laverton and Point Cook. The project committee are, however, investigating a move to a new hangar, amongst other reasons, because Hangar 2 contains asbestos.

From 1995 to the end of 2011 an estimated 288,000 volunteer man hours went into the restoration of the fuselage—288,000 volunteer man hours. These volunteers come from many and varied walks of life, including not only those who operated and repaired B-24 Liberator aircraft but also
many who developed an interest during their working lives and whose skills sets, such as engineering, provide for an invaluable contribution. The Consolidated B-24 Liberator played a leading role in Australian aviation history, and I commend the volunteers for their gargantuan efforts over the last two decades. In the lead-up to Anzac Day 2012, and indeed afterwards, I would encourage all Australians to pay the project a visit.

In closing, I thank everyone who shared their experiences with me. I particularly thank Judy Gilbert, the secretary, and Doug Lindsay, the president, and I pay particular thanks to Matt, who was a wartime Liberator crew member. I thank them most sincerely for the time they put aside for my visit. I congratulate those many volunteers, both men and women, who are working on this project and I wish them well for the future.

I will now move on to another matter in the time that is left open to me. I am sure all honourable senators are aware of the material we receive from Gary Morgan in relation to unemployment and other matters. I noticed on 5 January—when I was back at work, I might add—that Mr Morgan actually put out some consolidated figures for the last quarter of last year. In that document sent out by Mr Morgan he indicated that December unemployment was at 8.6 million—or 1.03 million Australians looking for work; that 2.01 million Australians or 16.8 per cent of the workforce are unemployed or underemployed; and—quoting from Mr Morgan—'highest ever recorded and the highest ever levels among youth, women and Queenslanders'.

In the October-to-December quarter of 2011, according to Mr Morgan, within the Australian workforce, as I said, 2.01 million or 16.8 per cent are unemployed or underemployed. Unemployment is highest amongst the young, with 18.5 per cent of the 18- to 24-year-old workforce unemployed and 17.5 per cent of the workforce aged 14 to 17 years old unemployed. Unemployment is significantly lower among the older age groups within the workforce, at 7.2 per cent for 25 to 34 year olds and seven per cent for 35 to 49 year olds, five per cent for 50 to 64 year olds and three per cent for those aged 65. Underemployment, which is part-time workers looking for more work, is also clearly higher among those aged under 25, with 22.9 per cent of the 14- to 17-year-old workforce underemployed and 15.2 per cent of the 18- to 24-year-old workforce underemployed. Mr Morgan said:

Unemployment analysed by age group shows clearly young people are the hardest hit — with 18.5% of the 18-24yr old workforce unemployed
(more than twice the national average); and
33.7% of the 18-24yr old workforce either
unemployed or underemployed.

That was on 5 January in relation to the last quarter.

Then on Monday we all received further information from Mr Morgan which showed a further deterioration of the situation—a further deterioration indeed. According to Mr Morgan, unemployment is up to 10.3 per cent—1.7 per cent higher than in December 2011—with now an estimated 1.278 million Australians unemployed and looking for work. This is Australia's highest ever number of unemployed as reported by Roy Morgan. This 10.9 percent—1,075,000 Australians—is also Australia's highest unemployment rate in the decade since January 2002. A further 7.5 percent of the workforce—934,000 Australians—were working part-time and looking for more work. In total, a record 17.8 percent of the workforce—2.21 million Australians—were unemployed or underemployed. Yet we have heard nothing from the Prime Minister—including, indeed, in question time today—about this matter. They are
instead talking about the way the economy is being run and saying, 'let's have the debate on the economy'. I say: let's have the debate on the economy—bring the debate on the economy on—and we will be very active participants in it. Do not walk around saying that you are running a marvellous economy; do not walk around saying that you are creating jobs for Australians, particularly young Australians. You are not, and Mr Morgan has made that quite clear.

It is good to be back in this chamber for the first time in 2012, and I hope it will be a year of many, many returns. I will continue to talk about unemployment and the Labor Party's complete mismanagement of the economy over the last four years. We will continue to talk about your budget deficits and about your abject failure in your budget deficits as well as about your failure to provide budget surpluses. We are very much looking forward to this debate, I can assure you of that. It will take place every hour of every day between now and the next election—you have our absolute assurance on that.

The Australian people know full well how completely inept you are. Indeed, it is my understanding that tomorrow in one of the newspapers—which must remain nameless—of a particular Victorian city, the people of that city will show you how they think you are completely and utterly inept. We acknowledge that there is a long way to go before the next election, and we will not rest until we have shown comprehensively your complete and utter inability to remove yourselves from this diabolical economic mess.

I leave you with this final thought, which I will repeat ad nauseam over the next 12 months: if you cannot run your own affairs, you cannot run the affairs of this country; it is about time you people stopped navel-gazing and worrying about who is going to lead the party—how about you start leading the country again?

Beetson, Mr Arthur, AO

Sydney Street Choir

Senator RHIANNON (New South Wales) (19:24): During this parliament's summer recess, on 1 December 2011, many of Rugby League's toughest players broke down and cried at the news of the sudden death of Arthur Beetson. Artie was born on 21 January 1945 in Roma, Queensland. At the age of 16, skinny enough to be known as 'Bones', he played his initial first-grade game for Roma Cities. Two years later he signed up with Redcliffe, Brisbane, where he won the club's player of the year award and the premiership. In 1966 he moved to Sydney to join the Balmain Tigers. His offloading and attacking work-rate broke the mould for forwards. Arthur created star players around him.

In 1971 he joined Eastern Suburbs. The charismatic and fair-minded captain led the Roosters to back-to-back premierships in 1974, where he won the Clive Churchill medal, and in 1975 a famous 38-0 victory over St George—a victory that my family enjoyed immensely.

Although he won 18 caps for New South Wales, Artie pushed hard for the State of Origin, league's greatest idea of the modern era, as he had seen enough of Queenslanders beating Queenslanders. In 1980, in an inspiring performance in the inaugural State of Origin match, Artie set the tone for the 'mate-versus-mate, state-versus-state' concept by emphatically refuting suggestions that club mates might go easy on each other. Equally skilled as a coach, he directed Maroon origin wins in 1982, 1983, 1984 and 1989. He was named coach of the year in 1987.
Artie represented Australia 47 times. These are extraordinary achievements by any measure, and they were duly recognised. He was inducted into the Australian Rugby League Hall of Fame in 2003 and named in the front row of the Team of the Century. He became the seventh post-war immortal of the game. In 1987, Artie was awarded an Order of Australia in recognition of his services to the sport of Rugby League. He was coaching Easts that year, and they had a good season.

In 1973 in Toulouse, France, Artie became the first Indigenous player to captain Australia in any sport. Among Indigenous Australians, Beetson was a beacon: a hero in a time when there were few. He used to say, "I'm a very proud Australian and a very proud Queenslander around State of Origin time; but most of all, I'm a very proud blackfella."

Arthur came from a hard-working family on the banks of the river at Roma. His dad, Bill, used to supply trees for the local power station before they took the next step to coal. His mum, Marie, was taken away as an 11-year-old and used as a domestic: she was part of the stolen generation. Arthur's brother told him that, every time a stranger's car came to their house, their mum would hide the kids for fear of their being stolen too. Marie always thought that their way out of disadvantage was getting a good education. She also told young Arthur, 'It doesn't matter what they call you, unless they call you late for breakfast.' Artie said, 'We always had to defend ourselves at some stage.' As a 16-year-old, he fought for the Darling Downs light heavyweight boxing championship, losing on points.

He copped racism on the field, but it did not worry him too much—he felt it said more about the racist than it did about him—although he was sent off 10 times in Sydney alone, often because he was reacting to taunts. He fell out with Rugby League officialdom towards the end. They overlooked their debt to him, which they still speak about and which they now appear to be atoning for. Though dubious rule changes and the Super League war tortured the game, Artie still thought it was the greatest game of all, and that never changed. John Quayle recently stated: 'I'm sorry, Arthur, you were right on many occasions. The desire to help so many kids in the country regions was a passion and we should have done more.'

As with his trademark offloads on the footy field, Arthur had mastered the beautiful act of giving. The modest Beetson was still mentoring Redfern camps only months before his death, and he was the Indigenous ambassador for Centrelink. He recently visited Darwin. In a single day, he spoke at the Child Protection Week launch, visited the juvenile detention centre, spoke to Catholic Care workers about men taking a stand against family violence and child abuse and then was guest speaker at the Northern Territory Rugby League awards night. Tipped to become a jockey as a weedy kid, both his and the horses' fortunes changed as Artie's idea of a balanced diet was a pie in each hand. His son Brad Beetson said that Arthur joked that he was going to get low calorie pies. The British parliament recently honoured Arthur by tabling a motion recognising his outstanding achievements, not just as a player for Hull Kingston Rovers in the 1960s, but for his great contributions to team building, sporting greatness and in recognition of the importance of his mentoring work with the Indigenous community.

Arthur Beetson died following a heart attack while riding his bike on the Gold Coast. He was 66. It is my honour to speak in the Senate to commemorate the remarkable life of Arthur Beetson. I extend my deepest sympathy to his family and friends. Tomorrow I will move a joint party motion from all sides of politics for Arthur's outst-
arding contributions to the nation's sporting and cultural ledger. Thank you, Arthur, for making rugby league such a great game. Your talent in sport and life was uplifting. It is very sad that you died so young.

On another matter, I would like to inform the Senate of the unique work of the Sydney Street Choir. Its activities with homeless people and its artistic output are inspiring. The Sydney Street Choir is the longest running choir program for homeless and disadvantaged people in Australia. Hundreds, maybe thousands, of disadvantaged people have learned new social and musical skills and had their hopes uplifted by this wonderful choir. Last year the Sydney Street Choir, similar to Melbourne's Choir of Hard Knocks made famous by an ABC television program, celebrated its tenth anniversary. In 2008 Sydney Street Choir was runner-up for the best program for the disadvantaged at the national Music in Communities Awards. Each year the choir stages a major concert. Last year's wonderful performance at the PACT Theatre in Erskineville can now be enjoyed on the choir's third album, *Into the Light*.

I congratulate PACT Theatre for the generous assistance they provide to the choir. Over the past decade the choir has received no government assistance. There has been some local council funding. James Paul, the director of the choir, has said they survive mainly on donations and corporate sponsorship. The choristers live or work in homeless or disadvantaged communities, mainly in Sydney's inner west and the city. People associated with the choir describe how the singing and other activities of the group boost self-esteem among its members. This is a heart-warming story. The people involved speak about the positive self-expression it gives them so that they feel more connected and they look out for each other. Mary Jane Leahy—one of about seven musical volunteers who generously give their time, usually weekly at rehearsals and performances—has spoken to me with great passion about how much she has learned from working with homeless and other disadvantaged people in the choir. Mary Jane told me that the choir focuses on what people are good at and explained how she has learned of the enormous talents of homeless people that are rarely recognised or valued. Mary Jane said that she is keen for people to understand that the fact that people are disadvantaged does not mean that they lack talent. She reminded me that the choir is always looking for government funding and that people in the choir come from many different walks of life. The Sydney Street Choir Foundation is a registered charity with tax-deductible status. I understand that they would appreciate donations.

**Banking**

Senator MARSHALL (Victoria) (19:33): I rise to speak today about worrying developments within the Australian banking industry. Traditionally at least, bank lending provided civic benefits that went further than the simple provision of credit, but modern banking practices have since undermined much of the social utility that Australian banks once provided. The unfettered pursuit of market share by our banks has led to unhealthy practices focused on increasing private debt.

Prospective borrowers, who have traditionally looked to the banks for financial advice, must now be more cautious than ever as many bank workers are paid commissions on the sale of bank products. Meanwhile, we see unsolicited mail offering pre-approved credit cards to the unemployed and other financially vulnerable Australians. It is clear from this behaviour that the big four banks are abandoning their prudential standards and reneging on their social contract. At its
extreme, it is this kind of behaviour that has led to the US subprime mortgage crisis.

Australia's big four banks now control more than 75 per cent of bank assets between them. Furthermore, modern payroll systems mean that, even before loans are taken into account, bank account access is essential infrastructure. There is something to be said for individuals having the right to make their own financial decisions, but in practice the oligarchic nature of the Australian banking industry is such that Australians have little choice. In this atmosphere, Australians are right to expect their government to represent their interests, despite the industry's protests. The arguments that banks make against government intervention in their sector would carry a lot more weight if they were applied universally. But the eagerness of the big four to take advantage of the government's bank deposit guarantee shows that this is not the case.

Australia's big four banks need to understand that if they cannot be trusted to regulate themselves, if they abandon their societal obligations in the pursuit of insatiable avarice, they are inviting increased government regulation. And let me tell you, despite what many in the Liberal Party might have you believe, well-informed bank customers in Australia are far more concerned about moral hazard than they are about sovereign risk.

I believe in a strong Australian banking industry. I want our banks to be healthy and to make profits, but I find it hard to sympathise with banks that cry poor when their combined profits exceed $24 billion, as was the case in 2011. In the context of these figures, it simply does not stack up when banks say that they are unable to pass on Reserve Bank interest rate cuts in full or that they are sending Australian jobs offshore out of necessity. It is also worth noting that the combined income of the chief executives of the big four banks was over $28 million in 2011.

But it is really this point that has moved me to speak today: 3,300 Australian jobs were cut by the big four banks last year and another 7,000 are expected to go in 2012. I understand that the banks, like other companies, have an obligation to their shareholders to make profits. I have some sympathy for this view. After all, bank investments provide a significant source of income for many of Australia's self-funded retirees and, as the banks are quick to point out, many more Australians benefit from bank profits indirectly through their superannuation. But a company's responsibilities to its shareholders extend beyond the provision of dividends and capital growth; they include a responsibility to conduct business in a manner that the shareholders approve of. Perhaps I have a little too much faith in the goodness of human nature, but I just cannot see these investors—these mum and dad investors that the banks like to tell us about—wanting to send Australian jobs offshore, and I am certain that these mum and dad investors would not approve of these workers being forced to train their overseas replacements before being sacked. That is what is happening in banks today. It is appalling.

This kind of treatment is not just a matter of finance; it is a matter of respect. It is not enough for these callous financial leviathans to simply sack their loyal staff. Instead they wring out their last shreds of dignity before sending them on their way. It defies belief that they have the nerve to do this during a period of ongoing record profits.

Thankfully, there is one bank amongst the big four that has committed to retaining Australian jobs. The Commonwealth Bank, set up by the Fisher-led Labor government just over a century ago, has a stated policy
against the offshoring of Australian jobs and deserves to be commended for this fact. It begs the question: if the Commonwealth Bank can afford to keep jobs in Australia whilst maintaining record profits, why are hundreds of Westpac employees expected to lose their jobs this year? If smaller lenders like Members Equity and Bendigo Bank can keep jobs in Australia despite having less access to low-interest loans on international money markets, why will hundreds of ANZ’s Australian employees be made redundant this year? Why are big Australian banks pursuing this strategy when their return on equity greatly exceeds that of their major international competitors?

Australia’s banks, which share their risk with the Australian public and which turn to the Australian government to support them in times of uncertainty, have a responsibility to employ Australian workers, many of whom support the bank industry with their mortgages. And this is really what is missing here: the acknowledgement that, surely, banks have an obligation to the people they make their extravagant profits from, the people who may well be left carrying the can in the event that we ever have a mortgage crisis of our own.

When the Commonwealth Bank was first established by the Labor Party, it was partly in response to unbearable industry greed of the day. Despite the protestations of industry spokespeople, the fact remains that there are many features of the banking sector that differentiate it from other industries and make it worthy of special consideration by the government. Only recently, the government has passed legislation to allow greater freedom for Australian bank customers who have previously been locked into financial arrangements with unfair exit fees. It is my hope that Australians will take advantage of this new freedom to support their community and not just buy Australian but bank Australian.

Last week I chaired a committee hearing for an inquiry into the exploitation of outworkers in Australia’s textile, clothing and footwear industry. In this hearing I pointed out that had the industry been responsible enough to police themselves in the first place the government would not need to consider increasing regulation or changing laws. Australia’s banks should heed this lesson and acknowledge that just as clothing manufacturers have an obligation to the workers that are exploited for their gain the banks have a reciprocal obligation to the Australian society they depend on and that supported them through a time of financial crisis. If the banks are truly concerned about preventing further government intervention in their industry sector then they would be well advised to desist in their blinkered race to the bottom. The immediate termination of offshoring practices would make a good start.

**Bingara Living Classroom**

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (19:41): I would like to talk tonight about a program planned in the small town of Bingara in north-west New South Wales. I will declare an interest: Bingara is a great little town. It has a magnificent local independently owned newspaper. I have to say that because my wife owns the newspaper and I could not say anything else! Bingara has a lot of Greek heritage, including the Roxy Theatre. Those magnificent Greek immigrants that came to Australia many years ago set up the Greek cafes and so on. The Roxy Theatre has been restored, and so has Peters Café, a part of the Roxy Theatre building complex.

But I want to talk about a new program. Mr Acting Deputy President Back, I think
you will be very interested in this. It is called the Living Classroom interpretive centre. If you ask, 'What's a living classroom?' that is a justifiable question. It is about setting up 140 acres on the common in the town of Bingara and it is about regenerative farming—looking after the soil by building the soil's nutrition through composting, having water running the right way into lakes and making sure there is no soil erosion.

The plan is simply magnificent. It is the result of a group called Vision 20/20 led by people such as Rick Hutton, a well-known local identity, and Garry McDouall. It is supported by the Gwydir Shire Council under general manager Max Eastcott. They have decided that their town is not going to die. They have simply said, 'Enough is enough.' They were not going to let Bingara die, so they formed Vision 20/20, which is all about regeneration. Many other local business people and community representatives have joined them.

Bingara, as I have mentioned, is almost world famous for its Roxy Theatre and it is a big producer of agriculture. The agriculture industry in the Gwydir Shire is well known throughout Australia. There is wheat, barley, sorghum and cotton and several feedlots. There is a huge cattle industry and a sheep and wool industry with mutton and fat lambs. So they are now launching this program called the Living Classroom and I attended a forum there supported by many people. What is the living classroom? The centrepiece is the interpretive centre. The interpretive centre will provide ongoing education programs for students and professionals as well as key organic infrastructure such as a market food garden, food forestry, and sanctuary gardens and pathways. Major earthworks are near completion, including an innovative series of swales, which feed a system of lakes and ponds, hydrate the arable production areas and address longstanding stormwater problems. The bunkhouse student accommodation is near completion, as is the purpose-built trade training centre for agriculture, which enables extension learning opportunities for school students, particularly in this area. One of the things they are going to concentrate on is composting. Mr Acting Deputy President, with your experience in rural Australia, you know how we have poured chemical fertilisers into the soil. Many chemicals are used today to control weeds and, of course, they have increased yields. But can it go on forever? We hear a lot about Nauru. I have never been there but I have heard that it is now just a big phosphate quarry due to the world demand for phosphate. When I first started in the Senate, I was on a committee that looked at what we are doing in Australia with recycling. From memory, in Belgium there is about 32 kilos of waste per person a year. In Australia it is about 130 kilos. But 60 per cent of our waste is organic and can be made into compost. What we need to do is use that organic waste and put it into compost. Mr Acting Deputy President, you yourself know what compost does for soil. These are some of the programs that will be initiated and instigated in the Living Classroom program.

I have mentioned the Roxy Theatre and how Bingara is such a go-ahead town. Over my lifetime I have seen many small towns battle, dwindle and wilt on the vine. But Bingara is a really go-ahead town. It is situated on the Gwydir River—and there is plenty of water in that system at the moment with all the rain up there. This whole program is dependent on funding from Regional Development Australia. They are next on the list. Let us hope that funding is forthcoming. The Living Classroom program will provide a valuable and much-needed central location for regenerative agriculture learning, and the program can be easily
integrated to leverage opportunities of significant construction milestones for the interpretive centre and overall site works and other relevant events such as the Bingara Orange Festival and Myall Creek Memorial.

This is about learning as you go. They have taken 140 hectares in the local common. I can tell you it is not the best soil in Australia. It is not like the deep, rich, black soil out at Moree—which is obviously very wet at the moment as well. But, by adding compost to the soil and building up the nitrogen and trace elements and looking after it, you can turn it into far better soil. It will have water ponds. One of the things they will be looking at is fish farming. We know that the number of fish in the seas has dwindled over many years of professional fishing and, to some degree, ordinary fishermen having a go with a line. The human demand for fish as a food supply for us is very high. They will learn a lot about fish farming. They will learn many things as they go along. They will probably learn a lot through mistakes—and so much has been discovered and learnt over our lifetimes from blunders and mistakes.

This is a really good initiative that will be an example to rural areas throughout Australia, and I am sure they will have visitors from around the world coming to look at this project and what they have learnt, what they can do and how they can look after the soil and look after the land and grow food. We know there will be huge demand for food coming in the future as the world population grows. This is a tremendous initiative. It has already kicked off, but if we can get this government funding to progress it further then we are going to learn so much about this whole project. It is going to educate so many people. It is going to teach us how not to do things.

We know we have made many mistakes on our farms over the years. We know that we have overfarmed in many instances. It is simply because farmers are trying to make a living. They are not making enough money, so they are forced to crop their soil too often, perhaps year after year. This is one of the problems we face in this country. We have great farmers who want to be green, but so many of them are too far in the red. And we know why. It is because of the costs, the droughts, the floods, the low commodity prices and the tremendously high interest rates of the early nineties. We must see our farmers making a good living, and then they can look after the environment better.

I know this Living Classroom program is going to be a wonderful initiative. We are going to learn so much out of it, and the people involved are going to teach people what to do. We have got the Catchment Management Authority, Gwydir Shire Council, TAFE and the University of New England involved. Community organisations such as the local Lions Club were present at the meeting last week supporting it, and we have industry development partners and the agricultural sector involved. I think this will be a showpiece in years to come of what we can learn about our soil, what we can grow in our soil and how we can look after our soil, using many natural elements and not relying on chemicals so much.

The enthusiasm of the community is just magnificent. They have made a start. The earthworks are being done, and they will build the lakes. It will be 140 hectares of land that will be some of the most productive land in the future. I have no doubt about that. Because of the enthusiasm of the Bingara community and with the support of others, and especially if they can get some Regional Development Australia funding, this is really going to be a goer. It is going to be a showpiece. This is going to be simply a
display of how many farmers will follow this into the future and what they will do. It will educate so many of our young farmers and present farmers, and it will be a showpiece of what to do for sustainable farming around our country and right around the world.

I wish them all the best. I congratulate Bingara; it is a really go-ahead community. And I thank the Gwydir shire. The adult learning centre at Warialda has been a magnificent success. Bingara and Warialda are the two towns that make up this shire of 5½ thousand people, and they refuse to sit down, let life go by and see things wilt on the vine. This is a forward-thinking program that is going to deliver so much, not only for their local community but also for our country. As I said, international visitors will come to look at this place in the future and learn as well. I wish them all the best with their program.

Wind Farms

Senator MADIGAN (Victoria) (19:51): As many of you may be aware, I have been holding wind farm forums in several states. Tonight I want to talk very briefly about those forums and the stories of those who attended them. Several weeks ago I held the first of the public forums in Clare, South Australia, and last week one was held in Buninyong, outside Ballarat, in my home state of Victoria. I will be holding one in Yass next Monday, and have plans for further public forums in Victoria, South Australia and Western Australia. The forums are based around the seven recommendations made by the Senate inquiry into the social and economic impacts of rural wind farms and give the people who are living in high-density wind farm areas a chance to air their views and tell their stories. It also gives those who work on and support the wind farms a chance to express their opinions on these matters. To date, the impact of the forums has been overwhelming. The forums have been well attended and informative, and reports of them have drawn requests from residents in other states who want their own forums and the chance to express their concerns.

I am not holding these forums to promote my personal or political opinions; I am holding them because I have been approached by people from across this country who want to express concerns that the wind farm inquiry has become a forgotten issue. Almost 100 per cent of the people who have attended the forum have been less than enthusiastic about the wind farm industry. I have heard stories of adverse health effects, stories of adverse environmental effects, stories of community rights ignored, stories of bullying by wind farm companies and stories of those who have simply had to get themselves and their families away from the turbines that have been built nearby.

If the seven recommendations of the Senate inquiry were implemented, including the recommendation for further health studies on the effects of wind farms, I believe that many of these stories could have been avoided. If the recommendations were put in place, perhaps men and women would not have to abandon their homes because they are unable to spend one further minute listening to what they have called 'unrelenting noises' penetrating the walls of their homes.

The forums that I have held are bringing more and more disturbing stories to light. Yet it seems that the wind industry is the golden child of the Australian government—above reproach or criticism. I am all for renewable energy. When an energy source produces enough energy, when it does not damage the environment and does not drive families out of their homes, I will stand
behind it. The wind farm industry is yet to prove that it does any of these things.

**National Space Policy**

Senator GALLACHER (South Australia) (19:54): I rise tonight to speak about the importance of getting students involved in science and maths, and I hope that these students will move into a career in space science. Last year I had the pleasure of representing the then Minister for Innovation, Industry, Science and Research, Senator Carr, in launching a program of Flinders University called Project21. Project21 has been a beneficiary of the Labor government's vision for national space policy. This vision was given greater attention after the report of an inquiry into space by the Senate Standing Committee on Economics, chaired by former Senator Annette Hurley from South Australia, who was a passionate advocate for space science.

The report considered options that would allow Australia to be more involved in space policy. It looked into Australia's capabilities within the industry, it looked into our science education and it proposed recommendations that would benefit the industry. To the credit of former Minister Kim Carr, he has taken this on board and has also been a passionate advocate who has put a lot of effort into advancing Australia's space sector. Recently the Labor government has established initiatives such as the Space Policy Unit, the Australian Space Research Program, a dedicated website at www.space.gov.au and the Space Industry Innovation Council, and it has undertaken an audit of Australia's space activity.

We recently saw the release of seven guiding principles for the development of a national space policy. This will set the framework for the policy and ensure that a vision is set in place for future generations who want to work in the space industry here in Australia. I trust that the work being done now will continue Australia's progress in the space sector and provide greater opportunities for the many young people who are interested in space science and those who will benefit from space technologies.

Following the Labor government's commitment to the space science industry, the government is stepping up its contribution in all areas of the industry. Part of this contribution is getting students involved in science and maths. Flinders University has received around $1 million from the Australian Space Research Program for the project titled Place and Space: Perspectives in Earth Observations—or, as named by Flinders University, Project21.

Australia's space industry employs more than 8,000 people and there is great potential for this to grow. This program is an excellent way to build the next generation of scientists and engineers who can move into the space science field and benefit from the use of satellite and other space technologies. The project, which is supported by many organisations and government bodies, will look to use data observation technology to allow students who are interested in science and engineering to focus on science in their SACE research project. This will attract students to research issues that are meaningful to them. The data will be obtained from high-tech aeroplanes and instrumentation as they plan missions and analyse results.

The aim of the project is to get hold of students who are interested in science, maths and engineering whilst they are still at school and to expose them to real projects so that they may consider turning their interest into a career. The research project will appeal to students who are interested in space science and engineering and it will benefit students who are interested in important real-life issues. For example, students can conduct
research in precision agriculture, the controlling of feral camel populations, Indigenous archaeology, thermal efficiency of homes and bushfire risk management.

The SACE Board of South Australia sent out a media release on the launch of Project21 on 27 September, highlighting Craigmore High School student Morgan Purdy's desire to make a career in biology. She said:

“I got involved in Project 21 to be more prepared for the Research Project, as I'm interested in a career with a focus on biology.

“I’m researching the management of Port River dolphins, using thermal imagery to detect the surface temperature of the water to determine whether the dolphin’s habitat changes from winter to summer.”

I am very pleased that this is an avenue for students like Morgan to further their interest in their desired career path. The director of Project21, Professor Martin Westwell, has great hope that these students will progress into a science, maths or engineering career and become those very high-skilled individuals that we are demanding not just in the space industry but also in other technological areas. Professor Westwell believes this program, through the use and demand of our space technologies, will generate the next generation of scientists, who may even tackle many of the wider issues that have arisen such as the impacts of climate change. In reality, the options are endless with many differing areas where these students can progress into working within or in conjunction with our space sector. It is also important to recognise the significant contribution that these students will be able to make to our economy if they continue into a career in space science. It is not about putting man on the moon, but about real value—for example, productivity in agriculture, measuring levels of carbon dioxide, or even bushfire risk management. This is where our future lies—that is, in high-tech, high-skilled space technology, science and engineering industries that will play a part in our daily lives.

The Labor government recognises the enormous economic value of space and how these programs can inspire students to take on space-related careers in science and engineering or to utilise the technology. For example, in terms of economic value, earth observations from space are considered to be the single most important and richest source of environmental information in Australia. It is estimated that earth observations yielded at least $3.3 billion in economic benefits for the Australian economy in 2008-09. In the agriculture, mining and construction industries, the gross benefits of space technology are predicted to range between $829 million and $1.5 billion each year. Looking specifically at PNT technologies—that is, precision, navigation and timing technologies for tasks such as asset mapping—between $435 million and $870 million per annum and capital saving costs of up to $2.3 billion are made. This shows the real value of earth observation technology in many scientific areas. Thankfully this Labor government, through the Australian Space Research Program, will provide an avenue for students to get involved in science. The opportunities in space science technology will always remain strong, because without it we would not be able to use GPS technology, communicate through modern technologies or obtain data for environmental observation.

It is pleasing to note that South Australia is considered a future centre for space science. Getting kids to look at a career in space science could lead us to a new wave of innovative technology that will make our day-to-day lives more efficient. Technology development will have the potential to increase our GDP. For example, GPS-like technology could raise our GDP by
somewhere in the region of $6 billion to $12 billion by 2030. For a farmer or a mining company, GPS technology will allow precision technology to play a greater role in their operations, considering the technology has the potential to have an accuracy of two centimetres. Furthermore, satellite technology will continue to play a huge part in global communications. This is an industry currently worth over $90 billion globally.

Project21 will continue to inspire the imagination of young people and provide these students with the pathway to a career. Perhaps one day they will be part of a world-leading technology. I know this Labor government is committed to supporting the development of Australia's skills and capabilities in industries of the future such as in space. I once again congratulate Flinders University on receiving this grant, as their efforts in this program will produce the next batch of scientist and engineers who will work in space science and other areas of national significance.

Defence Equipment

Senator HUMPHRIES (Australian Capital Territory) (20:03): I want to dwell for a while on a very important part of Australia's future defence requirements—that is, our need to create a new submarine to replace the Collins class submarine, which is approaching the end of its useful life. This is not the place or the time to dwell on the debate about the wisdom of the Collins project and how well it has served Australia's needs. It is rather the time to focus on determining what should replace it as, in the next decade or two, the Collins submarines ceases to be effective for Australia's defence needs.

I have to say that a rising sense of alarm greets many people in this country when they look at the progress the present government is making on finding that replacement iconic submarine. I call tonight on the Minister for Defence to show leadership and genuine commitment to progress this vital defence capability project, which is so important to our national security.

