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SITTING DAYS—2013

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- BRISBANE 936AM
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- PERTH 585AM
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Governor-General
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia, Commander of the Royal Victorian Order

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Cory Bernardi, Thomas Mark Bishop, Suzanne Kay Boyce, Douglas Niven Cameron, Patricia Margaret Crossin, Sean Edwards, David Julian Fawcett, Mark Lionel Furner, Scott Ludlam, Gavin Mark Marshall, Bridget McKenzie, Claire Mary Moore, Louise Clare Pratt and Ursula Mary Stephens
Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Deputy Leader of the Government in the Senate—Senator Hon. Penelope Ying Yen Wong
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. Jacinta Mary Ann Collins
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

Senate Party Leaders and Whips
Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy
Deputy Leader of the Australian Labor Party—Senator Hon. Penelope Ying Yen Wong
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 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 David Christopher Bushby and Christopher John Back
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert

Printed by authority of the Senate
Members of the Senate

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(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 (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.

(3) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice Hon. M. Arbib, resigned 5.3.12), pursuant to section 15 of the Constitution.

(4) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice J. Adams, died in office 31.3.12), pursuant to section 15 of the Constitution.

(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.

(6) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. N. Sherry, resigned 1.6.12), pursuant to section 15 of the Constitution.

(7) Chosen by the Parliament of South Australia to fill a casual vacancy (vice M. J. Fisher, resigned 15.8.12), 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—C Mills
# GILLARD MINISTRY

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<tr>
<td>Minster Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Minster Assisting the Prime Minister on Asian Century Policy</td>
<td>The Hon Dr Craig Emerson MP</td>
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<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minster Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minster for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Cabinet Secretary</td>
<td>The Hon Jason Clare MP</td>
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<tr>
<td>Minster Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<td>The Hon Wayne Swan MP</td>
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<td>(Deputy Prime Minister)</td>
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<td>Minster for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
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<td>The Hon Bernie Ripoll MP</td>
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<td>The Hon Stephen Smith MP</td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<td>Senator the Hon Bob Carr</td>
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Thursday, 7 February 2013

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 09:30, read prayers and made an acknowledgement of country.

BILLS
Parliamentary Service Amendment Bill 2012 [2013]
Public Service Amendment Bill 2012
Second Reading
Debate resumed on the motion:
That these bills be now read a second time.

Senator RYAN (Victoria) (09:31): I rise this morning to speak on behalf of the opposition on both of these bills before the Senate—one, the Public Service Amendment Bill 2012, a government bill and one, the Parliamentary Service Amendment Bill 2012, a private senator's bill introduced by the President of the Senate. The two bills are in response to the report Ahead of the game: blueprint for reform of Australian government administration, which was released in March 2010. There was a committee of inquiry underway into this particular report by the Senate's Finance and Public Administration Committee, which was, sadly, put off by the election and the committee did not have a chance to renew that inquiry. I would also note that it was announced that many of the recommendations from that inquiry were in fact not going to be implemented by the new government after the 2010 election.

First I would like to mention some important context to this bill. Today there are around 160,000 people employed by the Australian Public Service spread throughout government departments based all around the country but naturally focused here in Canberra. They have different backgrounds, experiences and come from all kinds and walks of life—indeed, I have some in my own family. Whether it is issuing a passport, solving a Centrelink inquiry or costing tax policies, they all play a crucial role in developing and administering public policy of this country. Everyday decisions they make and the work that they do impact Australians in every walk of life, so it is important for the wellbeing of our country that these tasks are carried out professionally and with integrity.

I would first like to deal with the government's Public Service Amendment Bill, which is being taken this morning with the other bill. This bill makes a number of amendments to the Public Service Act 1999, most of which are minor in nature, relating to the code of conduct of public servants and changing the values and employment principles for APS employees. So it is an important bill. It is an important bill because we need to make sure we have an impartial Public Service that operates with excellence and integrity. In the explanatory memorandum of this bill it states its purpose is to:

… strengthen the management and leadership of the Public Service and to help embed new practices and behaviours into its culture.

This is a good purpose and the opposition on the whole believes the amendment bill achieves this.

But first let me correct a myth that has been put about by some on the other side of this change—both the Labor Party and their coalition colleagues the Greens. The coalition supports the Australian Public Service. It supports a strong Australian Public Service. We believe in an efficient and good Public Service, because that makes for good and efficient administration of this country. I would suggest that over the course of this nation, since the employment of the first public servant, who I believe was Robert Garran in 1901, our country has been
relatively well served and particularly so when we look at comparable nations. So we support this amendment bill because we believe the Public Service is an integral part of good government in this country.

We also note that the government has accepted a proposed amendment by the opposition in the other place and we believe that strengthens this bill as well. The concerns that we had, and which are reflected in the amendment the government accepted, were not with the Public Service itself but with the government's treatment of the Public Service. What concerned us most was that the initial draft of the bill gave the Prime Minister greater power to extend the employment of departmental secretaries, allowing the Prime Minister to give new positions to secretaries who have resigned or whose contracts have ended. This allowance essentially undid a lot of good work the bill achieved about process and merit within the Public Service and, in our view, violated the five consolidated principles that the bill outlines for the Public Service.

The most notable example of this, of course, was the appointment of Dr Ken Henry under section 67 of the Constitution by the Prime Minister upon his departure as Secretary of the Treasury. The opposition had previously in estimates hearings in this place expressed concerns about this appointment, given that it had previously been rarely used and only, shall we say, for the most sensitive of appointments that a government can make with respect to security agencies. So this bill does limit the ability of the Prime Minister to make unilateral decisions with respect to the Public Service and appointments of secretaries, and we support that.

I would now like to turn to the Parliamentary Service Amendment Bill. This is a bill that naturally reflects the same report undertaken by the government—Ahead of the game: blueprint for reform of Australian government administration, the blueprint that I mentioned earlier. This bill amends the Parliamentary Service Act and runs in parallel to, but naturally is distinct from, the Public Service. It is important that there be an independent Parliamentary Service. It is important that this parliament can draw upon what I think everyone in this chamber would agree is the extraordinary ethical contribution and the long hours that people who work in the Parliamentary Service do to facilitate us in doing our job. We support the separate Parliamentary Service, but running it along the same lines as the Public Service, with merit protection and other processes, is also very important because the Parliamentary Service and the Public Service do benefit from cross-fertilisation—people moving between the two occasionally—and we do need to have a system that gives employees confidence in their employment arrangements and their careers and that also gives the confidence that I think we hold in the Parliamentary Service. So the opposition supports the principles in this bill and the amendments to the bill that are moved. Where there are slight differences from the Public Service Amendment Bill, that of course reflects the different nature of the Parliamentary Service. I would also like to note that there have been some amendments to this bill circulated by the President of the Senate, and the opposition will be supporting those amendments as they bring the bill into line with the amendments made as appropriate to the Public Service Amendment Bill. So the opposition will be supporting both these bills and the amendments to the Parliamentary Service Bill moved by the President of the Senate.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (09:37): I rise to support this very important bill, the
Parliamentary Service Amendment Bill 2012 [2013]. It seeks to amend the Parliamentary Service Act 1999 to reflect, where relevant to the Parliamentary Service, the changes that are proposed to be made to the Public Service Act 1999 by the Public Service Amendment Bill 2012. Although many of the provisions of the Public Service Amendment Bill are reflected in this bill, there are a range of provisions in the bill which are not reflected in the Public Service Amendment Bill and vice versa. Therefore, whilst it is fair to say that the Parliamentary Service Amendment Bill runs closely in conjunction with the Public Service Amendment Bill, it is a distinct bill that contains key differences.

This bill, along with the Public Service Amendment Bill 2012, responds to the recommendations of the March 2010 report Ahead of the game: blueprint for the reform of Australian government administration. The blueprint outlined a reform agenda to strengthen Australian Public Service performance so that it meets the needs of all citizens, provides strong leadership and strategic direction, contains a highly capable workforce and operates efficiently at a high standard. It was developed jointly by the Parliamentary Service departments in consultation with the Parliamentary Service Commissioner and introduced into the Senate in November last year. Following introduction, it was referred to the Senate Finance and Public Administration Legislation Committee for inquiry and report so that it could be compared with the provisions contained in the Public Service Amendment Bill. These amendments are an important part of modernising the Parliamentary Service. They are part of the continuous process of improvement that it must undergo to face the challenges of the future.

It is important to make a comparison of this bill and the Public Service Amendment Bill because, as alluded to earlier, the two contain some differences. Various items in the bill do not reflect provisions contained in the Public Service Amendment Bill, including amendments relating to acting arrangements that have already been made to the Public Service Act and miscellaneous amendments that achieve consistency with the relevant sections of the Public Service Act. In addition to this, the bill does not contain numerous changes being made in the Public Service Amendment Bill. This bill will not, for example, provide for an annual review of the performance of secretaries in the Parliamentary Service.

The main features of the bill make notable changes to the roles and responsibilities of secretaries in the Parliamentary Service, the functions of the Parliamentary Service Commissioner and the relevant code of conduct. The bill clarifies and revises the description of the roles and responsibilities of secretaries, as well as of the Senior Executive Service, to ensure that the Parliamentary Service has the organisational and workforce capacities to meet the needs of the future. The existing responsibilities of the secretaries, including managing their departments and providing information about the operation and administration of their departments, will remain. However, the secretaries would also be tasked with a host of new responsibilities such as providing stewardship in the departments and across the Parliamentary Service with other secretaries; engaging with stakeholders; and providing strategic direction and leadership. The amendments are designed to expand on the role of the secretaries so that departmental affairs are managed as efficiently, effectively, economically and ethically as possible and in keeping with the
overall interests of the Parliamentary Service.

The functions of Senior Executive Service employees, or SES employees, will also be further defined and expanded. The amendments will fundamentally recast the chief functions of the SES group and focus on these employees providing superior strategic leadership. Individual SES employees will be expected to provide one or more of the following at a high level: professional or specialist expertise; policy advice; program or service delivery; and regulatory administration.

One of the most notable aspects of this bill is that it will also substantially redesign the functions of the Parliamentary Service Commissioner. The commissioner will be charged with new responsibilities, including inquiring into Parliamentary Service employees' reports of breaches of the Parliamentary Service Code of Conduct. The amendments will also provide that when the commissioner is examining these whistleblower reports, such as a conflict of interest or the contravention of an Australian law, the commissioner will have information-gathering powers equivalent to those of the Auditor-General. This is, of course, necessary to adequately probe whistleblower reports and uncover information which has the potential to expose widespread conduct breaches. The bill will also introduce new amendments to protect the information given to the commissioner under the new inquiry functions, as well as existing responsibilities such as inquiring into matters relating to the commissioner at the request of the Presiding Officers. Although the commissioner will be allowed to disclose this protected information in certain situations, such as in reports prepared for purposes connected with these inquiry functions, they will otherwise be prohibited from making a record, disclosing, or otherwise using this information. This is a vital amendment, as it adds an additional layer of protection to potentially sensitive information held by the commissioners to ensure that it remains confidential.

The amendments will also make the provision of information and documents to the commissioner inadmissible as evidence against a person in proceedings, other than for certain criminal offences. This will be the case where the person reasonably believed that the information or document was relevant for purposes connected with the performance or exercise of the commissioner's functions. This amendment is vital, as it protects those Parliamentary Service employees who have provided information to the commissioner that assists the commissioner in performing his or her duties. This bill makes key changes to the existing framework governing the Office of the Parliamentary Service Merit Protection Commissioner. The Merit Protection Commissioner will also be able to undertake whistleblowing inquiries into possible breaches of the code of conduct, where requested to do so by the relevant secretary and agreed to by the Parliamentary Service employee. The Merit Protection Commissioner will have information-gathering powers equivalent to the Auditor-General when undertaking such inquiries and will be charged with establishing written procedures for code of conduct breach inquiries. Like the Public Service Commissioner, the Merit Protection Commissioner will be subject to confidentiality of information requirements in connection with the information received during the performance or exercise of the commissioner's functions. The amendments will also make the provision of information and documents to the Merit Protection Commissioner inadmissible as evidence
against a person in proceedings, other than for certain criminal offences.

The bill proposes significant changes to the provisions of the Parliamentary Service Act that deal with whistleblowing and whistleblower reports. Departmental secretaries will be required to establish procedures for handling whistleblower reports, including a clear pathway for the making of reports, so that all employees are encouraged to blow the whistle on possible breaches of the code of conduct. This will ensure that those employees who are considering blowing the whistle on possible breaches of the code of conduct will have greater guidance on how they can achieve this.

The amendments will also seek to implement the blueprint recommendations to repeal the existing Parliamentary Service values and insert five new values together with seven new Parliamentary Service Employment Principles relating to employment decisions and workplace standards. This creates a smaller set of core values that are more meaningful, memorable and effective in driving change as well as reinforcing the positive cultural environment for a high-performing Parliamentary Service. Every Parliamentary Service employee can look at this new set of streamlined principles and remind themselves of the importance of being committed to service as well as remaining ethical, respectful, accountable and impartial.

The introduction of a set of Parliamentary Service Employment Principles in the bill replicates the Australian Public Service Employment Principles contained in the Public Service Amendment Bill. These new principles will state that the Parliamentary Service is a career based service that makes fair employment decisions with a fair system of review, requires effective performance from each employee and provides workplaces that are free from discrimination, patronage and favouritism. The principles will also recognise the diversity of the Australian community and foster diversity in the workplace, and provide flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from employees on matters that affect their workplace are valued.

The new Parliamentary Service values and employment principles together define the character of the Parliamentary Service as an institution and guide the way in which it conducts its activities and serves the Australian community and the government. They provide robust guidance on the culture and operating ethos of the Parliamentary Service and underscore its professionalism. This ensures that the Parliamentary Service will continue to provide professional support of the highest calibre to all parliamentarians, independent of the executive government of the day.

This government strongly believes in modernising the Parliamentary Service, and these amendments are an important aspect of that. Improving the operations of the Parliamentary Service is an ongoing process that requires immense commitment to ensure that government is equipped to confront the challenges of the future. All parliamentarians depend on a professional, nonpartisan Parliamentary Service. After more than a decade since the Parliamentary Service was created, this bill will ensure that the service can continue to provide a high level of support and advice, which will ultimately benefit the wider Australian community. I commend the bill to the Senate.

Senator MASON (Queensland) (09:48): The Public Service Amendment Bill 2012 seeks to simplify and refine the values that guide the Australian Public Service down to
five key principles: the APS is to be committed to service, be ethical, respectful, accountable and, of course, impartial. To that effect, the bill contains numerous provisions of a technical and administrative nature which seek, among other things, to delineate the roles and responsibilities of departmental secretaries and provide for annual reviews of secretaries' performance and further define the functions and roles of the Senior Executive Service of the APS.

The bill is long and detailed, but I want to focus this morning on one particular provision, namely, the one that establishes the Secretaries Board as the lead forum of the Australian Public Service. The board will replace the Management Advisory Committee, which has played that lead role since 1999. In many ways, the bill merely codifies the status quo, as the Secretaries Board has already been in existence for the past two years. The board is to be the principal APS senior leadership group, composed of the secretaries of all the departments, the Commissioner of the Australian Public Service and such others as may be nominated by the secretary of the Prime Minister's department.

The bill enumerates the board's functions. It will have responsibility for the stewardship of the APS and for developing and implementing strategies to improve the APS. It will identify strategic priorities for the APS and consider issues that affect the Public Service. It will set an annual work program, direct subcommittees to develop strategies to address Public Service-wide issues and make recommendations back to the Secretaries Board. It will draw together advice from senior leaders in government, business and the community. All these roles and responsibilities, as all senators would agree, are very important. I hope that the board will provide the APS with the necessary leadership to tackle issues and problems that affect the Public Service as a whole—the entire Australian Public Service.

One such issue, which I have raised many times over the years, is Public Service absenteeism. It is one that I have pursued for the past eight years through Senate estimates, in government and out of government, as well as in this chamber, most recently about three months ago. The facts are simple: the rates of unscheduled absence in the Public Service have been increasing steadily over the past 10 or so years. In 2001-02, the median unscheduled absence rate was 8.9 days per year per employee, of which sick leave accounted for seven days and other types of leave for the remaining 1.9 days. In 2010-11, the rate of unscheduled absence climbed to 11.1 days per year per employee, of which sick leave accounted for 8.4 days. This means that in nine years, unscheduled absences in the Australian Public Service increased by 25 per cent, or 2.2 days per year per employee. The median figure hides a great divergence across government departments and agencies, with the levels of workplace absence varying widely from 3.9 days per employee all the way up to 23½ days per year per employee. There is a huge disparity between unscheduled absences across Public Service agencies. And 23.5 days median absence is a lot—that is almost five working weeks and, combined with four weeks of annual leave, this means that some employees are not at work for almost nine weeks, or two months, a year.

This is not generally the experience of those working in the private sector. While reliable data is hard to come by—and I will come back to that in a minute—Direct Health Solutions in their 2011 absence management survey reported that while absence levels across Australia fell for the first time in three years, public sector employees took 22½ per cent more time off than those in the private sector. Why this
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great divergence between the Public Service and the private sector, and why have the rates of absenteeism in the Public Service increased by 25 per cent over the last decade? Why? I wish I had the answer—indeed, I wish anyone had the answer.