A threshold question in determining what Australia might need by way of a future submarine is: what exactly should that submarine be able to do? Defining what you are going shopping for is pretty important before you actually hit the shops. The government purported to answer those questions when it published its Defence white paper in 2009 in shaping this defence force for the future to be called Force 2030. It talked about preparing for the Asia-Pacific century: an era of diminishing US primacy, in this part of the world at least, and a time when Australia would need to develop a more potent defence force able to contribute to regional and global military contingencies. As a result of that defining of what Australia needed, it determined in that white paper that Australia should acquire 12 new non-nuclear submarines, which would be assembled in South Australia. These boats were to be bigger than the Collins class submarines, with longer range and an ambitious array of capabilities built into them. That is all very well and I do not seriously take issue with what the government set out to do at that point. What I do have concern about is that, three years after the white paper was issued and more than four years after the Labor Party in opposition flagged its intention to build submarines in this country to replace the Collins submarines, we still do not have a meaningful beginning of this project. We still do not know exactly what this project will look like or when it will begin. Given that the submarines are a pivotal part of our naval capability, indeed of our entire defence of Australia capacity, that lack of decision is of great concern.
Why there is a failure to make this seminal decision is hard to say. It is a decision which is obviously important for the defence of Australia; it is a decision which is important for Australia's defence industry; and it is a decision which is particularly important for South Australia. Could it be anything to do with the fact that the Prime Minister who made the decision to build 12 submarines, Kevin Rudd, had a strong personal interest—and still does—in foreign affairs and a geopolitical sense of what the submarines could provide and he has been replaced by a Prime Minister who, on her own admission, does not have a great interest in foreign affairs and perhaps is not so pressed by the need to make a decision on this important foreign affairs and defence capability?

There has been much debate about what kind of submarine Australia needs to be buying or building. There have been many important discussion papers and, indeed, there are a number of options available to Australia if it were to choose a so-called off-the-shelf option for replacing the Collins submarines. The Spanish produce a submarine built by Navantia, which is presently building Australia's LHD platforms. There is the French Scorpene class submarine, of about 1,900 tonnes, which is already in service in other navies. The Germans have the HDW Type 212/214 submarine, which boasts an air-independent propulsion. It is also about 1,900 tonnes in displacement. The Japanese make a submarine, the 4,200-tonne Soryu class. It is the largest conventionally powered submarine currently in service and, on the face of it, might present an interesting option for Australia were it to choose to buy such a submarine. And, of course, in the area of nuclear submarines there are options from countries such as the United States—the Virginia class, for example—and elsewhere. However, the government has indicated some preference for building an Australian submarine, whether to a foreign design but certainly Australian built.

'Son of Collins' will be a major technological and financial challenge for Australia, costing, without question, many billions of dollars. But the fact that at the beginning of 2012, having flagged the need for a decision about such a submarine project more than three years ago, we have not progressed to the next stage and decided what we should do next is a matter of great concern. Obviously if, for example, we were to purchase a submarine off the shelf, even for platforms proven in service there would be a significant amount of time to actually acquire those submarines—they are not literally off the shelf; they have to be built to order, as it were, from an existing design. If we were to design and construct future submarines here, we are presented immediately with a very serious capability problem. The head of the Future Submarine Project said at last week's Pacific 2012 conference in Sydney that even if we made the decision today we are unlikely to have the first boat in service for an Australian constructed submarine before 2033, which is generally accepted to be well beyond the life of the present Collins submarines. And, of course, the longer we project the creation of a new submarine option into the future, the more, with the ending of the Collins project, we suffer a withering of industry and technical skills needed to sustain either the maintenance or the building of a new submarine. Those skills are particularly important in looking at how we ensure a continuous capacity to maintain shipbuilding in this country.

When a project finishes, whether it is a ship or a submarine or anything else of major specialty, we lose naval architects, engineers, welders, all sorts of specialist tradespeople, who have no other job to go to. This is
particularly the case with respect to submarines. There are no private sector submarines being built anywhere in the world. People with those skills often have to go overseas if they want to work in that area in the future, and we lose that capacity, almost certainly permanently, from Australia. That is why this government needs to make a decision. The Minister for Defence has indicated that he will be taking a submission to the National Security Committee of cabinet in the first quarter of this year to progress this project. I sincerely hope that he does, because any further delay in this decision would be, frankly, disastrous for Australia's future defence capability.

Good work is going on on the Future Submarine Project, but it needs a commitment by the government and also, I suspect, it needs more money. I call on this government, particularly on this minister, to make a clear commitment to this project soon. My colleague Senator Johnston, the shadow minister for defence, speaking at the Submarine Institute of Australia in Adelaide late last year, called on the government to commit significant resources to this project without delay. I repeat that call here tonight. The minister must show leadership and commitment on this important project, which will be easily the biggest defence project in our history, for the sake of national security, for the sake of certainty, for the sake of sustaining a viable and strong Australian defence industry and the future of our nation generally.

Safer Internet Day

Senator BILYK (Tasmania) (20:13): Today, 7 February, marks Safer Internet Day. Organised by Insafe and held in February each year, Safer Internet Day is an annual international event to promote safer and more responsible use of online technology and mobile phones especially amongst children and young people across the world. Insafe is a European network of awareness centres promoting safe, responsible use of the internet and mobile devices to young people. It aims to empower citizens to use the internet as well as other online technologies positively, safely and effectively. Since 2004 Safer Internet Day has spread to 74 countries worldwide with thousands of people involved in events.

The theme for Safer Internet Day 2012 is ‘Connecting generations and educating each other’ as conveyed by this year’s slogan: Discover the digital world together ... safely! The theme and slogan recognise that one of the most important things that families can do to understand the online environment is talk to each other about how they interact online. It is an idea each of us needs to take forward into this increasingly interconnected world.

In Australia this event is supported by the Australian Communications and Media Authority's Cybersmart program. The ACMA Cybersmart program provides engaging, informative and fun resources to facilitate discussion across the generations about the online world. Cybersmart has a number of key messages for schools, libraries and families on today's Safer Internet Day. These are: talk about online safety with all members of your family and especially your school community; protect your privacy; check your privacy settings and update your software; and, to educate yourself about the online world, check out the Cybersmart resources.

Talking about online safety is a vital role that parents and grandparents need to perform to keep young ones safe when they are online. Kids and teens have never known a world without the internet, while parents and grandparents are often struggling to keep pace with ever-changing technologies. To
bridge this digital cultural divide and gain a better understanding of what the youngsters in their care are doing online parents and grandparents need to raise important questions such as: what are the sites that you use the most? Do you use social networking sites? Do you use the privacy settings, and how? Are you friends online with people that you do not know in the real world? And, finally, what would you do if one of your online friends wanted to meet you in person?

Another important aspect of participating in the online environment is to ensure that privacy settings are correct. The 'Easy Guide to Socialising Online' was recently launched by Prime Minister Julia Gillard and the Minister for Broadband, Communications and the Digital Economy, Senator Stephen Conroy, and provides information to help parents, children and educators combat cyberbullying and inappropriate content online. The guide provides cybersafety information including privacy settings for 26 social networking sites, search engines and online games, including Facebook, Twitter, Google and World of Warcraft. Setting correct privacy settings is one of the easiest and most effective ways of keeping yourself and your children safe online. The guide also gives step-by-step instructions on how to report cyberbullying, abuse and inappropriate content on these sites. It provides clear information for parents, educators and young people on how to adjust safety and privacy settings on websites as well as provides tips on how to stay safe when using any social media site.

The guide is part of the government's $125 million cybersafety plan and has been developed following advice from the government's youth advisory group on cybersafety and in close collaboration with the consultative working group. I am pleased to report that the guide received around 21,000 page views within the first week of operation.

For Safer Internet Day, the ACMA's Cybersmart program is offering schools across Australia the opportunity to participate in two nationwide activities, Cybersmart Hero and Cybersmart Networking. In keeping with the Safer Internet Day theme 'Connecting generations and educating each other' schools are encouraged to invite parents and grandparents to participate in the activity together with students.

Cybersmart Hero is an online activity that teaches children about cyberbullying in a protected environment. Students work online and in real time liaising with community professionals to respond to a cyberbullying issue. The aim of the program is to educate and empower students to make informed decisions in real life situations. In the activity students play the role of a bystander who becomes aware of a cyberbullying problem at school. Students ultimately become concerned about the welfare of a fellow student who is the subject of some targeted bullying through electronic media such as texts, emails, chat rooms and social networking. As the scenario unfolds the students are required to discuss the issues and make decisions about the responsible course of action. By the end of the activity students will be familiar with the issues around cyberbullying and how to respond to those issues if they are ever faced with similar situations.

Cybersmart Networking is an innovative online activity that teaches children about social networking, once again, in a protected environment. I was pleased, last year, to launch Cybersmart Networking at St Aloysius Catholic College in Kingston, Tasmania. The activity has been tailored to provide new social networking users and those who will shortly be venturing onto this
space with real experience of what can go wrong and how they can prevent it. Students work online in real time with community professionals and are taken through a series of issues they may experience when connecting through social networking programs. In the activity a tight-knit group of friends set up a secret social networking group sharing comments about others, personal information and photos with anonymity. Things get out of hand when others get access to the group and the original members are faced with the consequences. As the scenario unfolds the students are required to discuss the issues and make decisions about the responsible course of action. By the end of the activity students are familiar with the issues they may face in the online social networking environment and ways in which to avoid them. Students that I spoke to about the activity were impressed with the way the program made them really think about what they put online and about how they interact with others in the online environment.

The ACMA has also released a number of other resources for children of different ages. A guide to online safety has been released which contains age appropriate strategies to help keep young children, tweens and teens safe online. For children between the ages of five and eight, the Hector's World website can show children how to use their computer, the internet and the telephone safely. For children between the ages of seven and 13 the CyberQuoll website shows the pitfalls and triumphs of being cybersmart on the internet. In six fun cartoon adventures CyberQuoll gives helpful hints and tips for staying safe. For teenagers aged 14-plus the DVD Tagged shows the consequences when a group of high school friends post a rumour about a rival which sparks a chain reaction that leaves no-one untouched. The DVD touches on issues of cyberbullying, sexting, filmed fights and the ensuing police action in a way that the target audience can really relate to.

To provide further help to families to stay safe online ACMA also operates a hotline which investigates reports by Australian residents about illegal and offensive online content. To help everyone take part in Safer Internet Day 2012 the ACMA has developed other interactive activities and resources. People can look at them at www.cybersmart.gov.au. These include lesson plans, a poster, videos and positive actions that families can take to stay safe online. All Cybersmart resources are available free of charge and can be downloaded, viewed online, or ordered via the Cybersmart order form or over the phone.

More information about Safer Internet Day, including promotional materials and resources, can be obtained from the Safer Internet Day website or from the Cybersmart website. Safer Internet Day provides us all with an opportunity to look at the way we are participating in the ever-changing online world. It reminds us to check our privacy settings and adjust them to take into account changes in social media sites. Finally, it encourages us to talk with those around us, in particular the young, so that we can learn about the risks associated with being online and also learn from each other.

Murray-Darling Basin

Senator McKENZIE (Victoria) (20:23):

The Murray-Darling Basin draft plan consultation period ends in 68 days. This iteration of the proposed plan was released on 28 November 2011, with a 20-week consultation period set for submissions to the Murray-Darling Basin Authority. The next public meeting in Victoria will be in Mildura this coming Friday, 10 February, followed by a meeting in Swan Hill on 22 February. Sadly, the Murray-Darling Basin Authority
has not scheduled a forum in Bendigo, the largest population centre in Northern Victoria. In fact Victorians, as a whole, thus far have had only one meeting—one community consultation, and that was in Shepparton last year—despite over one-third of the consultation period having gone. So what a relief, particularly to Northern Victorians, that another two meetings have finally been scheduled.

The Murray-Darling Basin Authority is planning to take 2,750 billion litres of water from Victorian irrigators and about 15,000 jobs from Victorian regional communities. Northern Victoria produces more than one-third of Australia's food. The Goulburn Valley alone provides nearly 20 per cent of Victoria's agricultural production, and 80 per cent of this production is only possible as a result of irrigation. The region is seeing signs of recovery for the first time in many years after a sustained period of drought punctuated by floods. These communities are concerned that their recovery will be threatened by a federal government that does not understand how we live and work in regional Australia.

While January is often an opportunity for some down time—and I must admit I did take advantage of a terrible camping trip full of rain and wind down on the coast—I used the summer break also to visit many of the large towns that will be affected by the Murray-Darling Basin draft plan, starting in Mildura up in the north-west of my state and going right along the Murray and ending up in Wodonga. During this time I had the opportunity to hear firsthand the views of industry, community leaders, food producers, businesspeople, students and our local mayors. These were not stage-managed events where communities say the same things they have been saying to bureaucrats for years, but honest and open dialogues where they did lots of talking and I did lots of listening. We went to 14 towns in about 14 days. In between Mildura and Wodonga, there were iconic centres such as Swan Hill, Wycheproof, Charlton, Serpentine, Echuca, Cobram, Strathmerton, Wangaratta, Horsham, Beechworth, Wodonga, Milawa, Yarrawonga and the place where I spent some time growing up, Benalla.

The message was consistent right across the community: the Murray-Darling Basin draft plan was causing social and economic damage throughout Northern Victoria and leaving the remaining producers with heavy financial burdens. Many spoke of the need for investment in on-farm and community infrastructure and the measures needed to secure communities. They asked for improved certainty to support broader investment and there was much concern about the devaluation of assets—in particular land—and the possibility of reduced investor confidence, particularly in Central and Northern Victoria. And we have seen this just last week with the reports in the Age and the drop in house prices in regional Victoria.

There were various concerns about the current approach to water buyback and past approaches and their impacts. While many recognised that water is required for the environment—we all agree on that—the issue is about how much is required and how social and economic impacts are taken into account. Community members recognise the need for environmental flows—we all want a healthy river—but not at the expense of water that is needed for dairy farming, for fruit production and for the region's large food-processing industry. Irrigators were telling me that water should be secured from efficiency gains and that water for the environment should be treated in the same way as water for irrigation through water licence applications, and not as a separate category.
In towns like Stanhope and Tongala, I heard requests for water certainty so that these communities could grow and prosper, a certainty not provided by the draft basin plan, which fails to clearly explain how economic and social factors have been incorporated into its targets. There was major concern on how the government would provide the socioeconomic support. Those communities through a variety of ways have told me that they want the government to consider what constitutes fair compensation. These are iconic food-producing areas that have been built on the back of irrigated agriculture, where water is wealth. Now they are vulnerable communities facing an uncertain future.

As a senator for Victoria, I am urging local industry to put forward submissions to the Murray-Darling Basin Authority's proposed plan. This plan has to be about the people in Victoria and the communities, but that can only happen if they make their voices heard. I encourage regional Victorians to continue to explain their views to the water minister, Tony Burke, and, while it remains to be seen whether any changes to the draft plan will be made, it is up to our communities to be on the front foot and to put our views forward and engage in the process. No-one understands the importance of a sustainable river and the systems and environment more than the people living in it and with it. I encourage communities to emphasise the potential impact with their own stories and their own needs and their own data. A strong local voice needs to be included in any submission put forward. Last year it was the people and the strong opinions voiced right throughout the basin that made all the difference, and any drop-off in that intensity will give the impression that this latest plan has local approval. The scheduling of these community consultation meetings during harvest time particularly shows that for our horticulturists.

Our irrigators have just come through 10 years of drought, and the minister still cannot give them water certainty. It is critical that the final plan gives full and proper consideration to impacts on local communities, having regard to the region's vital role in the production and processing of food and other commodities reliant on a secure water supply. If communities are convinced that a plan will devastate regional towns or shut down Australia's food bowl, then during the consultation period in the next 68 days irrigators need to explain clearly to the minister what impact this will have on each of those communities. For example, the Wakool Shire Council is encouraging community members and other interested businesses to put their concerns to council for input and inclusion into its own submission. The shire mayor, Andrew Douglas, explained that residents have a real opportunity to voice their concerns as part of the consultation period and that council would be guided by community as to what to include in its submission. As Councillor Douglas explained:

Politicians on slim electoral margins, along with extreme minority groups, are not the only voice in the argument and we want to present the real stories of our communities that the authority and the Federal Government must hear before any further decisions can be made.

Council is encouraging people to communicate in writing during the next two months
with either general comments or more specific concerns and evidence, such as the impacts on small business, community groups and the irrigation district in general. Ideas around better management of the river and irrigation systems are also welcome, along with comments or suggestions on opportunities to assist the region through any adjustment period as a result of the plan.

The Shire of Campaspe—the great regional city of Echuca, with the paddle steamers, which I encourage everyone to get along and visit one day—is also in the process of examining the draft Basin Plan to determine its impact on the agricultural sector as well as its wider community, and is currently seeking comments from its citizens. The mayor, Kevin Simpson, said that councillors and staff attended both the Shepparton and the Deniliquin forums. Last year the Shire of Campaspe hosted a number of community sessions and asked for community comment and feedback. It is fantastic to see local councils doing what they do best, and that is that direct contact with communities. Mayor Simpson said:

We recognise the importance of getting the plan right due to its far-reaching consequences on many sectors of our community.

These are the issues of government and this is a government's core business, as we were saying earlier today. It is imperative that when the consultative process is complete Minister Tony Burke can say to the sceptical that they have a genuine opportunity to influence the Basin Plan, and that is the least that regional Victorians deserve.

**Centenary of the Brisbane General Strike**

Senator MOORE (Queensland) (20:33): Last week in Brisbane, on 2 February, unionists gathered in King George Square, which was known 100 years ago as Market Square, to acknowledge the centenary of the general strike. In 1912 43 unions gathered together in Brisbane in an unprecedented experience to combat the forces of an employer who refused to allow unionists to wear their union badges to work. Whilst that may seem to be a simple statement, the troubles around what was happening in the tram union in Brisbane had been going on for several years. There had been a history of disruption, but the final turn was when in late January workers from the tram union which had been formed actually went to their employer wearing their union badges and were turned away from their employment. That left Brisbane without public transport, a situation which was serious even then, and what happened from that time onwards—18 January through until 2 February—was action on the streets of Brisbane which included the wider community. In fact, though we have to worry about the accuracy of the press—even from 1912—when looking at the actions of unionism, we could see that the numbers were over 20,000 people on the streets of Brisbane on the day of 2 February 1912. When you do the calculation, that would work out to about one in five of the then population.

Not all those people were actively involved in the action; some were coming to see what was happening—as you can imagine, this degree of activity caused great interest. But we can see that people were prepared to stand up for their rights, and not only the immediate workers in the tram union but their comrades across 43 unions in the Brisbane trade union movement. And I am proud to say that at the forefront of this action were women workers—in particular women of the clothing workers union. As I have spoken about in this place before, Emma Miller, who has become known as the 'mother of Labor', was at the forefront on that day, as she had been consistently through the period leading up to that day.
She was there—73 years old, four feet 11½ inches and dressed in her Sunday best—at numerous public meetings, calling people to account to ensure that they understood what principles were at stake, that solidarity was important and that unity was strength.

In the period of late January leading into February, there was a concerted action, and there were different propaganda tools used at the time. A special union badge was formed so that people across the area would know what was going on. It was centred on the rail, tram and bus union of the day. The current union is the RTBU, but their forefathers—and they were forefathers, because there were no women in the tram union in 1912—wore their badges. But they also had special red ribbons that were available for anyone in the community who would be prepared to take part, and many of those ribbons were worn proudly by women who turned out on the streets. It was said that it was clear that these women were going to be involved and that they were not going to be the people who were concerned only about fashion; they were there to take part in the action.

As the meetings were taking place all across Brisbane—and it is almost impossible to understand how difficult it would have been to organise when you were in a city that was widespread and without public transport—the people who wished to be involved had to make extraordinary efforts just to get to the centre of town where the action was taking place. Mother Miller—as I said, 73—had to walk several kilometres before she could even get to the place where she was leading her women from the clothing workers union to be part of the process.

It had been building up. The tensions had been great. There were different media experiences, and there were quite a lot of media that did not support the trade unionists of the day. They were talking about anarchy on the streets of Brisbane. The then Premier of Queensland approached the Prime Minister of the day, Andrew Fisher, a Labor Prime Minister from Queensland, seeking support. Andrew Fisher did not support the Queensland government and their action to get specials onto the streets of Brisbane. Neither did he provide military support to the unionists. However, he did make a personal donation to the unionists supporting their action, so it seemed that there was no solidarity between the state and Commonwealth at the time on this issue.

On the morning of 2 February there was tension, as described in the media approaches, and people knew something was going to happen. There were various movements through the streets of Brisbane and the particular group of women walked up to Parliament House in an attempt to speak to the Premier of the day. They tried to speak to the Premier, could not have that conversation and then marched back down the main street. They were then subject to a direct charge from the mounted police of the day. It caused outrage that a group of between 300 and 600 women, depending on the media coverage, were charged by male police on horses.

On that day a special legend was created in Queensland, which has spread internationally. Emma Miller, there in her Sunday best, including her Edwardian hat, protecting the female clothing workers behind her, pulled out her hat pin from her hat. I will always believe she was attempting to strike the policeman on the horse. There were some who say she was aiming for the horse. I do not believe that—she was aiming for the policeman. The horse reared and the policeman was thrown off. The legend of the Emma Miller hat pin and this small woman defending the rights of women workers to protest on the streets was born.
We in the Queensland trade unions have maintained this legend and, as I have said before, we now have the Emma Miller Hat Pin awards, which we give to women unionists every year for their activities in their unions. We have been awarding these for 15 years. In Brisbane last week more than 30 of the almost 100 women who have received Emma Miller Hat Pin awards over the last 15 years were at the acknowledgement. They were there to prove that women unionists and workers were on the streets of Brisbane in 1912, where they were fighting for the rights of workers that day, and they are on the streets now if there is a need to fight for freedom and the rights of people—and they will continue to be so as required.

Emma Miller herself had a long experience of activism. She had worked tirelessly to ensure that women had the vote and was a proud suffragist through that process. She continued her work in the union movement, protecting the conditions of women workers and all workers—there were a number of extraordinary cases in Brisbane about equal rights and pay. One of the things we talked about last week was the fact that, on the day before we were gathered to look at the general strike commemoration, the Fair Work Australia decision on equal pay was announced. I could not help thinking that Emma Miller was fighting for that very issue in the early part of last century and we had finally achieved it. There was a moment for the raising of hat pins at that time. Emma went on to continue her fight for peace. She was an extraordinarily well-known peace activist during World War I. Continuing to engage with the community, if there was an issue where she felt there was inequality she would stand up and ensure that people knew the facts and were given the power and inspiration to take action.

In particular I acknowledge the work of the Queensland Council of Unions to ensure that the commemoration was able to take place last week. I acknowledge the work of Amanda Richards and John Battams from the Queensland Council of Unions, and Owen Doogan and Dave Matters from the Queensland Rail, Tram and Bus Union. They were able to talk with us about how important this 1912 action was for workers in 2012. They were able to show that during that process workers and the wider community banded together.

It is important to know our history, and I end with the point about the wonderful book Proud to Be a Rebel: The Life and Times of Emma Miller, which is one that I read and refer to a lot, written by Pam Young. It is the story of Emma Miller. We are having trouble at the moment getting the University of Queensland Press to reprint this book. This book has been sold out every time it has been put into print. Not only do people like me enjoy it and refer to it, but there are also many others. I encourage people, particularly at schools, to read it. Part of my process for celebrating and acknowledging the centenary of the 1912 strike is to ensure that this book does not go out of print. We need to remember our heroes and follow in their footsteps.

**Employment**

Senator THISTLETHWAITE (New South Wales) (20:42): Over recent decades in Australia there has been a dramatic increase in insecure and precarious employment. It is much more difficult these days for hard-working, highly skilled Australians to gain a secure job. Right now, 40 per cent of Australians are employed in insecure work—that is, jobs with irregular and unpredictable working hours and pay; inferior rights and entitlements, including limited or no access to paid leave; and no job security. These are jobs that do not require notice of termination or redundancy payments.
To combat this staggering rise in insecure employment the Australian Council of Trade Unions has launched its Secure Jobs, Better Future campaign. This is a national campaign aimed at improving the rights and working lives of the members of the Australian workforce employed in insecure work. As part of this process there will be an independent inquiry headed by former Deputy Prime Minister of Australia Brian Howe, with hearings to take place all across this great country. The inquiry will examine not only the prevalence of precarious employment but also the effects on workers, their families and Australian communities.

This is a very important campaign and it comes at a crucial time for thousands of workers and their employers in Australia. Growing numbers of workers face the uncertainty of irregular and unpredictable hours and pay cheques. In times when both parents in the average family are working to support a family, many have no access to sick leave, leave to provide support for a sick child or annual leave for a regular family holiday. And in a two-speed economy many employers are opting for short-term gain over long-term profitability, productivity and a skilled workforce.

For workers, an insecure job can lead to a never-ending cycle of short-term jobs, with no predictability or permanency, which in turn makes it impossible to plan for the future. The research shows us a full-time casual worker earns on average $215 less per week than a full-time permanent worker. The research also shows that workers in insecure jobs are less likely to have access to skill and career development opportunities and are at greater risk of occupational injuries and illnesses. They are more likely to accept poor conditions at work and to stay silent on safety issues when it comes to concerns in the workplace. And most concerning is that these workers are less likely to be aware of their rights or be willing to enforce them.

I can remember quite vividly my time as an official of Unions New South Wales and taking phone calls from concerned parents of young teenagers and Australians who had been forced on to individual contracts during the period of Work Choices—working without shift penalties and weekend penalties in precarious jobs. Their parents would ask how it could be in this day and age, in a modern society like Australia, that their kids could be forced, without rights to bargain, on to these precarious employment contracts.

This type of employment has broader consequences for workers, their households and our community. These workers have families, a partner, children and friends, who all feel the burden and strain of an insecure job. Unpredictable earnings makes it harder to plan a family budget. It affects their ability to secure personal loans or mortgages. We already know that the great Australian dream of owning your own home is now harder than ever. In Sydney, where I live with my family, the ability of young people to get a foot in the door of the Sydney property market is now harder than ever. And it is not just in Sydney but all around the country. Insecure jobs and working arrangements make meeting this challenge impossible for far too many. Just ask Andrew, a casual storeman from Perth, who supports the ACTU's campaign. He says of his job:

I would give up casual for full-time, no questions asked. Tried to get credit as a casual; need to be working three times as long. Tried to get a mortgage; need more deposit. Get sick and don't get paid!"

Many workers make ends meet by working longer hours, or by taking up second or even third jobs. This means less time spent with the family and a significant imbalance in the work-life structure. As a parent of two young children, I cherish my time with my
daughters. For workers in insecure jobs, missing the important moments in their children's lives can be a harsh reality. What is more alarming is that casual jobs are now proliferating in areas of employment that used to be secure. For instance, a primary school teacher can now be engaged on a rolling one-year fixed contract with no income over the long summer break and no guarantee of work the following year.

The ACTU, through its campaign, sets out to highlight some of the facts about insecure work and to dispel some of the commonly held myths. Over half of all casual employees are permanent casuals. They have ongoing employment without any of the associated entitlements or benefits. Of this half, most have been employed in their current job for over a year and about 15 per cent have been in their job for more than five years. Research conducted by the Workplace Research Centre at the University of Sydney concludes that 'jobs without paid leave entitlements in Australia are just as likely to play the role of conveyer belt out of the labour market as they are to be an escalator up to better and brighter jobs'.

Another myth is that most workers choose to work in non-standard types of work such as casual, contract and labour hire because it provides them with greater flexibility, choice and independence. Admittedly, some workers do prefer to work casual, non-standard hours. But, according to ABS data, more than half of all casual employees would prefer ongoing employment. There is also a myth that employers need casual workers because of the nature of the job. Again, we just need to just look at ABS data to realise that this claim is simply incorrect. Fifty-three per cent of casuals have earnings that do not vary from pay period to pay period and 65 per cent work the same number of hours each week.

The ACTU's 'Secure jobs. Better future' campaign looks to build on the core work carried out day to day by the union movement in this country, securing better conditions for the workers they represent. The campaign for secure jobs will include: bargaining for better wages, working conditions and more secure jobs; securing better minimum standards through awards and legislation; and, importantly, preventing the abuse of types of non-standard employment. The greatest argument for this campaign is in the workers' words and their stories. Take Carolyn, a casual shop assistant from Logan in Queensland. She says:

Companies expect casuals to work just as hard and some companies expect them to work harder for that little bit extra even though there are no benefits. It's hard on people individually and it's difficult to get anywhere in life ... when you can't even have a day off sick without worrying about how that will affect your next pay cheque.

This is a great initiative from the union movement and the ACTU. I urge all senators to visit the website securejobs.org.au. I congratulate the union movement and the ACTU for their campaign, and I urge all senators to learn more about this campaign.

**Employment**

**Senator BOYCE** (Queensland) (20:52): Before he started speaking, I was not aware of what Senator Thistlethwaite's topic was going to be, but I am delighted to support him in any campaign that will produce secure jobs and better futures; I just do not think that the ACTU campaign—which, of course, led our current Prime Minister to put through the vagaries of the current Fair Work Act—is the way to go about it. I too rise to talk about unemployment and underemployment in Australia, particularly in my state of Queensland.

It was with some pleasure that at the last budget we finally heard the Treasurer use the term 'patchwork economy'; he apparently
could not bring himself to use the term 'two-speed economy', which had been used by everybody except the government for about six months at that stage. We now have something like a multispeed economy. It is very obvious in my home state as well as in Western Australia and throughout Australia that the success of the mining industry is in fact masking some very despairing and desperate situations in parts of Australia which are neither directly involved in the mining industry nor offering services to the mining industry. If you do neither of these things, you are in trouble.

The average Australian is not interested anymore in hearing Mr Swan and Ms Gillard discussing the supposed economic paradise which we are currently in, because we are not in any such place. This led me to look not only at the unemployment figure of 5.2 per cent, which was put out recently by the ABS, but also at the facts behind it: the very sluggish non-growth of employment in what this government continues to tell us is one of the economic golden ages. They also keep telling us how clever they were in avoiding the difficulties of the global financial crisis, but employment has not grown for 12 months despite the fact that our mining industries are powering on, sucking employees out of virtually every other field. Clearly employment is falling in many areas, and underemployment continues to be a big risk.

I have for some time received the Roy Morgan polling and research figures, which he puts out on unemployment—and more importantly, I think, on underemployment—at about the same time as the ABS figures come out. The Roy Morgan statistics are based on weekly face-to-face interviews over a quarter, and the ones that were used for the quarter covering October 2011 to December 2011 were with 13,106 Australians aged over 14. The ABS, by comparison, do phone interviews to determine their figures. The 5.2 per cent figure at a time of sluggish growth made no sense to me when I considered what I was seeing on the ground and what I was being told all the time by people in manufacturing, in services industries, in tourism and in retail. They were telling me that they were having to shut up shop, reduce their number of staff or reduce their opening hours because they simply did not have the money to keep going as they had been. It was most amusing to hear Senator Thistlethwaite talk about job security and employers being prepared to sacrifice long-term profits for short-term gain. If you can see that you are only going to stay in business for a couple of months, short-term gain is all you have, and Senator Thistlethwaite must be joking if he is suggesting that many of these employers, especially the ones in small business, have the ability to simply tough it out for perhaps months or years waiting for the economic nirvana that the government has conned itself into thinking we have. Every small business employer—indeed, every employer—I know wants to maintain and sustain their staff, but there are some economic imperatives to this that the government appears not to be aware of.