Over the years I have received various suggestions from the Australian Public Service Commission as to why. One year, the absences were blamed on a particularly bad flu season. Another year I was told that the Public Service has an older age profile than the private sector, the implication being that the older you are the sicker you get. The APS is certainly more middle-aged than the rest of the Australian workforce, but it actually has fewer older workers than the private sector. In any case, the Public Service Commission does not actually collect data on absences per various age groups so the proposition that the age profile accounts for increasing absenteeism is merely guesswork and a hypothesis not supported by any collected data. The bottom line is that the commission does not know what is really causing this problem.

This might explain why over the past eight years I have been disappointed by the efforts that the commission has been putting in to tackle this issue. After all, if you do not know what is causing the problem, it is unlikely that you will be able to find a solution. When earlier this year I questioned the commissioner, Mr Stephen Sedgwick, as to whether he has a responsibility to act to reduce absenteeism, he answered:

I do not actually manage a hundred agencies across the Australian Public Service; I manage my own.

... ... ...

But we are quite keen—and we have—to share good practice and that is what we tend to do. In these circumstances we encourage good practice and we promulgate good practice.

As far as I have been able to discover, all this encouragement and promulgation of good practice seems to have been contained to the publication in 2006—two years after I first raised the issue of absenteeism with the commission—of a document called *Fostering an attendance culture: a guide for APS agencies*. It was a good document but, as I recently discovered, it has not been updated or reissued since 2006.

Apart from that, I also discovered that absenteeism has not been placed even once on the agenda of the Management Advisory Committee or that of its successor, the Secretaries Board, for the past five years. I have been told, though, that absenteeism has been taken up at internal human resources management forums. That might be the case, but numbers speak for themselves—a 25 per cent increase in unscheduled absences by Australian public servants in the past 10 years. One might think that this issue deserves deep consideration by the APS's lead forums.

At the Senate estimates in October last year the committee finally received a commitment from the commissioner that the issue of Public Service absenteeism will now be put on the agenda of the Secretaries Board, where it belongs. As I look at the board's functions, as enumerated in the bill before the Senate, it is clear that tackling the problem of high and constantly-increasing absenteeism is a clear instance of where the board needs to be—and I quote from the bill—'developing and implementing strategies to improve the APS'. As the board identifies 'strategic priorities for the APS' and considers 'issues that affect the APS', I hope that reducing absenteeism will be one such issue. I hope that the board will finally provide the much-needed focus and leadership to address this problem.
The new APS principles state that the Public Service is to be committed to service and to being ethical, respectful, accountable and impartial. A Public Service that is committed to service and that is accountable to the parliament and to the taxpayers is one that needs to put the issue of absenteeism high on its agenda and, more importantly, to act to finally address the problem, because it does not seem to be going away. I will certainly continue to watch this issue with considerable interest.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (09:59): I thank all senators for their contributions to the debate on the Public Service Amendment Bill 2012, and also on the Parliamentary Service Amendment Bill 2012 [2013]. This bill makes landmark changes to the Public Service Act 1999. The bill will help to modernise the governance of the Australian Public Service, and in many ways will enable world’s best practice in public service management. The bill will improve the quality of workforce management in the Australian Public Service, and this will translate into better service provision for the Australian public.

The amendments implement the recommendations of Ahead of the game: blueprint for the reform of Australian government administration. In particular there are: improved governance arrangements for APS leadership, including reforms that will strengthen the independence of secretaries and provide a clear statement of their role; a clearer, shorter statement of APS values, blending contemporary ethical approaches with enduring principles of public administration that go to the heart of the Westminster model; reforms that set out more clearly the role of the Australian Public Service Commissioner as a central authority for the development and stewardship of the Australian Public Service; and practical improvements to the Public Service Act that address a number of operational matters that have arisen since the last major changes in 1999. The reforms proposed in the report Ahead of the game and implemented through this bill will provide Australia with a modern employment framework for its public service. It will bring greater agility and responsiveness to the government, and this will pay dividends to the Australian community.

The bill strengthens governance arrangements for Australian Public Service leadership, including provisions concerning the appointment and termination of departmental secretaries. The bill will restore the 'gold standard' arrangement that supported the integrity and consistency of our public sector for generations. As was the case before 1999, the Governor-General will have the responsibility of appointing departmental secretaries, acting on the advice of the Prime Minister. Having the Governor-General make these appointments will underscore the impartiality of the Australian Public Service, and will promote public confidence in its leadership.

Following the introduction of the bill into the House of Representatives, the government has moved two largely technical amendments which, with the support of the opposition, were passed by the House. The amendments concern the engagement of non-ongoing employees, and the protection of information and immunity from suit provisions applying to the Public Service Commissioner, the Merit Protection Commissioner and other 'entrusted persons' in the course of the commissioners' review and inquiry functions. The government amendments have ensured that these provisions will operate effectively.
The government has also supported amendments moved by the opposition during debate in the House in the interests of achieving meaningful reform supported across the parliament. These amendments relate to arrangements for the engagement of former secretaries. In response to matters raised by the Scrutiny of Bills Committee, the government has tabled an addendum to the revised explanatory memorandum for the bill. The addendum provides additional information on handling suspected misconduct by Australian Public Service employees, including those who provide false or misleading information when applying for employment in the Public Service.

I understand Senator Milne has proposed amendments concerning protection for whistleblowers who make reports under the Public Service Act. I thank Senator Milne for her interest in this matter. Some of the amendments proposed deal with matters that are already included within the bill. For example, proposed sections 72C and 72D of the amendment bill make clear that people who provide information related to a whistleblowing report to the Public Service Commissioner or the Merit Protection Commissioner are protected against civil and criminal penalties.

I also thank Senator Mason for raising the matter of unscheduled absences in the APS. This has clearly been an area of interest for Senator Mason for some time. As Senator Mason acknowledged, agencies have prime responsibility for managing workplace absences and it is a matter that they and the government take very seriously. But I can advise Senator Mason that the Secretaries Board has discussed this matter and that the Australian Public Service Commission is monitoring developments to inform further reports to the board.

The government takes seriously the protection of public officials who report in good faith serious misconduct or maladministration. Indeed, the government is developing a comprehensive public interest disclosure scheme which includes including strengthened protection for whistleblowers. The government does not, therefore, support the Greens amendments to this bill.

The debate this morning has concerned both the Public Service Amendment Bill and the Parliamentary Service Amendment Bill. The decision in 1999 to have a distinct, separate Parliamentary Service, albeit with generally similar terms and conditions to the Public Service, has served the Australian community well for the last decade. The proposed amendments to the Parliamentary Service Act closely reflect the amendments to the Public Service Act. I am informed that the bill is intended to ensure that the Parliamentary Service will continue to be able to serve the federal legislature and through it the Australian people professionally and in a nonpartisan manner. On behalf of our President, I commend the Parliamentary Service Amendment Bill to the Senate.

In summary, the Public Service Amendment Bill responds to the reform agenda of the Advisory Group on Reform of Australian Government Administration, whose recommendations were accepted by government. The Australian Public Service is fundamental to the success of our country and our society. The commitment and expertise of our Public Service directly affects the lives of all Australians. A healthy Public Service is a vital part of Australia's democratic system of government. Australians have high expectations. They quite rightly expect quality service, honesty and integrity, and value for their taxpayer dollar from the Public Service. The bill will support a Public Service that is agile and
responsive to a rapidly changing world, meeting the legitimate needs of the Australian community and the government of the day both now and into the future.

I thank senators for their support for this bill and commend both bills to the Senate.

Question agreed to.

Bills read a second time.

In Committee

PARLIAMENTARY SERVICE AMENDMENT BILL 2012 [2013]

Bill—by leave—taken as a whole.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (10:07): On behalf of the President, I table a supplementary explanatory memorandum relating to the amendments circulated by the President. I seek leave to move amendments (1) and (2) proposed by the President together.

Leave granted.

Senator McLUCAS: I move:

(1) Schedule 1, item 44, page 26 (after line 6), after paragraph (a) of the definition of entrusted person in subsection 65AB(1), insert:

(aa) a delegate of the Merit Protection Commissioner;

(2) Schedule 1, item 46, page 33 (after line 24), after paragraph 70A(2)(a), insert:

(aa) a delegate of the Merit Protection Commissioner;

Question agreed to.

Bill, as amended, agreed to.

PUBLIC SERVICE AMENDMENT BILL 2012

Bill—by leave—taken as a whole.

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:08): The amendments I will be moving relate to the protection of whistleblowers. I propose them in the context that the government has indicated that it is going to bring in comprehensive legislation on whistleblowers. The parliament has not seen it yet. On 22 November last year the coalition and the Greens moved in here to have that bill tabled by the end of the first sitting week and as yet we have not seen that legislation. I hope we are going to see it by the end of the sitting week, by the end of today. I make that comment in relation to these amendments because the amendments clearly do not go far enough in terms of protecting whistleblowers. The Greens have been campaigning for strong and comprehensive support for whistleblowers. We want to see that legislation that the government says it is bringing in. We do not want to hear the excuse for not supporting these amendments that there is going to be more comprehensive legislation later.

These amendments essentially go to the administration and coverage of the code of conduct. They are trying to make the current inadequate scheme better. We would like to see it cover the whole government sector and not simply be confined to those employed under the Public Service Act 1999. The first amendment says that, if an employee reports a breach of the code of conduct and they are then bullied in the workplace or their employment is terminated as a result of the disclosure, they would be entitled to compensation to be paid by the relevant employer. This is an important amendment because we are constantly told anecdotally of pressure being brought to bear on people who make disclosures and often hear of bullying in the workplace and then people losing their employment as a result of that disclosure. We would like to see compensation paid in an appropriate way. So I move:

(1) Schedule 1, item 52, page 28 (before line 15), before subsection 16(2), insert:

(1A) If:
(a) an APS employee reports a breach (or alleged breach) of the Code of Conduct; and

(b) as a result of reporting the breach (or alleged breach), the APS employee is victimised, or discriminated against, by a person performing functions in or for an Agency;

the APS employee is entitled to be paid reasonable compensation by the Commonwealth.

Note: Payments under this subsection must be made from money appropriated by the Parliament. Generally, a payment can be debited against an Agency’s annual appropriation, providing that it relates to some matter that has arisen in the course of its administration.

Senator RYAN (Victoria) (10:11): On behalf of the opposition, I say that whistleblower protection is important and it is not appropriate to malign those who oppose these amendments as not believing that it is important. I have said previously that the opposition will not be supporting this amendment moved by the Leader of the Australian Greens, Senator Milne.

I have a couple of comments. I do not know that payment of compensation is actually the best way to address a culture in a workplace. Senator Mason in his contribution earlier and on a number of occasions in Senate estimates talked about absenteeism and said some people have said it is a reflection of a cultural issue. I do not necessarily agree that it is a reflection of a cultural issue of bullying in the workplace. I do not think one could say that there is a culture of that problem in the APS. Whether or not there are specific instances, I do not think necessarily exposing the taxpayer to compensation for those purposes is the best way to go about it.

Not all so-called whistleblowing is legitimate, Senator Milne. Not all leaks of information are legitimate. There are some aspects of information that are rightly kept confidential in government processes. Some of those might be cabinet deliberations. It is not necessarily appropriate that we talk about all disclosure of information in the same way. I am not trying to say that you did, Senator Milne, but sometimes I think the two do get caught up in debates about whistleblowing. I have seen protections like this debated at length in the state parliament of Victoria. Again I think the two things could get conflated. So, Senator Milne, the opposition will not be supporting your amendment.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (10:13): Introducing strengthened protections for whistleblowers in the Public Service is something the government takes very seriously. While the amendments are noteworthy in their intention, we believe they are insufficient for the intended purpose. Section 16 of the Public Service Act 1999 currently provides protections for APS whistleblowers. In addition, proposed sections 72C and 72D within the amendment bill will provide extensive protections against civil and criminal penalties to people who make whistleblowing reports to the Public Service Commissioner or the Merit Protection Commissioner.

The government is in principle in favour of improving these protections and extending protection to all Commonwealth public officials who report in good faith serious misconduct or maladministration. Indeed, the government is developing a comprehensive Commonwealth public interest disclosure scheme including strengthened protections for whistleblowers. The government has been taking a careful and considered approach to implementation of the whistleblower policy that it took to the 2007 election. This started with the government's referral of the matter to a parliamentary committee for public consultations, resulting
in the 2009 report of the House of Representatives Standing Committee on Legal and Constitutional Affairs chaired by Mr Dreyfus. The Commonwealth report noted that most whistleblowers are not looking for compensation and that instead focus should be put on prevention of detrimental action and restitution. As the government is developing a comprehensive Commonwealth public interest disclosures scheme, including strengthened protections for whistleblowers, the government considers the rest of the proposed amendments unnecessary and therefore does not support these amendments.

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:15): I ask the Parliamentary Secretary for Disabilities and Carers to tell us when we will see this government legislation to which she refers. As I indicated before, there was a successful motion in the Senate to introduce that legislation at the first sitting week. You talk about that legislation, in my view, as an excuse on this matter, so I think it is important that the parliament hears from you in relation to a date for when we are going to get that legislation in the parliament.

My second point is in relation to Senator Ryan’s comment. The proposal for compensation to be paid by the relevant employer relates to reporting a breach of the code of conduct. It is not just any breach of any information or whatever; it relates particularly to that. I am particularly interested in the date for the legislation. I also make the point that protecting Public Service workplace rights ought to be a central component of the parliament, and yet we see continuing uncertainty in people’s workplace rights with announcements of the coalition’s plans to make redundant thousands of public servants, and the Labor Party’s delaying of this legislation around protection of public servants’ rights.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (10:16): I am advised that we are in the process of developing that legislation at the moment. I cannot give you an absolute date for when it will be introduced, but as I said in my earlier comments we are taking a careful and considered approach to implementation of our whistleblower policy. We do take this seriously, and the work is being done now in order to bring that legislation to the parliament.

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:17): I note the parliamentary secretary mentioned 2007 as the election year in which the Labor Party made a feature of whistleblowers. I am surprised that you mentioned that because the name Allan Kessing comes to mind—and I will speak about him a bit later. Having used the case of Mr Kessing throughout the 2007 election, I regard it as disgraceful that he has now been hung out to dry. Having said at the time that Mr Kessing was subject to wrongful intimidation, if you like, and that the Labor Party stood up for the fact that it was his leak that led to better security at Sydney airport, yet the Minister for Home Affairs, Mr Clare, has refused to grant him a pardon in that context.

On the issue of the date, I ask the parliamentary secretary whether she will guarantee that that legislation will not only be introduced but dealt with before the election.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (10:18): I am advised that the work is continuing at the moment. I cannot be more definitive about the date and I certainly cannot predict what the
parliament may or may not do. In good faith, we are saying to the parliament that that work is happening now and we expect it to be introduced.

The ACTING TEMPORARY CHAIRMAN (Senator Marshall): The question is that Greens amendment (1) be agreed to.

Question negatived.

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:18): I move my next amendment, Greens amendment (2) on sheet 7299:

(2) Schedule 1, item 52, page 28 (line 16), omit "establish", substitute "regularly publish".

This amendment requires every agency head to regularly publish procedures to encourage disclosures in the workplace. That will mean that there is a constant reminder for and dialogue between management and staff about their rights and appropriate ways to come forward and make a disclosure. One of the big issues we hear from talking to people in the Public Service is that there are no up-to-date and clear procedures in place that give them a clear idea of the proper process in the agency if they have something that they want to raise in this context as a breach and they want to bring it forward. There are no procedures in most departments, and as a result when people come forward ultimately and make a disclosure they are attacked. The messenger is overwhelmingly attacked, when departments should have an obligation to have clear procedures in place; the agency head ought to develop such a culture.

As Senator Ryan rightly indicated a while ago, it is about culture in these agencies. They should be developing a culture of disclosure and support for people who use the procedures, so that they can be assessed appropriately and have the matter dealt with, rather than feel like they have no option in the end but to go public with the disclosure.

It is really important that we get these procedures in place. That is what this amendment does: it asks every agency head to regularly publish procedures that encourage disclosures in the workplace.

My example is in relation to immigration. I am sure everybody in the community would have been horrified by a trained counsellor and a nurse with more than 40 years experience who was on Nauru quitting after having been there a few weeks. At the time that she resigned two mental health workers also resigned. She made very clear what was going on in Nauru. The response from DIAC was basically to come out and attack her credibility, saying that she was employed on contract for a short period and that she had a moral obligation to report a serious allegation to the relevant authority but had not done so, instead going on TV and so on and so forth.

What are DIAC’s procedures and are they in place? Does the department inform people when they take on a contract or are employed of the proper process to go through? Are they encouraged to make disclosures, or is it a situation where ultimately their only option is to resign and go public, rather than try and have the matter taken seriously within the organisation or the agency?