As I said, the Roy Morgan figures are based on face-to-face interviews, not phone interviews. They measure not only unemployment but also underemployment. As the ABS was claiming that the unemployment level was 5.2 per cent, the Roy Morgan survey was claiming that the unemployment rate was more like 8.6 per cent—which, I must admit, is what it feels like out there to me and to so many others. I am getting a lot of feedback at the moment from the LNP candidates in the Queensland election. These candidates include Jason Woodforth in Nudgee, who has canvassed all the small and large businesses and retailers
in his area; Kerry Millard in Sandgate, a town which has not only a vibrant retail, hospitality and tourism sector but also a fishing industry, and they are all hurting; Darren Grimwade in Morayfield; and Lisa France in Pumicestone. In every one of those areas, there are businesses saying, ‘We cannot employ the people we want to because we can’t make the profits that we need to do so.’ But this government will go on pretending that somehow, if they just use the mining figures, no-one else will notice what is happening in the rest of the economy.

In anyone's language, 8.6 per cent unemployment sounds like a calamity—and it is. I would recommend to this government and to the Treasurer that they have a look at the Roy Morgan poll, because it appears to me to be reflecting reality somewhat more than the government's current figures do. In the past, I thought that the ABS figures at least compared apples with apples; even if they were doing phone interviews and talking about people who had worked for one hour in a fortnight, at least we were comparing apples with apples. But, when genuine Granny Smith or Red Delicious apples are being compared with shrivelled little pears, I think it is time to inspect the fruit to see what it is like. Underemployment is, of course, another major area and the ABS does not measure underemployment. Yet, according to the Roy Morgan statistics, as of December 2011 2.1 million Australians were unemployed or underemployed. That happens to be 16.8 per cent of our workforce. More than two million Australians are looking for more work or just a job of some sort. No wonder those opposite are on the nose with 70 per cent of the electorate when we have nearly 17 per cent of the electorate looking for work or for more work. To suggest that this is somehow the fault of employers is absolutely laughable. Are you genuinely trying to tell me that businesses forego business so that they can be mean to employees? Is that really how you think the system works? It is complete garbage.

Despite the huge amount of money that the mining industry has put into it, Queensland, where the Treasurer hails from, has record debt. We have the second highest unemployment rate in Australia at 8.9 per cent on the Morgan figures and, remembering that they are comparing states, and an underemployment rate of 9.3 per cent. These are all those people that Senator Thistlethwaite says are working in retail. Of course, employers would give these people jobs if there were jobs to be given, if there was money to pay them. In Queensland, 18.2 per cent of the work-capable population is under-utilised. That helps to explain part of the productivity problem that we have in this country, but as long as the government insists on pretending that this does not exist, pretending that manufacturing, small business, tourism, retail are all okay we will continue to have this ridiculous calamity.

Workplace Relations

Senator McEWEN (South Australia—Government Whip in the Senate) (21:02): On 1 February 2012 the full bench of Fair Work Australia made a decision about wage rates in the so-called ASU pay equity case, a decision that was welcomed by community service workers, their unions, their employers and, especially, by the Gillard Labor government. It was the most significant decision in relation to wage equity since the equal pay for work of equal value principle of 1969. I want to congratulate all the people who worked so hard on the pay equity case and especially everyone in my union, the Australian Services Union, who were determined to launch the case and see it through.

It was the Labor government that made possible the pay equity case and it is the
Labor government that has committed to funding the increases that will flow from the decisions in the case. It is the Labor government under Prime Minister Gillard that is determined to address the ongoing inequity between the wages of women and men. The Prime Minister's active, personal support for the ASU pay equity case demonstrates her commitment to working Australians, especially to working women.

Social and community services workers are employed in some of our society's most difficult and yet vital roles. They work with people with disabilities; they counsel families in crisis; they run shelters for our homeless; and they work with victims of domestic abuse or sexual assault. It takes a dedicated and empathetic individual to work in this sector, one who deserves to be properly rewarded for the difference they make to the people they help. Of the approximately 150,000 Australian community services workers covered by the FWA decision, 120,000 are women. While it is unacceptable that on average across the Australian workforce women are still earning less than men, it is also unacceptable that community sector workers were being paid more than 30 per cent less than those performing comparable work in other sectors.

Apart from the fact that workers were being underpaid for the work they do, wages in the sector needed to rise because employers find it increasingly difficult to recruit and retain people who want to do these jobs. The federal Labor government supported the ASU and other unions in the fight for better pay and conditions for social and community services workers. Our government facilitated the case being brought to the independent tribunal through the introduction of the Fair Work Act. The act removed the previous barriers to pay equity claims in the federal jurisdiction by broadening the test to allow comparison with work of equal or comparable value and removing the requirement to prove discrimination as a prerequisite to an equal remuneration claim.

Fair Work Australia's historic decision means that 150,000 of the nation's most undervalued workers will benefit from pay increases of between 23 and 45 per cent. Bearing in mind the impact on employers in the community sector and on government budgets, the increases in pay will be phased in over the next eight years, starting this December and ending in 2020. Once fully phased in, a disability-support worker employed at classification level 2 who currently receives around $35,000 per annum will earn about $42½ thousand dollars; a youth outreach worker at classification level 4, currently on $43,000 per annum, will receive around $55,000; and a classification level 6 drug and alcohol counsellor, who currently earns $50,600, will see an increase to $68,800 per year. There is no doubt those pay increases are deserved.

Witness statements from the Fair Work Australia hearings go into specific detail of exactly what kinds of duties SaCS workers are undertaking and the little salary they receive in return. For example, witness W52 has been employed as a community support mental health worker since 2008 in Adelaide. She earns $41,648 per year. She supports clients with significant mental health issues in the transition from long-term hospital based care to community based living. She explained her work in this way:

Once a client has moved into the community, it is my role to assist with the transition by working with them to establish their homes, reconnect with their community and learn to live independently.

Every three months I develop a new support plan with the client. These support plans set out steps or goals for each client in establishing a more
independent life. These might include things such as making the bed each day, learning to catch the bus, matters of personal hygiene, contacting family or starting a training course.

Her job often includes dealing with aggressive and violent clients and she says that her position can be physically and emotionally exhausting. She said:

I do find my job stressful and emotionally draining. After I finish work at 6:00pm, I go home, have dinner and go to bed.

Another South Australian witness spoke of the pressure to manage a multitude of tasks on any given day. Employed as a part-time level 3 access worker in regional South Australia, she receives $17.61 an hour to supervise clients in the active support day program, a program that helps develop life and social skills. She said:

I have to undertake physical care work, assisting clients with personal hygiene, toileting, changing incontinence pads and pushing a wheelchair. I have to plan, organise, deliver and supervise activities every day. My job involves a lot of multitasking. Three or four activities may be happening at any one time and I, along with my co-workers, have to make sure that everyone is supervised and safe. I have to be aware of what is happening at all times.

It is clear to see that our social and community service workers have been chronically undervalued in these important roles. These workers would never have received the significant pay increases awarded in the case if the federal government had not made a commitment to fund those increases. On 10 November 2011, Prime Minister Julia Gillard announced that our government would fund the federal share of the wage increases that would flow from the FWA decision. That amounts to an amount of over $2 billion. All other state and territory governments also need to commit to funding their share.

I would like to acknowledge the support and commitment to pay equity in the sector already demonstrated by the South Australian Labor government. In June last year Treasurer Jack Snelling announced that the South Australian state government would allocate funding in future budgets to contribute our state share of the wage increases. The South Australian Labor government is wholly committed to supporting the 20,000 South Australian community sector workers covered by the decision.

Credit must go to the ASU, as well as the other unions involved, for striving to achieve this historic advancement in gender pay justice. It is hard to single out any particular individuals as there were many, many people who worked on this campaign. I particularly want to thank all of the union delegates who persistently lobbied their MPs and senators to get behind the campaign. They came to Canberra and told us their stories and that helped us to realise exactly what work they do, their commitment to their clients and their determination to be valued for the work that they do. I mention especially the work of Linda White, Assistant National Secretary of the Australian Services Union. She is a familiar sight in the corridors of Parliament House. Another special mention must go to the officials, staff and members of the Australian Services Union's South Australian and Northern Territory branch. In recognition of her contribution to the campaign, and of the branch that she works for, Branch Secretary Katrine Hildyard was recently awarded the South Australian government's Women Hold Up Half the Sky Award on Australia Day this year. It was a well deserved accolade that recognised Katrine Hildyard's contribution to the community services sector and to ensuring justice for women workers.

While the road to genuine pay equity for all Australian working women is a long one,
the recent decision in the ASU pay equity case is truly a milestone on that long road. I look forward to continuing to work as part of the Gillard Labor government to take Australia closer to true complete gender pay equity.

**Australian Flag**

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (21:11): Like many Australians I watched in horror and outrage as our national flag was torched outside federal parliament on the day after Australia Day, 27 January 2012. I have to say that it made me feel sick to the bone.

There are few symbols in Australia's history as enduring as our national flag. The stars and crosses displayed on our flag splendidly represent our history and our aspirations. Our flag encapsulates all the great things about Australia and the many things that we can be proud of. At the time of Federation in 1901 there was no Australian flag. An international competition was held which attracted no fewer than 32,823 entries from around the world. From these entries our present flag was chosen. In fact, there were five finalists with identical designs, which included one from a 14-year-old boy. That boy, Ivor Evans, had very clear ideas about what his flag meant and what he intended it to say about Australia and Australians. He believed that the Southern Cross, the brightest constellation in the Southern Hemisphere, was representative of Australia's bright future as a leading nation. However, there was another reason for his choice of the Southern Cross. The poet Dante wrote about four bright stars which symbolised the four moral virtues of justice, prudence, temperance and fortitude—virtues that all Australians should live up to. King Edward VII approved the design in February 1903. In 1908 the six-pointed white star was replaced by a seven-pointed star to represent the territories.

Since it was first unfurled from the Royal Exhibition Building in 1901, our Australian flag has been an icon of our shared identity and of what it means to be an Australian. In recent times our nation has come such a long way from the time of the White Australia policy. Just think about the recent achievements, such as the apology to the Aboriginal people and the apology to the forgotten Australians. These great steps have set Australia on a purposeful course and they are moments in our recent history of which every Australian should be immensely proud.

It baffles me that anyone would feel justified in burning our national flag. Actions such as this are nothing more than divisive and destructive. It also baffles me that, in Australia, anyone can burn an Australian flag at any time and, in more cases than not, get away with it. As part of this great democracy of ours, our freedom should always be defended, but acts such as burning our national flag, which can only be described as sheer vandalism, should not be tolerated. The salient point should be made: burning the Australian flag is not a legitimate form of political protest.

Reflecting on the meaning of our flag prompts me to recall the recent claims by a Western Australian academic who asserted that those who display the Australian flag have more racist views than the rest of the population. What utter madness! The *West Australian* newspaper reported:

Brunei-born University of WA Professor Farida Fozdar, who moved to Australia when she was seven, said she was shocked by the national reaction to her study... Some e-mails have been quite polite and I've been able to reply... I've also had a couple of e-mails from people implying that I am the Grinch that killed Christmas and that now nobody is going to fly a flag because they think it shows that they're racist.'
It would be fair to say that I am somewhat sympathetic with the latter view—and what a tragedy that is. What is true is that the Australian flag is much loved, touched, worn and flown by Australians here and across the world. It graces our most solemn occasions. It flies over the parliament in which we reside. It graces our significant moments. It graces our arrivals and departures. It flies in schools, neighbourhoods, communities, urban centres and in the bush. Wherever it is raised, it stirs a sense of unity within us all.

When I had the opportunity to visit our troops in Afghanistan last year, one of my first stops was the memorial square where those who have paid the ultimate sacrifice are honoured. The Australian flag flies high and says so much about what our troops fight for. It is the flag that drapes those that are carried home by their brothers in arms. It stands for so much, yet its very symbolism is diminished by those who do not respect it.

I have been fortunate also to travel to America, largely as a tourist, and the most compelling memory I have of my travels there is the pride the American people have for their country and their flag. As you travel from state to state, you see the American flag being brandished on poles in gardens outside people's homes, hung from windows and even embellishing transport, both public and private. It is a public demonstration of national patriotism, which I so admire and wish we could translate here to the same extent. The enthusiasm with which their anthem, The Star Spangled Banner, is sung at sporting events sends a shiver up the spine. As a Victorian, I can proudly say that this is challenged, at least in a decibel sense, at the AFL grand final.

It is this very patriotism that I feel was challenged when Professor Fozdar suggested there is a high chance that one is a racist if one flies the Australian flag. This sort of disgraceful generalisation is, frankly, offensive and only furthers dissent and discord within our communities. My response on Australia Day, when I had a barbecue at my home, was to fly not one flag but two, and to decorate what can only be described as a rambling garden with 200 hand waver flags. I think my neighbours got the message. This is a country where we need to wear our pride on our sleeve and not be beholden to extreme political correctness.

Defence Procurement

Senator MARK BISHOP (Western Australia) (21:19): Mr Acting Deputy President, I seek leave to speak for up to 20 minutes.

Leave granted.

Senator MARK BISHOP: Last year the Foreign Affairs, Defence and Trade References Committee tabled its interim report into defence procurement. Tonight I want to address the committee's report in more detail with my own perspectives. The committee's report, it should be noted, is scathing of the continuing nature of defence procurement in this country. This view is reflected in reports by the ANAO and those commissioned by Mr Rizzo, Dr Black and, more recently, Mr Coles. I will not repeat the committee's diagnosis. Suffice it to say that the problems remain the same—that is, failure to deal with whole-of-life capability; continuing inadequate or poor product specifications; poorly defined roles and responsibilities, leading to limited accountability; ongoing serious shortages in skills; limited strategic consideration of Australia's defence industry; and poor risk management. The common theme is a lack of transparency and accountability. All of this will be explored further by the committee during this year as each is a huge subject in its own right.
Defence is now so huge and complex that it is totally constipated. It seems to have little internal ability to deal with the same ongoing set of problems. No amount of revision of processes, senior managers, editing manuals or more reviews will provide much benefit. What we have is a matrix model of many parts which must cooperate and be coordinated as a constant effort. Nevertheless, they are independent by tradition and intent, with separate and collective groupthink. We do need to accept specialisation, and the separateness of Army, Navy and Air Force has long proven practical, if nothing else. Equally, we need to acknowledge the need to coordinate their efforts into a strategic whole. This is done by white papers overseen by the strategy division, the Capability Development Group and the joint operations crew. I do not have any difficulty whatsoever with that; however, when it comes to procurement, added to that complexity are the roles of the DMO and the DSTO. Each of these agencies is supposedly independent and provides special advice to temper and supplement the views developed internally by Defence. These are the key means by which the groupthink of the Defence leviathan is tested as security for government. We must not forget the Australian Submarine Corporation, which is an independent commercial entity owned by the Department of Finance and Deregulation. This model is managed by detailed procedure manuals which are often ignored and formal business agreements which are unenforceable.

Across the top of this matrix, as guiding management principles we have the principles of outsourcing and centralisation. I would add that there is also inadequate emphasis on understanding commercial realities in the marketplace. There is a semblance of transparency and accountability one to the other within the matrix but, sadly, not much in combination. In fact, as I have said before, when the chips are down, no-one can be found responsible because it is the system that is at fault. That was also the finding of Mr Coles. He said in his first report that nowhere in all of Defence could he find any one person responsible for submarines. That mere fact is simply astounding.

Now there is to be more shuffling at the top. Since the resignation of Dr Gumley, further control over the DMO will be exercised by a new associate secretary in Defence. His very difficult relationship with Defence in operating as Kinnaird and Mortimer intended is, I suggest, the elephant in the room. In its report, the Senate committee suggested that:

... entrenched structural impediments to efficient and effective leadership within Defence could be at the source of Defence's procurement problems requiring reallocation and redefinition of roles, functions and responsibilities. Indeed, the current management matrix model may need overhauling or even dismantling.

The matrix management monolith does indeed warrant very close attention. However, I am not convinced that any of the current changes will make the slightest difference at all. The key issue is not just about control but also streamlined and effective organisational structures.

It is accepted that there are significant efficiencies in the centralisation of procurement and warehousing. The great bulk of the tens of thousands of Defence items procured, from paper clips to fuel and uniforms, are routine and trouble free. It is pleasing to note, as a shift from the past, that these days what troops in the field want they get—pronto. However, it is accepted that most problems occur with the smaller number of high-cost, high-tech, complex projects with many local inclusions. Unfortunately, many—indeed most—rest
largely in Navy, where the record speaks for itself. I would suggest that the monolith of the matrix model, especially with respect to naval procurement, needs to be broken right down. In all reviews of this organisational monster, its continued existence has been a given, and the focus has been on making it work better. Kinnaid's and Mortimer's efforts were limited by this to some extent. Certainly this single paradigm has governed the Defence attitude in their appearances before the committee. In fact, Mortimer himself had serious misgivings on the model, as he observed:

This artificial ‘market structure’ is not a contestable environment and the purchaser has little power to penalise and replace the provider. We therefore concluded that purchaser provider arrangements were unlikely to be particularly effective in these circumstances.

The committee will in due course make its own judgements on the extent to which Mortimer's recommendations have been implemented. My own view is that the DMO is not the least bit independent. For example, the committee has not been able to get a separate submission from the DMO—the controlling response being that there is a corporate 'one Defence' position. I should note here that the committee sought a separate submission from DSTO and got one. In fact, at every appearance of the DMO before the committee, the chief of the Capability Development Group has been present and has ridden shotgun. There are two key, elementary prerequisites for true accountability. First, there must be a single line of authority; second, there must be organisational competence.

I do not want to excuse Army or the RAAF, as their performance on some projects has been awful. But the bulk of the risk at present seems to rest with Navy, for a number of reasons. Navy has the largest construction and ongoing maintenance budget flowing from the white paper. Navy was found by Mr Rizzo to have been the worst affected by the move to outsourcing and centralisation of maintenance to DMO. The state of the fleet has probably never been so bad, noting the chaos of the amphibious fleet. According to a recent ANAO report, the Chief of Navy has been effectively disempowered. Navy has been stripped of technical skill to do anything other than simply run a ship and now it is still seriously short crewed. The debacle of the Collins submarines is evidenced chapter and verse by Mr Coles. There is continuing controversy about early failure with the keel of the first air warfare destroyer and hence little or no confidence about the grand plan to build 12 new submarines. We are now told Chief of Navy is rectifying all this, and good luck to him. The intention is honourable, but I doubt that the matrix model will change to provide him the real control and authority he needs. To begin with, he has no control over DMO. As Mortimer said, he has no commercial remedy over failed agreements in a non-competitive environment. Despite the assertions of accountability set out in the defence procurement manual, the Capability Development Group, CDG, is in control, as it must be. As to competence, Rizzo found—and it was inferred by Coles—that Navy was stripped of technical competence more than a decade ago; in fact, it would take as many years to rebuild. As competence can only be measured by outcomes, it is simply not possible for Chief of Navy to be accountable.

The committee identified the matrix model lacks role clarity and defined responsibilities despite Defence's assertions to the contrary. The traditional responsibilities for Navy are to have ships designed to agreed specifications for meeting Australia's needs. The ships then must be built and maintained, often for more than 30 years. At present Navy have limited responsibility for
this. While they are heavily involved, design is ultimately a decision of government, as advised by the Capability Development Group. As for maintenance and refits, these are the responsibility of the DMO, although it should be said that failure to manage DMO as a supplier is, of course, a fault of Navy. The only absolute responsibility that Navy have for their ships is operations at sea. That too is dependent wholly on the support of DMO and the strength of the relationship.

Perhaps the most telling weakness concerns the high-tech skills needed throughout the design, construction and maintenance phases. This is the whole-of-life responsibility referred to by the committee as a major ongoing matter of concern. These skills, especially in design and weaponry, are extraordinarily difficult to recruit. Defence as a whole, just like industry, has serious shortfalls. Yet, as we know, within the matrix model, the skills which exist are duplicated in several places. Sometimes they are shared by the services on a rotational basis of three years. So in the case of Navy, these skills reside in Navy, CDG, in larger numbers in DMO, in the ASC, and DSTO must be added as well.

The RAND report tells us that in the critical areas of engineering, science and technical support across CDG, DMO, DSTO and Navy, DMO has a total of 478, DSTO 86 exclusively on submarines, and Navy—believe this figure or not—only 63, including none at all on submarines. Of the almost 2,000 staff in the ASC, it is not known how many fit this high-tech category—that is, five large Defence organisations all have a need for high-level naval design, construction and maintenance skills, and all are considerably understaffed. That precludes any consideration of industry whose contribution is indispensable. In a small naval nation such as Australia this is simply ridiculous, bordering on the absurd.

Indeed, from the analysis of skill by RAND, the need for a new submarine project is quite blunt. While a seedbed of skill has been identified, all current government resources would be needed and still be deficient in a large number of specialty engineering categories, not to mention the decimation of the core skills still in short supply to manage the existing fleet construction and maintenance. The enormous skills gap between what is needed and what currently exists within Navy and the DMO makes it difficult to be optimistic.

The RAND report is very sober reading on top of the initial findings of Mr Coles in his first report on the Collins class fiasco. Let me summarise Mr Coles's observations on the matrix model as it applies to the Collins class submarines. In my view, they cannot be separated from the whole naval ship building function. They are: due to failure to recognise fully what they were taking on, the various agencies involved did not make all the necessary investments post-delivery. The Navy was lukewarm on its role as owner of the fleet. The small number of submariners at a senior level in Canberra has led to difficulty influencing policy issues and the well-publicised difficulties the RAD has been having. The restructuring of the ASC as a government business enterprise within the Department of Finance and Deregulation, as a shareholder and owner, and DMO, as a customer, has created a structure which has proved challenging to operate efficiently in practice, and in which the exercise of ownership of elements of the design often presents practical or process difficulties. With these difficult relationships and the changes they engendered, without always having the clear leadership the program deserves, it has not been possible to take the steps to sustain submarines throughout their operational lives. Nobody was charged with taking full responsibility clearly and deci-
sively for all aspects of sustainment of the program.

For a strategic program to succeed, all elements must be brought together and delivered under an overarching program management structure. While Defence has put a program management structure in place, there are serious limitations in bringing together a number of different strands of activity as a result of organisational boundaries. Successive reorganisations over past decades have made Defence quite complex and lacking in focus. DMO's relationship with the ASC is intrusive, seeking to control and thereby discouraging ASC from taking responsibility. At the top level the relationship between the DMO and ASC was repeatedly described as having been damaging. Navy's contribution has been fragile in three regards: crewing, not playing its part in discharging its responsibilities and not supporting the supply chain properly. There are numerous instances where accountability, authority and responsibility are misaligned, fragmented and not understood. Another aspect is the degree of duplication of skills between DSTO and ASC. Elimination of duplication would of course minimise overall resource consumption by a matter of degree.

The parallels with the broader defence ship design, building and maintenance responsibilities from this report by Mr Coles are stunning. I congratulate Minister Smith for his insight in commissioning the report. I have only one conclusion which flows from the committee's tentative view—that is, either all of these organisations staff up to become fully effective, which I presume will be difficult, if not impossible, or some rationalisation is undertaken whereby, for example, integrated centres of excellence might be developed in naval design, construction and maintenance and in tendering, contracting and project management within DMO, with both fully accountable to Chief of Navy.

Certainly something needs to be done to reduce the number of organisations in the mix, competing for skilled staff and defending turf as a way of life. Roles and responsibilities must be carefully defined and lines of responsibility firmly nailed down. However, within such a new approach it is absolutely vital that the principle of contestability of advice within Defence is strengthened. It is absolutely fundamental that advice coming to government is fully understood and fully tested. In the history of government in recent decades, much more difficult things have been done. The current matrix model for naval construction at least cannot be sustained, and the record is there over the last 20 years to prove it. It is time to get serious and put an end to the years of procrastination and institutional inertia within Defence.

Senate adjourned at 21:39

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Acts Interpretation Act—Statement pursuant to subsection 34(6) relating to the extension of specified period for


Antarctic Treaty (Environment Protection) Act—

Antarctic Treaty (Environment Protection) Amendment Proclamation 2011 (No. 1) [F2011L02680].


Anti-Money Laundering and Counter-Terrorism Financing Act—

Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2011 (No. 8) [F2011L02774].

Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2012 (No. 1) [F2012L00111].

Select Legislative Instrument 2011 No. 228—Anti-Money Laundering and Counter-Terrorism Financing Amendment Regulations 2011 (No. 1) [F2011L02666].

Appropriation Act (No. 1) 2010-2011—Determination to Reduce Appropriations Upon Request (No. 6 of 2011-2012) [F2011L02590].

Appropriation Act (No. 1) 2011-2012—Advance to the Finance Minister—No. 2 of 2011-2012 [F2012L00049].


Australian Bureau of Statistics Act—Proposals Nos—


2 of 2012—Survey of Disability, Ageing and Carers.

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan – Amendment 73 – Block 6 Section 4 Yarralumla (Westridge House) [F2011L02505].


Australian Civilian Corps Act—

Director-General's Australian Civilian Corps Directions 2011 [F2011L02796].


Australian Communications and Media Authority Act—

Radiocommunications (Interpretation) Amendment Determination 2011 (No. 1) [F2011L02451].

Radiocommunications (Interpretation) Amendment Determination 2011 (No. 2) [F2011L02526].


Australian Hearing Services Act—

Declared Hearing Services Amendment Determination 2011 (No. 1) [F2011L02419].

Select Legislative Instrument 2011 No. 249—Australian Hearing Services Amendment Regulations 2011 (No. 1) [F2011L02606].


Australian National University Act—

Fees Statute 2006—Tuition Fees Order 2012 [F2012L00053].
University House Statute—University House Rules 2011 [F2011L02611].

Australian Prudential Regulation Authority Act—
Australian Prudential Regulation Authority (Commonwealth Costs) Amendment Determination 2011 (No. 1) [F2011L02777].

Australian Prudential Regulation Authority (Confidentiality) Determinations Nos—
20 of 2011—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2011L02443].
21 of 2011—Information provided by life insurers and friendly societies under Reporting Standard LRS 100.0, LRS 120.0, LRS 210.0, LRS 300.0, LRS 310.0, LRS 330.0, LRS 340.0, LRS 400.0, LRS 420.0 and LRS 430.0 [F2011L02528].
22 of 2011—Information provided by life insurers and friendly societies under Reporting Standard LRS 100.0, LRS 120.0, LRS 210.0, LRS 300.0, LRS 310.0, LRS 330.0, LRS 340.0, LRS 400.0, LRS 420.0 and LRS 430.0 [F2011L02729].
23 of 2011—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2011L02752].
24 of 2011—Information provided by general insurers under Reporting Standard GRS 110.0 (2008), GRS 120.0 (2008), GRS 300.0 (2008), GRS 301.0 (2008), GRS 310.0 (2008), GRS 310.3 (2008), GRS 320.0 (2008), GRS 400.0 (2008), GRS 110.0 (2010), GRS 120.0 (2010), GRS 300.0 (2010), GRS 301.0 (2010), GRS 310.0 (2010) and GRS 400 (2010) [F2011L02637].
3 of 2012—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2012L00078].

Select Legislative Instrument 2011 No. 223—
Australian Prudential Regulation Authority Amendment Regulations 2011 (No. 1) [F2011L02421].

Australian Research Council Act—
Approval of Proposals—Determinations Nos—
94—Future Fellowships for funding commencing in 2011.
95—Discovery Early Career Research Award for funding commencing in 2012.
96—Linkage Projects Round 1 for funding commencing in 2012.
97—Discovery Indigenous for funding commencing in 2012.
98—Linkage Infrastructure, Equipment and Facilities for funding commencing in 2011.
99—Discovery Projects for funding commencing in 2012.

Australian Laureate Fellowships Funding Rules for funding commencing in 2012 [F2011L02572].
Future Fellowships Funding Rules for funding commencing in 2012 [F2011L02567].

Automotive Transformation Scheme Act—
Automotive Transformation Scheme Regulations—Automotive Transformation Scheme Amendment Order 2011 (No. 1) [F2011L02614].

Autonomous Sanctions Act—Select Legislative Instrument 2011 No. 247—

Aviation Transport Security Act—Select Legislative Instrument 2011 No. 264—Aviation Transport Security Amendment Regulations 2011 (No. 2) [F2011L02608].

Banking Act—
Banking Exemption No. 5 of 2011 [F2011L02770].
Banking Exemption No. 6 of 2011 [F2011L02771].

Banking (Prudential Standard) Determinations Nos—
7 of 2011—Prudential Standard APS 120 Securitisation [F2011L02739].
8 of 2011—Prudential Standard APS 310 Audit and Related Matters [F2011L02762].


Select Legislative Instrument 2011 No. 224—Banking Amendment Regulations 2011 (No. 1) [F2011L02422].

Broadcasting Services Act—

Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 15 of 2011) [F2011L02594].

Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 1 of 2012) [F2012L00032].

Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 2 of 2012) [F2012L00096].

Children’s Television Standards Variation 2011 (No. 1) [F2011L02768].

Television Licence Area Plan (Broken Hill) 2011 [F2011L02778].

Television Licence Area Plan (Mount Gambier/South East) 2011 [F2011L02764].

Television Licence Area Plan (Riverland) 2011 [F2011L02772].

Television Licence Area Plan (Spencer Gulf) 2011 [F2011L02776].

Carbon Credits (Carbon Farming Initiative) Act—

Carbon Credits (Carbon Farming Initiative) – Kyoto Australian Carbon Credit Unit Specification 2011 [F2011L02555].


Christmas Island Act—List of applied Western Australian Acts for the period 8 June 2011 to 24 January 2012.

Civil Aviation Act—

Civil Aviation Order 82.1 Amendment Instrument 2011 (No. 1) [F2012L00038].

Civil Aviation Order 82.3 Amendment Instrument 2011 (No. 2) [F2012L00035].

Civil Aviation Order 82.5 Amendment Instrument 2011 (No. 3) [F2012L00037].

Civil Aviation Regulations—

Civil Aviation Order 20.18 Amendment Instrument 2011 (No. 1) [F2012L00002].

Civil Aviation Order 20.18 Amendment Instrument 2011 (No. 2) [F2012L00041].

Instruments Nos CASA—


485/11—Permission and direction – helicopter special operations [F2011L02679].

489/11—Direction – number of cabin attendants [F2011L02513].

492/11—Direction – number of cabin attendants – Strategic Airlines [F2011L02723].

498/11—Amendment of Direction – use of ADS-B in foreign aircraft engaged in private operations in Australian territory [F2012L00034].

506/11—Direction – number of cabin attendants (Sunstate Airlines) [F2011L02732].

507/11—Direction – number of cabin attendants (Virgin Australia Airlines) [F2011L02730].


511/11—Direction – number of cabin attendants [F2011L02784].
512/11—Direction – number of cabin attendants for Airbus A320 and Fokker F100 aircraft [F2011L02786].

11/12—Direction – number of cabin attendants in Boeing 737-800 aircraft, Qantas Airways Limited [F2012L00073].

28/12—Direction – number of cabin attendants for Fokker F70 and Fokker F100 aircraft [F2012L00075].

31/12—Permission and direction – helicopter charter operations [F2012L00074].

48/12—Instructions – V.F.R. flights conducted by Fugro Airborne Surveys Pty Ltd [F2012L00130].

Civil Aviation Regulations and Civil Aviation Safety Regulations—

Civil Aviation Order 82.6 Amendment Instrument 2011 (No. 1) [F2012L00036].

Instrument No. CASA 12/12—Instructions and exemption – B737-800 RNAV (RNP-AR) approaches and departures [F2012L00081].

Civil Aviation Safety Regulations—

Airworthiness Directives—

AD/CF6/74 Amdt 1—High Pressure Compressor Spool Shaft Stage 14 Disc [F2011L02514].

AD/CON/60 Amdt 3—Fuel Injection Supply Lines [F2012L00039].

AD/CON/60 Amdt 4—Fuel Injection Supply Lines [F2012L00080].

AD/LYC/90 Amdt 2—Fuel Injection Supply Lines [F2012L00040].


AD/ROBIN/38 Amdt 1—Oil Lines and Oil Transmitter Hoses [F2011L02577].

AD/ROBIN/38 Amdt 1—Oil Lines and Oil Transmitter Hoses [F2012L00164].

AD/SWSA226/43 Amdt 7—Supplemental Inspection Program and Life Limited Items [F2012L00061].

AD/TFE 731/33 Amdt 1—LPT Stage 1 Nozzle and Disks [F2011L02807].

Instruments Nos CASA—

EX120/11—Exemption – participation in land and hold short operations [F2011L02504].

EX125/11—Exemption – from standard take-off minima – Virgin Australia [F2011L02724].

EX126/11—Exemption – requirement to wear seat belt and safety harness [F2011L02577].

EX127/11—Exemption – recency requirements for night flying (Eastern Australia Airlines Pty Limited and Sunstate Airlines (Qld) Pty Limited) [F2011L02494].

EX129/11—Exemption – refuelling in Ordinance Loading Areas at Tindal [F2011L02523].

EX130/11—Exemption – solo flight training using ultralight aeroplanes registered with Recreational Aviation Australia Incorporated at Archerfield Aerodrome [F2011L02793].

EX132/11—Exemption – recency requirements for night flying (Jetstar Airways Pty Limited) [F2011L02579].

EX136/11—Exemption – CASR Part 99 DAMP requirements for CAR 30 or Part 145 organisations overseas [F2012L00001].

EX139/11—Exemption — operations by paragliders in the Ozone Corryong Open and hang-gliders in the Corryong Cup [F2011L02787].


EX141/11—Exemption — navigation and anti-collision lights [F2011L02790].

EX02/12—Exemption — agricultural rating (incendiary dropping at or above 500 feet); Exemption — CASR Part 137 (incendiary dropping above or below 500 feet) [F2012L00072].

EX03/12—Exemption — Unmanned Aerial Vehicles (UAV) Controller’s Certificate requirement for manufacturer training [F2012L00099].

EX04/12—Exemption — display of markings and carriage of identification plates [F2012L00098].

EX08/12—Exemption — recency requirements for night flying (Skywest Airlines Pty Ltd) [F2012L00115].

EX09/12—Exemption — provision of Part 139H of CASR 1998 – application of foam by attack vehicle monitor [F2012L00119].

Manual of Standards Part 139 Amendment Instrument 2012 (No. 1) [F2012L00051].

Revocation of Airworthiness Directives—Instruments Nos CASA ADCX—
025/11 [F2011L02750].
026/11 [F2011L02794].
027/11 [F2012L00011].
001/12 [F2012L00033].
002/12 [F2012L00079].

Instrument No. CASA EX05/12—Exemption — from provisions in Part 172 of CASR 1998 [F2012L00127].

Select Legislative Instrument 2011 No. 265—Civil Aviation Safety Amendment Regulations 2011 (No. 2) [F2011L02648].


Clean Energy (Household Assistance Amendments) Act—Clean Energy Advances for Approved Care Organisations Administrative Scheme Determination 2012 [F2012L00170].


Coal Mining Industry (Long Service Leave Funding) Act—Select Legislative Instrument 2011 No. 243—Coal Mining Industry (Long Service Leave Funding) Amendment Regulations 2011 (No. 1) [F2011L02684].

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 8 June 2011 to 24 January 2012.

Commissioner of Taxation—Public Rulings—Class Rulings—
CR 2012/1-CR 2012/5.
Erratum—CR 2011/1.

Fuel Tax Determination—Addendum—FTD 2006/2.


Goods and Services Tax Determinations—
Addenda—GSTD 2004/1 and GSTD 2005/1.


Goods and Services Tax Rulings—Addenda—
GSTR 2000/1, GSTR 2000/19, GSTR 2000/26,
GSTR 2000/28, GSTR 2001/2, GSTR 2003/8A,
GSTR 2004/1, GSTR 2006/9, GSTR 2006/10 and
GSTR 2011/2.

Product Rulings—
2010/26.

Taxation Determinations—

Notices of Withdrawal—TD 96/39 and TD
2008/28.

Taxation Rulings (old series)—Notices of Withdrawal—IT 289, IT 2049, IT 2177 and IT
2446.
Taxation Rulings—
Addenda—TR 96/19, TR 97/11, TR 98/9, TR 2005/22A, TR 2006/7 and TR 2006/11.
Errata—TR 94/14 and TR 2011/6.
TR 2011/6.
TR 2012/1.
Commonwealth Electoral Act and Referendum (Machinery Provisions) Act—Select Legislative Instrument 2011 No. 218—Electoral and Referendum Amendment Regulations 2011 (No. 2) [F2011L02445].
Competition and Consumer Act—
Competition and Consumer (Tobacco) Information Standard 2011 [F2011L02766].
Select Legislative Instruments 2011 Nos—
225—Competition and Consumer Amendment Regulations 2011 (No. 2) [F2011L02416].
271—Competition and Consumer Amendment Regulations 2011 (No. 3) [F2011L02652].
Corporations Act—
Accounting Standard AASB 2011-12—Amendments to Australian Accounting Standards arising from Interpretation 20 [F2011L02522].
ASIC Class Orders—
[CO 11/927] [F2011L02658].
[CO 11/1227] [F2011L02553].
[CO 11/1262] [F2011L02550].
[CO 11/1277] [F2011L02721].
[CO 11/1287] [F2011L02609].
[CO 11/1340] [F2011L02797].
Select Legislative Instruments 2011 Nos—
272—Corporations Amendment Regulations 2011 (No. 4) [F2011L02621].
274—Corporations Legislation Amendment Regulations 2011 (No. 2) [F2011L02616].
Corporations (Fees) Act—Select Legislative Instrument 2011 No. 273—Corporations (Fees) Amendment Regulations 2011 (No. 2) [F2011L02654].
Currency Act—
Currency (Perth Mint) Determination 2011 (No. 3) [F2011L02779].
Currency (Royal Australian Mint) Determination 2012 (No. 1) [F2012L00095].
Customs Act—
CEO Amendment of Information Technology Requirements Determination No. 1 of 2011 [F2011L02440].
CEO Instruments of Approval Nos—
1 of 2011—Application for Permission to Move, Alter or Interfere with Export Goods under Customs Control [F2011L02447].
Customs By-Laws Nos—
1134474 [F2011L02578].
1134476 [F2011L02576].
1134478 [F2011L02596].
Revocations of Customs By-Laws—
Instrument of Revocation No. 1 (2011) [F2011L02601].
Instrument of Revocation No. 2 (2011) [F2011L02570].
Instrument of Revocation No. 3 (2011) [F2011L02603].
Select Legislative Instruments 2011 Nos—
203—Customs Amendment Regulations 2011 (No. 3) [F2011L02442].
229—Customs Amendment Regulations 2011 (No. 4) [F2011L02624].
230—Customs Amendment Regulations 2011 (No. 5) [F2011L02660].
231—Customs (Prohibited Exports) Amendment Regulations 2011 (No. 4) [F2011L02675].
232—Customs (Prohibited Imports) Amendment Regulations 2011 (No. 3) [F2011L02610].
<table>
<thead>
<tr>
<th>Tariff Concession Orders—</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1106304 [F2011L02423].</td>
<td></td>
</tr>
<tr>
<td>1111135 [F2012L00100].</td>
<td></td>
</tr>
<tr>
<td>1112266 [F2011L02561].</td>
<td></td>
</tr>
<tr>
<td>1114755 [F2011L02539].</td>
<td></td>
</tr>
<tr>
<td>1114756 [F2011L02424].</td>
<td></td>
</tr>
<tr>
<td>1114757 [F2011L02541].</td>
<td></td>
</tr>
<tr>
<td>1114828 [F2011L02493].</td>
<td></td>
</tr>
<tr>
<td>1115195 [F2012L00058].</td>
<td></td>
</tr>
<tr>
<td>1115300 [F2011L02527].</td>
<td></td>
</tr>
<tr>
<td>1115624 [F2011L02430].</td>
<td></td>
</tr>
<tr>
<td>1116074 [F2011L02433].</td>
<td></td>
</tr>
<tr>
<td>1116076 [F2011L02461].</td>
<td></td>
</tr>
<tr>
<td>1116081 [F2011L02472].</td>
<td></td>
</tr>
<tr>
<td>1116082 [F2011L02524].</td>
<td></td>
</tr>
<tr>
<td>1116098 [F2011L02681].</td>
<td></td>
</tr>
<tr>
<td>1116105 [F2011L02544].</td>
<td></td>
</tr>
<tr>
<td>1116117 [F2011L02546].</td>
<td></td>
</tr>
<tr>
<td>1116122 [F2011L02542].</td>
<td></td>
</tr>
<tr>
<td>1116285 [F2011L02463].</td>
<td></td>
</tr>
<tr>
<td>1116298 [F2011L02549].</td>
<td></td>
</tr>
<tr>
<td>1116443 [F2011L02625].</td>
<td></td>
</tr>
<tr>
<td>1116444 [F2011L02488].</td>
<td></td>
</tr>
<tr>
<td>1116634 [F2011L02465].</td>
<td></td>
</tr>
<tr>
<td>1116834 [F2011L02489].</td>
<td></td>
</tr>
<tr>
<td>1117018 [F2011L02547].</td>
<td></td>
</tr>
<tr>
<td>1117151 [F2011L02492].</td>
<td></td>
</tr>
<tr>
<td>1117264 [F2011L02490].</td>
<td></td>
</tr>
<tr>
<td>1117267 [F2011L02545].</td>
<td></td>
</tr>
<tr>
<td>1117288 [F2011L02467].</td>
<td></td>
</tr>
<tr>
<td>1117346 [F2011L02629].</td>
<td></td>
</tr>
<tr>
<td>1117372 [F2011L02511].</td>
<td></td>
</tr>
<tr>
<td>1117414 [F2011L02628].</td>
<td></td>
</tr>
<tr>
<td>1117555 [F2011L02535].</td>
<td></td>
</tr>
<tr>
<td>1117562 [F2011L02510].</td>
<td></td>
</tr>
<tr>
<td>1117566 [F2011L02487].</td>
<td></td>
</tr>
<tr>
<td>1117570 [F2011L02626].</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Customs (Prohibited Imports) Amendment Regulations 2011 (No. 4)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1117574 [F2011L02543].</td>
<td></td>
</tr>
<tr>
<td>1117575 [F2011L02540].</td>
<td></td>
</tr>
<tr>
<td>1117707 [F2011L02563].</td>
<td></td>
</tr>
<tr>
<td>1117973 [F2011L02631].</td>
<td></td>
</tr>
<tr>
<td>1118025 [F2011L02536].</td>
<td></td>
</tr>
<tr>
<td>1118045 [F2011L02630].</td>
<td></td>
</tr>
<tr>
<td>1118186 [F2011L02556].</td>
<td></td>
</tr>
<tr>
<td>1118047 [F2011L02558].</td>
<td></td>
</tr>
<tr>
<td>1118204 [F2011L02559].</td>
<td></td>
</tr>
<tr>
<td>1118280 [F2011L02727].</td>
<td></td>
</tr>
<tr>
<td>1118281 [F2011L02728].</td>
<td></td>
</tr>
<tr>
<td>1118391 [F2011L02634].</td>
<td></td>
</tr>
<tr>
<td>1118392 [F2012L00060].</td>
<td></td>
</tr>
<tr>
<td>1118676 [F2011L02566].</td>
<td></td>
</tr>
<tr>
<td>1119243 [F2011L02565].</td>
<td></td>
</tr>
<tr>
<td>1119245 [F2012L00126].</td>
<td></td>
</tr>
<tr>
<td>1119277 [F2011L02562].</td>
<td></td>
</tr>
<tr>
<td>1119444 [F2011L02598].</td>
<td></td>
</tr>
<tr>
<td>1119445 [F2011L02564].</td>
<td></td>
</tr>
<tr>
<td>1119510 [F2011L02633].</td>
<td></td>
</tr>
<tr>
<td>1119662 [F2012L00055].</td>
<td></td>
</tr>
<tr>
<td>1119684 [F2011L02640].</td>
<td></td>
</tr>
<tr>
<td>1119734 [F2011L02632].</td>
<td></td>
</tr>
<tr>
<td>1119753 [F2011L02643].</td>
<td></td>
</tr>
<tr>
<td>1119819 [F2012L00070].</td>
<td></td>
</tr>
<tr>
<td>1119821 [F2011L02642].</td>
<td></td>
</tr>
<tr>
<td>1119939 [F2011L02638].</td>
<td></td>
</tr>
<tr>
<td>1120362 [F2012L00142].</td>
<td></td>
</tr>
<tr>
<td>1120750 [F2012L00158].</td>
<td></td>
</tr>
<tr>
<td>1120773 [F2011L02538].</td>
<td></td>
</tr>
<tr>
<td>1120774 [F2012L00056].</td>
<td></td>
</tr>
<tr>
<td>1120775 [F2011L02646].</td>
<td></td>
</tr>
<tr>
<td>1120777 [F2011L02537].</td>
<td></td>
</tr>
<tr>
<td>1120778 [F2012L00054].</td>
<td></td>
</tr>
<tr>
<td>1120781 [F2012L00069].</td>
<td></td>
</tr>
<tr>
<td>1120782 [F2012L00062].</td>
<td></td>
</tr>
<tr>
<td>1120783 [F2012L00063].</td>
<td></td>
</tr>
<tr>
<td>1120784 [F2012L00067].</td>
<td></td>
</tr>
<tr>
<td>1120785 [F2012L00066].</td>
<td></td>
</tr>
</tbody>
</table>

Customs Tariff Act—Select Legislative Instrument 2011 No. 234—Customs Tariff Amendment Regulations 2011 (No. 1) [F2011L02653].
Defence Act—
Determinations under section 58B—Defence Determinations—
  2011/51—Reserve annual health declaration – amendment.
  2011/52—Cadet forces allowance – amendment.
  2011/53—Post indexes – price review.
  2012/1—Post indexes – amendment.
  2012/2—Salary, bonuses, travel and housing – amendment.
  2012/3—Short-term duty overseas travel costs – amendment.
  2012/4—Service residences – amendment.
  2012/5—Salary non-reduction – amendment.
Determinations under section 58H—Defence Force Remuneration Tribunal Determinations Nos—
  7 of 2010—Salary of Chief Joint Operations.
  8 of 2010—Salary of Chief Capability Development Group.
  9 of 2010—Separation Allowance of Special Forces Disability Allowance – Amendments.
  10 of 2010—Separation Allowance – Amendment.
  11 of 2010—Graded Other Ranks Pay Structure 2010 – Amendment.
  12 of 2010—Graded Other Ranks Pay Structure 2010 – Amendment.
  13 of 2010—Graded Other Ranks Pay Structure 2010 – Amendment.
  14 of 2010—Salaries – Amendment.
  15 of 2010—Salaries – Senior Officers – Amendment.
  16 of 2010—Allowance for Specialist Operation – Amendment.
  17 of 2010—Warrant Officer Placements – Amendment.
  1 of 2011—Salaries – Senior Officer Specialist – Amendment.
  2 of 2011—Consequential Amendments.
  3 of 2011—Senior Officer Salaries – Amendment.
  4 of 2011—Salaries – Amendment – Service Warrant Officers.
  5 of 2011—Paratrooper Allowance – Amendment.
  6 of 2011—Salaries – Amendment.
  7 of 2011—Salaries – Amendment.
  9 of 2011—Salaries – Stores Naval Submariner – Amendment.
  10 of 2011—Salaries – Senior Officers – Amendment.
  12 of 2011—Salaries – Combat Paramedic – Amendment.
  14 of 2011—Medical Officers Salaries – Specialist Officers – Amendment.
  1 of 2012—Salaries – Joint Battlefield Airspace Controllers – Amendment.
    SO 2010/14—Salary and Benefits for Senior Officers – Amendment.
    SO 2010/15—Salary and Benefits for Senior Officers – Amendment.
    SO 2010/16—Salary and Benefits for Senior Officers – Amendment.
    SO 2010/17—Salary and Benefits for Senior Officers – Amendment.
    SO 2010/18—Salary for Senior Officers – Amendment.
    SVO WO 2010/04—Salary for Service Warrant Officer.
    SVO WO 2010/05—Salary for Service Warrant Officer.
    Designs Act, Olympic Insignia Protection Act, Patents Act, Plant Breeder's Rights Act and Trade Marks Act—Select Legislative Instrument 2011
No. 217—Intellectual Property Legislation Amendment Regulations 2011 (No. 2) [F2011L02480].

Do Not Call Register Act—Do Not Call Register (Administration and Operation) Amendment Determination 2012 (No. 1) [F2012L00092].

Education Services For Overseas Students Act—ESOS Assurance Fund 2012 Contributions Criteria [F2011L02798].

Education Services for Overseas Students (Registration Charges) Act—Select Legislative Instrument 2011 No. 210—Education Services for Overseas Students (Registration Charges) Regulations 2011 [F2011L02479].

Environment Protection and Biodiversity Conservation Act—

Amendments of lists of—

CITES species, dated 5 December 2011 [F2011L02705].

Exempt native specimens—
EPBC303DC/SFS/2011/33 [F2011L02415].
EPBC303DC/SFS/2012/01 [F2012L00071].
EPBC303DC/SFS/2012/02 [F2012L00093].
EPBC303DC/SFS/2012/03 [F2012L00094].
EPBC303DC/SFS/2012/04 [F2012L00108].
EPBC303DC/SFS/2012/06 [F2012L00107].
EPBC303DC/SFS/2012/07 [F2012L00145].
EPBC303DC/SFS/2012/08 [F2012L00146].
EPBC303DC/SFS/2012/09 [F2012L00150].

Specimens taken to be suitable for live import—
EPBC/s.303EC/SSLI/Amend/047 [F2011L02751].
EPBC/s.303EC/SSLI/Amend/049 [F2012L00030].

Threatened ecological communities, dated 11 November 2011—
[F2011L02412].
[F2011L02417].
[F2011L02420].

Threatened species, dated—
6 December 2011 [F2011L02760].
20 December 2011 [F2012L00051].

Conservation themes for prioritising nominations for listing threatened species, threatened ecological communities and key threatening processes for the assessment period commencing 1 October 2012, dated 6 December 2011 [F2012L00147].

Export Control Act—Export Control (Orders) Regulations—
Export Control (Fees) Amendment Orders 2011 (No. 2) [F2011L02799].
Export Control (Fees) Amendment Orders 2011 (No. 3) [F2011L02800].
Export Control (Prescribed Goods – General) Amendment Order 2011 (No. 1) [F2011L02795].

Export Inspection and Meat Charges Collection Act—Select Legislative Instruments 2011 Nos—
236—Export Inspection and Meat Charges Collection Amendment Regulations 2011 (No. 2) [F2011L02668].
237—Export Inspection and Meat Charges Collection Amendment Regulations 2011 (No. 3) [F2011L02670].

Export Inspection (Establishment Registration Charges) Act—Select Legislative Instruments 2011 Nos—
238—Export Inspection (Establishment Registration Charges) Amendment Regulations 2011 (No. 2) [F2011L02663].
239—Export Inspection (Establishment Registration Charges) Amendment Regulations 2011 (No. 3) [F2011L02674].

Export Inspection (Quantity Charge) Act—Select Legislative Instrument 2011 No. 240—Export Inspection (Quantity Charge) Amendment Regulations 2011 (No. 1) [F2011L02662].


Fair Work Act—
Fair Work Australia Amendment Rules 2012 (No. 1) [F2012L00028].
Select Legislative Instrument 2011 No. 244—
Fair Work Amendment Regulations 2011 (No. 4) [F2011L02641].

Fair Work (Registered Organisations) Act—
Select Legislative Instrument 2011 No. 245—Fair Work (Registered Organisations) Amendment Regulations 2011 (No. 1) [F2011L02676].


Federal Court of Australia Act—Select Legislative Instrument 2011 No. 284—Federal Court (Bankruptcy) Amendment Rules 2011 (No. 1) [F2011L02749].

Federal Financial Relations Act—
Federal Financial Relations (General purpose financial assistance) Determinations—
No. 32 (November 2011) [F2011L02469].
No. 33 (December 2011) [F2012L00050].

Federal Financial Relations (National Partnership payments) Determinations—
No. 42 (December 2011) [F2011L02605].
No. 43 (January 2012) [F2012L00052].


Financial Management and Accountability Act—

Financial Management and Accountability Determinations—
2011/19—Section 32 (Transfer of Functions from DPMC to AGD) [F2011L02534].
2011/20—Section 32 (Transfer of Functions from DPMC to AGD) [F2011L02701].
2011/21—Section 32 (Transfer of Functions from DEEWR to TEQSA) [F2012L00031].


Select Legislative Instruments 2011 Nos—
219—Financial Management and Accountability Amendment Regulations 2011 (No. 5) [F2011L02434].
259—Financial Management and Accountability Amendment Regulations 2011 (No. 6) [F2011L02683].

Financial Sector (Collection of Data) Act—
Financial Sector (Collection of Data) (Reporting Standard) Determinations Nos—
12 of 2011—Reporting Standard ARS 110.0 Capital Adequacy [F2011L02747].
2 of 2012—Reporting Standard ARS 120.0 Standardised Approach – Securitisation [F2012L00083].
3 of 2012—Reporting Standard ARS 120.2 Securitisation – Supplementary Items [F2012L00084].

Fisheries Levy Act—Select Legislative Instrument 2011 No. 204—Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2011 (No. 1) [F2011L02436].

Fisheries Management Act—
Eastern Tuna and Billfish Fishery Management Plan 2010—
2012 Eastern Tuna and Billfish Fishery Overcatch and Undercatch Determination [F2012L00020].
2012 Eastern Tuna and Billfish Fishery Total Allowable Commercial Catch Determination [F2012L00022].

Fisheries Legislation (Management Plans) Amendment 2011 (No. 1) [F2011L02746].

Macquarie Island Toothfish Fishery Management Plan Amendment 2011 [F2012L00102].

Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 1 2012 [F2012L00165].


Western Tuna and Billfish Fishery Management Plan 2005—Western Tuna and Billfish Fishery Overcatch and Undercatch Determination 2011 [F2012L00089].

Western Tuna and Billfish Fishery Total Allowable Commercial Catch Determination 2012 [F2012L00088].

Western Tuna and Billfish Fishery Fishing Season Determination 2012 [F2012L00087].


Food Standards Australia New Zealand Act—

Australia New Zealand Food Standards Code—Standards—

1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 5, 2011 [F2011L02557].

1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 6, 2011 [F2012L00046].

1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 1, 2012 [F2012L00097].

4.2.6 – Production and Processing Standard for Seed Sprouts [F2012L00023].

Food Standards (Application A1057 – Endoprotease (EC 3.4.21.26) as a Processing Aid (Enzyme)) Variation [F2012L00024].

Food Standards (Proposal P1004 – Production & Processing Standard for Seed Sprouts – Consequential) Variation [F2012L00027].

Foreign Acquisitions and Takeovers Act—

Select Legislative Instrument 2011 No. 275—Foreign Acquisitions and Takeovers Amendment Regulations 2011 (No. 1) [F2011L02620].


Health Insurance Act—

Health Insurance (Gippsland and South Eastern New South Wales Mobile MRI Service) Amendment Determination (No. 2) 2011 [F2011L02757].

Health Insurance (Other non-referred services) Determination 2012 [F2012L00090].

Health Insurance (Patient Episode Initiation) Determination 2011 (No. 1) [F2011L02560].

Higher Education Support Act—

Administration Guidelines 2012 [F2011L02604].

Commonwealth Grant Scheme Guidelines No. I—

Amendment No. 9 [F2011L02591].

Amendment No. 10 [F2011L02593].

Amendment No. 11 [F2011L02607].

Declaration of List of Other Grants (Research) under Division 41 for 2012 [F2011L02754].

Explanatory statement and Mission-Based Compacts under section 19-110, in respect of grant years—

2011, 2012 and 2013, dated—

16 November 2011—

Australian Catholic University.

Central Queensland University.

Charles Darwin University.

Charles Stuart University.

Curtin University of Technology.

Deakin University.

Edith Cowan University.

Griffith University.

James Cook University.

La Trobe University.

Monash University.

Murdoch University.

Queensland University of Technology.

Southern Cross University.
Swinburne University of Technology.
The Australian National University.
The Flinders University of South Australia.
The University of Adelaide.
The University of Melbourne.
The University of New England.
The University of Newcastle.
The University of Queensland.
The University of Sydney.
The University of Western Australia.
University of Ballarat.
University of Canberra.
University of South Australia.
University of Southern Queensland.
University of the Sunshine Coast.
University of Tasmania.
University of Technology, Sydney.
University of Western Sydney.
University of Wollongong.
Victoria University.
1 December 2011—
Macquarie University.
The University of New South Wales.
5 December 2011—RMIT University.
Higher Education Provider Guidelines—Amendment No. 4 [F2011L02740].
List of Grants under Division 41, dated 5 December 2011 [F2011L02602].
Revocations of Approval as a Higher Education Provider—
Institute of Counselling Incorporated [F2011L02427].
Sarino Russo Schools Australia Pty Ltd [F2011L02432].
Student Learning Entitlement (Repeal) Instrument 2011 [F2012L00154].
Student Services, Amenities, Representation and Advocacy Guidelines [F2011L02726].
VET Provider Approvals Nos—
22 of 2011—QPIX Ltd [F2011L02713].
24 of 2011—Australian Institute of Fashion Design Pty Ltd [F2011L02806].
Human Services (Centrelink) Act—Human Services (Centrelink) (Designated Program Act) Specification 2011 (No. 2) [F2011L02525].
Human Services (Medicare) Act—Human Services (Medicare) (Designated Program Act) Specification 2011 (No. 2) [F2011L02521].
Industrial Chemicals (Notification and Assessment) Act—Select Legislative Instrument 2011 No. 260—Industrial Chemicals (Notification and Assessment) Amendment Regulations 2011 (No. 1) [F2011L02623].
Industry Research and Development Act—
Commercialisation Australia Program Direction No. 1 of 2011 [F2011L02659].
Innovation Investment Fund Program Round Three, Direction No. 1 of 2011 [F2011L02738].
Select Legislative Instrument 2011 No. 216—
Migration Act—
11/053—Arrangements for work and holiday visa applicants from Thailand, Iran, Chile, Turkey, United States of America, Malaysia, Indonesia, Bangladesh and Argentina [F2012L00085].
11/056—Payment of visa application charges and fees in foreign currencies [F2011L02587].
11/057—Places and currencies for paying of fees [F2011L02586].
11/086—Classes of persons [F2012L00091].
11/091—Specified place [F2012L00149].
12/001—Travel agents for PRC citizens applying for tourist visas [F2012L00144].

Statements for period 1 July to 31 December 2011 under sections—
46A(2) [88].
48B [3].
91Q.
195A [33].
197AB [284].
197AD.
345.
351 [119].
417 [152].

Migration Act and Australian Citizenship Act—Select Legislative Instrument 2011 No. 250—Migration Legislation Amendment Regulations 2011 (No. 2) [F2011L02650].


National Consumer Credit Protection Act—ASIC Class Order [CO 11/926] [F2011L02687].


National Health Act—Instruments Nos PB—
84 of 2011—National Health (Price and Special Patient Contribution) Amendment Determination 2011 (No. 8) [F2011L02476].
85 of 2011—Amendment determination – conditions [F2011L02475].
86 of 2011—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2011 (No. 11) [F2011L02501].
88 of 2011—National Health (Growth Hormone Program) Special Arrangement 2011 [F2011L02509].
90 of 2011—National Health (Listed drugs on F1 or F2) Amendment Determination 2011 (No. 12) [F2011L02495].
91 of 2011—Amendment Determination under section 84AH of the National Health Act 1953 (2011) (No. 5) [F2011L02497].


97 of 2011—Amendment determination – conditions [F2011L02736].

98 of 2011—National Health (Listed drugs on F1 or F2) Amendment Determination 2011 (No. 13) [F2011L02699].

99 of 2011—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2011 (No. 12) [F2011L02694].

100 of 2011—National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2011 (No. 1) [F2011L02756].

101 of 2011—National Health (Chemotherapy Pharmaceuticals Access Program) Special Arrangement Amendment Instrument 2011 (No. 1) [F2011L02753].

102 of 2011—National Health (Concession card or entitlement card fee) Determination 2012 [F2011L02693].


Native Title Act—Select Legislative Instrument 2011 No. 257—Native Title (Prescribed Bodies Corporate) Amendment Regulations 2011 (No. 1) [F2011L02677].

Navigation Act—Marine Orders Nos—

9 of 2011—Marine Orders 34 Amendment (No. 1) (Solid Bulk Cargoes) [F2011L02516].

10 of 2011—Marine Order 32, issue 3 (Cargo Handling Equipment) [F2011L02552].

11 of 2011—Marine Orders Part 12 Amendment 2011 (No. 1) (Construction – Subdivision and Stability, Machinery and Electrical Installations) [F2011L02686].


13 of 2011—Marine Orders Part 54 Amendment 2011 (No. 1) (Coastal Pilotage) [F2011L02711].


1 of 2012—Marine Orders Part 44 Amendment 2012 (No. 1) (Safe Containers) [F2012L00021].

Nuclear Non-Proliferation (Safeguards) Act—Select Legislative Instrument 2011 No. 211—Nuclear Non-Proliferation (Safeguards) Amendment Regulations 2011 (No. 1) [F2011L02446].

Offshore Petroleum and Greenhouse Gas Storage Act—Select Legislative Instrument 2011 Nos—

251—Offshore Petroleum and Greenhouse Gas Storage (Environment) Amendment Regulations 2011 (No. 1) [F2011L02671].


254—Offshore Petroleum and Greenhouse Gas Storage (Safety) Amendment Regulations 2011 (No. 1) [F2011L02647].