I think, apart from anything else, in that case I would be interested to know whether DIAC has procedures in place, and when the last time was that employees were informed what those procedures are and encouraged to use them. On the broader point, I seek the Senate’s support for the notion of regularly publishing procedures from an agency head to people working in the agencies so that they have a clear view of what the proper process is, and that it will be dealt with in an appropriate way.
Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (10:22): I can advise Senator Milne that agencies must have the procedures in place. It is a requirement of agencies to have a set of procedures to inform their employees about their whistleblower protection, and they are essentially available all the time. They are generally always available on the agency's intranet to employees. I will not engage in a discussion on the specific case that you mentioned. I do not have a briefing to that effect.

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:23): I thank the parliamentary secretary. I appreciate she may not have a brief on that but I ask if she could follow that up to see whether there is a procedure in place and whether the employee concerned actually had that explained to her or anything in relation to it. The issue here is not whether it is a procedure but whether that procedure is published and discussed and updated, and whether the agency has a dialogue with its employees. There is a tonne of stuff on websites, but do you go out there and encourage a culture of openness and disclosure?

Question negatived.

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:24): I move Greens amendment (3) on sheet 7299: Schedule 1, item 52, page 28 (line 17), after "employee", insert ", or a former APS employee."

The next amendment that I have is that the coverage of protection for whistleblowers should extend to former employees of the Australian Public Service as well as to current employees. They should all be able to make disclosures under the act. That is the purpose of this amendment. Whatever the parliamentary secretary might say about existing procedures, they are not strong enough and they are not supported. There is clearly a culture that it is not a good idea to blow the whistle in your organisation because that will kill your promotion prospects or, indeed, your job. So I do not accept that these procedures are regularly discussed between the agency heads or that there is a culture of encouraging disclosure.

A number of employees will have left the Public Service, and there are a number of questions that have never been answered. I can name a few of those. For example, there were a number of serious allegations around the management of in the Green loans portfolio area within the Public Service. The community was never brought up to date in the end as to what happened in the resolution of those allegations.

In the Department of Agriculture, Forestry and Fisheries, particularly in relation to the forestry grants to Tasmania, there was a situation where grant money left the department without ever being signed off by anyone. How is it possible that could have occurred? It was identified by the Auditor-General as being a breach of the Financial Management Act. When I asked the secretary of the department why the department had not prosecuted accordingly, the response was: 'We have lost the paperwork, Senator.' So I think there has to be something better than that. There has to be an active culture of disclosure so that poor processes in departments and failure to deal with things properly can be brought to the attention of the secretary, and so these matters can be dealt with.

Then, of course, there is the infamous children overboard. I have no doubt that there are many people in many government departments who actually know what happened with that appalling idea put out
there that people were throwing their children overboard, and the cover-ups that were consequent on that. For many years I have wanted to know why it is that people have not come forward to say what happened after leaving the Navy or the Public Service, because the community really has a right to know.

There are many other examples. Another is in relation to MSAC, the Medical Services Advisory Committee. And what went on about PET scans, in particular? There are public servants who know what went on and who may now have left the Public Service. I think it entirely appropriate that we get to the bottom of a number of issues which have been covered up over the years. Giving whistleblower protection to former employees to enable them to make disclosures through appropriate processes with supporting evidence would be an incredible contribution to an improved democracy and more transparency.

Senator RYAN (Victoria) (10:28): The opposition will be opposing this amendment, but I cannot let some comments made by Senator Milne go past. She referred, for example, to the SIEVX and children overboard incident; that because we have not heard anything, that is somehow evidence of a conspiracy.

Senator Milne: Mr Temporary Chairman, on a point of order: the SIEVX was when a refugee boat, the SIEVX, was lost.

The TEMPORARY CHAIRMAN (Senator Marshall): Senator Milne, that is not a point of order. It is simply clarification.

Senator RYAN (Victoria) (10:29): I do stand corrected. I appreciate the sensitivity. It was before my time. I am getting my numbers mixed up. But if we go to the children overboard incident that Senator Milne referred to, it as if, because nothing is found, that is proof of a conspiracy. This is part of the problem I have with the philosophy underlying some of the things that Senator Milne has said. Because we do not find something, that does not mean that there is a conspiracy suppressing it. It may mean that there is actually nothing to find. One of the concerns I have is with the constant referral to how, if the Greens have not found the alleged conspiracy or repression of information, somehow we can keep talking about it as if it is a conspiracy. I do not think that in this country, given the openness of the media, we typically have a great deal of problems getting access to information. The media regularly uncovers scandals in this country at state and federal levels. Sometimes it might take a bit of time. But the truth is that there have been several occasions where the Greens have sided with the government to have information not released that the opposition has sought, or not to have people the opposition has sought come before estimates hearings. So I am not going to be preached to about the importance of transparency.

I will also say something about former public servants. I do not necessarily know if it is a good idea that we drag them into this net. I have not thought about this issue in depth—this is not my particular portfolio—and I note that legislation is still under consideration by the government, but I also do not want to give an opportunity for people who are former public servants potentially to be harassed or pursued by those who are constantly seeking information or may be alleging a conspiracy, saying: 'You know something. I want to know what happened with this 10, 12 or five years ago.' I do not know if we necessarily want to have an environment where someone who leaves the Public Service cannot simply leave the Public Service as they wish and not talk
about what they did while they were there. I do not put it past certain people to be pursuing those who might leave and constantly asking them for information they think they might have. So the opposition will be opposing this amendment.

I also want to say about the broader amendments, because I appreciate that there is a lot of legislation to deal with today, that I understand the government is formulating a longer-considered bill. I understand there have been commitments about that. The opposition has taken those commitments. For that reason I think these issues should be dealt with in a specific fashion, in specific legislation and also in a more comprehensive fashion rather than piecemeal, trying to open up what you, Senator Milne, would like to see in a whistleblower environment that I do not know that all of us have had the time to consider in the same way.

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:32): I made the remark at the beginning of the contribution in the amendments debate that I do want to see comprehensive legislation and that this in no way substitutes for what is required, and that is why I am pursuing the substantive bill, which the government has said it will bring in and in which the coalition supported the Greens in moving a motion last year to get it in by this week. So I absolutely want to see comprehensive legislation. As to the suggestion that there be some sort of dragnet for former employees: that is ridiculous. All it is doing is saying that the protection of disclosure under the act would be extended to them should they decide that they had something they wanted to disclose. It is not about going and pursuing them; it is about giving them protection under the act. As to the notion that it is up to the media instead of the Public Service to enable the making of these disclosures: Senator Ryan, you would know as well as I do that the media are excluded from, for example, Nauru and Manus Island. If they are allowed in at all, it is under very strict rules. So let's not assume the media necessarily gets access.

The media is one thing. The proper procedures in the Public Service are quite another. It is about actually having proper procedures in the Public Service protect public servants and the national interest. The point of whistleblower legislation is to get this in a way that is fair to people who are in the Public Service and enables them to act in the public interest in a democracy. That is where I am coming from. In terms of assuming that, just because nothing is found, there is no conspiracy: has the video ever been released that was taken on the HMAS Adelaide on the day that the children overboard incident occurred, or have we only ever seen the cut version that the Howard government released?

Senator RYAN (Victoria) (10:34): To briefly respond: the point I was making to Senator Milne was that Senator Milne referred to a number of instances—PET scanners, children overboard—and the point I was making was that a lack of evidence years later can actually mean that nothing that is alleged necessarily occurred. 'Absence of evidence is not evidence of absence' is an old statement I was once taught.

I think we do have a healthy culture with regard to public servant whistleblowers. Some of the things that have become publicly known in the last few years, whether that be the green loans that Senator Milne mentioned, whether that be pink batts or school halls, had much of the information coming from officials. You are right to say the media is not the only safeguard. I mentioned that because I believe it is one of the most important safeguards, but I note that the spokespeople for all parties on immigration matters have been to Manus
Island quite recently. On the issues of border protection and how we deal with unlawful arrivals, I think never the twain shall meet on that, so I do not know if that is the best example to deal with for this, because I think we are actually speaking at profoundly cross-purposes.

**Senator McLUCAS** (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (10:36): I indicate again that the government takes the whole issue of a comprehensive and considered response in a legislative sense to whistleblower protection very seriously. These issues—in fact, all the issues in the list of amendments from the Greens—will be considered as part of the development of that legislation currently being considered. I am not trying to say in any way at all that we do not believe that a comprehensive response to the need for protection of public servants who are whistleblowers is required. We will do that in a considered way shortly.

Question negatived.

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (10:37): I move Greens amendment (4) on sheet 7299:

(4) Schedule 1, item 52, page 28 (lines 25 to 27), omit subsection 16(3), substitute:

(3) Procedures published under subsection (2) must:

(a) comply with basic procedural requirements (if any) prescribed by the regulations; and

(b) provide for an APS employee, or former APS employee, who makes a whistleblower report to be involved in, and receive regular updates about, any inquiry into the report.

This amendment is quite self-explanatory. It is basically saying that, if a Public Service employee or a former employee makes a disclosure, they be entitled to be regularly updated and involved as to the progress of the investigation of their allegations.

One of the issues here is that if people are put in this invidious position where they end up in this situation and then they are not told how the investigation is going, where it is up to and what action is being taken, they are left wondering what is going to happen to them and what is going to be the outcome. So this amendment is basically just to say that, if a person has been courageous enough, in my view, to make a disclosure, they will be regularly updated as to the progress of that investigation.

Question negatived.

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (10:38): I move Greens amendment (7) on sheet 7299:

(7) Schedule 1, item 52, page 29 (after line 21), after subsection 16(6), insert:

Protection from criminal and civil proceedings

(7) No action or proceeding, whether criminal or civil, lies against an APS employee for or in relation to a whistleblower report made by the APS employee in accordance with this section (including regulations made for the purposes of this section).

This amendment is very important. It prohibits legal action being taken against someone who complies with the section of the act. The main intention of this is to recognise that sometimes the punishment is extremely harsh because of the wide provisions of section 70 of the Crimes Act, which provides for a two-year imprisonment for communicating a fact or document that comes to their knowledge through their employment.

I think it is important that we actually look at this amendment, because it is saying that we should not be taking legal action against someone who complies with this particular section of the act. If this amendment were taken up, it would, for example, protect
someone like Allan Kessing, the person I referred to earlier, who was charged under the Criminal Code for releasing information about security processes at airports. He spent four years in court. He lost $70,000 out of his own pocket and now has a conviction against his name—all of that in spite of the fact that, in the 2007 election, we had the situation where many people who were in opposition then and are now in the Labor government went out saying what a great job he had done and what a contribution he had made to Australia.

This also reinforces a point I made earlier that, in refusing to grant him a pardon, Mr Clare wrote that he had been advised that Mr Kessing 'chose not to utilise the whistleblower policy in place' in the Australian Customs Service in 2005 to raise concerns that he might have had about the report in question. But Mr Kessing said 'the assertion that Customs had a whistleblower policy in 2005 needed to be explained'. He said: 'As far as I know there was none—which is why they said they were going to do something about it'; that is, referring to Labor's pre-election policy in 2007. But, clearly, that did not actually happen.

I think it is incumbent on Mr Clare to review Mr Kessing's case. In particular, what is really interesting is that Mr Kessing has said that he provided the material to a staff member working for Minister Anthony Albanese, who was Labor's transport spokesman when in opposition. So it was to a staffer in his office that Mr Kessing made that information available—and he has always denied leaking it to the Australian newspaper. I think that Minister Albanese perhaps ought to make a statement to the parliament as to what he knew about the leaking of that document to the Australian and whether his staffer drew it to his attention or whether that staffer gave it to the Australian, because Mr Kessing says that he made it available to that shadow minister's office and never went to the media himself. Furthermore, Mr Kessing says that there was no process in 2005 in Customs, and that goes to the point that I was making earlier where, as an employee, he did not know that there was one and that, if there was one, it had certainly had not been brought to his attention, nor had it ever been discussed with people in that Customs department.

So I really think that we need to get serious about this. I recognise that the government and the coalition are not going to support this amendment prohibiting legal action being taken against someone who was already complying with the act but ended up with a severe punishment. Look at the case of Mr Kessing and where he has ended up. He was made the poster child on whistleblowing in the Labor Party's 2007 election campaign and has been hung out to dry, refused a pardon and has ended up $70,000 out of pocket and with a conviction against his name. It is hardly a situation which would encourage people in the Australian Public Service today to come forward and blow the whistle on breaches of process in the Public Service.

I recommend this amendment to the Senate and urge that, if you are not going to support this amendment now, the parliamentary secretary take this back to the legislation—I am assuming it is almost ready to be introduced—and make sure that this is covered, because when it is introduced we will be coming back with amendments to address this matter and to address Minister Albanese's need to make some sort of statement to the parliament.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (10:44): As I indicated earlier, section 16 of the Public Service Act...
1999 currently provides some protections for APS whistleblowers. In addition to that, proposed sections 72C and 72D of the amendment bill that we are debating will provide extensive protections against civil and criminal penalties for people who make whistleblowing reports to the Public Service Commissioner or the Merit Protection Commissioner. As I have said previously, we take these matters very seriously and this is another matter that would be considered as part of the proposed new whistleblower legislation.

Question negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (10:46): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator RUSTON (South Australia) (10:46): I rise to continue speaking on the Environment Protection and Biosecurity Conservation Amendment (Making Marine Parks Accountable) Bill 2012. Since I commenced my comments on this bill I have had the opportunity to visit an area in South Australia—Port Lincoln, on the west coast. This area has a huge fishing community. While I was there I met with a wide range of people and industry representatives—working from tuna to abalone to pilchards to rock lobsters. I discussed with them the management of their industries, and it is obviously a very highly regulated industry already. The tuna industry has very, very strict quotas—almost down to the kilogram—on the fish that they are allowed to take. So we certainly have an industry that is highly regulated and highly responsible. These are very serious industries which make an amazing contribution to their community.

The community of Port Lincoln has a huge reliance on the fishing industry, but all the other industries rely on the infrastructure investment that has been made by the fishing industry to allow them to be competitive. The development of the mining industry and the agricultural pursuits on the Eyre Peninsula are very much supported and underpinned by the success of the fishing industry in Port Lincoln.

In discussing the proposal for this particular situation with the industry groups in Port Lincoln, it was very apparent that not one of them could understand why the government sees it as necessary to lock up so much of our oceans—without any scientific evidence whatsoever that our fisheries are under threat. I do not think too many people would disagree that Australia's fisheries are globally benchmarked and recognised as some of the best managed fisheries in the world. It seems to me a total contradiction that we pride ourselves on being great custodians of the seas, with marine protection policies that are recognised as world class, and yet we still feel the need to overlay these policies with another level of unnecessary protection.

The Australia fishing industry have behaved in an environmentally responsible way for years. They deserve to be treated as
adults and not as a disposable industry because your partners, the Greens, are hell-bent on destroying all of Australia's food production capacity. As one South Australian fishing industry expert, David Hall, has succinctly put it, 'Marine parks have now become both a hypothetical and an expensive answer to a non-existent problem.' The last thing that the fishing industry wants to do is to destroy the environment that is providing them with a living. Similarly, recreational fishers have a vested interest in protecting their patch. Judy Lynne, of Sunfish Queensland—which represents 35,000 people, many of them recreational fishers—has said that what this does do is to take away the validity of the true value of a green zone, which is there to protect things that are under threat.

It seems that recreational and professional fishers alike are totally unimpressed with Minister Burke's behaviour regarding the operation of marine parks. If an industry as large as the fishing industry feels it cannot engage in a sensible and meaningful discussion with its minister about something that has such huge ramifications for its future, one can only conclude that this is a breakdown in his leadership. He has displayed a complete lack of leadership, because he has not really bothered to inform himself about the facts and the scientific evidence behind this particular issue. In a nutshell, he has failed to engage in proper consultation, he has failed to engage the experts, he has failed to engage the scientists, he has failed to engage the fishing industry, and he has failed to engage the wider community. Only proper and effective consultation will ensure that marine protected areas balance preservation of the environment with economic growth and strong coastal communities.

The coalition is proud of the rigorous assessment it undertook when it was in government in the establishment of 11 marine protected areas along Australia's south-east coast. The coalition believes that the establishment of such areas should not be about politics but about protecting biodiversity and minimising social and economic impact on fishers, businesses and their communities. We will return balance and fairness to marine conservation so that all Australians can have confidence that the best decisions are being made in protecting our marine biodiversity as well as the fishers and the communities that feed so many Australians.

I will quickly emphasise the coalition's position. We support a balanced approach to marine conservation. It was our policy for the 2010 election and we stand by it. The coalition started the process of establishing comprehensive marine bioregional plans, which included the determination of marine protected areas around Australia. To this end the former coalition government engaged in extensive and cooperative consultation. The consultation ensured that an appropriate balance was struck between protecting marine biodiversity and minimising the impacts. The final result was a greater area protected, with less impact on industry.

The Gillard government do not have a great track record of consultation and there is considerable angst amongst fishers regarding the declaration of marine parks, and it appears that their concerns are not being heard.

The consultation process is flawed and, because they have a flawed consultation process, the results are flawed. The coalition is committed to returning balance and fairness to marine conservation. We are also committed to ensuring that our sovereign risk is not totally and utterly accelerated by the perpetuation of this constant changing of the rules as we go along.
The bill to which I speak to today is a reaction to this lack of consultation, a lack of proper research and a lack of respect for the people who have sustainably managed and operated our fisheries around Australia for many years. They are world-recognised, responsible fishermen.