Ozone Protection and Synthetic Greenhouse Gas Management Act—Select Legislative Instrument 2011 No. 256—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2011 (No. 2) [F2011L02667].

Personal Property Securities Act—
Personal Property Securities (Fees) Determination 2011 [F2011L02719].
Personal Property Securities (Reports) Determination 2011 [F2011L02718].
Personal Property Securities (Search Result Data) Determination 2011 [F2011L02773].
Select Legislative Instrument 2011 No. 235—
Personal Property Securities Amendment Regulations 2011 (No. 2) [F2011L02612].
Primary Industries (Customs) Charges Act—
Select Legislative Instrument 2011 No. 205—
Primary Industries (Customs) Charges Amendment Regulations 2011 (No. 2) [F2011L02435].
Primary Industries (Excise) Levies Act—
Select Legislative Instruments 2011 Nos—
206—Primary Industries (Excise) Levies Amendment Regulations 2011 (No. 4) [F2011L02438].
207—Primary Industries (Excise) Levies Amendment Regulations 2011 (No. 5) [F2011L02439].
261—Primary Industries (Excise) Levies Amendment Regulations 2011 (No. 6) [F2011L02682].
Primary Industries Levies and Charges Collection Act—Select Legislative Instrument 2011 No. 242—
Primary Industries Levies and Charges Collection Amendment Regulations 2011 (No. 1) [F2011L02661].
Privacy Act—
Public Interest Determinations Nos—
12—Collection of Family, Social and Medical Histories [F2011L02569].
12A—Collection of Family, Social and Medical Histories [F2011L02573].
Private Health Insurance Act—
Private Health Insurance (Complying Product) Amendment Rules 2011 (No. 7) [F2011L02418].
Quarantine Act—Quarantine Amendment Proclamation 2011 (No. 2) [F2011L02414].
Radiocommunications Act—
Radiocommunications (Public Mobile Phone Telecommunications Services Surveillance Device) Exemption Determination 2011 [F2011L02761].
Select Legislative Instrument 2011 No. 208—
Radiocommunications Amendment Regulations 2011 (No. 1) [F2011L02448].
Radiocommunications (Receiver Licence Tax) Act—Radiocommunications (Receiver Licence Tax) Amendment Determination 2011 (No. 3) [F2011L02769].
Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2011 (No. 3) [F2011L02767].
Remuneration Tribunal Act—Select Legislative Instrument 2011 No. 220—
Remuneration Tribunal (Members' Fees and Allowances) Amendment Regulations 2011 (No. 1) [F2011L02413].
Renewable Energy (Electricity) Act—Select Legislative Instrument 2011 No. 270—
Renewable Energy (Electricity) Amendment Regulations 2011 (No. 6) [F2011L02649].
Resale Royalty Right for Visual Artists Act—
Select Legislative Instrument 2011 No. 267—
Retirement Savings Accounts Act—Select Legislative Instrument 2011 No. 277—
Retirement Savings Accounts Amendment Regulations 2011 (No. 4) [F2011L02613].
Safety, Rehabilitation and Compensation Act—
Safety, Rehabilitation and Compensation (Class of Employees Outside Australia) Notice 2011 (No. 1) [F2011L02782].


Social Security Act—

Social Security (Assurances of Support) (DEEWR) Amendment Determination 2011 (No. 1) [F2011L02741].


Social Security (Family Law Affected Income Streams) (DEEWR) Principles 2011 (No. 1) [F2011L02459].


Social Security (Guidelines for determining whether income stream is asset-test exempt) (DEEWR) Determination 2011 (No. 1) [F2011L02462].

Social Security (Guidelines for determining whether income stream is asset-test exempt) (FaHCSIA) Determination 2011 [F2011L02464].

Social Security (Parenting payment participation requirements – classes of persons) (DEEWR) Specification 2011 (No. 1) [F2011L02803].

Social Security (Retention of exemption for asset-test exempt income streams) (DEEWR) Principles 2011 (No. 1) [F2011L02458].

Social Security (Retention of exemption for asset-test exempt income streams) (FaHCSIA) Principles 2011 [F2011L02457].


Social Security (Administration) Act—

Social Security (Administration) (Declared voluntary income management areas – Western Australia) Determination 2011 [F2011L02455].


Social Security (International Agreements) Act—

Select Legislative Instrument 2011 No. 258—Social Security (International Agreements) Act 1999 Amendment Regulations 2011 (No. 3) [F2011L02639].


Select Legislative Instrument 2011 No. 2 (No. 2)—Commencement (Agreement between Australia and the Slovak Republic on Social Security) Instrument 2011 [F2011L02468].


Select Legislative Instrument 2011 No. 278—Superrannuation Industry (Supervision) Amendment Regulations 2011 (No. 4) [F2011L02615].

Sydney Airport Curfew Act—Dispensation Report 01/12.

Taxation Administration Act—

PAYG withholding—Occasional payroll donations to deductible gift recipients No. 3 [F2011L02733].


Select Legislative Instruments 2011 Nos—

279—Taxation Administration Amendment Regulations 2011 (No. 4) [F2011L02618].
280—Taxation Administration Amendment Regulations 2011 (No. 5) [F2011L02619].

Telecommunications Act—
Select Legislative Instrument 2011 No. 209—Telecommunications Amendment Regulations 2011 (No. 1) [F2011L02695].

Telecommunications (Carrier Licence Exemption) Determination 2011 (No. 1) [F2011L02780].

Telecommunications (Fibre-Ready Facilities in Real Estate Development Projects and Other Matters) Instrument 2011 [F2011L02808].

Telecommunications (Low- impact Facilities) Determination 1997 (Amendment No. 1 of 2011) [F2011L02696].

Telecommunications Numbering Plan Variation 2011 (No. 2) [F2011L02781].


Telecommunications (Carrier Licence Exemption) Determination 2011 (No. 1) [F2011L02780].

Telecommunications (Fibre-Ready Facilities in Real Estate Development Projects and Other Matters) Instrument 2011 [F2011L02808].


Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2011 (No. 2) [F2011L02655].

Telecommunications (Carrier Licence Exemption) Determination 2011 (No. 1) [F2011L02780].

Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 2011) [F2011L02696].

Telecommunications Numbering Plan Variation 2011 (No. 2) [F2011L02781].


Telecommunications (Consumer Protection and Service Standards) Act—
Telecommunications Universal Service Obligation (Location of Payphones) Determination 2011 [F2011L02706].


Telecommunications Universal Service Obligation (Payphone Performance Benchmarks) Instrument (No. 1) 2011 [F2011L02710].

Telecommunications Universal Service Obligation (Payphone Performance Standards) Determination (No. 1) 2011 [F2011L02709].

Telecommunications Universal Service Obligation (Public Consultation on the Location or Removal of Payphones) Determination 2011 [F2011L02707].

Tertiary Education Quality and Standards Agency Act—
Determination of Fees (AUQA Audits) No. 1 of 2011 [F2011L02474].

Determination of Fees No. 1 of 2012 [F2012L00086].

Higher Education Standards Framework (Threshold Standards) 2011 [F2012L00003].


Therapeutic Goods Act—
Poisons Standard Amendment No. 5 of 2011 [F2011L02530].

Select Legislative Instruments 2011 Nos—
281—Therapeutic Goods Amendment Regulations 2011 (No. 3) [F2011L02595].

282—Therapeutic Goods (Medical Devices) Amendment Regulations 2011 (No. 3) [F2011L02627].


Veterans' Entitlements Act—

Statements of Principles concerning—
Acute Infectious Mononucleosis No. 3 of 2012 [F2012L00007].

Acute Infectious Mononucleosis No. 4 of 2012 [F2012L00008].

Adhesive Capsulitis of the Shoulder No. 7 of 2012 [F2012L00014].

Adhesive Capsulitis of the Shoulder No. 8 of 2012 [F2012L00016].

Aortic Aneurysm No. 9 of 2012 [F2012L00017].

Aortic Aneurysm No. 10 of 2012 [F2012L00015].

Conjunctivitis No. 1 of 2012 [F2012L00005].
Conjunctivitis No. 2 of 2012 [F2012L00006].
Dementia Pugilistica No. 11 of 2012 [F2012L00018].
Dementia Pugilistica No. 12 of 2012 [F2012L00019].
Psoriatic Arthropathy No. 5 of 2012 [F2012L00009].
Psoriatic Arthropathy No. 6 of 2012 [F2012L00010].
Work Health and Safety Act—
Work Health and Safety (Class of worker) Notice 2011 (No. 1) [F2011L02651].
Governor-General’s Proclamations—
Commencement of provisions of Acts
Carbon Credits (Carbon Farming Initiative) Act 2011—Sections 3 to 307—8 December 2011 [F2011L02581].

Tabling
The following documents were tabled:

Australian Institute of Health and Welfare—Australia’s welfare 2011—Tenth biennial report.
Australian intelligence agencies—Independent review of the intelligence community report by Robert Cornall AO and Dr Rufus Black, dated November 2011.
Final report, dated November 2011.
Summary report, dated November 2011.
Finance—Issues from the advances under the annual Appropriation Acts—Report for 2010-11.
IIF Investments Pty Limited—Report for 2010-11.
Outback Stores Pty Ltd—Report for 2010-11.
Royal Australian Navy Central Canteens Board (RANCCB)—Report for 2010-11.
Treaties—
Bilateral—Text, together with national interest analysis—
Exchange of Notes constituting an Agreement to extend the Agreement between the Government of Australia and the Government of the United States of America concerning the Conduct of Scientific Balloon Flights for Civil Research Purposes of 16 February 2006, done at Canberra on [date to be confirmed].
Protocol amending the Agreement between the Government of Australia and the

Multilateral—Text, together with national interest analysis—

Amendments to Appendices I and II to the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 23 June 1979), done at Bergen on 25 November 2011.


**Departmental and Agency Appointments**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008, as amended:

Departmental and agency appointments and vacancies—Additional estimates—

Letters of advice—

Agriculture, Fisheries and Forestry portfolio.

Attorney-General's portfolio.

Broadband, Communications and the Digital Economy portfolio.

Families, Housing, Community Services and Indigenous Affairs portfolio.

Health and Ageing portfolio.

Human Services portfolio.

Innovation, Industry, Science and Research portfolio [2].

Infrastructure and Transport portfolio.

Prime Minister and Cabinet portfolio [4].

Sustainability, Environment, Water, Population and Communities portfolio.

Treasury portfolio.

Veterans' Affairs portfolio.

**Departmental and Agency Grants**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Additional estimates—Letters of advice—

Attorney-General's portfolio.

Australian Organ and Tissue Donation and Transplantation Authority.

Department of Agriculture, Fisheries and Forestry.

Department of Broadband, Communications and the Digital Economy.

Department of Human Services.

Department of Infrastructure and Transport.

Department of Veterans' Affairs.

Families, Housing, Community Services and Indigenous Affairs portfolio [2].

Innovation, Industry, Science and Research portfolio [2].

Prime Minister and Cabinet portfolio [4].

Treasury portfolio.

**Order for the Production of Documents**

The following document was tabled pursuant to the order of the Senate of 24 November 2011:

Health—Medicare Chronic Disease Dental Scheme—Audits—Document responding to the order of the Senate of 24 November 2011.
The following answers to questions were circulated:

**Foreign Affairs and Trade: Overseas Travel**
(Question No. 549)

**Senator Johnston** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 March 2011:

For each overseas trip since the 2010 election, how many departmental officials accompanied the Minister, including: (a) the staff member's position; and (b) the total cost to the Government of their travel.

**Senator Conroy:** The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

Note: Costs are as at 31 March 2011. Some costs have not yet have been finalised.

A. Mr Rudd travelled to Pakistan and the United States from 15 to 27 September 2010. Mr Rudd was accompanied by four Canberra-based DFAT staff (two in Washington and two in New York). The positions of the staff members who accompanied Mr Rudd were:
   - First Assistant Secretary, Americas and Africa Division
   - Head, UNSC Taskforce
   - Assistant Secretary, International Organisations Branch
   - Acting Departmental Liaison Officer

   The total cost of the staff members' travel was $57,028.89

B. Mr Rudd travelled to Japan, Belgium, Italy and the Holy See from 12 to 20 October 2010. Mr Rudd was accompanied by one Canberra-based DFAT staff member (for the travel to Belgium, Italy and the Holy See). The staff member who accompanied Mr Rudd was Assistant Secretary, Pakistan and Afghanistan Branch.

   The total cost of the staff member's travel was $12,517.34

C. Mr Rudd travelled to China and the Republic of Korea from 31 October to 6 November 2010. Mr Rudd was accompanied by one Canberra-based DFAT staff member (to all destinations). The staff member who accompanied Mr Rudd was First Assistant Secretary, North Asia Division.

   The total cost of the staff member's travel was $13,078.54

D. Mr Rudd travelled to the United Arab Emirates, Kazakhstan and Bahrain from 29 November to 6 December 2010.

   Mr Rudd was accompanied by two Canberra-based DFAT staff (to all destinations). The positions of the staff members who accompanied Mr Rudd were:
   - (Acting) First Assistant Secretary, Europe Division
   - Assistant Secretary, Middle East Branch

   The total cost of the staff members' travel was $27,698.36

E. Mr Rudd travelled to Indonesia, Egypt, Jordan, Israel, the Palestinian Territories, Brazil and Chile from 8 to 20 December 2010.
Mr Rudd was accompanied by four Canberra-based DFAT staff (two in Indonesia, one in the Middle East, and one in Brazil and Chile). The positions of the staff members who accompanied Mr Rudd were:

First Assistant Secretary, South-East Asia Division
First Assistant Secretary, South and West Asia and Middle East Division
Ambassador for People Smuggling Issues
Assistant Secretary, Canada and Latin America Branch

The total cost of the staff members' travel was $39,665.66

F. Mr Rudd travelled to Ethiopia, Switzerland, Turkey, Greece, Liechtenstein and Germany from 24 January to 7 February 2011.

Mr Rudd was accompanied by five Canberra-based DFAT staff in total (two in Ethiopia, one in Switzerland, one in Turkey and Greece and two in Germany). The positions of the staff members who accompanied Mr Rudd were:

(Acting) First Assistant Secretary, Europe Division
Assistant Secretary, Africa Branch
Assistant Secretary, Arms Control and Counter-Proliferation Branch
Director, UNSC Taskforce
Executive Officer, Climate Change and Environment Section

The total cost of the staff members' travel was $73,168.18

G. Mr Rudd travelled to South Africa, Egypt, Afghanistan, United Arab Emirates, Jordan, the Palestinian Territories, Israel, Saudi Arabia and Tunisia from 24 February to 12 March 2011.

Mr Rudd was accompanied by three Canberra-based DFAT staff in total (two in South Africa, Egypt, Switzerland, the United Arab Emirates, Jordan and Tunisia; and three in the Palestinian Territories, Israel and Saudi Arabia). The positions of the staff members who accompanied Mr Rudd were:

Assistant Secretary, Middle East Branch
Executive Officer, Middle East and Northern Africa Section
Diplomatic Courier

The total cost of the staff members' travel was $76,739.29

Foreign Affairs and Trade
(Question No. 681)

Senator Bob Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 8 June 2011:

With reference to the John McCarthy review of the Australian Government's handling of the Nigel Brennan case:

(1) Were any members of the Brennan family consulted or interviewed for the review; if so, who; if not, why not.

(2) Have any members of the Brennan family received a copy of the review report; if so, who; if not, why not.

(3) Were members of the Canadian Government and/or negotiating team consulted or interviewed for the report.

(4) Has the Canadian Government reviewed its handling of the case; if so, has it shared its findings with the Australian Government.
(5) Of the 21 recommendations in the report, do any cover the use of private kidnap and ransom specialists by families of hostages and/or governments.

(6) Do any of the recommendations cover agreements with other western countries regarding the payment of ransoms.

(7) Does the department have a timeline for the implementation of the McCarthy recommendations.

(8) Which other government departments or agencies will be involved in deciding on and implementing recommendations from the review.

**Senator Conroy:** The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) Yes: Nigel Brennan; Nicky Bonney (sister); Geoff Brennan (father); Heather Brennan (mother); Kelli Brennan (sister-in-law).

(2) No. The report provides a number of recommendations with regard to Government handling of future kidnap cases, including procedures for intelligence agencies. The report is classified Secret AUSTEO and has therefore not been shared with the Brennan family.

(3) Yes.

(4) Yes. No: the Canadian Government has indicated that it would share a copy of its report with us and we are following up with officials.

(5) Yes.

(6) No.

(7) The Department of Foreign Affairs and Trade has already implemented a number of recommendations contained in the report that apply to its operating procedures. Some recommendations can only be implemented when the next kidnapping occurs.

With regard to recommendations that involve other Government agencies, the Department is discussing these suggestions and procedures with a view to bringing any new policies into effect.

(8) AFP, ASIS, ASIO, PM&C, ONA, Department of Defence, Defence Signals Directorate, Defence Intelligence Organisation.

**Human Rights**

(Question No. 685)

**Senator Ludlam** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 14 June 2011:

In regard to the Voluntary Principles on Security and Human Rights (the Principles).

(1) Is the Government aware that the Principles are widely recognised as a leading voluntary, multi-stakeholder initiative designed to provide guidance to extractives companies on maintaining the security of their operations in a manner that respects human rights and fundamental freedoms.

(2) Is the Government aware that the Governments of Canada, Norway, the Netherlands, Colombia, Switzerland, the United Kingdom and the United States of America actively participate in and promote the Principles.

(3) Why has the Government to date refused to join the Principles.

(4) What is the Government doing to ensure that Australian companies operating as ‘high risk’ companies comply with the Principles and do not, through their security arrangements, cause harm to local communities.

(5) Will the Government consider supporting the Principles.
(6) Does the department currently promote the Organisation for Economic Co-operation and Development [OECD] Guidelines for Multinational Enterprises and responsible mining by Australian companies overseas; if so, how.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) Yes, the Government is aware of the Principles as well as the many other corporate social responsibility frameworks that cover human rights, including the UN’s recently endorsed Guiding Principles on Business and Human Rights (also known as the ‘Protect, Respect and Remedy’ framework or the Ruggie report), the Global Compact, the Global Reporting Initiative and others.

(2) Yes.

(3) and (5) The Government is currently considering the issue of joining the Voluntary Principles in the context of the many other international corporate social responsibility initiatives open to governments and business.

(4) The Government by definition can only encourage, rather than ensure, compliance with a voluntary framework. However, the Government actively encourages Australian companies to develop sound and robust policies, including for their security arrangements, for operations overseas. This includes promoting sector specific programs such as the Department of Resources, Energy and Tourism’s Leading Practice Sustainable Development Program for the Mining Industry and broader initiatives such as the OECD Guidelines for Multinational Enterprises (the OECD Guidelines). The Government also expects Australian companies to abide by the rules of the jurisdiction in which they operate.

(6) The Treasury hosts Australia’s National Contact Point for the OECD Guidelines and has primary responsibility within the Government for its promotion to Australian companies. The Australian National Contact Point liaises with Australian businesses and peak business organisations in addition to other stakeholders (a wide range of NGOs) on a regular basis and also hosts a website www.ausncp.gov.au The Treasury, including the Australian National Contact Point, also conducts regular briefing to Australian government representatives overseas on corporate social responsibility issues. The Department of Foreign Affairs and Trade also conducts industry outreach activities on “trading with integrity” on a regular basis to highlight Australian laws applying to Australian companies trading internationally. As part of this outreach, the Department actively promotes both the OECD Guidelines as well as the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones.

Australian Bureau of Statistics
(Question No. 686 amended)

Senator Ludlam asked the Minister representing the Treasurer, upon notice, on 15 June 2011:

With reference to the proposed changes to the way the Australian Bureau of Statistics (ABS) will conduct the homelessness count in the 2011 Census:

(1) Why did the ABS undertake a methodological review of Counting the Homeless 2006.
(2) How did the ABS consult with the sector before announcing these changes.
(3) What kind of resourcing has been devoted to the homelessness count over the past two census in 2001 and 2006, and does this differ from the resources for the 2011 Census.
(4) Are the proposed changes due to a budget cut or any kind of resourcing issue.
(5) Why was there such a long delay in releasing the discussion paper the ABS promised would be released in December 2009 but was only released in March 2011 about the proposed changes to the methodology.

(6) Why does the ABS still believe the Chamberlain and McKenzie methodology, used for the 2001 and 2006 census, led to an over estimation of homelessness figures, even though this view was and continues to be strongly refuted by homelessness services, peak bodies and homelessness researchers.

(7) What is the ABS response to our understanding that peak bodies, researchers and service providers still maintain in fact the homeless are being undercounted.

(8) Can the ABS confirm it will be doing all the analysis itself using its new methodology and that this will not include:

(a) Chamberlain and McKenzie’s analysis of people staying in supported accommodation data;
(b) extensive field work usually carried out by Chamberlain and McKenzie; and
(c) an analysis of the Secondary School Student Survey.

(9) Will the ABS form their homelessness estimate predominately on raw census data.

(10) How does this overcome the problem that homelessness is ‘hidden’ and therefore difficult to measure without expert analysis, a sound background in research and an understanding of the complexity of homelessness.

Consultation with sector

(11) In regard to the forum that took place on 24 May 2011 with the ABS and key homelessness stakeholders:

(a) did the ABS call this forum;
(b) apart from this forum, how has the ABS tried to engage with the sector since announcing these dramatic changes;
(c) how many submissions did the ABS receive on its discussion paper and how were they incorporated; and
(d) will the ABS be establishing a sector reference group.

(12) Does the ABS appreciate that up until now Australia has been in the fortunate and unique position (compared to other countries around the world) of having a consensus on homelessness figures.

(13) Will the ABS guarantee that it works to a consensus on publishing revised figures and introducing a new methodology.

New assumptions reflected in the methodology

(14) Can the Minister confirm some of the more controversial assumptions in the discussion paper including:

(a) all people over 55 years old living in caravan parks will be classed as ‘grey nomads’ and will not be counted as homeless;
(b) people living in attractive holiday destinations cannot be classed as homeless;
(c) there are only 1,253 people experiencing primary homelessness in the Northern Territory, but this is based on the assumption that 1 million square miles of territory can be covered in one night; and
(d) people staying in improvised dwellings should not be considered homeless if they have an income from employment or are landowners.

Aboriginal and Torres Strait Islander people and homelessness

(15) Given that the revised count of Aboriginal and Torres Strait Islander people who were homeless and staying with friends and relatives across Australia on census night has been revised to 872
Tuesday, 7 February 2012

SENATE

QUESTIONS ON NOTICE

(discussion paper, p. 73) which is significantly down from the figure of 5438 in recently released Australian Institute of Health and Welfare (AIHW) figures of Indigenous people currently experiencing secondary homelessness, how can the significantly revised down figures be reconciled.

(16) How was the AIHW consulted regarding the proposed changes to the methodology.

(17) How will the new ABS methodology incorporate overcrowding experienced in Indigenous households.

(18) What strategies are being considered or employed to improve the accuracy of counting Indigenous people in the census.

(19) Given that the census in the territories is only conducted over one night, yet the Northern Territory spans more than 1,000,000 square km and has the highest number of remote communities in Australia and it is stated that between 2001 and 2006 the number of rough sleepers is said to have declined by 26 per cent—yet no additional services or accommodation were provided in this time and it is unlikely that this number found accommodation; it is therefore likely that significant numbers of undercounting of homeless people occurred in the last census, and will occur again, therefore:

(a) what measures will the ABS have in place to prevent undercounting of homeless people in the Northern Territory in the 2011 and subsequent census; and

(b) has the ABS considered extending the census period to more than one day; if not, will it.

School students, young people and homelessness

In regard to the number of young people experiencing homelessness in 2006 which has been revised by the ABS from approximately 21,000 down to 5,000 nationally:

(20) Given that 35 per cent of Supported Accommodation Assistance Program (SAAP) funding is currently allocated to services providing responses to young people, how will a significant drop for the 2011 figures impact on funding for youth services in the future.

(21) Is the ABS aware that in the north and west Melbourne metropolitan regions alone, current demand data shows that there are 861 young person headed households awaiting assistance.

(22) Does the ABS have confidence in the accuracy of the new figure.

(23) What is the estimated margin of error and how was it calculated.

(24) Given that a strong concern with the revised methodology is the proposal to only gather data from six schools, over 1 day, on youth homelessness, compared with thousands previously:

(a) what was the rationale for this; and

(b) how will the ABS work with the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) regarding any changes to the scope or process for collecting data on youth homelessness through schools.

(25) Can the ABS confirm why the National Census of Homeless School Students is not going ahead.

(26) Does FaHCSIA sit on the Steering Group for the ABS review.

(27) Has the ABS been provided with any advice in making the case that the National Census on Homeless School Students is not required.

Secondary homelessness

(28) In regard to the significant revision down by 58 per cent (or 27,277 people) from the secondary homelessness figures in the 2006 census, can an outline and account be provided for all of the assumptions underlying the removal of these 27,277 people in the secondary homelessness category.

Undercounting of specific and marginalised groups
(29) For each of the following groups, can the ABS provide an explanation on how it intends to better include them and count them more accurately in the next census:

(a) women escaping domestic violence who seek assistance from a homelessness service but are turned away and either sleep in a car in a concealed location or are accommodated by a friend or relative for the night;

(b) Indigenous people in overcrowded households;

(c) rough sleepers in the 'long grass' in the Kimberley and Pilbara in Western Australia and Darwin-Daly district in the Northern Territory;

(d) families in private motels paid for by temporary state housing vouchers; and

(e) single people staying with friends in public housing not named on the lease (due to rules prohibiting sub-letting they often will not identify as residing with the tenant even if this is the case).

New ABS concept of 'rooflessness' rather than homelessness

(30) Does the discussion paper suggest that the ABS is moving towards a view of homelessness that focuses on a person's 'rooflessness', that is, homelessness defined only as rough sleeping or primary homelessness.

(31) How is this definition helpful to the current conceptualization of homelessness, particularly in terms of devising responses to prevent and intervene early before primary ('roofless') and chronic homelessness occurs.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

This is a revised version of the response tabled in the Senate on 25 November 2011. Revisions have been made to the response to question (27).


The discussion paper is available on the ABS website: www.abs.gov.au.

(2) Please refer to the ABS' Position Paper on the Review of the Counting the Homeless methodology. This paper responds to submissions made and feedback received during the ABS' consultation with the sector regarding the review. The ABS has also established a sector reference group to continue its consultation with stakeholders.

(3) While exact numbers are not available for the 2001 Census, the resources were increased in the 2006 Census to over 250 staff. For the 2011 Census, these resources were increased to over 550 specialist field staff.

(4) There are no budget cuts, or any kind of resourcing issue, which are relevant to resourcing the homeless count.

(5) The ABS is an independent statutory authority and questions relating to timing of its reports are a matter for the ABS.

(6) Please refer to the ABS' Position Paper on the Review of the Counting the Homeless methodology. These papers set out the ABS' analysis of previous methodologies.

(7) Please refer to the ABS' Discussion Paper and Position Paper on the Review of the Counting the Homeless methodology. The Position paper responds to submissions made and feedback received during the ABS' consultation with the sector regarding the review.

(8) Please refer to the ABS' Position Paper on the Review of the Counting the Homeless methodology.
(9) Please refer to the ABS’ Position Paper on the Review of the Counting the Homeless methodology.

(10) Please refer to the ABS Discussion Paper, Methodological Review of Counting the Homeless, 2006, which noted the existence of ‘hidden’ homelessness in the context of homeless people reporting a usual address on Census night while visiting other private homes.

The ABS has advised that some of the improvements applied for the 2011 Census and planned for future Censuses will address, at least in part, the ‘hidden’ homelessness when Indigenous people have a usual residence reported for them. The ABS will seek advice, through its new Homelessness Statistics Reference Group, on approaches for addressing the ‘hidden’ nature of homelessness, and will use its planned focus group work to provide new insights on measurement.

(11) (a) The ABS has advised that it wrote, in advance of the publication of the ABS Discussion Paper, Methodological Review of Counting the Homeless, 2006, to offer an ABS funded workshop for Homelessness Australia members after they had had a chance to review the Discussion Paper. This Homelessness Australia workshop was in addition to the discussion forums planned, advertised and held in each capital city. Homelessness Australia accepted the offer and the meeting occurred on 24 May 2011.

(b) The Discussion Paper announced public discussion forums in each capital city and sought submissions. Additional forums were held, on request, with stakeholders across Australia. The ABS has also answered questions received during forums, or in writing or over the telephone.

(c) Please refer to the ABS’ Position Paper on the Review of the Counting the Homeless methodology. This paper responds to submissions made and feedback received during the ABS’ consultation with the sector regarding the review.

(d) The ABS has advised that it has convened a Homelessness Statistics Reference Group with invitees from the sector, from academia, and from government.

(12) The ABS is an independent statutory authority and has released its Discussion Paper and Position Paper outlining the ABS’ assessment of the Counting the Homeless methodology.

(13) The ABS has advised that it is continuing to consult with stakeholders, including through the new Homelessness Statistics Reference Group, to inform its view of whether, and if so how, official estimates of the prevalence of homelessness can be made.

(14) (a) The ABS has advised that the statement in the question is not an assumption made in the ABS Discussion Paper, Methodological Review of Counting the Homeless, 2006.

(b) The ABS has advised that the statement in the question is not an assumption made in the ABS Discussion Paper, Methodological Review of Counting the Homeless, 2006.

(c) The ABS has advised that the statement in the question is not an assumption made in the ABS Discussion Paper, Methodological Review of Counting the Homeless, 2006.

(d) The ABS has advised that the statement in the question is not an assumption made in the ABS Discussion Paper, Methodological Review of Counting the Homeless, 2006.

(15) The ABS has advised the following:

The number of 5,438 Aboriginal and Torres Strait Islander people in the question is quoted from Table 1.3 in a May 2011 publication issued by the Australian Institute of Health and Welfare (AIHW) titled Housing and Homeless Services, Access for Aboriginal and Torres Strait Islander People (Cat. No. HOU 237). The data are reported from the Counting the Homeless 2006 state and territory reports and do not represent just Indigenous people who were homeless and staying with friends and relatives across Australia. The 5,438 number from Counting the Homeless 2006 represents homeless Indigenous people staying with friends and relatives (872 in the reviewed ABS estimates) and people staying in SAAP on Census night (2,692 in the reviewed ABS estimates). The 1,874 people difference between
the Counting the Homeless 2006 and the reviewed ABS total estimates derives mainly from the Counting the Homeless 2006 use of a SAAP support period estimate, rather than the estimate of the number of people accommodated on Census night.

(16) The ABS has advised that the AIHW was a member of the Steering Committee for the methodological review and participated in all three review workshops.

(17) The ABS has advised that this issue has not been addressed in any former estimates of homelessness and will be the subject of ongoing research by the ABS, including through focus group work following the Census, and in the design and development of culturally appropriate homelessness modules in the ABS’s national surveys of Aboriginal and Torres Strait Islander people.

(18) The ABS has advised that, in consultation with a range of organisations and government departments at all levels, it implemented a range of changes to its Indigenous Enumeration Strategy (IES) for the 2011 Census. The IES drew on the extensive evaluation undertaken of the 2006 Census data and field processes. It incorporated improvements to the enumeration procedures for Indigenous people living in urban areas, as well as remote communities.

The ABS has advised that, at a broad level, the range of improvements in the 2011 IES have provided for:

- more detailed planning of the enumeration process;
- earlier, more detailed and ongoing engagement;
- integration of the strategy more fully into the mainstream operation so that coverage can be ensured;
- reorganisation and increased flexibility of the field operation to ensure that for each area the appropriate enumeration methodology is used and documented, including targeted responses in areas where there are significant issues impacting enumeration;
- increases in the number of field staff positions;
- systems and procedures to enhance the collection of management information and to allow for closer management of the field operation and the tracking of progress;
- a greater level of support to Indigenous people who need assistance in completing their form particularly in urban areas; and,
- a reduction in the overall timing of remote Indigenous enumeration, to counter the effects of a longer enumeration period.

(19) (a) The ABS developed an overall national strategy and implemented detailed operational plans at regional levels. These regional plans were developed after close consultation and ongoing engagement with stakeholders and service providers within those regions.

The ABS has advised that these plans included working closely with service and accommodation providers to identify locations of people experiencing homelessness and employing staff from these organisations to assist with the homeless count. The ABS will also employed people who have been homeless to assist with the homeless count. Homeless Enumeration Coordinators were also employed in urban areas such as in Darwin, Katherine and Alice Springs.

(b) The ABS has advised that, if possible, the enumeration period for the rough sleeper count in the Northern Territory should be conducted on the one day. A count on the one day provides for a snapshot at a particular point of time and minimises the risks of both under and over counting. However, where circumstances preclude this, the period can be extended to ensure maximum possible coverage.

(20) The Census is not the only data relied on by Governments to ascertain the extent of homelessness or indeed the demand for homelessness services. The Government has committed to...
strong targets to reduce homelessness across Australia and our record has been to increase funding for services by more than 55 per cent over four years.

It should also be noted that states and territories are responsible for the allocation of supported accommodation funding that is provided by the Commonwealth.

(21) The ABS has advised that it has received a submission in response to the ABS Discussion Paper, Methodological Review of Counting the Homeless, 2006, which states that "...there are 861 young person headed households in crisis and awaiting assistance."

In regard to the revised estimate for the number of people aged 12 to 24 experiencing homelessness on census night which decreased from 32 444 to 13 316 (discussion paper, p. 73):

(22) Please refer to the ABS' Position Paper on the Review of the Counting the Homeless methodology.

(23) Please refer to the ABS Position Paper on the Review of the Counting the Homeless methodology. This paper responds to submissions made and feedback received during the ABS' consultation with the sector regarding the review.

(24) (a) Please refer to the ABS' Position Paper on the Review of the Counting the Homeless methodology.

(b) The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) is on the steering committee for the methodological review and they will also be on the Homelessness Statistics Reference Group.

In regard to the decision not to use the National Census of Homeless School Students, which in 2006 identified approximately 7 000 young people who were homeless but still at school:

(25) The ABS has advised that it has not had any role in the funding, design, development or conduct of the NCHSS.

(26) Yes.

(27) No, the ABS has not received any advice about the National Census on Homeless School Students. The ABS is conducting a quality study of homeless school students. If successful, the ABS would propose, subject to funding, to conduct a national survey of secondary school students.


(29) (a) The ABS has advised that, as well as targeted enumeration of those sleeping rough, such as inner city areas of capital cities and other identified major urban centres, all Census field staff are tasked with identifying rough sleepers in their workloads so that they can be included in the Census.

(b) The ABS has advised that extensive engagement was undertaken with community groups, Non-Government Organisations (NGOs), service providers and Indigenous communities to raise awareness of the Census and the importance of an accurate count.

(c) The ABS has advised that these areas were identified early in fieldwork planning, and local plans were developed to ensure that the rough sleepers in the 'long grass' were counted.

(d) The ABS has advised that these individuals and families were asked, like other residents of private motels, to participate in the census.

(e) The ABS has advised that the Census communications campaign included tailored messages encouraging people who may be staying with friends, but who have no usual address, to report "none" in the usual address question on the Census form.

(30) The ABS advises that this is incorrect. The published ABS Discussion Paper, Methodological Review of Counting the Homeless, 2006, provides details for the various categories of homelessness.

(31) See the answer to Question 30.
Sudan  
(Question No. 892)  

Senator Rhiannon asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 July 2011:  

In regard to the $16 million in funding that Australia has pledged to South Sudan, will any of the money be allocated for:  

(1) Better governance of the country's natural resources, including resource management institutions at a state and local level.  
(2) Helping communities manage mining interests on their land.  
(3) Helping Australia's South Sudanese diaspora to return to South Sudan to contribute to building the new country.  
(4) Can an indication be given of how much funding will be allocated to each of the above matters given consideration.  

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:  

(1) No, although South Sudan could access assistance for natural resource management through the Mining for Development Initiative  
(2) See Answer to question 1.  
(3) As part of $11.36 million (over two years) provided to Australian non-government organisations for early recovery assistance in South Sudan, $2,566,851 has been provided to Oxfam to support improved food security and livelihood opportunities for vulnerable households in Lakes and Western Bahr El Ghazal States. A small component of Oxfam's funding under this activity will also support a pilot program of engagement with Australia's South Sudanese diaspora. Oxfam will support organisational capacity building (for example, financial management and governance) of targeted Australian South Sudanese community groups to better equip them to support rebuilding in South Sudan. As part of this, Oxfam may facilitate return visits of selected community members to South Sudan to engage in 'mentoring'-type training in program implementation.  
(4) Approximately $75,000 of Oxfam's funded activity will support Australian South Sudanese diaspora engagement. A small component of this funding may help support some members of Australia's South Sudanese community to return to South Sudan to contribute to building the new country.  

Foreign Affairs and Trade  
(Question No. 904)  

Senator Hanson-Young asked the Minister representing the Minister for Foreign Affairs, upon notice, on 8 August 2011:  

Given that the provision of family planning services is fundamental to the achievement of a number of the Millennium Development Goals, particularly Goal 5.  

(1) Can an outline be provided of the amount and percentage of AusAID funding that was spent specifically on family planning activities (DAC Code 13030), and the amount allocated to the United Nations Population Fund in each of the following financial years:  
(a) 2009-10; and  
(b) 2010-11.
(2) How does current expenditure on family planning activities compare, in real percentage terms, to expenditure on family planning prior to the release of the revised AusAID Family Planning Guidelines in August 2009 (2008-09 financial year).

Senator Conroy: The Minister for Foreign Affairs has provided the following answer the the honourable senator’s question:

(1) The total estimated amount and percentage of AusAID funding spent on family planning activities were:

(a) In 2008-09 $8 million or .25 per cent of total AusAID ODA expenditure
(b) In 2009-10 $10 million or .29 per cent of total AusAID ODA expenditure
(c) In 2010-11 $40 million or 1.02 per cent of total AusAID ODA expenditure

The majority of family planning activities funded by AusAID are not recorded under the DAC code 13030. Most family planning activities are recorded under either 13020 (reproductive health) or more general health codes such as 12220 (basic health care). AusAID’s reporting on family planning expenditure is calculated by activity and sub-component which provide a more comprehensive and accurate picture of family planning expenditure than using DAC codes.

The amount of AusAID funding recorded against DAC code 13030 is $6,094,680 in 2009-10 and $1,310,473 (estimate) in 2010-11. This equates to .18 per cent and .03 per cent respectively of total annual AusAID ODA expenditure. As outlined above, these figures represent a fraction of actual AusAID expenditure on family planning.

AusAID provided approximately $20 million in 2009-10 and $34 million in 2010-11 to UNFPA. This funding was provided for UNFPA to undertake a range of activities including improving access to family planning and reproductive health services, maternal and child health activities, reducing gender based violence, training of health workers and assisting population surveys.

(2) See response to question (1).

Foreign Affairs and Trade
(Question No. 930)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 August 2011:

Does the department have an estimate of the number of uninsured Australian travellers.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

The Department of Foreign Affairs and Trade does not keep a record of the number of Australians who travel overseas without travel insurance. The Insurance Council of Australia estimates that around 15 to 20 percent of Australians who travel internationally do not have insurance.

Foreign Affairs and Trade
(Question No. 931)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 August 2011:

Does the department keep data on what proportion of those who seek consular assistance are uninsured; if not, why not.
**Senator Conroy:** The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

No. Although the benefits to travellers of appropriate insurance coverage are clear, the department provides consular assistance whether travellers have insurance or not. Consular staff are not always made aware of travel insurance coverage at the time that consular assistance is provided and cannot compel Australian citizens to provide details of travel insurance. Insurance policies are private contracts between travellers and the insurers.

**Australian Broadcasting Corporation**

(Question No. 1021)

**Senator Abetz** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 22 August 2011:

With reference to the answer to question on notice no. 80 taken on notice during the 2011-12 Budget estimates hearing of the Environment and Communications Legislation Committee in May 2011 regarding the answer to question no. 400 taken on notice during the 2010-11 additional estimates hearings advising that the Australian Broadcasting Corporation (ABC) provided its responses to the department on 13 December 2010:

1. When did the department provide the ABC's responses to the Minister's office.
2. Were any changes required to be made to the answers after they were provided to the Minister's office.

**Senator Conroy:** The answer to the honourable senator's question is as follows:

The responses were provided to the Minister's office as soon as practical after the department had checked the responses for consistency with the questions asked and for factual accuracy.

**Wizard Projects Pty Ltd**

(Question No. 1041)

**Senator Abetz** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 29 August 2011:

1. Has the department contracted Wizard Projects Pty Ltd to provide alarm systems; if so:
2. Where are the systems deployed;
3. What is the cost of the alarms; and
4. What is included in the contract.

**Senator Conroy:** The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

1. No.
2. to (4) Not applicable.

**Foreign Affairs and Trade: Code of Conduct Investigations**

(Question Nos 1049 and 1063)

**Senator Abetz** asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 29 August 2011:

1. How many Code of Conduct investigations have there been within the Minister's portfolio for the financial years: (a) 2010-11; and (b) 2011-to date.
2. How many investigations established: (a) a breach; or (b) no breach, of the Code of Conduct.
(3) In each case, what provisions of the Code of Conduct were thought to have been breached.
(4) What penalties were applied where the Code of Conduct was broken.
(5) How many investigations are ongoing.

**Senator Conroy:** The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

DFAT and portfolio agencies
(1) (a) Fifteen. (b) Nil.
(2) (a) Three. (b) Twelve.
(3) Of the fifteen investigations, the alleged breaches comprised:

- seven cases of inappropriate behaviour;
- three cases of failing to comply with any lawful and reasonable direction;
- one case of failing to act with care and diligence;
- one case of improper use of Commonwealth Resources;
- one case of unauthorised disclosure of information;
- one case of conflict of interest;
- one case of improper use of the employee's status.

Case 1 - It was determined that a breach had occurred resulting in the employee being cautioned.
Case 2 - It was determined that a breach had occurred resulting in the employee receiving a reduction in classification, a reassignment of duties, a reduction in salary and was reprimanded. This employee was also required to attend an internal fraud training program.
Case 3 - It was determined that a breach had occurred resulting in the employee receiving a formal letter of reprimand to be retained on personnel file and salary reduction.
(5) Five investigations are ongoing.

**School Education, Early Childhood and Youth**
(Question No. 1096)

**Senator Bob Brown** asked the Minister representing the Minister for School Education, Early Childhood and Youth, upon notice, on 8 September 2011:

Given that, in May 2010, Australia's children's commissioners and guardians resolved that all children should be protected from physical punishment and all governments should work to ensure the law is consistent with international human rights standards:

(1) What is the Commonwealth Government doing to ensure that no child is subject to corporal punishment in Australian non-state schools.
(2) Why is corporal punishment not mentioned as an example of a punitive approach in the 'Common Terms and Definitions' section of the National safe schools framework resource manual.

**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 Australian Government does not endorse corporal punishment as an approach to disciplining young people in schools. The Australian Capital Territory, New South Wales, South Australia, Queensland, Tasmania and Victoria have either explicitly banned the use of corporal punishment in schools or have removed the relevant provisions in their respective education Acts.
The Australian Government continues to work closely with education authorities to develop a clear and agreed national approach to safe schools. As part of this national approach, the Australian Government worked with all state and territory Governments to revise the National Safe Schools Framework.

(2) Corporal punishment was not explicitly referred to in the revised National Safe Schools Framework resource manual common terms and definitions as it is already expressly banned in jurisdictions covering the majority of Australian school children and is therefore not a discipline mechanism that most schools would consider using or condoning. The term "punitive approaches" was therefore used to describe a range of approaches, including but not limited to corporal punishment.

Positive behaviour management is promoted in the Framework and is one of the nine key elements central to its objectives and guiding principles. School communities are guided to make decisions about their selection of behaviour support programs and resources and ensure they are evidence based. Schools may consider adopting such approaches as positive behaviour support, restorative practices, and programs that focus on recognition of pro-social behaviour and clear non-punitive consequences for anti-social behaviour.

**Indigenous Communities**

(Question No. 1097)

Senator Siewert asked the Minister representing the Minister for School Education, Early Childhood and Youth, upon notice, on 8 September 2011:

In regard to all non-government schools that have Indigenous students enrolled:

1. Can a breakdown be provided of all specific Indigenous funding payments under all relevant legislation, excluding general recurrent payments, segmented by individual program on a per capita basis for the 2008 to 2011 funding years inclusive, including:
   - the percentage of Indigenous enrolments at each school;
   - the location of the school;
   - a detailed breakdown of the calculation methodology of these payments.

2. Can a breakdown of all payments made on behalf of Indigenous boarding students be provided, on a per capita basis (for eligible students), under the Indigenous Education (Targeted Assistance) Act 2000 or any other relevant legislation for all eligible non-government boarding schools for the 2008 to 2011 funding years inclusive, including:
   - the percentage of Indigenous enrolments at each school;
   - the location of the school;
   - a detailed breakdown of the calculation methodology of these payments.

Senator Chris Evans: The Minister representing for School Education, Early Childhood and Youth has provided the following answer to the honourable senator's question:

In response to your first question, per capita payments for Indigenous students in the 2008 to 2011 funding years were transacted under two Acts. Payments in 2008 were made under the Indigenous Education (Targeted Assistance) Act, 2000. Payments in 2009, 2010 and 2011 were made under the Schools Assistance Act, 2008. A detailed response is therefore provided in two parts – one for each of these periods – as shown at Attachments A and B and summarised below:

1. (a) 2008 Per capita payments to non-government schools for Indigenous Students (Indigenous Education (Targeted Assistance) ACT, 2000).

   The table at Attachment A outlines Indigenous funding paid to non-government schools on a per capita basis for 2008 under the Indigenous Education (Targeted Assistance) Act, 2000. The per capita elements are segmented by three programs:
   - Supplementary Recurrent Assistance (SRA);
   - English as a Second Language – Indigenous Language Speaking Students (ESL-ILSS);
• Indigenous Tutorial Assistance Scheme (ITAS) – to schools, including:
  - ITAS – In Class Tuition;
  - ITAS – Years 9-12; and


The funding provided to non-government schools is also publicly available through the National Report to Parliament, which is available at:


NOTE: in most cases, payments to non-government schools were either made to clusters of schools through a single school, or direct to education systems which then disbursed the funding to individual schools. Payments which were made this way are not reportable at the school level.

(b) 2009 to 2011 per capita payments to non-government schools for Indigenous Students (Schools Assistance Act, 2008).

Attachment B outlines Indigenous funding paid to non-government schools on a per capita basis over the period 2009 to 2011. The per capita elements are segmented by two programs:
• Indigenous Supplementary Assistance; and
• Indigenous Funding Guarantee.

The enrolments included in Attachment B are those reported at Schools Census Day and may vary from other published data as they do not include enrolment variations made after the end of a calendar year. The data includes the percentage of Indigenous enrolments at each school and the location of the school.

Funding amounts for systemic schools listed in Attachment B are the amounts that the schools are entitled to under the existing Commonwealth funding arrangements and may be different from the amounts allocated to the schools by the system authority. A detailed breakdown of the calculation methodology for Indigenous Supplementary Assistance and Indigenous Funding Guarantee funding is provided below.

*Indigenous Supplementary Assistance.*

Indigenous Supplementary Assistance is provided at a per capita rate, based on the level of schooling (primary or secondary) and whether the school is located in a remote/very remote area or a non remote area. The relevant per capita rates are then multiplied by the number of primary or secondary Indigenous enrolments at the school.

The initial 2009 rates were determined by legislation and are set out in the Schools Assistance Act, 2008 (p. 57-62). The final 2009 rates were determined by indexing these initial rates by 2009 Average Government School Recurrent Costs. Similarly, the rates for subsequent years were determined by indexing the final rate of the preceding year by the Average Government School Recurrent Costs for the current year.

*Indigenous Funding Guarantee*

The Indigenous Funding Guarantee was introduced to ensure that non-government schools and school systems received total recurrent funding from 2009 at least comparable to that received in 2008. The Indigenous Funding Guarantee is a transition measure and is not intended to insulate schools from funding impacts associated with enrolment changes.

Only schools or systems that received Indigenous Funding Guarantee in 2009 are eligible to receive Indigenous Funding Guarantee in a subsequent program year. Once a school or system becomes
ineligible for Indigenous Funding Guarantee funding, it ceases to be eligible for the remainder of the funding period.

The methods used to calculate the Indigenous Funding Guarantee are:

'Total School' Approach:
(for non-systemic schools) Compares 2008 total recurrent funding levels with total recurrent funding levels in a subsequent program year, adjusting for enrolment changes if these fall below 2008 levels.

'Per Capita' Approach:
(for non-systemic schools) Compares 2008 per capita recurrent funding levels with per capita recurrent funding levels in a subsequent program year.

School System Approach:
(for school systems) Compares a system's 2008 total recurrent funding levels with total recurrent funding levels in a subsequent program year. Calculations are based on the aggregate entitlements of a system's member schools.

For non-systemic schools, the Indigenous Funding Guarantee is calculated on either a total school or per capita basis, depending on which arrangement delivers the greatest funding to an eligible school.

Attachment B does not include the School System Approach as it has no per capita component.

(2) Note: per capita payments for Indigenous boarding students in the 2008 to 2011 funding years were transacted under two Acts. Payments in 2011 for Increased Indigenous Supplementary Assistance were made under the Schools Assistance Act, 2008. Payments for the per capita component of ABSTUDY in 2008 to 2011 inclusive were made under the Student Assistance Act, 1973. The response is therefore provided in two parts.

(a) 2011 Increased Indigenous Supplementary Assistance for non-remote boarding schools (Schools Assistance Act, 2008).

In the lead-up to the 2010 election, the Australian Government made a commitment to provide increased funding to eligible non government boarding schools with enrolments of more than 50 Indigenous boarding students. This commitment provides non-remote boarding schools with the higher (remote) rates of Indigenous Supplementary Assistance where more than 50 Indigenous students are boarding from remote Indigenous communities. Eligible schools will receive $2713 (primary) and $2552 (secondary) for each Indigenous boarding student from a remote Indigenous community. This payment is in addition to the per capita Indigenous Supplementary Assistance.

Five schools have been identified as eligible for Increased Indigenous Supplementary Assistance in 2011. These schools received funding at the secondary rate of $2552: Djarragun College, Gordonvale Qld; Mount St Bernard College, Herberton Qld; Kormilda College, Berrimah NT; St John's College, Stuart Park NT; and Marrara Christian School, Marrara NT.

Attachment B provides the funding details for each of these schools in the last column.

(b) 2008 to 2011 Indigenous per capita funding provided to non-government Schools (Student Assistance Act, 1973).

The only component of ABSTUDY paid on a per capita basis is the Under 16 Boarding Supplement. This supplement assists boarding schools with a significant number of Indigenous enrolments to cover the shortfall in boarding and tuition fees paid for students under 16 years of age. These students receive a lower rate of ABSTUDY Living Allowance than those students aged between 16 and 20 years.

The Under 16 Boarding Supplement provides the school with the difference between the two rates of ABSTUDY Living Allowance. These boarding schools then receive the same rate of ABSTUDY assistance for all their eligible secondary boarding students regardless of age.
For a school to qualify for this payment, at least 10 per cent of the total numbers of students enrolled at the school must be Indigenous Australians, or a minimum of 20 Indigenous students must be enrolled.

The Supplement is paid directly to qualifying schools twice a year by the Department of Human Services (formerly Centrelink). In 2011, qualifying boarding schools will receive $2294 per semester for each eligible student.

It is not practicable to collect and manually interrogate Department of Human Services data to provide a per capita breakdown of payments made. Attachment C lists the schools that were eligible to receive the Under 16 Boarding Supplement for their ABSTUDY eligible boarding students but does not include details of funding provided.

Attachments A, B and C are available from the Senate Table Office.

**AusAID: Agent Orange**

(Question No.1102)

Senator Rhiannon asked the Minister representing the Minister for Foreign Affairs, upon notice, on 8 September 2011:

1. (a) How much money has AusAID spent on Agent Orange responses in Vietnam in the past 10 years, including land rehabilitation, education and services for Agent Orange affected people; and (b) Can a breakdown be provided of that amount showing partner, amount, sector and province.

2. Has Agent Orange including land rehabilitation, education and services for Agent Orange affected people, ever featured in the AusAID health strategy, Asia regional strategy or Vietnam strategy over the past 10 years.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

1. (a) Through the Direct Aid Program (DAP) the Australian Government has supported two projects relating to Agent Orange. These were both funded in 2005-06, one for USD7,000 (approximately AUD9,050) and the second for VND75,000,000 (approximately AUD6,250).
   - Thanh Xuan Peace Village in Hanoi
     - USD7,000 (approximately AUD9,050) was provided for the purchase of a CO2 surgical laser.
     - The Thanh Xuan Peace Village, established in 1991 with support from the International Peace Village Oberhauzen and the German Government, provides rehabilitation for Agent Orange disabled children and has special education and vocational training for the disabled.
     - The CO2 surgical laser system enables handicapped children requiring emergency treatment to be treated at their village.
   - Phong Dien Blind Association in Hue
   - VND75,000,000 (approximately AUD6,250) was provided for the construction of a new five room building.
   - Phong Dien is an area that was greatly affected by the war, and inhabitants had to cope with unexploded ordnance (UXO) and Agent Orange. Many people suffered from exploding UXOs, causing blindness and eye damage.

(2) No.
Questions on Notice

Attorney-General, Home Affairs and Justice: Staffing
(Question Nos 1127, 1136 and 1137)

Senator Humphries asked the Minister representing the Attorney-General, and the Minister for Home Affairs and Minister for Justice, upon notice, on 12 September 2011:

(1) Have staffing numbers in agencies within the Minister's portfolio been reduced as a result of the efficiency dividend and/or other budget cuts; if so, in which areas and at what classification.

(2) Are there any plans for staff reduction in agencies within the Minister's portfolio; if so, can details be provided i.e. reduction target, how this will be achieved, services/programs to be cut etc.

(3) What changes are underway or planned for graduate recruitment, cadetships or similar programs, and if reductions are envisaged can details be provided, including reasons, target numbers etc.

Senator Ludwig: The Attorney-General has provided the following answer to the honourable senator's question:

For the purpose of answering the question, staffing is measured by Average Staffing Levels (ASL). As a Government Business Enterprise, the Australian Government Solicitor (AGS) operates on a commercial and competitive basis and does not receive any parliamentary appropriations and is not subject to the efficiency dividend.

(1) The following agencies have not had their budgeted ASL reduced as a result of the efficiency dividend and/or other budget changes: Administrative Appeals Tribunal, Australian Commission for Law Enforcement Integrity, Australian Human Rights Commission, Australian Law Reform Commission, Australian Security Intelligence Organisation, CrimTrac, Federal Court of Australia, Copyright Tribunal of Australia, Defence Force Discipline Appeal Tribunal, Federal Magistrates Court of Australia, Insolvency and Trustee Service Australia and the Office of Parliamentary Counsel.

As identified in the 2011-12 Portfolio Budget Statements the Attorney-General's Department and the following agencies have had reductions in budgeted ASL as a result of the efficiency dividend and/or other budget changes: Australian Crime Commission, Australian Federal Police, Australian Customs and Border Protection Service, Australian Institute of Criminology, Australian Transaction Reports and Analysis Centre, Commonwealth Director of Public Prosecutions, Family Court of Australia, High Court of Australia, and the National Native Title Tribunal.

The budgeted reductions are anticipated to be across a broad range of the portfolio's functions, areas and classifications in response to Government priorities over the forward estimates.

(2) The following agencies do not have planned staff reductions: Administrative Appeals Tribunal, Australian Commission for Law Enforcement Integrity, Australian Human Rights Commission, Australian Institute of Criminology, Australian Law Reform Commission, Australian Security Intelligence Organisation, CrimTrac, Federal Magistrates Court of Australia, High Court of Australia, Insolvency and Trustee Service Australia and the Office of Parliamentary Counsel.

Attorney-General's Department

The Department operates within budget and deploys employees between programs in response to Government priorities. In the 2011-12 Portfolio Budget Statements, the Department has forecast a reduction of 25 ASL, of which 21 ASL are directly related to changes in funding received for New Policy Proposals and four relate to a general reduction in staff numbers.

Australian Crime Commission

As outlined in the 2011-12 Portfolio Budget Statements, the ACC is planning to reduce its staffing levels by an approximate 25 ASL. The ACC will manage this reduction through voluntary redundancies, natural attrition and the expiry of non-ongoing contracts. Measures are in place to ensure that priority areas of the ACC are allocated the resources required to perform their functions.
Australian Customs and Border Protection Service

As outlined in the 2011-12 Portfolio Budget Statement the Australian Customs and Border Protection Service is planning a reduction in the average staffing level (ASL) of 90. The majority of staffing reductions will occur in the Passengers Division with average ASL levels being reduced by 87 over four years. There will also be a small number of other staff reductions across the agency. This reduction will be managed through natural attrition and adjustments to recruitment programs.

Australian Federal Police

As stated in the 2011-12 Portfolio Budget Statement the AFP is anticipating a reduction of 72 ASL. The organisation has reduced its Full Time Equivalent (FTE) during the 2011-12 financial year due to natural attrition, retirements and voluntary redundancies. The voluntary redundancy program is part of a normal workforce management program for the organisation. The AFP will continue to exercise financial restraint.

As part of the Government's commitment to increase the number of sworn investigators by an additional 500, the AFP forecast an increase of 62 sworn investigators in the current financial year would bring the total increase under this initiative to 340.

Australian Transaction Reports and Analysis Centre

Yes. AUSTRAC is planning to reduce its staffing numbers. The number will be determined in light of the outcomes of other savings measures. This reduction will primarily be achieved through natural attrition and workforce planning strategies. Progress will be monitored throughout the year and other measures will be considered should the required reduction target not be met.

Commonwealth Director of Public Prosecutions

There are plans for further reductions. Staffing number reductions will be achieved across the broad range of office functions rather than in relation to specific areas, classifications, services or programs. As stated in the 2011-12 Portfolio Budget Statements the staffing levels expected for the out years are

(a) 2011-12 anticipated ASL 513;
(b) 2012-13 anticipated ASL 508;
(c) 2013-14 anticipated ASL 496;
(d) 2014-15 anticipated ASL 494.

Family Court of Australia

As outlined in the 2011-12 Portfolio Budget Statements, the Family Court of Australia is planning to reduce its staffing levels by an approximate 25 ASL. Staffing reductions in the Court will be managed in accordance with the Commonwealth's redeployment principles which give a high priority to redeploying excess employees across the APS and stress that compulsory retrenchment should be avoided.

Federal Court of Australia, Copyright Tribunal of Australia and Defence Force Discipline Appeal Tribunal

There will be a need for further staff reductions but there are no plans at this stage on how these will be achieved.

National Native Title Tribunal

There are plans for further reductions. The staffing levels expected for the out years are

(a) 2011-12 anticipated ASL 154;
(b) 2012-13 anticipated ASL 150;
(c) 2013-14 anticipated ASL 145;
(d) 2014-15 anticipated ASL is expected to plateau at 145.
The reduction in staffing will be achieved through implementing the Tribunal’s Workforce Plan 2011-14, produced in August 2011. Measures to date include the following decisions:

- to merge three sections (Legal, Research and Library) into one section, as at 26 September 2011, and associated involuntary redundancies;
- to further reduce staffing levels in Finance and Human Resources;
- continuing to further reduce staff numbers, through natural attrition wherever possible.

(3) There are no planned changes across the portfolio to graduate recruitment, cadetships or similar programs with the following exceptions:

**Australian Customs and Border Protection Service**

The Graduate Development Program is anticipated to increase by 19 participants for the calendar year 2012.

A small increase in numbers for the National Trainee Training Program is anticipated for the calendar year 2012.

The Indigenous Graduate Program is anticipated to decrease by one participant for the calendar year 2012.

**National Native Title Tribunal**

As part of its Indigenous Employment Strategy, the Tribunal hopes to be able to offer a cadetship, traineeship or internship to an Indigenous employee each year.

**Foreign Affairs and Trade**

(Question Nos 1164 and 1178)

*Senator Abetz* asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 13 September 2011:

With reference to the department and all agencies within the Minister's portfolio:

(1) What was the total cost of allowances for government employees or contractors working at sea for the 2010-11 financial year.

(2) What is the daily allowance for working at sea.

(3) How many days in total were spent at sea in the 2010-11 financial year.

*Senator Conroy*: The Minister for Foreign Affairs and the Minister for Trade have provided the following answer to the honourable senator’s question:

DFAT
Nil.
AusAID
Nil.
Austrade
Nil.
Export Finance and Insurance Corporation (EFIC)
Nil.
Australian Centre for International Agricultural Research (ACIAR)
Nil.
Finance and Deregulation
(Question No. 1201)

Senator Cormann asked the Minister for Finance and Deregulation, upon notice, on 14 September 2011:
What activities or functions of the Commonwealth have been, or will be, funded relying on a spending power under section 81 of the Constitution with respect to the year ended:
(a) 30 June 2010;
(b) 30 June 2011; and
(c) 30 June 2012.

Senator Wong: The answer to the honourable senator’s question is as follows:
No activities or functions of the Commonwealth have relied on a spending power under section 81 of the Constitution for the years ending:
(a) 30 June 2010;
(b) 30 June 2011; and
(c) 30 June 2012.

Broadband, Communications and the Digital Economy
(Question No. 1208)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 15 September 2011:
(1) What is the department spend on milk supplies for the following financial years: (a) 2010-11; and (b) 2011-12.
(2) Are these costs recovered by the department.
(3) Who utilises the milk that is supplied.

Senator Conroy: The answer to the honourable senator’s question is as follows:
(1) (a) 2010-11: $16,928.01. (b) 2011-12: $4,437.16 (as at 20/09/2011).
(2) No.
(3) Departmental staff and visitors.