This bill seeks that the proposed new marine protected areas be assessed in accordance with objective, scientific, economic and social evidence. This bill will require the minister to obtain independent scientific advice and not just to rely on the knee-jerk reactions of those hell-bent on destroying any opportunity for Australians to enjoy the fantastic environment in which we live.

This bill will require the minister to obtain genuine community and industry input. It is so important that the input of the community and the industry is put into these bills, because the disengagement of industry in decision making about something that is so totally vital to their industry really does create a situation where we will end up with policies that have absolutely no relevance to the delivery of outcomes for all Australians.

This bill will require the minister to commission an independent social and economic impact assessment before any proclamations can be made. We currently see an absence of that in the efforts of Minister Burke. Secondly, obtaining independent scientific peer-reviewed advice before making any proclamations. How amazing that would be from this government? Thirdly, establishing independent scientific reference panels and stakeholder advisory groups, suggesting that over time that both of these groups would have an intimate role associated with decision making into the future. Finally, again, because of the dereliction of this minister, the bill will put parliament in charge of the final decision-making proclamations becoming disallowable.

Naturally, the coalition has the high moral ground here because it was under the Howard government that the then Minister for the Environment and Heritage, Minister Hill, introduced the Environment Protection and Biodiversity Conservation Act, which is world's best practice and has become the benchmark around the world in this area. Again, it was under a coalition government that the process of establishing marine protected areas around Australia's coastline was commenced.

I go back again to those four points: consultation; scientific peer-reviewed advice;
independent scientific reference panels and stakeholder advisory groups; and parliament in charge of the decision making rather than the minister.

Let me reflect, if I may, for a few minutes on each of those four principles. Currently, we are faced with a 30-day consultation period on the management plans proposed by the minister—but not 30 days now because, seven days from today, on 14 February, the consultation period closes. One would have to ask: why the rush? One might also reflect on the fact that, in the middle of probably their busiest fishing season, commercial fishers in fact have to consider management plans not for one bioregion but for more than one and, in fact, in some instances, seven. So there have only been two limited periods for public participation in the development of these management plans. The first was one month, from mid-November to mid-December, and now we have the final seven days. That seven days left is all that is left so that the locking up of 2.3 million square kilometres will be for a 10-year period. I find that to be totally and utterly unacceptable.

When one comes to the question of consultation, it is important to reflect on an opportunity lost by Minister Burke. I now go back to quotes from May 2011, when the media announcements were first put into the public arena regarding community engagement. At that time, the Western Australian fisheries minister, Norman Moore, indicated that whilst he had not seen the documentation and, in fact, neither Minister Burke nor his senior officials had offered Minister Moore the courtesy of consultation he, nevertheless, went ahead and said:

Although I have not yet had the opportunity to study the documents in detail, I remain hopeful that the Commonwealth has taken a balanced and pragmatic approach to proposed marine reserves which minimises the social and economic impact on stakeholders such as the fishing sector.

What an insult that the minister responsible for the greatest degree of coastline around the Australian coast, being the Minister for Fisheries in WA, had not been consulted. But on 19 October 2011, after he had directed his fisheries department to present a submission to Minister Burke he said:

We are still yet to receive any information about the points raised and about the process going forward. This leaves the State Government and WA community uncertain and concerned about the future access to our most precious waters and aquatic resources.

If that is the Labor government's consultation process, and particularly that of Minister Burke, it is little wonder that Senator Colbeck has based his first point in his bill around consultation.

I go to the question of science. We are not dealing at the moment with an innate object; we are dealing with a marine biological entity. We are dealing with a dynamic entity—an incredibly large area. We are the biggest island continent so therefore we have the largest area of waters around our coastline. Fish cannot read. They do not know the lines on Minister Burke's map. Nothing, of course, in the marine environment is permanent. So where is the scientific case that Minister Burke put forward to defend the decisions he is making with regard to tying up 2.3 million hectares of the Australian marine reserve? Unfortunately, it is not there. He has treated this community as abjectly as he has treated the wider community in terms of consultation.

I ask as a scientist: where is the scientific monitoring? Where is the evidence of monitoring? Where is the evidence we need for a fixed 10-year period to close up all of this marine area? Where is evidence that monitoring will be undertaken? Where is
evidence that we will see the results and— heavens above!—we actually might see some decisions? It is to be hoped by the vast majority of the Australian community that after 14 September this year there will be a government in place that will direct that this appropriate scientific evaluation and monitoring be undertaken. I am sure we will see decision-making made in relation to the progress of science.

I go again to the western rock lobster fishery as an example of management in a dynamic environment. As people will know all around this chamber, that particular fishery has been regarded as an international benchmark. In recent years we saw a steep decline in the number of mature crayfish. Scientific evidence—yes, the scientific evidence!—preceding that indicated, because of the studies undertaken by the Western Australia Department of Fisheries, that we were going to see a rapid decline. I do not think we yet understand the full reasons for that decline, but nevertheless it occurred.

But what happened was that Fisheries Minister Moore took the necessary decisions. He introduced, for example, greater restrictions on fishing limits. He introduced restrictions on pot numbers and he actually introduced a process whereby from the beginning of the season in the middle of November through to Easter of each year the fishermen could decide when they wanted to fish to get up to their quota. That, in fact, has introduced a most interesting economic model, because now the crayfishermen, instead of fishing every day, will choose. 'Is it Christmas? Is it Chinese New Year? When is the best for my business to undertake my fishing activity so that I can retain my quota, so that I can make sure that the fishery itself is preserved?' That is the result of good science. That is what is lacking in Minister Burke's attempts and that is of course what Senator Colbeck wants to see return to this debate.

We have the circumstance of environmental impact associated with the science and, if one talks about protein, fish protein has probably amongst the least adverse environmental impact of any form of protein. When you look, for example, at the amount of water that is needed, and fertiliser, pesticides and antibiotics, we know that in the capture fisheries no pesticides, antibiotics or fertilisers are used. So there are very, very compelling reasons why good science should precede decision-making and, more to the point, that when decisions are put into place we can monitor the effect, whether positively or negatively, and make further management decisions—not a one-size-fits-all, 10-year blocking out of these particular marine protected areas.

I go back again, if I may, before concluding comments in this area, to the Fisheries Minister Moore from Western Australia, in which he sums it up well when he says:

The Federal Government is always saying we should pursue evidence-based policy. In this case, it is just drawing lines on a map without any real regard for environmental outcomes or the long-term impacts on the Western Australian and broader Australian communities and businesses. He understands it. For the life of me I do not know why the minister or his department do not.

Let me put on record some other quotations, if I may, with regard to the science and the impact of the science. These are quotes from a Dr Ray Hilborn, Professor of Aquatic and Fisheries Sciences, University of Washington, and Dr Bob Carney AM, Emeritus Professor in Fisheries Management here in the University of Canberra. Dr Hilborn says:
When you're not over fishing, marine parks simply reduce the amount of fish yield you can get by locking up areas. And the result is that you're going to have less seafood produced in Australia and you will need to import more from places that are typically much less sustainably managed.

Again from both Hilborn and Carney:

It is difficult to understand … why Australians believe they need to implement additional, alternative restrictions on fishing, such as more fishing closures in MPAs!

As they assert by their paper's title, 'Australian seafood consumers have been misled by prophets of doom and gloom'. These are internationally regarded scientists. I quote yet again:

Australia's fisheries are amongst the best managed in the world and they are without doubt sustainable.

...  ...  ...

... Public perception has been distorted, primarily by numerous NGOs and others who benefit from projecting apprehension in seafood consumers.

...  ...  ...

Australian[s] have been told by health professionals and authorities to eat more seafood, yet the country has a serious and growing shortage of locally produced product and no obvious policies for food security or increasing domestic supply of fish.

All of this leads me, I think, to the most disturbing statistic that we will hear today, and that is that 70 per cent of the fish consumed in this country is imported. In the nation which is the world's largest island continent, we are importing 70 per cent by weight and we are consuming 70 per cent imported fish. This, of course, raises the question: where is it coming from? What is the level of sustainability of the fisheries of the countries from which it is coming? Should we not have some level of responsibility in our region? Clearly there is a demand for fish, and there is an increasing demand, in my view, for us to satisfy that need domestically.

I turn to the question of impact, particularly on the commercial fishery but also on recreational fishers. We are seeing, and we will go on to see, environmental degradation in our region particularly in the marine environments if in fact we continue on the curve we are on—that is, increasing importation of fish. This, of course, also raises the question of the quality and safety for our own consumers of imported fish. Surely we can sustainably manage our own fishery to make sure that we can in the main provide for this need ourselves. All we are doing is arrogantly shifting the problem elsewhere. I understand that more fish are now taken in aquaculture arrangements than in the wild catch, and that is fantastic. That is great, because it could introduce a new industry. So you say, 'Where's the catch?'
The simple fact of the matter is that there is an increased catch of the wild fish population to feed the fish that are being grown in the aquaculture environments. Therefore we again have a challenge in this area.

The second commercial impact which I wish to address is that of the debacle engineered last year by Environment Minister Burke, and that was that of the Abel Tasman. I do not want to reflect for long on this particular regrettable situation, except to say that it was when he was agriculture and fisheries minister that Minister Burke not only learned about that vessel but encouraged the proponents of the vessel to bring it into Australian waters. Then, with a different hat on and in a different timeframe, no doubt influenced by minority groups, he reversed the decision. Let us reflect for one minute on what would have been the outcome. First of all, there would not have been one kilogram more fish taken by the Abel Tasman than would have been taken by
a number of vessels making up the same tonnage—not one kilogram more. Secondly, the *Abel Tasman* was to fish in waters that our closer coastal vessels were not accessing. Thirdly, if our own local vessels had been accessing fish in those more remote areas, they did not have the freezer capacity on board for that product to be used for human consumption, in which case it would have gone as protein for pig and other feed. Finally, the environmental oversight of the *Abel Tasman* would have been vastly greater than for multiple vessels catching the same tonnage.

This creates a sovereign risk yet again for this country. In this case, the environmental minister must have seen the restrictions and the conditions placed upon that company and its vessel and must have been happy with them. Otherwise he would not, as fisheries minister, have encouraged it to come into our waters in the first place. At the same time, he absolutely insulted his own experts in the Fisheries Management Authority—all of whom on that particular board he had appointed himself—by turning around and rejecting the evidence that they brought before him in making his decision.

If ever there needs to be validation for the last of Senator Colbeck's points—that is, the point of taking the final decision making away from the minister and placing it here before the parliament—one need only reflect on those two words 'Abel Tasman'. Minister Burke has abrogated his capacity to make that final decision on behalf of the Australian parliament and the Australian community and that is why a disallowable instrument must come into play so that decisions of this nature can be made by the parliament and not by the minister, unusually influenced as he was.

Remaining for a moment with the commercial impact, the paltry figure of $100 million has been allocated by this government. It is going to require vastly more than $100 million to compensate commercial fishers for the loss they will incur if and when these marine parks are confirmed and locked up for a 10-year period. Estimates are that the future need for seafood in this country will grow by 850,000 to one million tonnes by 2020. I ask the question: where is this going to come from if we continue with the plans we have?

I refer again to the commercial impacts. How significant is it, as we go back and join with the consultation process, that the National Seafood Industry Alliance withdrew from negotiations with the government in November last year, as did the Australian Marine Alliance itself? Organisations representing more than 90 per cent of those involved in this industry had so little faith in this government and in this minister that they withdrew from consultation.

So what is the impact on recreational fishers? One would almost think that there has been an attempt to pit one against the other, because as we know the states and territories have responsibilities out three nautical miles, after which the Commonwealth takes over, and the impact is that, as would always be predicted, commercial fishers are now coming into areas which were the province of recreational fishers. This is deliberately pitting those two groups against each other.

I return to the points made in Senator Colbeck's bill: independent assessment, scientific review, scientific and community involvement and, of course, parliament in charge of the final decision making. I urge all senators to support Senator Colbeck's bill for the very logical reasons I have presented.

*Senator BERNARDI* (South Australia) (11:15): I rise to make a contribution on the
Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012. I do so in my capacity as a senator, but I should declare that I am also a very keen recreational angler—note ‘very keen’; I did not say ‘very successful’. But let me assure you, Mr Acting Deputy President Edwards, I am not an unsuccessful fisherman because the fish are not there—there are plenty of fish. I would suggest it is more down to my lack of skill in that particular area. That is why I will take a practical and, I would say, a sensible approach in my contribution to this bill.

My state of South Australia has a reputation of being very productive as a fishing state and also of being very innovative in aquaculture, developing fish farming and fish fattening techniques, which are enhancing the value of the wild catch by commercial fishermen, particularly with tuna and also tried with kingfish. South Australia has also been a pioneer in research into the spawning of tuna. It has not been commercially viable but, nonetheless, it has been a world first with regard to southern bluefin tuna, kingfish, mulloway and other value-added propositions. These are all positive developments for the fishing industry in South Australia.

I believe the commercial fishers in my state and, I am sure, with very few exceptions around the country are great custodians and stewards of the environment. They know that their livelihood is absolutely dependent upon sustainable fishing practices. They know anecdotally, instinctively and through the scientific research they commission what fish stocks are like around the world.

I recall that when we were in government that the overfishing of tuna was the subject of global discussions. The international organisation concerned with that discovered and disclosed that there were nations that were severely overfishing their tuna quota. Accordingly, quite significant quota reductions were made. But I also recall that Senator Abetz, who was the then minister responsible for fisheries, went into bat for the Australian tuna fishers because their husbandry, their fishing practices and their responsibility to adhere to their quota were the best in the world. Accordingly, we received no reduction in the tuna fishing quota for South Australian fishers.

That is an important point to make, because Australian commercial fishers are at the forefront of world best practice. Senator Joyce has often said in discussions on fishing that we take less per hectare than many other nations around the world. We are good custodians and stewards of the environment, seeking a sustainable balance between meeting the needs of our commercial operators to make a dollar and feed as many Australians as they possibly can with the wonderful resource we have available to us, and keeping a balance for the many millions of recreational anglers around Australia. I think angling is the highest participation recreation in the country, and so it should be—it is good clean healthy fun and you can have a feed at the end of it.

That preamble is designed to say that we need balance in our approach to how we manage our fisheries and to marine conservation. We have to balance the needs of our society: our commercial fishers, our recreational anglers, preserving and protecting the marine environment for successive generations as well as allowing fish stocks to rebuild where appropriate. You can do that by not locking up vast areas of fisheries based on spurious grounds but by keeping things in balance, by taking a balanced approach to it. That is something that Senator Colbeck has recognised in introducing this bill, which I commend him
for, but it is something that this government completely fails to adopt—and not only in this area but in so many other areas of their policies.

The coalition want to make sure that decisions are being made in the very best interests not only of fishers but also of local communities—who depend not just on the tourism but on the dollars that flow through from the catching, processing and distribution of fish—as well as in the interests of marine biodiversity. The coalition’s position is quite clear. We actually started the process of establishing comprehensive marine bioregional plans. This included the determination of marine protected areas around Australia’s coastline. And the former government, among the many commendable things it did with respect to fishing, also engaged in an extensive and cooperative consultation process before any marine protected areas were actually declared. That is a very important point to make and I am going to contrast that with the consultation, or lack thereof, by the current government.

The consultation the former government undertook ensured an appropriate balance was struck between protecting marine biodiversity and minimising social and economic impact on fishers, businesses and coastal communities. Ultimately, it was about trying to deliver better outcomes. The final result was a greater area protected, with less impact on industry. It was—to put it in simple parlance—a win-win scenario. Unfortunately, the Gillard government, and the Rudd government before them, do not have an effective track record of win-win scenarios in any aspect of legislation. Importantly, they have a very poor track record of effective consultation.

There is right now considerable angst amongst fishermen regarding the declaration of marine national parks. These concerns, the fishers tell me, are simply not being heard appropriately or adequately by the government. They believe that the consultation process is absolutely flawed, and that means the results that are being delivered are also flawed.

Currently, the environment minister has sole power to approve the adoption of bioregional plans, and the declaration of bioregional plans and the marine protected areas have significant environmental and socioeconomic consequences which must be properly assessed. Through this bill and in our approach to this whole area of management, the coalition is absolutely committed to returning balance and fairness to marine conservation. If you do not get the balance right and it is not fair, it will be a lose-lose situation for everybody.

In one aspect I congratulate Labor: they are continuing to further explore the coalition’s policy. But they have failed terribly in adopting a balanced approach to marine protected areas. Labor have failed to engage in appropriate consultation, as I mentioned, with the fishing industry and the wider community. Do not take my word for it; I am sure there have been many quotes from people who share those concerns, and I will get to some in a moment. Many in the communities who directly rely on fishing are directly threatened by Labor’s inability to consult on whether a region should be declared a marine protected area.