Climate Change
(Question No. 1215)

Senator Boswell asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 19 September 2011:
In regard to renewable energy:
(1) With reference to section 103 of the Clean Energy Bill 2011 (the bill) which defines a carbon unit as personal property, has the department received legal advice on the consequence of defining a carbon unit as ‘personal property’; if so, when was this advice received and when was the advice sought.
(2) What is the legal need to define a carbon unit as personal property, and what would be the consequence of not having this definition in the bill.
(3) Has the department received legal advice on any liability that a government might be exposed to if the clean energy legislation is rescinded and carbon units subsequently become worthless or lose value; if so, can a summary of this advice be provided.
(4) Has the department estimated the size of any liability that a government may be exposed to if it rescinds the clean energy legislation; if so, can estimates be provided over the next 10 years, or as many years as possible, as the value of carbon units presumably grows.

(5) In regard to any liability that a government may be exposed to from rescinding the clean energy legislation, does the liability depend on whether the carbon unit is issued in a fixed charge year, in a flexible charge year, freely issued or is an international emissions unit or an eligible Australian carbon credit.

(6) Can estimates be provided of the number and value of carbon units that will be on issue over the first 10 years, or as many years as possible, of the clean energy program, and can these estimates be disaggregated into units issued in a fixed charge year, units issued in a flexible charge year, units freely issued, international emissions units, eligible Australian carbon credit units and units otherwise issued or acquired.

(7) When will the department issue carbon units in a given flexible charge year and will they be issued ahead of flexible charge years; if so, when.

(8) Has the department received any legal advice on whether any rescinding of the clean energy legislation would equate to an 'acquisition' of carbon units for the purposes of section 51 (xxxi) of the Constitution; if so, can a copy of that advice be provided.

(9) Can an explanation be provided as to the meaning of section 100(7)(a) of the Clean Energy Bill 2011 and does the surrendering of a carbon unit immediately after issue mean that the unit is not 'owned' by an individual at any particular time.

(10) Given that Mr Leeper told a hearing of the Environment, Communications and the Arts Legislation Committee on 28 May 2010, that the modelling the department had at that time indicated that there would be some '16.2 million excess RECs in the market' after the surrender period of 14 February 2011, how many excess Renewable Energy Certificates (RECs) there were in the market at the end of that surrender period.

(11) Given that the department also had modelling at that time suggesting that the number of small scale RECs would peak at around 11 million in 2010 which Mr Leeper suggested would fall away over time to approximately 6 million a year, can information be provided as to how many small scale RECs were created in 2010, and how many have been created so far in 2011.

(12) Can an explanation be provided as to why and how this difference occurred.

(13) What are the estimates for both small and large scale certificate creation for the next 3 years.

(14) Is the department confident the small scale RECs will all be out of the system by 2014.

(15) Given that in October 2010, Ms Rankin told the committee that, all up, under the Solar Homes and Communities Plan from 2007-08 to that date that expenditure was $959 million, what was the final cost of those programs, given that the subsidies have gone off-budget since the beginning of the calendar year.

(16) Can the following information be provided on an annual basis for as many years as there are records:

(a) the greenhouse gas savings attributable to solar hot water systems;
(b) the greenhouse gas savings attributable to domestic solar photovoltaic (PV) systems;
(c) figures on the current installed capacity of wind turbines; and
(d) estimates of how many megawatts of wind capacity is estimated will be needed in the renewable mix to reach the 2020 target.
(17) Given there have been numerous press reports in recent months concerning complaints over installation, especially over photovoltaic installations, has the department set in place tougher oversight standards; if so, have these been implemented.

(18) (a) How many complaints have been made by solar panel installers that have sold their credits to brokers and have lost money;
(b) how much has been lost in dollar terms, and
(c) how many companies have defaulted.

**Senator Wong:** The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator’s question:

(1) Yes, the Department received legal advice on this issue on 21 September 2011. The advice was requested on 16 September 2011. Legal advice is subject to legal professional privilege.

(2) The purpose of clause 103 of the Clean Energy Bill 2011 (the Bill), together with a range of other provisions in the legislation, is to ensure that the legal status of carbon units which have not been surrendered is clear. Transparent and certain property rights are fundamental for any efficient and well-functioning market.

Carbon units will be created by statute and would have no existence apart from statute. The statute determines the legal nature of the units. Without express provision in the statute, there would be uncertainty about the nature of units. There has been uncertainty in the past about the treatment of emissions units in the European Union and Kyoto trading schemes. The legislation avoids uncertainty about these issues.

Clause 103 would clarify that carbon units are a form of property. They would therefore have the characteristics of property in Australian law, subject to contrary statutory provision. They could, for instance, be traded, offered as security, trust property, taxed as property, the subject of family law proceedings or vested in a trustee in bankruptcy. If clause 103 was omitted from the Bill, there would be uncertainty about these matters.

The purpose of clause 103 is not to bind a future parliament by attracting s51(xxxi) of the Constitution (relating to a acquisition of property on just terms) to the repeal of the legislation. Whether or not carbon units are property for the purposes of s51(xxxi) is not conclusively determined by declaring in the legislation that the units are personal property. The courts have found that permits created under other regulatory schemes can be property for this purpose, even if the underpinning legislation did not state this explicitly. If clause 103 was omitted from the Bill, this would not ensure that repeal of the legislation did not acquire property contrary to s51(xxxi).

(3) Yes, see answer to part (1) above.

(4) The Department has not carried out any quantification of liabilities that might arise as a result of repeal of the legislation.

(5) Whether any liability exists would depend on the nature of the particular unit and the precise circumstances in which any repeal took place.

(6) The actual number of units issued in the first 10 years of the mechanism will depend on reported emissions in the fixed price years and the pollution cap in the flexible price years. Accurate estimates of the number of units will therefore depend on future decisions by liable parties and also by the Government when it sets the pollution caps.

(7) The Clean Energy Regulator (the Regulator) will issue carbon units in a given flexible charge year under four different circumstances:
(a) As a result of an auction conducted by the Regulator.
The timing of auctions will be determined by legislative instrument (Part 4; Section 113 of the Clean Energy Bill 2011). The Government has announced that there will be advance auctions of flexible price permits in the fixed price period.

(b) In accordance with the Price Ceiling.

In the first three years of the flexible price period, if the carbon price increases above a fixed price ceiling set in regulations, participants will be able to buy carbon units from the Regulator at that fixed price.

(c) In accordance with the Jobs and Competitiveness Program.

Free carbon units under the Jobs and Competitiveness Program will likely be issued early in the financial year. Applications for free carbon units can be made from 1 July to 31 October of the relevant flexible charge year with an extension to 31 December in extenuating circumstances. The Regulator will assess and process applications as soon as possible with maximum assessment times specified (exposure draft of the Clean Energy Regulations 2011).

(d) In accordance with Part 8 of the Clean Energy Bill 2011 (coal-fired electricity generation)

The Regulator will issue free carbon units on 1 September 2015 and 1 September 2016 (Part 8; Section 161 of the Bill).

(8) Yes, see answer to part (1) above.

(9) Under clause 100(7)(a), a fixed charge carbon unit is taken to be surrendered as soon as it is issued. The purpose of the automatic cancellation is to prevent trading and banking of purchased units, which is unnecessary in the fixed charge years.

Carbon units that are surrendered automatically are cancelled and the entry for the unit is removed from the Registry account in which it is entered, under clause 122(10). Removal from the Registry account upon surrender applies to all carbon units, regardless of whether they are fixed charge units, free units issued in a fixed or flexible charge year, or auctioned units.

A person who surrenders a unit ceases to be the legal owner of the unit when the entry for the unit is removed from the person's Registry account.

(10) There were approximately 34.4 million excess Renewable Energy Certificates (RECs) after the surrender period of 14 February 2011. The Government has made clear that declining system costs, the high Australian dollar and state and territory feed-in tariffs accelerated solar photovoltaic (PV) deployment since the modelling released in May 2010 has lead the Government to bring forward the phase-out of the solar credits multiplier.

(11) In 2010, the concept of small-scale technology certificates did not exist but 25.29 million RECs were validly created in relation to the installation of small generation units and solar water heaters. As at 4 December 2011, 48.99 million Small-scale Technology Certificates (STCs) have been validly created from the installation of small generation units and solar water heaters.

(12) In December 2010, to ensure that households continue to contribute to the cost of installing solar systems and to ease pressure on electricity prices, the Government announced changes to the Solar Credits multiplier to bring the scheduled phase-out forward by one year to 30 June 2014.

Since that time, strong demand for solar panels has continued, fuelled by declining system costs, the strong Australian dollar and economy, as well as incentives such as Solar Credits and state and territory feed-in tariff schemes. In response to this demand, and to help place the industry on a more sustainable development path, the Government announced on 5 May 2011 that it would bring forward the phase-out of the Solar Credits multiplier by a further year from 1 July 2011.

The most recent adjustment to the Solar Credits multiplier will help reduce the oversupply of STCs, which has suppressed the spot price for STCs. Any excess STCs created this year will be added to the
2012 Small-scale Renewable Energy Scheme (SRES) liability, consistent with the requirements of the Renewable Energy Target (RET) legislation.

The changes to Solar Credits will continue support to households, businesses and communities for the upfront cost of installing solar panels, while helping to moderate market demand and the impact on electricity prices, and placing the industry on a more sustainable development path.

(13) The Office of the Renewable Energy Regulator (ORER) does not provide estimates for large scale certificate creation.

Due to recent legislative changes and after having received independent data, the ORER has revised the 2012–13 non-binding Small-scale Technology Percentages (STP).

The non-binding STP published on 29 July 2011 under section 40B of the Renewable Energy (Electricity) Act 2000 for:

- 2012 is 20.87 per cent (equivalent to 38.5* million STCs as a proportion of total estimated liable electricity for the 2012 year); and
- 2013 is 6.25 percent (equivalent to 12.1 million STCs as a proportion of total estimated liable electricity for the 2013 year)

* Includes an estimate of 20.1 million excess STCs to be created in 2011, over the 28 million estimate used in setting the legislated 2011 STP in December 2010. Also includes an updated estimated total of 18.4 million STCs to be created in 2012.

(14) For the Small-scale Renewable Energy Scheme component of the RET, any over or under estimation in the 2011 STP is included in the 2012 STP, as shown in the 2012 non-binding target in part (13).

(15) From December 2007 to June 2011, a total of $997 million has been provided for solar power installations under the Solar Homes and Communities Plan.

(16) (a) Indicative annual greenhouse gas savings attributable to solar and heat pump water heater systems are listed in table 1 below.

<table>
<thead>
<tr>
<th>Installation year</th>
<th>Annual savings from installations since 2001 in tonnes of carbon dioxide equivalent (CO2-e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>21,603</td>
</tr>
<tr>
<td>2002</td>
<td>74,282</td>
</tr>
<tr>
<td>2003</td>
<td>145,051</td>
</tr>
<tr>
<td>2004</td>
<td>226,579</td>
</tr>
<tr>
<td>2005</td>
<td>326,657</td>
</tr>
<tr>
<td>2006</td>
<td>428,772</td>
</tr>
<tr>
<td>2007</td>
<td>580,925</td>
</tr>
<tr>
<td>2008</td>
<td>905,123</td>
</tr>
<tr>
<td>2009</td>
<td>1,694,728</td>
</tr>
<tr>
<td>2010</td>
<td>2,111,481</td>
</tr>
<tr>
<td>2011 to (mid-September)</td>
<td>2,274,054</td>
</tr>
</tbody>
</table>

These estimates are derived from the number of certificates issued under the RET scheme for solar and heat pump water heaters installed each year since 2001 as reported by the ORER.

One RET scheme certificate is taken to be equivalent to 1 megawatt-hour (MWh) of avoided fossil based electricity. For each year, a national average emission factor, in tonnes of CO2-e per MWh of electricity displaced (based on Australia’s emissions projections 2010, Department of Climate Change and Energy Efficiency, Feb 2011) has been used (see Table 2 below).
Table 2

<table>
<thead>
<tr>
<th>Year</th>
<th>Emission factor in tonnes of CO2-e per MWh</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>1.003</td>
</tr>
<tr>
<td>2010</td>
<td>0.986</td>
</tr>
<tr>
<td>2011</td>
<td>0.939</td>
</tr>
</tbody>
</table>

(b) The indicative annual greenhouse gas savings attributable to rooftop solar PV systems are set out in Table 3 below.

Table 3

<table>
<thead>
<tr>
<th>Installation Year</th>
<th>Annual savings from installations since 2001 in Tonnes of CO2-e</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>1,826</td>
</tr>
<tr>
<td>2002</td>
<td>6,567</td>
</tr>
<tr>
<td>2003</td>
<td>9,211</td>
</tr>
<tr>
<td>2004</td>
<td>11,033</td>
</tr>
<tr>
<td>2005</td>
<td>13,667</td>
</tr>
<tr>
<td>2006</td>
<td>16,227</td>
</tr>
<tr>
<td>2007</td>
<td>24,096</td>
</tr>
<tr>
<td>2008</td>
<td>51,884</td>
</tr>
<tr>
<td>2009</td>
<td>168,985</td>
</tr>
<tr>
<td>2010</td>
<td>691,786</td>
</tr>
<tr>
<td>2011 to (mid-September)</td>
<td>1,368,770</td>
</tr>
</tbody>
</table>

These estimates are derived from the number of rooftop solar (PV) installations creating certificates under the RET scheme or receiving rebates under the Solar Homes and Communities Plan each year since 2001.

The conversion from system capacity to annual zero emissions energy generated utilised the RET zone ratings as shown in Schedule 5 of the Renewable Energy (Electricity) Regulations 2001. It was assumed that all solar panels were in Zone 3 as this is where the majority are likely to have been installed.

The emission factors used are the same as those listed in part 16(a) above. These factors may be higher than actual, as the higher proportion of gas-fired generation during the day means that emissions intensity of electricity tends to be lower at these times, when electricity from solar PV is produced.

As of September 2011, the total installed capacity of wind farms around Australia that are accredited under the RET scheme since 2001 is around 2,550 MW.

The Government estimates that the RET, in combination with a carbon price, is anticipated to drive in the order of 6,500 MW of additional wind power capacity by 2020.

(17) Regulations to strengthen compliance in relation to Small Generation Units (SGUs) were enacted in November 2010. Before certificates can be created for solar PV systems these amendments require systems to be installed to meet:

- state, territory and local government requirements;
- Australia Standards, by a Clean Energy Council (CEC) designer/installer;
- the requirements of the CEC code of conduct.

The solar PV system must also be installed by a licensed electrician in that state or territory jurisdiction.

The ORER began inspecting SGUs in May 2011.

(18) The ORER does not collect data on these issues. Consumer matters such as non-payment for certificates would typically be directed to state and territory Fair Trading Offices.
Climate Change
(Question No. 1217)

Senator Boswell asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 19 September 2011:

In regard to carbon tax on fuel:

(1) With reference to page 123 of the Department of Finance and Administration's Australia's plan for a clean energy future: Regulation impact statement, which states 'The Government does not know of any small businesses who would be directly liable under the carbon price', and given that the Fuel Tax Legislation Amendment (Clean Energy) Bill will 'provide an effective carbon price on business through the fuel tax system; is it correct that if the regulation impact statement is correct then no small business will pay the effective carbon price on fuel.

(2) Is it true that under the fuel tax changes thousands of small businesses will face a direct carbon price.

(3) How many businesses around the country will be subject to the carbon price on fuel from 1 July 2011.

(4) Is it correct that, based on Australian Taxation Office data, 60 000 businesses, including small businesses, will pay the carbon price, not just 500 big polluters as claimed by the Government.

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

(1) The Small Business Impact Statement of the Regulation Impact Statement is correct in stating that, "the Government does not know of any small businesses who would be directly liable under the carbon price". About 500 of the biggest polluters in Australia will be required to pay the carbon price under the carbon pricing mechanism. An effective carbon price will apply to certain fuel-related emissions as elaborated in the answer to Part 2.

(2) In summary, the fuel tax changes are:

- Households and businesses will not face a carbon price on the fuel they use for on-road light vehicle transport, in addition, the agriculture, forestry and fishery industries will not face a carbon price on the fuel they use for off-road transport or non-transport purposes.
- Some businesses currently do not pay the full rate of fuel excise due to receiving fuel tax credits that cancel some or all of their fuel tax liability. The credit amount will be adjusted to reflect an equivalent carbon price from 1 July 2012. There will be no changes to the fuel tax credits for heavy on-road vehicles at the commencement of the scheme. The Government intends to reduce the fuel tax credits for heavy on-road vehicles from 1 July 2014.
- Domestic aviation fuel excise will be increased by an amount equivalent to the carbon price and the automatic remission of excise on gaseous fuels will be reduced from 1 July 2012.

Treasury has advised that it is not possible to give a precise estimate of the number of businesses which will be subject to these changed arrangements. This is due to overlaps in the activities undertaken by businesses, the nature of the liabilities for excise and customs duties and eligibility for fuel tax credits. It should also be noted that, even with the changed arrangements, a number of construction, manufacturing, wholesale/retail, property management and landscaping activities, as well as a wide range of other activities, will receive a larger fuel tax credit from 1 July 2012 than they do in 2011-12, due to the phasing up of fuel tax credits. The Government has also announced that from 1 July 2013, large users of specified fuels will be able to voluntarily opt to use the permit-based carbon pricing mechanism instead of the arrangements outlined above.
(3) Please refer to Part 2.
(4) Please refer to Part 2.

National Rental Affordability Scheme
(Question No. 1226)

Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 20 September 2011:

With reference to the National Rental Affordability Scheme (NRAS):
(1) For Round 1, 2 and 3 can a table be provided listing the total number and percentage of NRAS incentives that were awarded but could not be accepted, disaggregating cash and tax deduction grants.
(2) Were these incentives simply returned to the NRAS funding pool and allocated in subsequent rounds.
(3) Can the key reasons be provided for applicants having to return incentives in (1) above, distinguishing between profit and not-for-profit organisations.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) For rounds one, two and three of the National Rental Affordability Scheme, information on offers of incentives that were not accepted was not collected or aggregated in the Scheme's program management system. Collecting this information from individual applications would require an unreasonable diversion of departmental staff resources. The Department of Sustainability, Environment, Water, Population and Communities (the department) is seeking to capture this information as applicants respond to offers made under Round Four.
(2) Yes.
(3) For rounds one, two and three of the National Rental Affordability Scheme, information on offers of incentives that were not accepted was not collected or aggregated in the Scheme's program management system. Collecting this information from individual applications would require an unreasonable diversion of departmental staff resources. The department is seeking to capture this information as applicants respond to offers made under Round Four.

Tertiary Education, Skills, Science and Research, and School Education, Early Childhood and Youth
(Question Nos 1234 and 1235)

Senator Abetz asked the Minister for Tertiary Education, Skills, Science and Research and Minister representing the Minister for School Education, Early Childhood and Youth, upon notice, on 21 September 2011:

With reference to the answer provided to question no. E414-07 taken on notice during the 2006-07 Budget estimates of the Employment, Workplace Relations and Education Legislation Committee, can an update of that answer be provided.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

An update to advice provided to answer E414-07 is attached (available from the Senate Table Office). This document has been prepared based on the current portfolio program structure as reported in the Education, Employment and Workplace Relations 2011-12 Portfolio Budget Statements (PBS).

Forward estimates are based on program estimates included in the 2011-12 (PBS) and the actual expenditure information is based on the 2010-11 financial statements information as reported in the

Tertiary Education, Skills, Science and Research, and School Education, Early Childhood and Youth

(Question Nos 1236 and 1237)

Senator Abetz asked the Minister for Tertiary Education, Skills, Science and Research and Minister representing the Minister for School Education, Early Childhood and Youth, upon notice, on 21 September 2011:

For each program in the department and agencies that fall under the Minister's portfolio:

(1) Is the program ongoing, lapsing or terminating.
(2) Can a breakdown of the expenditure be provided by administered and departmental costs.
(3) What are the program staffing numbers and the location of those staff.
(4) How many regulations are associated with the program.
(5) Can a list of those regulations be provided.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

In relation to each component of your request the following information is provided:

(1) The response provided to Parliamentary Questions 1234 and 1235 contains information for each administered program, as reported in the Education, Employment and Workplace Relations 2011-12 Portfolio Budget Statements.

(2) The breakdown of administered budget and forward estimates, by program, is reported in the Education, Employment and Workplace Relations 2011-12 Portfolio Budget Statements, and is also contained in the response (detailed above) provided to Parliamentary Questions 1234 and 1235.

(3) As previously provided in response to Parliamentary Questions 900 and 901, resourcing for the management of programs, including ASL, administered on behalf of the Australian Government is not allocated, or recorded within financial management and human resource systems, on an administered program basis.

(4) A full listing of all regulations that have been made under each Education, Employment and Workplace Relations (EEWR) portfolio Act, and as published in the current Administrative Arrangement Orders (of 14 October 2010) was provided in the response to Parliamentary Questions 900 and 901.

Foreign Affairs and Trade: Advertising

(Question No. 1244)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 22 September 2011:

What was the department's total expenditure on advertising in the 2010-11 financial year, and what was the program breakdown for this expenditure.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

The Department's 2010-11 Annual Report includes information on advertising expenditure during 2010-11. This information is summarised below:

____________________________
QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Program</th>
<th>Expenditure on Advertising '000</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Other Departmental</td>
<td>250.1</td>
</tr>
<tr>
<td>2.1 Consular Services</td>
<td>584.4</td>
</tr>
<tr>
<td>3.1 Other Departmental</td>
<td>22.6</td>
</tr>
<tr>
<td>3.2 Overseas Property</td>
<td>29.6</td>
</tr>
<tr>
<td>TOTAL</td>
<td>886.7</td>
</tr>
</tbody>
</table>

**Foreign Affairs and Trade**  
(Question No. 1248)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 22 September 2011:

In regard to curable blindness in the Asia-Pacific region:

(a) since 24 November 2007, what sum of money has the Australian Government spent on addressing this condition; and

(b) what countries are receiving Australian Government assistance to address this condition.

Senator Conroy: The Minister for Foreign Affairs has provided to following answer to the honourable senator's question:

(a) Australia has spent about $55 million on addressing preventable blindness in the Asia-Pacific region since 24 November 2007.

(b) The countries that are receiving Australian Government assistance to address curable blindness in the Asia-Pacific region are: Bangladesh, Burma, Cambodia, China, East Timor, Fiji, India, Indonesia, Laos, Nepal, Pakistan, Papua New Guinea, Samoa, Solomon Islands, Vanuatu and Vietnam.

**Foreign Affairs and Trade**  
(Question No. 1249)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 22 September 2011:

In regard to training eye health professionals, including ophthalmologists and ophthalmic nurses, since 24 November 2007, what sum has been spent to support local surgical capacity in the Asia-Pacific region.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

Since 24 November 2007, over $6 million has been spent on training eye health professionals, including ophthalmologists and ophthalmic nurses, to support local surgical capacity in the Asia-Pacific region.

**Seal Products**  
(Question No. 1261)

Senator Bob Brown asked the Minister representing the Minister for Trade, upon notice, on 22 September 2011:

In regard to the ban on seal products in Europe because of cruelty in the culling process:

1. Are there any prohibitions on Australian companies selling seal products.

2. Is the department aware of the sale of seal products in Australia, or of Australian businesses selling seal products elsewhere; if so, have any efforts been made to restrict the sale of such products in Australia or for businesses to be based here.
(3) Has Australia been involved in international discussions or expressed concern to Namibia about the operation of its seal culling.

Senator Conroy: The Minister for Trade has provided the following answer to the honourable senator's question:

(1) Commercial trade of seals taken in Commonwealth waters is prohibited (under Part 13 of the Environment Protection and Biodiversity Conservation Act 1999).

Commercial trade in species (including their parts or derivatives) listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is only allowed in very limited circumstances (under Part 13A of the Environment Protection and Biodiversity Conservation Act 1999). The seal species Arctocephalus townsendi is listed on Appendix I of CITES.

Commercial trade in species listed on Appendix II of CITES is strictly regulated. All other seals of the genus Arctocephalus (including their parts or derivatives) are listed on Appendix II of CITES and therefore require the issuing of permits prior to their importation into, and export out of, Australia (under Part 13A of the Environment Protection and Biodiversity Conservation Act 1999).

Commercial trade in seal species not taken in Commonwealth waters and not listed on the appendices to CITES is not regulated by the Australian Government under the Environment Protection and Biodiversity Conservation Act 1999.

(2) The Australian Government department responsible for regulating international wildlife trade, the Department of Sustainability, Environment, Water, Population and Communities has advised that it is not aware of any commercial import or export of seal products of seal species listed on the appendices to CITES. No permits for the import or export of products containing the genus Arctocephalus have been issued under the Environment Protection and Biodiversity Conservation Act 1999.

(3) No.

Thailand
(Question No. 1264)

Senator Bob Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 28 September 2011:

In regard to the Australians who were arrested in Thailand on charges of lese-majeste:

(1) Do Australian authorities advise a guilty plea; if so can the reasoning for this be provided.

(2) Have Australian authorities discussed concerns with their Thai counterparts about the court processes and bail applications for foreigners charged with this offence.

(3) Have Australian authorities discussed their opposition to the freedom of speech restrictions this law places on Thailand's citizens and visitors.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) No

(2) No

(3) The Australian Embassy in Bangkok discusses human rights issues, including in relation to freedom of speech, with a range of interlocutors in Thailand, including senior government figures and officials.

Australia also delivered a statement to the United Nations Human Rights Council (HRC) on 5 October 2011 as part of the HRC's review of the human rights situation in Thailand.
The Australian statement, in relevant part, suggested that the committee established to provide advice on the conduct of lèse majesté cases under Article 112 of Thailand's Criminal Code, as part of its deliberations, take account of Thailand's international treaty obligations to protect freedom of expression.

Pontville Detention Centre
(Question No. 1268)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 5 October 2011:

With reference to the answer to question no. BE11/0580 taken on notice during the 2010-11 Budget estimates of the Legal and Constitutional Affairs Legislation Committee, how much notice was given to the Premier, the two mayors, the service providers, Commonwealth Government agencies and the external stakeholders prior to the announcement.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

On 05 April 2011 the Government announced a new immigration detention centre would be commissioned at the Defence facility at Pontville, 30 kilometres north of Hobart, Tasmania.

The Minister contacted the Premier several days prior to the announcement and contacted the Mayor of Brighton the day before the announcement. The following key stakeholders were initially contacted by officers of the Department of Immigration and Citizenship on the same morning. Not all stakeholders were able to be reached at the first contact and follow up calls were required.

Mr Rhys Edwards, Secretary, Department of Premier and Cabinet (Tasmania)
Mayor Anthony Bisdee, Southern Midlands Local Government Area
Paul Mahony, Managing Director, and Tony Hassall, Director Serco – Detention Services Provider
Michael Gardiner, Managing Director of International Health and Medical Services (IHMS) – Health Services Provider
Robert Tickner, CEO of Australian Red Cross
Claire Robbs, Deputy CEO of Life Without Barriers
Dr Gillian Long Manager of Phoenix Support Service for Survivors of Torture and Trauma
Simon Lewis, Deputy Secretary of Department of Defence
Ramzi Jabbour, Assistant Commissioner of the Australian Federal Police
Jonelle Lancashire, AFP Regional Manager for Tasmania
Deputy Commissioner of the Tasmanian Police
Paris Aristotle, Ray Funnell AC and Kerrin Benson, members of the Councill for Immigration Services and Status Resolution (CISSR)
Allan Asher, Commonwealth Ombudsman
Hon. Catherine Branson QC, President of the Australian Human Rights Commission (AHRC)
Richard Towle, UNHCR Regional Representative for Australia
Dr Graham Thom, Australia’s Refugee Coordinator, Amnesty International
Prof Louise Newman Detention Health Advisory Group (DHAG)
Paul Power CEO of Refugee Council of Australia

The following Immigration Advice and Application Assistance Scheme (IAAAS) providers were sent an email approximately one hour before the announcement:
Senator Boswell asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 11 October 2011:

In regard to the deterioration of water quality in the Gladstone Harbour, Queensland, and testing that has been undertaken to determine the cause of diseased fish and the harmful effect on local fishermen due to handling diseased fish and contaminated nets:

(1) Is the Queensland Government testing for bacteria; if so:
   (a) what are the plate levels of the bacteria;
   (b) where in the harbor is this testing being undertaken;
   (c) have samples been taken in the marina where reports of fishermen suffering from infection are prevalent; and
   (d) are the levels of bacteria identified in the harbour the same type of bacteria identified as causing the lesions recently found on the local fisherman.

(2) Have the established processes for the investigation of water quality and fish kills been followed according to Government departmental protocols/manuals of the Department of Environment and Resource Management and Fisheries Queensland.

(3) What are the levels of acceptable turbidity set at and how was this determined.

(4) Is the Minister aware of any exceedances of turbidity levels in the harbour; if so, when.

(5) How many testing points are there and where are they located.

(6) Were any missing data points interpreted as zero; if so, how many and what impact would this have in significantly underestimating the levels of turbidity in the harbour.

(7) Is the Minister confident that the current water testing regime and results have been comprehensive enough to exclude all possible causes of the diseases in the marine life in the harbour.

(8) Have tests been conducted or are they being conducted to measure the levels of polychlorinated biphenyl, hydrocarbons, pesticides, hydrogen sulphides and cadmium.

(9) As a matter of public record, will the names of the organisations conducting the tests in the harbour be made available and will the veracity of the data from these test results be independently audited.
What other water sampling has been done in the harbour by the Gladstone Water Board and can a copy of these results be made available as a priority.

Is the department closely monitoring the progress of the water tests in the harbour and the likely impact of dredging and dumping of spoil near the Great Barrier Reef on water quality.

Does the Minister consider there is any risk to the World Heritage listing of the Great Barrier Reef Marine Park given the ongoing environmental damage in the Gladstone region.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) The Australian Government has a role in regulating dredging activities in Gladstone harbour to the extent they are conducted under relevant approvals under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The testing and regulation of water quality in Gladstone harbour is managed by Queensland state agencies. Specific questions relating to these tests should be directed to the relevant state agencies. The most recent reports received by the Department of Sustainability, Water, Environment, Population and Communities (the department) are:


(2) The investigation of water quality in relation to fish deaths is a matter for Queensland state agencies, including the Queensland Department of Environment and Resource Management and Fisheries Queensland.

(3) The Minister for Sustainability, Environment, Water, Population and Communities approved the Western Basin Dredging and Disposal project on 22 October 2010 under the EPBC Act (EPBC 2009/4904). Under plans required by the conditions for that approval, threshold levels of turbidity are set. If those levels are exceeded, then the proponent must report exceedences, undertake an investigation and implement measures to reduce turbidity. Threshold turbidity levels are set at Nephelometric Turbidity Units (a standard measure of turbidity) and were determined from data taken over the last 15 years of background water quality in the Gladstone area, and on advice from the Dredge Technical Reference Panel established under the conditions.

(4) The Gladstone Port Corporation Ltd has reported three exceedances of turbidity to the department on 29 September 2011, 10 October 2011 and 25 October 2011. The required response measures were consequently implemented, including a suspension of dredging.