Unsurprisingly, many recreational and commercial fishers, businesses directly related to the fishing industry, businesses unrelated to the fishing industry who get the spin-off of community benefits that come through with additional resource activity, and communities who rely on fishing have raised substantial concerns about Labor’s handling of marine protected areas.
Stakeholders in this important industry are raising concerns about the integrity of the consultation being conducted under Minister Burke's guidance. Among the coastal communities there are rumours of politically motivated deals—which will be unsurprising to many who are familiar with Labor's way—of secret maps that some stakeholders get to see but not others—again, unsurprising given Labor's track record—and of marine science being ignored as lines are drawn and redrawn on maps. Again, this is unsurprising when you compare Labor's track record of looking at the science—credible science—and its policy agenda. It is clear to many people in the general community who are involved in the benefits of fishing in this country that Labor has failed miserably.

I regret to say that Labor's Minister for Agriculture, Fisheries and Forestry has taken a hands-off approach. He is like Pontius Pilate: he has washed his hands of it and said, 'I don't want anything to do with it,' failing to ensure that the interests of commercial and recreational fishing sectors are fairly represented. It is as if Minister Ludwig again plays second fiddle to Minister Burke.

Minister Burke, quite simply, has a chequered track record which calls into question whether we can rely on his good judgement or his acceptance of good science in making a good decision. History would suggest that we are right to have our doubts. Most recently, the declared commercial fishing activities amendment to the EPBC Act demonstrated that Minister Burke is prepared to make political decisions and not scientific ones. And after introducing this amendment, there were further amendments needed because he had not properly thought through the position he was putting to the Australian people. It was clearly an example of policy on the run. It forced a backflip by Minister Ludwig, and the declared commercial fishing activities bill showed Tony Burke's desire was more or less to lock up more water.

He trashed the reputation of the AFMA Commission even though he appointed every single member of that commission. He was prepared to trash their reputations to further his political agenda. He also trashed the reputation of our world-leading scientific community and of some of the institutions that have done the science on the impact of fishing and, in particular, the amendments I just referred to. In doing so, the government sent a clear message to commercial operators in Australia not just in fishing but also in other businesses. Effectively, it said, 'If you do everything that this government asks of you, and then you do a little bit more to comply with our demands to adhere to our stringent criteria, the red and the green tape, it is simply not enough.' The government will still take away your rights. It will still interfere, notwithstanding that you have complied with every aspect and more of what it has requested of you. The government will damage your business, impact your employees and hurt and harm Australia's international business reputation if it serves its purpose politically.

I ask: how can any business in Australia or considering investing in Australia operate in an environment such as that? I know myself there are business people that are operating here, and international business people too, who are asking themselves that very question. They have grave doubts and concerns about the risk of investing in this country because of this government and decisions taken by people like Minister Burke. So a more simplistic question is: should Australian fishers trust a man with this shambolic track record? I think it is a rhetorical question and it needs no answer, but let me suggest to the Australian people
that the answer is no. Yet currently the environment minister has the sole power to approve the adoption of bioregional plans. These plans for marine protected areas have significant environmental and socioeconomic consequences. I believe it is therefore inappropriate for these declarations to be made without the opportunity for review. I note that these are not disallowed instruments.

The minister has displayed a complete lack of leadership. He has displayed an inability or an unwillingness to inform himself of the fundamental peer reviewed science that supported, noting my reference earlier, the small pelagic fish harvest strategy that he oversaw as fisheries minister. So it begs the question: how can we trust him to have understood the science around marine parks? How can we trust him to have informed himself of the science around marine parks? Once again the question is: who has been consulted? What reputable scientists has he talked to? I think this is another vote by a minister against sound peer reviewed science that supports fisheries management in Australia.

My colleague Senator Back, in his previous contribution, made reference to Dr Ray Hilborn who is a professor of aquatic and fisheries sciences at the University of Washington. He maintains that Australian fisheries are well managed; they are sustainable and do not need further locking up to protect them from overfishing; the existing tools are working. He believes there is no threat to marine conservation; no marine species have gone extinct; closing Australian areas to fisheries will not increase food production from fisheries and will in fact reduce it. Well-managed fisheries are important—I think we all acknowledge that—but they are more environmentally sustainable than most other protein sources, according to Dr Ray Hilborn.

If we close the ocean and take less seafood the environmental cost of the alternatives is much higher than the environmental cost of fishing. In Australia, the US and a number of other countries, stocks are rebuilding and not declining. The anecdotal evidence in South Australia would support that point of view. The commercial and recreational anglers who chase tuna are saying they have never seen so many fish as they have seen this year. Australian fish stocks are healthy. It is something that the minister does not seem to want to acknowledge—and I have to wonder.

I gave a speech in this place in 2006 or 2007 in which my concern was the extreme ideological agenda of people like Peter Garrett, who is now a minister and the member for Blaxland, I think, and who I think as Chairman of the Australian Conservation Foundation wanted to completely ban any commercial harvest of bluefin tuna on the basis that they were an endangered species. I warned then the fishers of South Australia and the nation that this was a sort of ideological bent that was going to be brought in if a Labor government crept into power, and it has been strengthened since they have had this alliance with the Greens Party. No longer is there balance; no longer is there a commitment to a sustainable harvest; it is a commitment to saying human needs should be second rung to preserving a declining fish base. But the evidence is not there that the fish stocks are declining—and it is certainly not due to my fishing, let me assure you of that, Mr Deputy President.

The evidence is that Australia has one of the best managed fisheries anywhere in the world particularly in the south-west region where Minister Burke's determinations can significantly damage the economic potential of not only my state but the whole south-west region right through to Western Australia and Shark Bay, which is in WA.
That is why I support Senator Colbeck's bill. He is trying to restore some balance, some common sense and some integrity to the decision making, things that this government has woefully overlooked.

Senator BIRMINGHAM (South Australia) (11:35): I too rise to speak on the Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012 and do so to very enthusiastically support the outstanding work of my colleague Senator Colbeck in presenting this legislation to the Senate and continuing his relentless pursuit of fairness for Australian fishers and appropriate management of Australia's fisheries that would ensure not just the sustainability of the fish stocks but also the ongoing economic viability and sustainability of the Australian fishing industry and, of course, Australia's recreational fishing sector.

I note that back in 2011 I spoke in the chamber on a bill also moved by Senator Colbeck. That was the Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011. Sadly, that legislation proposed by Senator Colbeck was unsuccessful. Had it been successful we might not be here today debating this bill, because that legislation sought to ensure especially that the role of this parliament was paramount, that we ensured parliamentary primacy over ultimate decision making when it comes to the establishment of bioregional plans and marine parks. Sadly, that was rejected. Others in this place voted to say we would rather leave power in the hands of one minister, one person, than have power in the hands of this parliament to be the final arbiter of whether such parks are well designed and appropriate for our future. So Senator Colbeck has come back to this place with a bill not only that deals again with this very important and fundamental issue of parliamentary primacy, but also requires the environment minister to commission an independent, social and economic impact assessment before any proclamations of marine parks are made; to further obtain independent, scientific peer-reviewed advice before making any proclamations; and, importantly, to make this advice publicly available. Further, the bill will require the establishment of independent scientific reference panels and stakeholder advisory groups for each region to ensure that there is rigorous decision making. The bill ultimately will put the parliament in charge of final decision making, allowing proclamations to be disallowable instruments and ensuring in that sense that we actually have the final say in this chamber and the other place over whether these decisions made by the minister are indeed appropriate.

It is unfortunate that this is such an issue of contention because Australia should rightly be proud of the fact that we are very much a world leader in terms of sustainable management of fishing stocks. It is unfortunate that this process has become so controversial throughout the community with the perception held by many that the government is being held captive by extreme groups, environmental groups and those who have an ideological approach to how marine parks should work, rather than the government operating on the best available science and operating in a way that delivers certainty and fairness of outcomes for Australian fishers and the Australian fishing industry.

Australia's fisheries are recognised as some of the best managed in the world. Previous speakers have highlighted evidence that has been given, comments that have been made and research undertaken by academics from around the world—not just by Dr Bob Kearney here at the University of Canberra but also by Dr Ray Hilborn,
Professor in the School of Aquatic and Fishery Sciences at the University of Washington. Dr Hilborn has said very clearly that Australia's fisheries are amongst the best managed in the world and they are without doubt sustainable. He has made those remarks very clear in public comments on the record about Australia's fishing sector. That is not to say that we cannot strive to do more and do better and to make sure we continue to be at the leading edge of sustainability in our fisheries management practices. We should do that, but that does not mean we should be reacting and behaving in the way it seems the government has of believing somehow that our fisheries stocks are in such danger of depletion that we need to take very radical steps.

Dr Hilborn has highlighted some of the implications of the marine parks proposal. Having highlighted the world-leading management practices of Australia's fisheries, he went on to say:

When you're not over fishing, marine parks simply reduce the amount of fish yield you can get by locking up areas. And the result is that you're going to have less seafood produced in Australia and you will need to import more from places that are typically much less sustainably managed.

Those final words of Dr Hilborn's comments are very important for us to note. The demand for seafood in Australia is going in only one direction, and that is up. That is welcome. We should be wanting and encouraging Australians to eat more seafood with the many health benefits that can potentially come from doing so. The problem we have here is that this Labor government is adopting a proposal that presents real risks to the extent of seafood production in Australia, to the size of the catch that will be undertaken. Therefore, at a time of increased demand for seafood in Australia this government risks enacting policies that will provide for reduced supply of seafood within Australia. That can lead only to increased importation.

We know very well that seafood imported from parts of South-East Asia and elsewhere will be coming from some of the most stressed fisheries in the world. So we will take ourselves from being sustainable to potentially unnecessarily locking up fisheries, and importing seafood from overfished, overstressed fisheries in other parts of the world. That is why the coalition believes it is so very important to bring the fishing communities and the fishing industry with government on this journey and to ensure we actually have marine parks operating in a manner that supports our fishing industry producing at the maximum sustainable capacity not at some arbitrarily determined reduced capacity because it suits those who may lobby the government.

Right throughout this process many concerns have been expressed by industry. They occur right around Australia but, especially with regard to the south-west proposal in Australia, they occur in my home state of South Australia. I look at evidence given to the Senate inquiry that occurred a couple of years ago into this matter from the Abalone Industry Association of South Australia. They said with regard to the process being undertaken to date that:

It is a real slap in the face to the good work done by our Government Fisheries Managers and Industry. We are very uncomfortable with the fact that the final decision of adopting the bioregional plans rests with the Minister for Environment only. We would prefer to have a far more rigorous and robust process through the parliament that doesn't have the potential to be clouded by extreme green views.

The Australian Fishing Trade Association, you would think a key stakeholder genuinely engaged by the government in this debate, tendered evidence in which was said:
To date no briefing regarding the science being used with Bio Regional Planning has been transparently tabled to stakeholders. Thus no comment from stakeholders has been achieved. This vacuum of information has not been helpful in any understanding of current process, future process or past process. However we are aware a draft map has been produced. Why in the name of transparency during a planning process that a scientific briefing not be available to stakeholders, Government? Would it not encourage informed debate?

Much has transpired since that time. Some information has been released, and yet it seems that the government has learned nothing from the early criticisms that occurred surrounding the management processes, the engagement and the consultation around these marine parks.

What we see now is a farcical consultation process as to how the management plans for these marine parks will be finalised. We see that only a 30-day consultation period on these management plans was allowed. On 16 December 2012, the Minister for Sustainability, Environment, Water, Population and Communities declared 2.3 million square kilometres of marine reserves. There was a brief initial consultation period, but only a brief one, which occurred until 18 December 2012. During this time public comment was sought on the proposal to prepare a draft management plan for each of those regional marine networks and the Coral Sea Commonwealth Marine Reserve. So, there was a one-month period at the end of last year to comment on the proposal to prepare a draft management plan. Then at the start of this year those draft management plans were released and we had from 14 January to 14 February for stakeholders to comment on these draft management plans.

After all the years of this process, its long and drawn-out episodes, all the criticisms of the failure of government to effectively consult and engage industry at the outset, we now find ourselves in a situation where it seems to be being unduly and unreasonably rushed. And this haste once again risks shutting out those who would be most impacted by these reforms from having an appropriate say about them.

The coalition is by no means against having appropriate marine bioregional plans. We guided the development of the South-east Regional Marine Plan, which was formalised in 2006. This plan included a network of 14 marine reserves but, importantly, when we undertook that process we ensured that all of the stakeholders—recreational and commercial fishing sectors—were appropriately engaged and consulted. They were taken on a journey to ensure that they supported what was being proposed, and we did not come up with the type of criticism and concern that this government’s approach has managed to generate.

If the government is to get this back on track then it should support the bill of Senator Colbeck. That bill will ensure that it does have community support, because it will ensure that the process undertaken is genuinely evidence-based. By having independent social and economic impact assessments before any proclamations are made, you can demonstrate to communities the impact on their local economy. I reflect that this is a very similar debate in that sense to the one that I was so integrally involved in relating to the Murray-Darling Basin. If you are going to undertake activities that have the potential to reduce the productive capacity of certain communities then you should make sure that you have full awareness of the social and economic assessment of reducing that productive capacity before you make the final decision.

Of course there should be an evidence basis of the social and economic impacts, but
there should also be an evidence basis of scientific peer-reviewed advice about the actual proclamations so there is confidence that any proclamations of marine reserves will provide for a necessary enhancement of the sustainable management of Australia’s fisheries. There should be evidence that it is a justified step. This is not only to enhance their sustainability but it is also needed to ensure that the sustainability of those fisheries is not endangered were it is applied. We should have peer-reviewed evidence which should be publicly released. It should be guided by independent reference panels and stakeholder groups, and it should ultimately be that these plans are potentially disallowable by this parliament. As Senator Colbeck’s original bill tried to do and as this bill tries to do, we should uphold the primacy of this place. There is no reason that those around the chamber should not support the potential for these to be disallowable instruments. I urge all senators to reflect on their position on this legislation and give it their support.

The PRESIDENT: Order! The time allotted for this debate has expired.

NOTICES

Presentation

Senator Heffernan to move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold an in camera hearing during the sitting of the Senate on Monday, 25 February 2013, from 4 pm, to take evidence for the committee's inquiry into an aviation accident investigation.

Senator Xenophon to move:

That the following bill be introduced: A Bill for an Act to amend the Criminal Code Act 1995 to protect minors by introducing offences about misrepresentation of age to minors online.

COMMITTEES

Selection of Bills Committee

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (11:53): I present the first report of 2013 of the Selection of Bills Committee and I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 1 OF 2013

1. The committee met in private session on Wednesday, 6 February 2013 at 7.16 pm.
2. The committee resolved to recommend—That the Australian Sports Anti-Doping Authority Amendment Bill 2013 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 12 March 2013 (see appendix 1 for a statement of reasons for referral).
3. The committee resolved to recommend:

That the following bills not be referred to committees:

- Completion of Kakadu National Park (Koongarra Project Area Repeal) Bill 2013
- Customs Amendment (Anti-Dumping Commission) Bill 2013

The committee recommends accordingly.

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


(Anne McEwen) Chair

7 February 2013
APPENDIX 1
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY AMENDMENT BILL 2013
Reasons for referral/principal issues for consideration:

- The bill has not been released in draft form, and the public needs an opportunity to comment on the proposed reforms before they are passed by the Parliament
- Legal aspects of the bill need scrutiny to ensure there will be no unintended consequences resulting from the proposed changes

Possible submissions or evidence from:

- Australian Olympic and Paralympic Committees
- Athlete representative bodies
- Legal experts
- Professional sporting organisations (AFL, NRL, Athletics Australia, etc)
- Individual athletes and officials

Committee to which bill is to be referred:
Rural and Regional Affairs and Transport Legislation Committee

Possible hearing date(s):
To be determined by the committee

Possible reporting date:
Mid to late March 2013

(signed)
Senator Fifield
Whip/Selection of Bills Committee Member
Ordered that the report be adopted.

BUSINESS

Rearrangement

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (11:53): I move:
That the order of general business for consideration today be as follows:
(a) general business notice of motion no. 1112 standing in the name of Senator Fifield relating to the Gillard Government's fiscal strategy; and
(b) orders of the day relating to government documents.
Question agreed to.

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (11:54): I move:
That business be interrupted at 12.45 pm today to allow consideration of government business orders of the day till no later than 2 pm today.
Question agreed to.

COMMITTEES

Finance and Public Administration References Committee

Reference

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:54): I move Senate notice of motion No. 1 standing in the name of Senator Di Natale for today:
That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 28 February 2013:
Implementation of the National Health Reform Agreement with regard to recently announced reductions by the Commonwealth of National Health Reform funding for state hospital services, in particular:
(a) the impact on patient care and services of the funding shortfalls;
(b) the timing of the changes as they relate to hospital budgets and planning;
(c) the fairness and appropriateness of the agreed funding model, including parameters set by the
Treasury (including population estimates and health inflation); and
(d) other matters pertaining to the reduction by the Commonwealth of National Health Reform funding and the National Health Reform Agreement.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (11:55): The opposition was under the impression that the motion was going to be amended to change the reporting date to 7 March.

The PRESIDENT: Senator Siewert, there are a few other motions that we need to deal with. I will just put this motion to one side for a moment and, with the agreement of the chamber, we will deal with it later. That will be the cleanest way that we can deal with it.