(5) There are over 175 water quality monitoring sites in the Gladstone area as part of the Port Curtis Integrated Monitoring Program, from the Narrows in the north to Seal Rocks in the south. The monitoring program is publically available at www.pcimp.com.au/

(6) Based on the data provided to the department by the Gladstone Ports Corporation for the purpose of EPBC conditions of approval, no missing data points have been interpreted as being zero.

(7) Under the conditions of approval imposed on the Western Basin Dredging and Disposal program, the proponent must implement a water quality monitoring program to protect sensitive marine ecosystems. The department is satisfied that the ongoing monitoring program to date (7 November 2011) has complied with the requirements of that program. The investigation of causes of diseases in marine life more generally is a matter for state regulatory agencies.
Assessment of sediments was undertaken under an Environment Protection (Sea Dumping) Act 1981 permit application and the EPBC Act assessment process. In the course of that assessment, the department received expert advice that the material to be dredged met the standards in the National Assessment Guidelines for Dredging 2009. The tests included tests for polychlorinated biphenyl and heavy metals such as cadmium.

Water quality reports with respect to primary water quality monitoring sites are available on Gladstone Ports Corporation's website at http://www.gpcl.com.au/Environment/EnvironmentalMonitoring.aspx. Under the EPBC Act conditions of approval for the Western Basin Dredging and Disposal project (EPBC 2009/4904), compliance reports must be provided every 12 months. Under those conditions, the department may also require the proponent to undertake an independent audit. To date (7 November 2011), the department has not required such an audit to be undertaken.

The department has not received a water sampling report from the Gladstone Water Board.

Yes.

The department has invited a joint World Heritage Centre and International Union for Conservation of Nature (IUCN) reactive monitoring mission to the Great Barrier Reef World Heritage property. The Minister is confident that following their visit, the World Heritage Committee will be reassured that the Great Barrier Reef is managed to world best-practice standard.

Uranium Mining
(Question No. 1273)

Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 12 October 2011:

In regard to the draft memorandum of understanding negotiated by the Government with Paladin Energy Ltd to access the Oobagooma uranium deposit in Western Australia:

(1) When will that memorandum of understanding be finalised.

(2) What were the timelines and dates of meetings in the process of its negotiation.

(3) How does the development of a uranium mine in the middle of the Kimberley National Heritage Listed area not compromise the integrity of that listing.

(4) Has the Minister advised the Minister for Resources and Energy that allowing access to the area would undermine the integrity of the Kimberley National Heritage Listed area.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) and (2) The memorandum of understanding is being negotiated by the Department of Finance and Deregulation on behalf of the Special Minister of State. These questions should be addressed to that portfolio.

(3) Any proposal to mine uranium would need to be referred under the Environment Protection and Biodiversity Conservation Act 1999. Any such proposal would be carefully assessed for its likely impacts, including on national heritage values.

(4) Paladin Energy Ltd has not referred a mining proposal under the Environment Protection and Biodiversity Conservation Act 1999 at this stage. Accordingly, the Minister has not provided advice to the Minister for Resources and Energy relating to such a proposal.
Whaling  
(Question No. 1277)

Senator Bob Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 13 October 2011:

In regard to the Japanese Government's recent announcement that it will send whaling ships to the Southern Ocean again in 2011 with a 'patrol boat' from the Fisheries Agency to strengthen protection:

(1) Can a copy be provided of the Australian Embassy's translation of the comments from the Japanese Minister of Agriculture, Forestry and Fisheries about Japan's intention to send whaling ships and a patrol boat to the Southern Ocean in 2011.

(2) Does the Australian Government know what sort of military capabilities the Japanese patrol boat has.

(3) If it is a Hayabusa class patrol boat, is it true that such a vessel has three gun housing and surface-to-surface missiles.

(4) If it is a long-range Shikishima class patrol boat: (a) is it true that it has a helicopter pad; and (b) does this sort of vessel have military capabilities; if so, can details be provided.

(5) Has the Australian Government sought clarification on what Japan's Minister meant when he said the patrol boat was being sent to 'strengthen the protection given to the research whaling ships'.

(6) Has the Australian Government taken legal advice on its duty of care to activists protecting whales in Australia's territorial waters and the Southern Ocean Whale Sanctuary; if so, did the legal advice detail any duty on Australia's behalf to send its own patrol boat to ensure the Japanese vessel does not endanger peaceful protests in its territorial waters.

(7) Has the Australian Government had discussions with the New Zealand Government following Japan's announcement that it will strengthen the protection of its fleet and the public comments made by the New Zealand Minister of Foreign Affairs about the danger this could pose; if so, who was involved and when did they occur.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) Yes. A copy is attached of the Australian Embassy in Tokyo's translation of the press statement given by Japanese Minister of Agriculture, Forestry and Fisheries Michihiko Kano on 4 October 2011.

(2) The Japanese Government has advised that it will send an additional Japan Fisheries Agency vessel to the Southern Ocean. Japan has advised that the vessel will not be a military or Coastguard vessel, nor will it have military capabilities.

(3) Japan has advised that the vessel will not be a military or Coastguard vessel, nor will it have military capabilities.

(4) Japan has advised that the vessel will not be a military or Coastguard vessel, nor will it have military capabilities.

(5) Yes. The Australian Embassy in Tokyo has sought clarification of Minister Kano's statement from Japanese officials. The Japanese Government has advised that the additional Japan Fisheries Agency vessel will be sent to the Southern Ocean for the purpose of supervising the activities of the whaling fleet on behalf of the Japan Fisheries Agency. Japan has indicated that it will not provide any further public information on the vessel's role.

(6) The Government has not obtained specific legal advice on this question. Under international law it is the duty of the master of a vessel to operate the vessel in accordance with international law and to ensure the safety of human life at sea. Australia has repeatedly called upon all parties involved to
exercise restraint and ensure safety. Australia has fulfilled and will continue to fulfil all its international legal obligations arising from events in the Southern Ocean.

(7) Yes. DFAT consulted with counterparts in the New Zealand Government (MFAT) shortly after Japan's announcement. The discussions covered the contents of the Japanese announcement, sharing of views about possible implications for whaling policy and safety at sea, and sharing of information about the responses that the Australian and New Zealand governments had respectively released.

ATTACHMENT

_Australian Embassy (Tokyo) Translation_

**Press Conference by Michihiko Kano, Minister of Agriculture, Forestry and Fisheries**

9.50-10.07AM, Tuesday 4 October 2011, MAFF

_Minister:_

(...) Regarding scientific whaling, we will conduct scientific whaling in the Southern Ocean this year. We will strengthen countermeasures against obstruction activities, such as dispatching a Fisheries Agency's surveillance vessel.

(...)  

Reporter:

Minister, regarding scientific whaling, would you explain the reasons that Japan decided to continue whaling in the Southern Ocean?

_Minister:_

We came to conclusion that Japan should continue scientific whaling. The Review Committee studied various issues [on scientific whaling], and there were various opinions. Considering these opinions as a reference, including safety issues, we made a decision to continue scientific whaling.

Reporter:

To do this [continue scientific whaling in the Southern Ocean], ensuring safety measures was an absolute must. Grateful your explanation about this.

_Minister:_

So, we will dispatch a JFA surveillance vessel. And, the Cabinet Secretariat is coordinating for the final details of countermeasures against obstruction activities. We are not at the stage of announcing details at the moment. We are still working on the final details.

Reporter:

I understand that you requested the Japan Coast Guard to send a vessel. Why will the JFA's surveillance vessel go instead?

_Minister:_

I cannot share any further details on this. I have consulted with Minister of Land, Infrastructure and Transportation, previous Transport Minister, Director-General of the Fisheries Agency and Commandant of the Japan Coast Guard. We are communicating with the Cabinet Secretariat and relevant Ministries and Agencies to work out final details, including ensuring safety measures.

Reporter:

Excuse me. I would like to ask you a related question. You said the Japanese government took a position to continue scientific whaling. I understand sales of by-products [from whales caught] did not cover the cost of the scientific whaling expedition, as the withdrawal from the Southern Ocean in the middle of the scientific program in the last season meant that the catch was significantly under the quota...
last season. Could you explain the reasons you decided to continue scientific whaling despite the financial costs?

Minister:

Basically, Japan's aim is to resume commercial whaling and this our precondition. To achieve the goal, we have to continue scientific whaling. At the International Whaling Commission annual meeting this year, member countries unanimously voted for safety on the sea. I would like to assert Japan's position on this.

(…)

Reporter:

I would like to ask you a question about the decision on scientific whaling. Could you tell us whether you made a decision because you were sure about ensuring safety of crew members for a certain degree, or did you decide to continue scientific whaling first and are working out the details to provide safety measures afterwards?

Minister:

As I said specifically in this press conference, dispatching JFA's surveillance vessel is a safety measure, and the Japanese government is working on details of countermeasures against obstruction activities through the Cabinet Secretariat. As it is obvious, I recognise the necessity of new measures for safety to enable the continuation of scientific whaling.

Reporter:

So, you made the decision because you were confident with your safety measures to a certain degree.

Minister:

Well, even dispatching JFA's surveillance vessel is one of our safety measures. The Japanese government is working on details of the other measures. MAFF has already proposed its own views on this within the process.

**Australian Health Survey**

*(Question No. 1278)*

**Senator Abetz** asked the Minister representing the Treasurer, upon notice, on 13 October 2011:

In regard to the Australian Health survey currently being conducted:

1. How many previous Australian Health surveys have been conducted and in which years were they conducted.
2. Can a copy of the form used for the Australian Health survey be provided.
3. Are the questions posed in the current Australian Health survey more extensive than those in previous surveys; if so, what were the extra questions.
4. In general terms and in relation to Australian Bureau of Statistics surveys, be it the census, small business etc, how often is a penalty for failure to answer questions imposed.

**Senator Wong**: The Treasurer has provided the following answer to the honourable senator's question:

2. No form is available as the Australian Health Survey is being conducted using a Computer Assisted Interview approach to ensure efficient data collection and reduce respondent load by only
asking questions that are relevant to them. Instead, a list of data items available from the results of the survey can be provided on request.

(3) Overall, the questions posed in the Australian Health Survey are very similar to previous cycles, with the addition of more detailed questions in relation to physical activity and dietary intake. In addition, for the first time this survey asks for the voluntary provision of blood and/or urine samples for further analysis of key measures such as cholesterol, diabetes, kidney function and salt, amongst others.

(4) The ability to issue fines does not rest with the ABS. Under the Census and Statistics Act 1905, the ABS can make a recommendation to the Commonwealth Directory of Public Prosecutions (CDPP) to prosecute a respondent for failure to supply information requested by the ABS. The application of a penalty is at the discretion of the Court. The ABS Annual Report 2010-11 (Table 8.8, page 114) notes that a total of 30 cases were referred to the CDPP in the four financial years to 2010-11.

**Carbon Pricing**  
(Question No. 1283)

Senator Milne asked the Minister representing the Minister for Resources and Energy, upon notice, on 24 October 2011:

In regard to the July 2011 SKM-MMA report to treasury on the carbon price Carbon Pricing and Australia's Electricity Markets which included analysis of capital and operating costs for Integrated Gasification Combined Cycle Gas Turbine (IGCC) power stations like HRL and which also modelled what generation capacity in the Latrobe Valley might look like over the next 4 decades with a carbon price and which concluded that will be no generation from IGCC power stations like the HRL project: if State and Federal Government grants made it economic for the HRL project to be built ahead of combined cycle gas turbine or renewable energy technologies, could those grants have the effect of crowding out less polluting generation.

Senator Sherry: The Minister for Resources and Energy has provided the following answer to the honourable senator's question:

Government grants for a range of clean energy technologies typically support the development of technology options which would not otherwise be commercially available to the market.

The HRL Dual Gas project was selected for grant funding under the Low Emissions Technology Demonstration Fund (LETDF) which also supports other technology demonstration projects including renewable projects.

Developing clean energy technologies is challenging and bringing these technologies to market so they are competitive in their own right takes time. As the HRL project has yet to meet its condition precedent and no Commonwealth LETDF grant funding has been received by the HRL project it is difficult to see how this could influence or 'crowd out' investment in other forms of low emitting or renewable technology that are commercially available.

**Broadband, Communications and the Digital Economy**  
(Question No. 1284)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 25 October 2011:

(1) When is it anticipated that the foreshadowed changes to the low interference potential devices (LIPD) class licence for wireless audio equipment users will be made.

(2) What will the notice period be between deciding on the final changes to the LIPD class licence and the promulgation of these changes.

QUESTIONS ON NOTICE
(3) When and how will importers, wholesalers and retailers be advised that they are no longer authorised to sell wireless audio equipment operating in the 694 820 MHz band.

(4) Prior to 31 December 2014, how would an ordinary user of wireless audio equipment ascertain whether the equipment that they own is compliant with any changes to the LIPD class licence.

(5) As more than 80 per cent of existing wireless audio users currently have equipment which utilises the 694 820 MHz band, would it be accurate to say that 'most' or 'the majority' of users will have to replace their equipment.

(6) For small businesses, bands, churches or community groups, what is the typical value of the wireless devices that they will have to replace.

(7) For a large business such as convention centres or musical theatre companies, what is the typical value of the wireless devices that they will have to replace.

(8) Has the Australian Communication and Media Authority (ACMA) or the department had any communications with eBay or other online marketplaces which currently facilitate the parallel import of wireless audio devices tuned for other markets into Australia; if so, what is the plan to ensure that these marketplaces only allow the importation of equipment compliant with the amended LIPD class licence.

(9) Has the ACMA or the Minister examined the migration mechanisms of wireless audio devices out of digital dividend spectrum in other countries; if so, were they successful and what factors determined this success.

(10) What testing has been conducted to determine the likelihood for interference to various kinds of potential purchasers of the digital dividend spectrum and the potential of this to impact auction revenues.

**Senator Conroy:** The answer to the honourable senator's question is as follows:

(1) The Australian Communications and Media Authority (ACMA) has advised that it may make two variations to the Low Interference Potential Devices (LIPD) Class Licence.

   The first, in mid-2012, would make spectrum available prior to completion of the restack of broadcasting services in the event that spectrum becomes available in other bands, for example the 800 MHz band.

   The second, in mid-2013, would amend the LIPD Class Licence to make spectrum available within the 700 MHz band and the remaining broadcast bands once the extent of that availability is known.

   A public consultation will be undertaken in relation to each variation.

(2) The ACMA has advised that, after assessing submissions to the public consultation process, approximately two months would typically be required to make the necessary variation to the LIPD Class Licence.

(3) The ACMA is working with the wireless audio device community, including with the industry representative body, the Australian Wireless Audio Group, to provide them with sufficient time and information to make the necessary adjustments.

   The operation of a LIPD is subject to specific conditions detailed in the LIPD Class Licence in addition to the provisions of the Radiocommunications Act 1992. Devices manufactured, imported, or modified after 26 September 2001, and operating under the LIPD Class Licence must comply with all radiocommunications standards applicable to them.

   The ACMA does not licence importers, wholesalers and retailers of electronic equipment. Entities trading in electronic equipment that are covered by the LIPD Class Licence are required to comply with the C-Tick compliance regime published on the ACMA website.

   (4) It is standard practice for the ACMA to communicate upcoming changes to licensing arrangements well in advance of the changes coming into effect, and to provide information to users,
vendors and industry bodies to enable them to educate their customers and members about the changes. The ACMA publishes changes to its website and has published notices in Australian newspapers. The Australian Wireless Audio Group has advised it is working to identify affected users and how they may best be communicated with.

(5) (6) and (7) The number of affected devices that will need to be replaced as a direct consequence of variations to the LIPD Class Licence is not currently known. This is because the extent of the impact will be heavily dependent on individual user circumstances such as their geographic location, existing frequency use and the ability of existing equipment to be re-tuned. The impact on users cannot be properly calculated until a number of technical and planning processes are completed by the ACMA.

While some users of wireless audio devices will have to relocate out of the digital dividend spectrum (694-820 MHz), it is likely that others will be able to continue to operate in this spectrum after it has been reconfigured. This is most likely to be within the guard bands and mid-band gap: those parts of the digital dividend band that will not be used for mobile wireless communications due to the need to manage interference. Once the ACMA completes its work on the technical framework for the digital dividend spectrum licences it will be able to confirm the feasibility of this proposal. This work is due to be completed by the end of 2011.

It is expected that users of wireless audio devices will be able to continue using the spaces between digital broadcasting services in the broadcasting spectrum below the digital dividend band (that is, below 694 MHz) going forward. The exact frequencies below 694 MHz in which wireless audio devices will be permitted to operate will be able to be determined once planning for the reorganization (restack) of digital broadcasting services is completed nationwide.

Once users of wireless audio equipment are advised where in the spectrum they will be permitted to operate post-digital dividend, they can then assess whether their existing equipment is able to operate in the new frequencies.

(8) Neither the Department nor the ACMA have had communications with online retailers for this purpose.

Electronic equipment imported into Australia from another country or supplied to the market by an Australian manufacturer must comply with the C-tick regime. The ACMA has advised that it plans to introduce a new compliance mark called the Regulatory Compliance Mark (RCM) in 2012. This RCM is planned as an alternative to the C-tick and may be used in its place.

The ACMA publishes information on what importers, suppliers and Australian manufacturers of wireless electronic equipment must do prior to selling the device within Australia on its website.

(9) The ACMA has advised it has been monitoring a similar process of wireless audio device migration being undertaken by the UK regulator, Ofcom.

(10) Preliminary studies performed by the ACMA suggest that unauthorised use of wireless audio devices in the digital dividend spectrum has the potential to cause some interference. However the wireless devices are likely be low power devices so their impact would be small. The potential for some limited unauthorised use is unlikely to impact auction revenues. Any unauthorised use of wireless audio devices would be open to compliance action by the ACMA.

Pontville Detention Centre

(Question No. 1285)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 27 October 2011:

With reference to the answer to question on notice no. 1090:

(1) What arrangements have been made to extend the lease agreements and will there be an extra cost.

QUESTIONS ON NOTICE
(2) Will the rental be at a higher rate than that negotiated for the 6 month contract; if so, what is the extra rate or if a lower rate has been negotiated, what is the discounted rate.

(3) Have all rental agreements been finalised; if not, can details be provided setting out the reasons for the delay.

(4) Can an explanation be provided in relation to the rental payments to Park Homes and Tasbulk.

(5) Given that Park Homes has been paid $3,355,575.00 for 41 days (paragraph 2) whereas the monthly lease figure is $1,118,525.00 (paragraph 8) why is there a discrepancy in the calculations.

(6) Has Tasbulk been paid a full month's lease payment for the 19 days rental.

(7) If Park Homes and Tasbulk have been paid rental in advance, can the explanation be provided as to why and on what basis.

(8) It is apparent that Park Homes have been paid 50 per cent of their lease payment up front; if so, why and when will the second half of the lease payments be made.

(9) Is it correct that the rental agreements still to be finalised in answer to paragraph 5 are assumed to be with Fairbrother; if not, can details be provided for each building with which company the agreement needs to be finalised.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) As part of prudent contingency planning all the hire agreements include a provision to extend for a further 2 periods (if required) after the initial hire term expires. No additional cost is required for undertaking the option.

(2) No. The rental amount would remain the same.

(3) Yes.

(4) Park Homes and Tasbulk receive monthly payments for the hire of transportable buildings. This payment is made on the first day of every month. All agreements expire 6 months after the date of execution.

(5) The response provided to question 8 of Senate Question Number 1090, stated that the amount for total payments to Park Homes, up to an including 31 August 2011, was $3,355,575.00. This amount included the third instalment which was due on 1 September 2011. The amended figure, up to and including the 31 August 2011, is $2,237,050.00.

(6) No. Tasbulk received an advance payment on the signing of the contract on 12 August 2011. The remaining 12 days will be made up at the end of the agreement term.

(7) Hire fees are paid in advance on a monthly basis as is common in rental agreements.

(8) Park Homes have received 3 separate payments for 3 months hire. As outlined in the hire agreement the first payment was to be made in advance on the signing of the agreement. The second and third payments were made on 1 August 2011 and 1 September 2011 respectively. The payment of the remaining 3 months hire will be made on the first day of every month with final payment on 1 December 2011.

(9) Yes.
(1) How many mattresses have been supplied to the Pontville Immigration Detention Centre?

(2) Is the mattress contract for a fixed period of time; if so, what is the duration.

(3) Have all mattresses been obtained on a rental basis; if so, can details be provided as to:
   (a) how payment is made e.g. weekly, monthly etc.,
   (b) when the payments are/were made.

**Senator Carr:** The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) As at 8 November 2011, 408 mattresses have been supplied to the Pontville Immigration Detention Centre.

(2) Yes. The mattress contract is for a period of 6 months.

(3) Yes.
   (a) Payments are made monthly.
   (b) Payments are made on presentation of an invoice.

Pontville Immigration Detention Centre

(Parliamentary Paper No. 1288)

**Senator Abetz** asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 27 October 2011:

With reference to the answer to question on notice no. 1106:

(1) Which company was contracted to undertake the site preparation and can details be provided as to what the site preparation entailed.

(2) When did building work commence as distinct from site preparation.

**Senator Carr:** The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) Spectran Pty Ltd based at Moonah in Hobart was contracted to undertake the site preparation. The site preparation involved clearing the site of long grass (except protected areas), establishment of a site shed and construction of a contractor area.

(2) Building construction commenced on 24 June 2011.

Tasman National Park

(Parliamentary Paper No. 1289)

**Senator Bob Brown** asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 27 October 2011:

Since the announcement on 4 March 2010 that the Australian Government would be contributing $12.5 million in funding to the Three Capes Track proposal in the Tasman National Park:

(1) How much money has been spent and is being projected for expenditure in each of the following financial years: 2009-10, 2010-11, 2011-12, and 2012-13.

(2) Can details be provided as to what the money in each year has been spent on and what is planned for expenditure?

(3) When did the Tasmania Parks and Wildlife Service and/or the Tasmanian Minister for Environment, Parks and Heritage (Mr Wightman) inform the Minister that they: (a) were considering other options to the original proposal of large private accommodation huts within the park; and (b) had rejected the alternatives to the private accommodation within the park.
Senator Carr: The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

(1) Payments are made against milestones as set out in the Implementation Plan, which includes a project budget, and is available at:


(2) See answer to question 1.

(3) The Commonwealth Department of Infrastructure and Transport, in managing the Infrastructure Employment Projects program has been in regular contact with the Parks and Wildlife Service Tasmania in respect of the Project. Parks and Wildlife have provided ongoing updates on their planning process for the Project, including its consideration of options regarding the accommodation huts.

Tasmanian Regional Forest Agreement
(Question No. 1290)

Senator Bob Brown asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 27 October 2011:

(1) Will the Minister abide by the Tasmanian Forests Agreement and give an assurance that: (a) there will be no increase in wood supply agreements to existing or new contracts; and (b) any wood supply quotas retired as part of the sawmillers' voluntary exit package will be retired and not reallocated to existing or new sawmill operators.

(2) Will the Minister guarantee that the purchasers of the Gunns Limited sawmills in Somerset and the Huon Valley will not have their wood supply agreements increased or extended.

(3) Will the Minister guarantee that the purchasers of the Gunns Limited sawmills in Deloraine and Western Junction have not and will not have new native forest wood supply agreements negotiated.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) (a) The Tasmanian Forests Intergovernmental Agreement commits to honouring native forest wood supply contracts in existence at the time of signing the agreement, and to retiring sufficient volume of native forest sawlog supply to achieve the conservation and wood supply objectives of the Agreement. While there will be no increase in total contracted wood supply from public native forests, it is possible that individual contracts may be renewed or varied within the overall total.

(b) The details of the voluntary sawlog contract buy-back program for sawmiller exits have yet to be finalised but it is the Commonwealth's expectation that at least some of the retired native forest wood supply contracts could be replaced by 'plantation priority' contracts at some time in the future, subject to availability of suitable plantation-sourced timber.

(2) See answer to 1(a), above.

(3) See answer to 1(a), above.

Tasmanian Regional Forest Agreement
(Question No. 1291)

Senator Bob Brown asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 October 2011:

(1) Will the Minister abide by the Tasmanian Forests Agreement and give an assurance that: (a) there will be no increase in wood supply agreements to existing or new contracts; and (b) any wood supply
quotas retired as part of the sawmillers' voluntary exit package will be retired and not reallocated to existing or new sawmill operators.

(2) Will the Minister guarantee that the purchasers of the Gunns Limited sawmills in Somerset and the Huon Valley will not have their wood supply agreements increased or extended.

(4) Will the Minister guarantee that the purchasers of the Gunns Limited sawmills in Deloraine and Western Junction have not and will not have new native forest wood supply agreements negotiated.

**Senator Ludwig:** The answer to the honourable senator's question is as follows:

(1) (a) The Tasmanian Forests Intergovernmental Agreement commits to honouring native forest wood supply contracts in existence at the time of signing the agreement, and to retiring sufficient volume of native forest sawlog supply to achieve the conservation and wood supply objectives of the Agreement. While there will be no increase in total contracted wood supply from public native forests, it is possible that individual contracts may be renewed or varied within the overall total. (b) The details of the voluntary sawlog contract buy-back program for sawmiller exits have yet to be finalised but it is the Commonwealth's expectation that at least some of the retired native forest wood supply contracts could be replaced by 'plantation priority' contracts at some time in the future, subject to availability of suitable plantation-sourced timber.

(2) See answer to (1) (a), above.

(4) See answer to (1) (a), above.

**Immigration and Citizenship**

(Question No. 1292)

**Senator Abetz** asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 28 October 2011:

With reference to the answer to question no. BE11/0576 taken on notice during the 2011-12 Budget estimates of the Legal and Constitutional Affairs Legislation Committee:

(1) Who prepared the concept plans?

(2) Which firm of architects, engineers or other professionals were engaged in developing the concept plan?

(3) When was the concept plan finalised and can a copy of the plan be provided.

(4) When were the final plans submitted to the local council and local stakeholders?

(5) Who prepared the final plans and at what cost.

(6) How many iterations of the plans were there from and including the concept plan to the final plan?

**Senator Carr:** The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) The concept plans were prepared by architectural firm - Bush Parkes Shugg Moon (BPSM).

(2) The following firms were involved in the development of the concept plan:

- Architects - BPSM
- Environmental & Heritage Consultants – Guthridge, Haskin and Davey (GHD)
- Detention Service Provider – Serco
- Health Services – International Health Medical Services (IHMS)
- Security – Security and Technology Services (STS)
(3) The concept plan was finalised on 15 April 2011. A copy of the plan is attached (see Attachment A – available from the Senate Table Office).

(4) The plans approved for construction were presented to the Mayor of Brighton and his general manager on 27 June 2011. On 26 July 2011 the plans were presented to local stakeholders in the Brighton Community Centre.

(5) Architects BPSM prepared the final plan at a total cost of $75,000.

This included:

- Briefing and Sketch Design at a cost of $25,000,
- Design Development at a cost of $30,000, and
- Master Planning at a cost of $20,000.

(6) A series of hand drawn sketch plans was developed in the early design stage. From these hand drawn sketch plans, 3 concept option plans were developed. Option 2 was the preferred option. This option underwent 10 variations before construction began. Some minor changes to the plans were made during the construction period but these did not result in a revised plan being issued. Construction is complete and the Department will shortly receive the 'as built' construction plans from the head contractor. Between now and the decommissioning of the site there may be further iterations of the final 'as built' plans.

Pontville Detention Centre
(Question No. 1293)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 28 October 2011:

In regards to the Pontville Immigration Detention Centre:

With reference to the answer to question no. BE11/0578 taken on notice during the 2011-12 Budget estimates of the Legal and Constitutional Affairs Legislation Committee, on what date was the head contractor selected.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

17 June 2011.

Pontville Detention Centre
(Question No. 1294)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 28 October 2011:

With reference to the answer to question no. BE11/0579 taken on notice during the 2011-12 Budget estimates of the Legal and Constitutional Affairs Legislation Committee, can the information as originally requested now be provided as to when the decision was actually made and finalised that Pontville would be used as a detention centre.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

The Minister announced the Pontville Immigration Detention Centre on 5 April 2011 which was as soon as practicable after the government decision.
Defence: Special Purpose Aircraft  

(Question No. 1296)  

Senator Abetz asked the Minister representing the Minister for Defence, upon notice, on 10 November 2011:  

In regard to special purpose aircraft:  
(1) Did the Prime Minister fly to the Northern Territory (Gove) on 8 June 2011; if so, for what purpose.  
(2) How many and what type of aircraft were used.  
(3) How long was each of the aircraft on the tarmac.  
(4) How long did the aircraft have their engines running and for what purpose.  

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:  

(1) On the 8 June 2011 the Prime Minister flew from Darwin to Gove and returned to Darwin on a Special Purpose Aircraft. The Prime Minister was in Gove on Government business.  
(2) Two Challenger aircraft were used on the Darwin to Gove leg and one Challenger was used to return to Darwin. Normally a task with more than nine passengers would be conducted on a Boeing Business Jet but one was away on an overseas task and the other was not available due to periodic maintenance requirements.  
(3) The first aircraft was on the tarmac at Gove for approximately six (6) hours and 57 minutes the second aircraft was on the tarmac at Gove for approximately five (5) hours and 11 minutes.  
(4) Normally on arrival, the engines are shut down within 30 seconds of reaching the parking position. On departure, the engines are running from between five to ten minutes before take-off. The aircrew involved in the Darwin/Gove task on 8 June 2011 have advised that engine operating times followed normal procedures.  

Prime Minister: Stationery  

(Question No. 1302)  

Senator Abetz asked the Minister representing the Prime Minister, upon notice, on 31 October 2011:  

(1) Can details be provided of the cost of producing letterhead for the Prime Minister.  
(2) Has letterhead been produced for the Office of the Prime Minister; if so, at what cost and in what circumstances.  
(3) Has letterhead been produced for the Chief of Staff or any other staff member in the Prime Minister's office; if so:  
(a) what is the cost of producing this letterhead;  
(b) how many pieces of this letterhead have been produced and at what cost; and  
(c) who authorised the production of this letterhead.  

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator's question:  

I am advised that letters for the Prime Minister, the Office of the Prime Minister and the Chief of Staff to the Prime Minister are usually printed on plain paper with the 'letterhead' being part of the electronic document.
For the Prime Minister, the department uses 'Stephen Swiss White' 115gsm A4 paper and matching DL envelopes. The cost of the Stephen Swiss White paper and envelopes are:

- one ream (500 sheets) is $32.87 or $26.40 per ream if bulk orders (50 reams or more) are placed, and
- DL envelopes are $76.50 per box of 500.

For the Office of the Prime Minister (including Chief of Staff) standard white paper (A4 80gsm) and standard white envelopes are used. The cost of standard white paper and envelopes are:

- one ream (500 sheet) of standard white paper is $6.50, and
- the envelopes are ordered in batches of 5,000 and are $748.00 for 5,000.

Occasionally additional letterhead may be purchased for the Prime Minister and her Office. This occurred in 2010 at a cost of $8,189 (GST exclusive).

The total cost, however, of producing letterhead for the Prime Minister and her office in any given period cannot be identified as stationery used for electronic letterhead is ordered in bulk, sometimes for several portfolio ministers, and then used over an extended period. These costs have therefore been presented as an amount per ream or batch of stationary.