Community Affairs References Committee Reference

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:56): I move:

That the resolution of the Senate of 20 September 2012, relating to the terms of reference of the Community Affairs References Committee on the sterilisation of people with disabilities, be amended as follows:

At the end of the motion, add:

(2) Current practices and policies relating to the involuntary or coerced sterilisation of intersex people, including:

(a) sexual health and reproductive issues; and
(b) the impacts on intersex people.

Question agreed to.

MOTIONS

Syria

Senator MILNE (Tasmania—Leader of the Australian Greens) (11:56): I move:

That the Senate—

(a) recognises the worsening conflict in Syria that has resulted in two million displaced citizens and a further 743,000 Syrians who are seeking refuge outside of their home country;
(b) acknowledges the scope of the humanitarian response by the Jordanian, Lebanese, Iraqi, Egyptian and Turkish authorities and the harsh conditions in many refugee camps, particularly during winter;
(c) notes the $10 million in additional aid provided by the Australian Government, announced in the week beginning 27 January 2013, to the international humanitarian effort in support of Syrian refugees; and
(d) urges the Government to continue to do everything within its means to assist the international humanitarian effort and its push for a ceasefire to secure a plural, democratic Syria.

Question agreed to.

BILLS

Social Security Legislation Amendment (Caring for People on Newstart) Bill 2013

First Reading

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:57): I move that the following bill be introduced:

A bill for an act to amend the Social Security Act 1991 and for related purposes.

Question agreed to.

I present the bill and move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:58): I move:

That this bill be now read a second time.

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

The speech read as follows—

In a world that is getting harsher, it is government's role to make things easier for all Australians. Punishing job seekers by condemning them to poverty is not contributing to the caring society that the majority of Australian want for themselves or for their children.

The Australian Greens recognise that single people living on Newstart and Youth Allowance are the ones who are the most disadvantaged by Australia's current income support system. The maximum single rate for Newstart was $246.30 in September 2012; $140 less per week than the rate of payment for singles (including the fortnightly pension supplement) on the age and disability pensions. The maximum rate of payment for Youth Allowance (living away from home) was $203.75 in September 2012; $42.55 less per week than the single rate of Newstart.

The Social Security and Other Legislation Amendment (Caring for People on Newstart and Other Measures) Bill 2013 will give effect to the Australian Greens commitment to increase the base payment rate by $50 per week for single people living on Newstart and Youth Allowance (living away from home). The bill will also index other social security allowance payments and pensions to the higher of CPI, MTAWE or the pensioner and beneficiary living cost index. This will ensure that the gap between pensions and allowance payments does not continue to widen.

Raising the single rate of Newstart by $50 per week, will bring relief to almost a million households on the very lowest rates of income support, including single parent families, by increasing the amount of financial support they receive on a fortnightly basis. The bill will also ensure that the single rate of Newstart is finally increased to two-thirds of the combined couple rate, as recommended by the Henry Tax Review and 2009 Harmer Pension Review.

The focus on singles is based on evidence that these households are the most at risk of poverty. The ACOS poverty than couples (25% to 9%) while 25.3% of single parent families with children are living in poverty compared with 8.4% of couples with children. This reflects in part the economies of scale available to people living with partners.

As well as assisting people out of poverty, the key reasons for increasing the base rate of Newstart and Youth Allowance include:

(a) the extended length of time that many recipients spend on the payment;
(b) the cost of living pressures faced by those in receipt of the single rate of the allowance; and
(c) the growing gap between the pension and allowance payment types due to different methods of indexation.

A recent inquiry by the Senate Education, Employment and Workplace Relations Committee examined cost of living pressures for allowance recipients including housing, food and the costs of searching for work and concluded its section on the adequacy of allowance payments by stating:

"On the weight of evidence, the committee questions whether Newstart Allowance provides recipients with a standard of living that is acceptable in the Australian context for anything but the shortest period of time."

The inquiry was also presented with evidence from Centrelink that 42% of new recipients of Newstart each year do not transition quickly back into the workforce.

Similarly, many Youth Allowance recipients are expected to be in receipt of the payment for an extended period of time while they complete their studies or look for work. Recipients on Youth Allowance have access to better employment income arrangements, which allow Youth Allowance recipients to build up their income bank or gain working credits and earn more per week before their payments are reduced. However, a single person on Youth Allowance is still on a significantly lower payment than any other allowance recipient and highly likely to be in receipt of the payment for an extended period of time.

The call for an increase in the base rate of allowance payments has received widespread support from not only welfare and social service
groups but also from business groups, unions, various economists and members of parliament. The Business Council of Australia argued in its submission to the Inquiry into the adequacy of allowances payments that there is a need for an increase in the Newstart Allowance on an 'adequacy and fairness basis' and that 'there is concern that the low rate of Newstart itself now presents a barrier to employment and risks entrenching poverty.

The government has acknowledged on a number of occasions that it is not easy for a person to live on the current rate of Newstart allowance. However, the suite of measures that have been introduced by the current Government so far have been inadequate to address the level of need that those on the lowest rates of payment experience while they study or look for work.

For example, the new Income Support Bonus will offer eligible singles the equivalent of around $4 extra a week as a lump sum twice annually. Those who receive it will still be in receipt of payments that are $130 below the poverty line.

Other supplements have been made available to some allowance recipients, but those supplements reflect the higher costs incurred by the recipients, such as illness, high private rental costs, or the costs of raising children and do not resolve the inadequacy of the base payment.

This bill will directly assist single people living on Newstart and Youth Allowance for an extended period of time by providing them with a more stable, adequate base income.

The gap between the allowance and pension payments is increasing. Between March and September of 2012, the gap between Newstart and the pension (including pensioner supplement) rose by $7, because of the use of different indexation methods. Newstart Allowance is indexed to movements in the Consumer Price Index (CPI) in March and September each year and Youth Allowance is indexed to the CPI once a year in January. Pensions are indexed twice a year (in March and September) by the greater of the movement in the CPI or the Pensioner and Beneficiary Living Cost Index (PBLCI)—an index designed to better reflect the price changes affecting pensioners - and the rise is also benchmarked to Male Total Average Weekly Earnings.

The effect of differences in indexation is that pensions have, since 1997, been increasing in line with wage rises or the CPI while allowances have increased only in line with the CPI—and over this period, wages have generally increased at a greater rate than prices.

The Henry Taxation Review examined the long term impact of this difference in indexation methods and found that:

"... some difference in the level of payments can be justified on the basis of differing needs and presenting different incentives to different groups ... Harder to justify is the fact that rates of pension and allowances are not merely different, but the gap between them is widening ... If the current indexation arrangements remain in place, it is likely that by 2040, a single pensioner would be paid more than twice as much as a single unemployed person. A continuous decline in Newstart Allowance against community standards would have major implications for payment adequacy and the coherence—in terms of horizontal equity—of the income support system."

This bill will address the widening gap, by ensuring that these classes of payment are all indexed by the same methodology and that they are in line with changes to both prices and wages.

A $50 increase to the base rate of eligible payments will ensure a fairer, and more straightforward social security system and immediately reduce the extent to which Australian people are living in poverty. Better indexation will help maintain the value of an increase into the future.

I commend the bill to the Senate.

Debate adjourned.
COMMITTEES

Environment and Communications
References Committee

Environment and Communications
Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (11:58): I move:

That the Environment and Communications References 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, 7 February 2013, from 1.10 pm.

That the Environment and Communications 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, 7 February 2013, from 1 pm.

Question agreed to.

MOTIONS

Female Genital Mutilation

Senator CASH (Western Australia) (11:59): I, and also on behalf of Senator Kroger, move:

That the Senate—

(a) notes that:

(i) Wednesday, 6 February 2013 marks the International Day of Zero Tolerance to Female Genital Mutilation,

(ii) the day has been designated by the United Nations to raise awareness amongst the general public about this practice which violates the human rights of women and girls, and

(iii) the World Health Organization in 2013 will place a special focus on 'the troubling trend of health-care providers increasingly being the ones performing female genital mutilation, thereby contributing to legitimize and maintain the practice';

(b) recognises that female genital mutilation in Australia is prohibited by specific legislation in every jurisdiction; and

(c) supports and encourages steps taken by the international community to eliminate the practice of female genital mutilation.

Question agreed to.

Victorian Bushfires

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (11:59): I, and also on behalf of Senator Humphries, move:

That the Senate—

(a) notes the devastating bushfires that swept through parts of Portland, Creswick, the Gippsland and Alpine regions of Victoria in January 2013;

(b) acknowledges the determined efforts of Country Fire Authority personnel and firefighters, who sought to save as many properties as possible;

(c) recognises the efforts of Victorian Country Fire Authority personnel, who travelled to Tasmania to assist with the devastating fires surrounding Hobart; and

(d) notes:

(i) the tragic death of Victorian firefighter, Mr Peter Cramer, who lost his life while controlling fires on the Tasman Peninsula, and

(ii) the importance of the Country Fire Authority’s social media sites in providing regular updates to citizens at risk.

Question agreed to.

Bushfires

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (12:00): At the request of Senator Colbeck, I move:

That the Senate—

(a) recognises and supports the need for fuel reduction burns as an important management strategy aiding in the protection of communities, businesses and natural resources from bushfires; and

(b) notes:

(i) the tragic death of Victorian firefighter, Mr Peter Cramer, who lost his life while controlling fires on the Tasman Peninsula, and

(ii) the importance of the Country Fire Authority’s social media sites in providing regular updates to citizens at risk.
(b) recognises the role fire has in the sustainability of the ecology, regeneration and sustainability of a significant proportion of the Australian landscape.

Senator WHISH-WILSON (Tasmania) (12:00): I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator WHISH-WILSON: We will be supporting this motion because we do support the appropriate use of fuel reduction burns, but we wanted to make it very clear today and get it on record that the Australian Greens do not support regeneration burns, which are the opposite of fuel reduction burns, and have asked to have that particular term removed from this motion. I also point out the contradiction in this motion. Fuel reduction burns are designed to reduce biomass whereas regeneration burns are designed to increase biomass. It is very important that that distinction be noted by those opposite in the chamber here today.

Senator COLBECK (Tasmania) (12:01): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator COLBECK: I make a bit of a distinction here that goes to the dishonesty of the Greens in the way that they portray a fuel reduction burn versus a regeneration burn and the suggestion that a fuel reduction burn might be in some way increasing biomass and endangering the community. It is about regenerating a forest after a harvest process. It is not a destructive process. It is a regeneration process. I do appreciate that the Greens are supporting the motion. I have not been contacted about any changes to this motion, so any suggestion that there has been a request for changes of wording in the motion I would have to say I reject, because I have not been contacted by anybody about it. So, again, if you are going to make claims in the chamber that requests have been made, it would be nice if you actually made the requests. But I do appreciate the support for the motion.

Question agreed to.

COMMITTEES
Gambling Reform Committee
Reference

Senator DI NATALE (Victoria) (12:03): I move:
That the following matter be referred to the Joint Select Committee on Gambling Reform for inquiry and report by 16 May 2013:
The advertising and promotion of gambling services in sport, including:
(a) in-ground and broadcast advertising;
(b) the role of sponsorship alongside traditional forms of advertising;
(c) in-game promotion and the integration of gambling into commentary and coverage;
(d) exposure to, and influence on, children;
(e) contribution to the prevalence of problem gambling;
(f) effect on the integrity of, and public attitudes to, sport; and
(g) any related matters.

Senator XENOPHON (South Australia) (12:03): I seek leave to move amendments to the motion.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:03): Leave is granted, but I suggest we delay this one while we get advice on these amendments, which we have only just seen?

The PRESIDENT: The chamber is happy to defer consideration of this motion whilst appropriate advice is received.
MOTIONS

Violence against Women

Senator RHIANNON (New South Wales) (12:04): I, and also on behalf of Senator Moore, move:

That the Senate—

(a) notes:

(i) with deep concern that throughout the world and in Australia, one in three women will experience violence such as beating, rape or assault in their lifetime,

(ii) that violence against women affects the human rights of over one half of the world’s population,

(iii) the World Bank estimates that gender based violence is as serious a cause of death and incapacity among women of reproductive age as cancer and a greater cause of ill health than traffic accidents and malaria combined,

(iv) the Australian government’s National Plan to Reduce Violence against Women and their Children 2010 – 2022 has delivered a strong focus on primary prevention and attitudinal change in order to prevent violence against women, including investment of over $30 million in programs that target different groups within the community to influence attitudes and behaviours in order to prevent violence against women,

(v) the government has created a 1800RESPECT national telephone and online professional counselling service for victims of domestic, family and sexual violence and for their family, friends and people working with them, and

(vi) that 14 February 2013 is the 15th anniversary of V Day, a peaceful global event by One Billion Rising protesting violence against women;

(b) condemns all forms of violence against women; and

(c) encourages organisations and individuals to mark the 15th anniversary of V Day on 14 February 2013 by calling for an end to violence against women with suitable events such as flashmob dancing, or other peaceful means.

Question agreed to.

COMMITTEES

Finance and Public Administration References Committee

Reference

Senator DI NATALE (Victoria) (12:05): I seek leave to make an amendment and move the reporting date out by a week to 7 March.

Leave granted.

Senator DI NATALE: I move the motion as amended:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 7 March 2013:

Implementation of the National Health Reform Agreement with regard to recently announced reductions by the Commonwealth of National Health Reform funding for state hospital services, in particular:

(a) the impact on patient care and services of the funding shortfalls;

(b) the timing of the changes as they relate to hospital budgets and planning;

(c) the fairness and appropriateness of the agreed funding model, including parameters set by the Treasury (including population estimates and health inflation); and

(d) other matters pertaining to the reduction by the Commonwealth of National Health Reform funding and the National Health Reform Agreement.

Question agreed to.

Community Affairs References Committee

Reference

Senator XENOPHON (South Australia) (12:06): I seek leave to amend business of the Senate notice of motion No. 3, standing in my name and the name of Senator Madigan.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate)
We are in a similar situation where we have only just seen the proposed amendments, so it would be helpful if we had an opportunity to look.

The PRESIDENT: We will defer that for a moment again in the interests of the chamber.

**Gambling Reform Committee Reference**

Senator XENOPHON (South Australia) (12:08): I move general business notice of motion No. 1113, as amended, in the terms circulated in the chamber:

That the following matter be referred to the Joint Select Committee on Gambling Reform for inquiry and report by 16 May 2013:

The advertising and promotion of gambling services in sport, including:

(a) in-ground and broadcast advertising;
(b) the role of sponsorship alongside traditional forms of advertising;
(c) in-game promotion and the integration of gambling into commentary and coverage;
(d) exposure to, and influence on, children;
(e) contribution to the prevalence of problem gambling, and mechanisms to reduce that prevalence;
(f) effect on the integrity of, and public attitudes to, sport;
(g) the importance of spot betting and its potential effect on the integrity of sporting codes;
(h) the effect of inducements to gamble as a form of promotion of gambling services, and their impact on problem gambling; and
(i) any related matters.

Question agreed to.

**Rural and Regional Affairs and Transport References Committee Reporting Date**

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (12:08): I seek leave to amend general business notice of motion No. 1106 by omitting '19 June 2013' in paragraph (b) and substituting '15 May 2013'.

Leave granted.

Senator KROGER: I move the motion as amended:

That the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended as follows:

(a) an aviation accident investigation—to 27 March 2013; and
(b) Foreign Investment Review Board national interest test—to 15 May 2013.

Question agreed to.

**Community Affairs References Committee Reference**

Senator XENOPHON (South Australia) (12:10): I seek leave to amend general business notice of motion No. 3 in the terms circulated in the chamber.

Leave granted.

Senator XENOPHON: I move the motion as amended:

That the following matters be referred to the Community Affairs References Committee for inquiry and report by 22 April 2013:

(a) the supply of chemotherapy drugs such as Docetaxel, particularly in relation to:
   (i) patient access to treatment,
   (ii) cost to pharmacists and suppliers, and
   (iii) cost to the private and public hospital systems;
(b) any long-term sustainable funding models for the supply of chemotherapy drugs, including Docetaxel; and
(c) any related matters.

Question agreed to.
DOCKETS

Western Australia Transport Infrastructure

Order for the Production of Documents

Senator LUDLAM (Western Australia) (12:11): I move:

That there be laid on the table by the Minister representing the Minister for Infrastructure and Transport, by noon on Monday, 25 February 2013, submissions provided to Infrastructure Australia by the Western Australian Government for light rail and related public transport infrastructure development projects.

I seek leave to make a very brief statement.

Leave granted.

Senator LUDLAM: Before we put this motion to a vote, I am calling on the government, and the opposition as well, to seek leave—and I can assure you that the crossbenchers or I will certainly grant leave—to explain whether or not this motion is supported and, if not, why not. This is a proposal for a light rail infrastructure to be built in Perth, a proposal which is pretty popular. We are trying to establish whether the proposal that the state government has put forward has been costed, whether it is coherent, whether it is the best proposal that could have come forward and whether the state government is actually serious.

I can understand why the coalition might want to protect their Western Australian colleagues. I hope that we will have government support. If not, I would be very keen to understand why.

Senator JACINTA COLLINS: These documents were provided by the Western Australian government to Infrastructure Australia on a confidential basis. It is a matter for the Western Australian government, as the proponent, to decide whether or not to make these documents public. The Western Australian government has confirmed to Infrastructure Australia its desire for this submission to remain confidential.

Question negatived.

MOTIONS

Immigration Detention Facilities

Senator HANSON-YOUNG (South Australia) (12:14): I move:

That the Senate calls on the government to:

(a) facilitate media access to the detention camps in Nauru and Manus Island to provide for transparency and public accountability about the conditions inside the camps;

(b) lift the current ban on photographs and footage of the detention facilities; and

(c) allow consenting asylum seekers and refugees within the facilities to speak freely to media agencies and journalists.
The PRESIDENT: The question is that the motion moved by Senator Hanson-Young be agreed to.

The Senate divided [12:18]
(The President—Senator Hogg)
Ayes....................11
Noes....................36
Majority..............25

AYES
Di Natale, R  Hanson-Young, SC
Ludlam, S  Madigan, JJ
Milne, C  Rhiannon, L
Siewert, R (teller)  Waters, LJ
Whish-Wilson, PS  Wright, PL
Xenophon, N

NOES
Back, CJ  Bernardi, C
Bilyk, CL  Cameron, DN
Cameron, DN  Cash, MC
Collins, JMA  Crossin, P
Evans, C  Farrell, D
Fawcett, DJ  Feeley, D
Fifield, MP  Furner, ML
Gallacher, AM  Hogg, J
Kroger, H (teller)  Ludwig, JW
Lundy, KA  McKean, B
McEwen, A  Moore, CM
McLucas, J  Payne, MA
Parry, S  Polley, H
Polley, H  Prat, LC
Ruston, A  Singh, LM
Smith, D  Sterle, G
Thistlethwaite, M  Thorp, LE
Urquhart, AE  Williams, JR

Question negatived.

UK Marriage Equality Legislation

Senator HANSON-YOUNG (South Australia) (12:20): I move:
That the Senate congratulates the Prime Minister of the United Kingdom, the Right Honourable Mr David Cameron MP, for his leadership in passing historic marriage equality legislation through the House of Commons.
Senate on Thursday, 7 February 2013, from 1.10 pm.

Question agreed to.

DOCUMENTS

Order for the Production of Documents

Documents were tabled pursuant to the order of the Senate of 6 February 2013 for the production of documents relating to the Minerals Resource Rent Tax.

COMMITTEES

Regulations and Ordinances Committee

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (12:25): On behalf of the Chair of the Standing Committee of Regulations and Ordinances, Senator Furner, I present a volume of ministerial correspondence relating to the scrutiny of delegated legislation for the period July to December 2012.

Corporations and Financial Services Committee

Report

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (12:26): On behalf of the Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services, Senator Boyce, I present the report on statutory oversight of the Australian Securities and Investments Commission, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BILLS

Customs Amendment (Miscellaneous Measures) Bill 2012

Financial Framework Legislation Amendment Bill (No. 4) 2012

International Tax Agreements Amendment Bill 2012

Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Bill 2012

Protection of Cultural Objects on Loan Bill 2012

First Reading

Bills received from the House of Representatives.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:27): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:28): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

CUSTOMS AMENDMENT (MISCELLANEOUS MEASURES) BILL 2012

The Customs Amendment (Miscellaneous Measures) Bill 2012 is an omnibus bill, which
makes a number of amendments to the Customs Act as part of the Government's program of regulatory improvement.

Firstly, the Bill will amend the Customs Act to make it an offence to bring into Australia without a permit, certain prescribed prohibited imports to be known as restricted goods. This is different to the current offence, which requires the goods to be imported in order for an offence to be committed. Initially, the new category of restricted goods will be limited to child pornography and child abuse material. In future, this could be extended to give effect to international agreements or to address matters of international concern and could be applied to any purpose related to external affairs.

Reflecting the serious nature of the offence, the Bill proposes that it carries a maximum penalty of 1000 penalty units, which is similar to the penalties for the unlawful importation or exportation of goods.

Customs controlled areas form an important part of Customs and Border Protection's control mechanisms at airports and ports. They give officers the ability to question non-travellers, to restrict access for non-travellers, or to remove them from certain areas when Customs and Border Protection is performing its function. The Bill makes minor changes to ensure Customs and Border Protection is able to set up permanent and temporary Customs controlled areas in the maritime and air environments when dealing with aircraft and ships carrying only crew and when processing cruise ships.

This Bill implements a number of measures that clarify intent, remove redundant regulation and reduce the compliance burden for industry. This includes making it clear that self-powered ships and aircraft that are imported or intended to be imported are subject to the control of Customs and should be entered for home consumption. The Bill will also allow the CEO to request additional information from an applicant for a warehouse licence which will enable issues to be clarified without the need for industry to submit a further application.

The Bill makes minor changes to the valuation provisions, ensuring consistency with the World Trade Organization Customs Valuation Agreement.

Finally, the Bill will repeal expired moratorium periods for electronic cargo reporting and repeal the legislation that refers to the accredited client program. Technology improvements and changes in the policy, procedural and cost environment meant that the program was not implemented operationally.

Customs and Border Protection consulted industry through the release of an exposure draft of the Bill in September 2012.

Key stakeholders such as Shipping Australia, QANTAS, and CAPEC have all responded positively to these changes. Operationally, they make little changes in the way these organisations and their stakeholders do business, but clarify their obligations under the Customs Act.

FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (NO. 4) 2012

The Financial Framework Legislation Amendment Bill (No. 4) 2012 would, if enacted, amend 5 Acts across 3 portfolios.

It is the twelfth Financial Framework Legislation Amendment Bill since 2004. It forms part of an ongoing program to address financial framework issues as they are identified and assists in ensuring that specific provisions in existing legislation remain clear and up-to-date.

Keeping the existing financial framework legislation up-to-date is also consistent with the reforms foreshadowed in the Government's proposed Commonwealth Financial Accountability Review.

First, the Bill would amend the Commonwealth Authorities and Companies Act 1997 to substitute references to "Commonwealth Procurement Guidelines" with "guidelines in relation to procurement", given the recent change in name of the guidelines to the Commonwealth Procurement Rules.

Second, the Bill would amend the Environmental Protection and Biodiversity Conservation Act 1999 to provide the Director of National Parks with greater autonomy to enter...
into contracts with an increased threshold of $1 million from the current $250,000.

Third, the Bill would amend the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 to establish a special appropriation for the purpose of making remissions or refunds of import levies and manufacture levies, including those related to synthetic greenhouse gas management equipment.

Fourth, the Bill would establish a framework for dealing with overpayments, within the Papua New Guinea (Staffing Assistance) Act 1973, and to address instances where payments are made from an annual appropriation to recipients, that are not, in practice, consistent with the requirements or preconditions imposed by this Act and risk breaching section 83 of the Constitution. This amendment flows from the amendments delivered by the Financial Framework Legislation Amendment Act (No. 2) 2012.

Finally, the Bill would amend the Public Accounts and Audit Committee Act 1951 to update labels of defined terms "the Chairman" and "the Vice-Chairman" with the gender neutral terms "Chair" and "Deputy Chair".

This short Bill is, accordingly, another step to help ensure that specific areas of the Commonwealth's financial framework remain effective and up-to-date.

INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL 2012

Today I introduce this Bill, which will amend the International Tax Agreements Act 1953 and give the force of law in Australia to new bilateral taxation agreements with India, the Marshall Islands and Mauritius.

The agreement with India is a Protocol that will amend the current Australia–India tax treaty signed in 1991. The Protocol will promote closer economic cooperation between Australia and India by aligning the taxation of business profits and cross border services with international taxation norms and by including rules to prevent tax discrimination.

The Protocol will also improve the integrity of the Australian tax system through enhanced exchange of information provisions and new provisions providing for mutual assistance in the collection of tax debts.

The bilateral agreements with the Marshall Islands and Mauritius eliminate double taxation on certain income derived by individuals, in particular government workers, students and business apprentices, and pensioners and retirees.

The Marshall Islands and Mauritius are required to provide reciprocal taxation treatment in relation to Australian government employees, students and business apprentices, retirees and pensioners.

These two agreements will also provide a mutual agreement procedure for the resolution of taxpayer disputes involving transfer pricing adjustments.

These agreements follow Australia concluding tax information exchange agreements with the Marshall Islands and Mauritius, which establish a legal basis for the exchange of taxpayer information between two countries and are an important tool in Australia's efforts to combat tax avoidance and evasion.

The agreements with India, the Marshall Islands and Mauritius will enter into force after Australia exchanges diplomatic notes with each of the other countries advising of the completion of their respective domestic law requirements.

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (COMPLIANCE MEASURES) BILL 2012

The recent tragic accident on the Stena Clyde rig in the Otway Basin, located in the Bass Strait, which resulted in the deaths of two employees during drilling operations, represents an unfortunate example of the serious and inherent risks associated with the offshore industry.

This incident follows the uncontrolled release of hydrocarbons from the Montara Wellhead platform in August 2009, off the northern coast of Western Australia, and the explosion of the
Deepwater Horizon on 20 April 2010 in the Gulf of Mexico.

Collectively, these events demonstrate and emphasise the need for a strong, effective and properly resourced offshore petroleum regulatory regime, to safeguard both human health and safety as well as the Australian marine environment.

The amendments contained in this bill largely continue the work of the Australian government to implement the lessons learnt and agreed in response to the report of the Montara Commission of Inquiry. I have more amendments I intend to introduce in the parliament in 2013 to further implement agreed recommendations coming out of the Montara report.

This bill amends the Offshore Petroleum and Greenhouse Gas Storage Act 2006 to strengthen the offshore petroleum regulatory regime with respect to compliance, safety integrity and environmental management objectives.

The amendments seek to clarify and strengthen the compliance monitoring, investigation and enforcement powers of the National Offshore Petroleum Regulator and ensure that enforcement measures for contraventions of the act are appropriate in application and severity in the context of a high-hazard industry.

The bill also makes important amendments to provide parties responsible for administration of the act and associated regulations the ability to share information with each other and with other relevant Commonwealth and state and territory bodies. Information will be shared in circumstances where it is appropriate in order to enable those bodies to adequately discharge their legislative functions and powers.

To provide some further context to the amendments, the June 2010 report of the Montara Commission of Inquiry made several recommendations proposing amendments to the offshore petroleum regulatory regime. To give effect to these recommendations the Australian government undertook a comprehensive review of legislation applicable to offshore petroleum activities and the marine environment.

The legislative review

The bill amends the act to implement a number of the findings of the legislative review which aim to strengthen the operating practices of the offshore petroleum industry and provide additional enforcement powers to regulators.

The legislative review proposed, and the Australian government agreed, that due consideration be given to effecting several changes to the act including: the introduction of a civil penalty regime; increases to the current criminal penalty levels under the act to achieve consistency with compliance offences in other major hazard industry legislation; ensuring that penalties, including custodial penalties, for occupational health and safety offences under the act be harmonised with the Work Health and Safety Act 2011, or made greater as appropriate to reflect the serious consequences potentially resulting from regulatory breaches in a major hazard industry; and redrafting the National Offshore Petroleum Safety Environmental Management Authority (NOPSEMA) inspectorate powers to provide greater clarity and consistency between the various powers of each category of inspector and remove unnecessary procedural requirements that are likely to impede NOPSEMA’s ability to effectively perform its enforcement functions.

The introduction of civil penalties represents a significant first step in providing alternative enforcement tools, which will enable the regulator to select and apply an appropriate and proportionate regulatory response, depending upon the nature and relative seriousness of the breach that has occurred, and the regulatory response or action which is considered appropriate given the overall set of circumstances.

In addition, the application of civil penalties in the form of financial sanctions as a supplement or alternative to the existing criminal penalties and set at an appropriate level to reflect the nature of the offshore petroleum industry as a high-hazard industry is intended to encourage improved compliance with the act.

This will further enhance the existing objective based regime by supporting continuous improvement by industry, which is responsible under the regime to demonstrate to the regulator
that the risk of operations are reduced as low as reasonably practicable.

Another critical measure contained in this bill is that which enables the parties responsible for the administration of the act to share regulatory information in appropriate circumstances. Currently, the act does not include the express provision to enable information obtained during the exercise of powers and functions under the act and regulations to be appropriately shared with other parties.

This legal issue in the offshore regulatory regime was highlighted during federal court proceedings initiated by a company against investigators in 2009 where an injunction was successfully obtained to prevent the sharing of regulatory information during an investigation into the death of a worker.

In the absence of an express provision, it has become evident that there is such potential detrimental legal impediments to regulators being able to share information—where it may be appropriate to do so—for such purposes of a joint investigation to comprehensively investigate an incident and pursue a successful prosecution of companies at fault or to educate other regulators about potential operational risks that have been discovered during the course of compliance monitoring or investigations.

In addition to this proposed amendment to the act, the Commonwealth is working together with the states and the Northern Territory to ensure that similar provisions are incorporated into relevant state and territory legislation to facilitate mutual information sharing, which will ensure that a comprehensive and effective approach to multijurisdictional compliance activities and investigations is possible.

Finally, the bill also implements a decision to remove the responsible state minister for Tasmania, as is his state's preference, from the joint authority arrangements in the offshore regulatory regime.

The current set of amendments will go some way towards addressing issues identified as arising from the Montara incident in August 2009.

However, I also remain committed to the continuing improvement of the offshore regulatory regime and, in line with this commitment, I have a number of further measures currently under consideration developed for progression in 2013, including consideration of a range of further alternative compliance and enforcement tools recommended in the legislative review to strengthen the ability of the regulator to enforce critical safety and environmental management requirements to help protect the Australian offshore workforce and marine environment.

In summary, through a range of measures, including: the introduction of a civil penalty regime; increases to criminal penalty levels contained in the act for offshore health and safety and environmental management; offences to achieve consistency with penalties for comparable offences in Australian legislation, including other major hazard industry legislation; redrafting the inspectorate powers to provide greater clarity and consistency between the various powers of each category of inspector; and remove unnecessary procedural requirements that are likely to impede the regulator's ability to effectively enforce the functions.

This bill underscores the government's commitment to the maintenance and continuing improvement of a strong effective framework for the regulation of offshore petroleum activities.

I commend the bill to the Senate.

PROTECTION OF CULTURAL OBJECTS ON LOAN BILL 2012

The introduction of the Protection of Cultural Objects on Loan Bill 2012 comes at an exciting time for arts and culture in Australia.

In line with the Government's Australia in the Asian Century White Paper, we are deepening our arts and cultural ties with Asia.

And the Government is finalising the first National Cultural Policy in 20 years, which will bring the vast array of stakeholders, art forms, opportunities and investment needs together in a comprehensive policy.

CHAMBER
This bill will further develop our cultural wealth by encouraging loans of significant cultural objects from overseas for temporary public exhibition in Australia.

Every year millions of Australians visit our major national, state and territory cultural institutions. These audiences expect to see the best Australia and the world can offer.

This year alone has seen works of old Spanish masters at the Queensland Art Gallery, ten centuries of manuscripts at the National Library of Australia and the genius of Picasso at the Art Gallery of New South Wales. Soon we will see Toulouse-Lautrec's view of Parisian life at the National Gallery of Australia and ancient treasures from Afghanistan at four museums around the country, including Museum Victoria and the Western Australian Museum.

The ability to borrow these objects enriches the cultural experience for Australian audiences, draws visitors from far and wide, and delivers significant economic benefits.

The resounding success of the Renaissance exhibition, held at the National Gallery of Australia last summer, shows the scale of this economic dividend. It attracted almost 213,000 visitors and brought an estimated $75 million to the local economy.

But despite the popularity of these exhibitions, in the past ten years it has become increasingly difficult for Australia's major galleries, libraries and museums to secure overseas loans.

Australia, unlike numerous other countries, does not have comprehensive legislation providing protection for cultural objects on loan from overseas.

Under existing Commonwealth legislation, protection for cultural objects on loan only applies in specific and limited circumstances under the Protection of Movable Cultural Heritage Act 1986.

Although the risk of legal claims being made on cultural objects while they are on loan in Australia is low, foreign lenders are increasingly reluctant to loan to Australia's major cultural institutions in the absence of national legislation. As a result, loan negotiations between Australian cultural institutions and foreign lenders have become protracted and in some cases loans have been denied.

This legislation will address those concerns.

It will protect cultural objects on loan by limiting the circumstances in which ownership or physical possession, custody or control of the objects can be affected while they are in Australia.

Objects will be protected if they are imported into Australia for temporary public exhibition under arrangements involving an institution approved by the Minister.

This scheme does not abrogate cultural institutions from the need to undertake rigorous due diligence and provenance research.

On the contrary, in order to be approved, institutions will be required to demonstrate that they have the necessary expertise, rigour, capacity and resources to meet the demands established by the scheme, including exercising appropriate due diligence.

The inclusion of these requirements supports Australia's continued ability to meet its international obligations under the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

The Bill only limits the legal action that can be taken while objects are in Australia on loan. It does not affect the ability of a potential claimant to take legal action in the jurisdiction where the object is usually held.

To encourage the loan of Aboriginal and Torres Strait Islander objects to Australia, the Bill will apply to most of those objects held in foreign collections.

This will provide opportunities for Aboriginal and Torres Strait Islander people to re-connect with their culture and facilitate further engagement and relationships between overseas institutions and Indigenous communities. It will also enable all Australians to engage with and be invigorated by our Aboriginal and Torres Strait Islander cultural heritage.

However, in recognition that some Aboriginal and Torres Strait Islander material is particularly
sensitive and culturally important, the Bill will not apply to significant Australian heritage objects that are identified as Class A objects under the Protection of Movable Cultural Heritage Act 1986. Aboriginal and Torres Strait Islander material in that category includes human remains, bark and log coffins, secret sacred ritual material, rock art and dendroglyphs (carved trees).

This legislation is also consistent with the Australian Government’s commitment to facilitating the unconditional repatriation of Aboriginal and Torres Strait Islander ancestral remains and secret sacred objects to their communities of origin.

Consultation is an important element of the scheme and requirements will be included in the regulations. There will be specific consultation requirements for proposed loans of Aboriginal and Torres Strait Islander material to enable Aboriginal and Torres Strait Islander communities and groups to be actively involved in discussions about proposed loans before objects come to Australia.

Further transparency will be built into the scheme through regulations requiring the publication of information on objects proposed for loan prior to their importation. This is an important mechanism to assist persons who may be seeking to locate objects they believe were unlawfully taken.

The introduction of this legislation will align Australia with an emerging international standard of providing protection for cultural objects on loan from overseas.

It will reassure foreign lenders that Australia is a secure destination for loans and enable our great cultural institutions to successfully compete for world class exhibitions.

Broad consultation, including many submissions in response to a 2011 discussion paper, demonstrate strong support for Commonwealth legislation on this issue.

This support extends from the collections sector to state and territory cultural ministers and to the tourism and hospitality sectors. It reflects an acknowledgment of the direct benefits that major international exhibitions deliver to the Australian economy.

I would like to acknowledge the role of former Director of the Art Gallery of New South Wales Ed Capon in bringing the issue to the attention of state, territory and Federal governments at the August meeting of Cultural Ministers last year. I also acknowledge the effective collaboration of museums and galleries and state governments with Federal agencies which has led to a solution.

Many of Australia’s leading museums and galleries are planning ambitious future exhibition programs. This bill will provide vital support to those activities.

Governments must invest in the arts. A vibrant arts sector delivers a social dividend of creativity, communication, respect, inclusion and teamwork – values this nation cherishes.

There is also an economic dividend. The evidence shows that creative nations are productive and resilient nations.

This bill directly supports the future of international cultural exhibitions. It will benefit our cultural institutions, our economy and ensure Australians continue to have access to the world’s riches of art and culture.

Debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day

Low Aromatic Fuel Bill 2012
Returned from the House of Representatives

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

COMMITTEES

Membership

Message received from the House of Representatives notifying the Senate of members discharged from and appointed to the following joint committees:

Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, Mr Cheeseman in place of Ms Parke
Parliamentary Joint Committee on Human Rights, Mr Perrett in place of Mr KJ Thomson
Joint Committee of Public Accounts and Audit, Mr Neumann in place of Mrs D’Ath
Joint Standing Committee on Treaties, Mrs Elliot and Mr Symon in place of Ms Parke and Mr KJ Thomson.

BILLs

Low Aromatic Fuel Bill 2012
Senator MILNE (Tasmania—Leader of the Australian Greens) (12:30): I seek leave to make a very short statement.

The PRESIDENT: On these matters?
Senator Milne: On a related matter, yes.

The PRESIDENT: Leave is granted for one minute.
Senator Milne: I rise to congratulate and acknowledge the work of my colleague Senator Rachel Siewert. Since 2005 she has worked to remove sniffable fuel from the Northern Territory and recognise the health impacts on Indigenous communities. It is a very great day that the Greens have now got our third bill through the parliament. But I particularly wanted to congratulate Senator Siewert.

Water Amendment (Water for the Environment Special Account) Bill 2012
In Committee

Debate resumed.

The TEMPORARY CHAIRMAN (Senator Pratt): The question is that the bill stand as printed.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (12:31): I move Nationals amendment (3) on sheet 7336:
Schedule 1, item 2, page 7 (line 26), at the end of paragraph 86AD(2)(b), add ", but only if such purchases achieve neutral or beneficial socio-economic outcomes".

This is about reinforcing the coalition's strong belief in the buyback cap. The buyback cap, as we have always stated, should be at 1,500 gigalitres. Buyback is distinctly different to the gains made from infrastructure or environmental works and measures. There is currently only about 250 gigalitres to purchase to get to that 1,500-gigalitre cap. Most of it has already been purchased.

We note that the real economic problems that happen always happen by reason of people buying the water licences out of areas. We have walked down the path of being good citizens in trying to bring about an environmental outcome but we are not going to do it at the expense of the communities of people who live in the area. You can see today with the discussions of the development of the north, trying to make sure we get a northern development area, we do not want to do that and then all of a sudden forget about the south. We have a widely developed irrigation area in the Murray-Darling Basin. The actual purchase of raw water licences, general buyback, causes immense economic hardship. We want to make sure that we limit that and that the efficiencies, the delivery back to the system, come from environmental works and measures in such things as deeper ring tanks, use of laterals, use of trickle, more efficient delivery of water. That is where the gains are made—from weirs that give us the capacity to make water more of an environmental asset with less water because we do not have to wait for a spill event; we can actually create a weir that allows a spill event with the use of far less water. These are the things that we believe are important. I think it is absolutely prescient that the public clearly understand that the coalition's policy is the cap at 1,500 gigs. Most of that has already been purchased. We only have about 249 gigs to go.
Senator Hanson-Youn (South Australia) (12:34): I just want to put clearly on the record that the Greens do not support this amendment.

The Temporary Chairman (Senator Pratt): The question is that Senator Joyce's amendment be agreed to.

The Chairman: The question is that amendment (3) on sheet 7336 moved by Senator Joyce be agreed to.

The Committee divided. [12:38]

(The Chairman—Senator Parry)

Ayes.................29
Noes..................35
Majority...............6

AYES

Back, CJ
Birmingham, SJ
Brandis, GH
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Johnston, D
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Parry, S
Ruston, A
Scullion, NG
Williams, JR

Bernardi, C
Boyce, SK
Bushby, DC
Colbeck, R
Eggleston, A
Ferravanti-Wells, C
Heffernan, W
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ryan, SM
Smith, D

NOES

Bilyk, CL
Brown, CL (teller)
Carr, RJ
Crossin, P
Evans, C
Feeney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
McEwen, A
Milne, C
Polley, H
Rhiannon, L
Singh, LM
Thistlethwaite, M

Bishop, TM
Cameron, DN
Collins, JMA
Di Natale, R
Farrell, D
Furner, ML
Hanson-Young, SC
Ludlam, S
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Sterle, G
Thorpe, LE

Urquhart, AE
Whish-Wilson, PS
Xenophon, N

Waters, LJ
Wright, PL

Pairs

Abetz, E
Boswell, RLD
Cormann, M
Humphries, G
Ronaldson, M
Sinodinos, A

Faulkner, J
Conroy, SM
Wong, P
Carr, KJ
Lundy, KA
Stephens, U

Question negatived.

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (12:42): I would like to move item (5) on sheet 7336. I move:

(5) Schedule 1, item 2, page 10 (after line 35), after paragraph 86AI(2)(c), insert:

(ca) for all water recovery for which an amount was debited from the Water for the Environment Special Account during the report year for the purposes of paragraph 86AD(2)(b)—how that recovery achieved a neutral or beneficial socio-economic outcome;

We do not intend to divide on this. We want to make sure that the amount is recovered—an environment special account during the report year for the purposes of paragraph 8682—and that they report back to us as to how this recovery was neutral. We have talked about socioeconomic and environmental neutrality. We need to know and the Australian people need to know how the government is doing this. At this point in time it is case of taking them on trust, and taking people on trust is a very dangerous proposition.

The purpose of this amendment is to make sure that the Water for the Environment Special Account is achieved in the form that has been promised by the government—and by us—that there will be a socioeconomic neutrality for environmental outcomes. If we do not have this oversight, we have a strong
belief that we are not going to get it and there will not be the delivery of the outcome back to the towns in such a way that does not decimate the towns.

We have got bureaucrats running round the joint cooling the planet. We have over 1,000 people in the climate change department. Let's see if we can give people a job that really matters: making sure that we do not destroy the economic base of places like Shepparton, Mildura, St George, Bourke—the places where we live.

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:44): I will just indicate that the government will not be supporting this amendment as we believe it is already adequately dealt with in the legislation.

**Senator McKenzie** (Victoria) (12:44): I have got a question for the minister around allocations. It goes to how much of the 50 million allocated in the forward estimates will be allocated to a constraints removal works and on farm efficiency grants, bearing in mind that these are the types of things that I am assuming that our review would be interested in knowing.

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:45): My understanding is most of the money will be spent on removing constraints.

**Senator McKenzie** (Victoria) (12:45): That means $50 million for the removal of constraints throughout the entire system?

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:45): It will be as identified in the constraints strategy.

**Senator McKenzie** (Victoria) (12:46): I am seeking clarification: we have allocated money with no plan?

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:46): Please repeat the question.

**Senator McKenzie** (Victoria) (12:46): I am clarifying that we have allocated money in the forward estimates, $50 million, with no plan for how that will be spent.

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:46): I thank Senator McKenzie for her question. The government intends to spend that money in accordance with what we have indicated in the legislation and in the agreement with the parties. That is exactly what we will do.

**Senator McKenzie** (Victoria) (12:47): I would still like more details on the parties and who is invited. We cannot get the details on what is going to be removed with the proportionality. I thank you for answering that aspect of it, that the majority of the $50 million will be going to constraint removal. Please outline how much will be going towards the study and information gathering that is clearly required to undertake that work.

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:47): That will be a component of the expenditure. I do not think I can give you an exact amount at this stage, but it will be part of the overall spending of the $50 million.

**Senator McKenzie** (Victoria) (12:48): For the ease of the minister, if he does not have the figure on him, could he give a proportion of the $50 million that might be spent on data gathering and construction of the strategy, the research behind it?

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:48): My understanding is that the Murray-Darling
Basin Authority is required to develop a constraints management strategy. That will be done in consultation with the states and it will then be clear just how much money is going to be spent in this area.

Senator McKENZIE (Victoria) (12:49): I do understand the process. My question was: of the $50 million allocated in the forward estimates, how much will the construction of the strategy cost? Seeing we do not know exactly what constraints are going to be removed and where, yet we have allocated this bunch of money, I am assuming some proportion of the $50 million will have to go to finding all that out. Do you have a figure of cost for that sort of study, work and consultation with water engineers et cetera, and getting out on the ground to see the types of constraints and the types of work that need to be done? I understand you might not have an exact figure of how much that research and study will cost, but I believe that either you or the officials beside you will have a ballpark figure of what that sort of work would cost.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:50): I thank Senator McKenzie for her question. Most of this work has been done by the states. We are working closely with the states to find out where they have identified these constraints. We will continue to do that, and at this point in time I cannot give you an exact figure. If I could give an exact figure I would give it to you, but I cannot.

Senator McKENZIE (Victoria) (12:50): My apologies, Senator Farrell, if the work has been done by the states. Can you confirm that the work has been done by the states as you indicated in your last answer?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:50): Not all of it. I indicated that a lot of it—

Senator Heffernan: You've got no idea what you're talking about, mate!

The TEMPORARY CHAIRMAN (Senator Pratt): Senator Heffernan, please come to order. If you are seeking the call please do so when it is the appropriate moment. Senator Farrell has the call.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:51): I have forgotten what the question was. Could Senator McKenzie repeat it?

Senator McKENZIE (Victoria) (12:51): I am happy to, Senator Farrell. Could you confirm that the work of the constraint removal will be done by the various states? My understanding from your earlier answer was that the identification research work has been done by the states, and in the future they are going to be doing the constraint removal program.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:51): The point I am trying to make is that the identification of the constraints has principally been done by the states, though not entirely. But there is a process, and there is going to be a strategy developed. When that strategy is developed then there will be a course of action that follows from that which will involve the removal of those constraints and the spending of that money.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (12:52): I noted in one of Minister Burke's previous media releases that he nominated $200 million to be allocated for constraint removals. I wonder, in light of that media release that Minister Burke put out, and in reflection of the previous $50 million figure being talked about, why these two figures do
not seem to line up? Could Senator Farrell elaborate on them a bit?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:52): Thank you, Senator Joyce, for your question. The questions being asked by Senator McKenzie related to the $50 million over a specific time frame. You are correct, Senator Joyce, that Minister Burke referred to $200 million, but that is over the entire life of the project. We are getting some confusion about the period: Senator McKenzie was talking about the $50 million expenditure; you are talking about an amount over the entire life of the project.

Senator HEFFERNAN (New South Wales) (12:53): I realise you are in a difficult position, Senator Farrell, because this is a political fix designed to get everyone past the next election. My question is—

Senator Farrell interjecting—

Senator HEFFERNAN: You have no idea, mate!

The TEMPORARY CHAIRMAN: Order! Senator Heffernan has the call.

Senator Farrell: I object to that!

Senator HEFFERNAN: That is good. I am pleased you object to that. There is nothing like facing the truth! My question is about the $50 million that is going to be expended. Senator McKenzie has pointed out the proportion of what we will be thinking about and planning to do about it as opposed to actually doing it. You say that the Murray-Darling Basin mob are going to do some of the planning and thinking. My question is: will you be transferring into their normal budget some of the budget for the planning and thinking from this particular pocket of money, or will they expend their own budget in doing that? In other words, is this just a fancy way of topping up their budget? And you don't know the bloody answer because there is none!

The TEMPORARY CHAIRMAN: Senator Heffernan, please use appropriate language in the chamber.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:55): I thank Senator Heffernan for his question. The reality is I am not sure that we know the answer to that question yet.

Senator McKENZIE (Victoria) (12:55): Bearing in mind that we are lacking a little bit of the detail on how the money will be spent, where it will be spent and how much the research to spend the money will be as a proportion of total allocated money, you mentioned earlier in an answer to Senator Joyce that the process has a specific timetable. Can you give a time frame of when various programs will be rolled out—as examples, the constraint study, the research that needs to be done in order to inform the work, when we are thinking of starting the work on infrastructure and when we think on-farm grants may be available to primary producers. I am sure we have thought this out a little further, given the amount of time and money that has gone into the consultation process and the desire of a lot of people to see this sorted. I am sure we have done some work on time lines. Could you please outline that for us.

Senator Heffernan: While you're thinking about it, this is one of the worst examples of a taxpayer farce—

The TEMPORARY CHAIRMAN: Senator Heffernan, please come to order.

Senator Heffernan interjecting—

The TEMPORARY CHAIRMAN: Senator Heffernan, are you seeking the call in order to ask a question?
Senator Heffernan: No, I'm waiting for the answer.

The TEMPORARY CHAIRMAN: Then please refrain from interjections.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:57): As you say, Senator McKenzie, an awful lot of work has been done, but the reality is there is an awful lot more work to be done. The reason the government has allocated this funding is to ensure—

Senator Heffernan: To get you past the next election.

Senator FARRELL: No, it is not to get us through the next election. It is to do something about restoring the health of the Murray-Darling Basin—something that was long overdue under your government. We have done something about it. Minister Burke has done something about it. This government have done something about it. We are trying to proceed to save all of those Murray-Darling Basin communities which you claim to want to represent and, most importantly, to restore the health of the Murray-Darling Basin. That is what we want to do. We have allocated funding so that we can do that. Senator McKenzie wants to pin me down to the exact time frame for the expenditure of that money. I cannot do that, but what I can tell you is that this money will be well spent and spent in a way that does what we want to do, which is restore the Murray-Darling Basin to good health restore the environment.

Senator Heffernan: When you say 'be well spent'—

The TEMPORARY CHAIRMAN: It does not sound like a point of order.

Senator Heffernan: It is going to be a point of order if you could be patient.

The TEMPORARY CHAIRMAN: Senator Heffernan, you do not have the call. Senator Farrell.

Senator Heffernan interjecting—

Senator FARRELL: I do not think there is anything I can add to my previous answer.

Senator MCKENZIE (Victoria) (12:59): Senator Farrell, I apologise; I am seriously not trying to pin you down. When I read the bill I saw clause 86AG, which gave a schedule of yearly payments of varying amounts over time from 2014 to 2024. When I look at that I assume—maybe naively—that some work has been done to come up with those figures. I am not trying to pin you down; it was my assumption that we have put some money there and done some thinking behind how we are going to spend that. But I understand what you are saying; there are parties—little ps and big Ps, going back to our discussion yesterday—to this discussion which have to have input into the process, the basin states being a key group. So when I ask for a time frame it is because we want to know and our communities want to know so that the uncertainty that both the government and the coalition are keen to see ending in Murray-Darling Basin communities will not be strengthened. I do not want an actual date; just a month, a quarter or even a semester would be good.

How long, roughly, is the constraint study going to take? I do not want a start date. I do not want an end date. Is it six months, is it a year, is it 18 months? How much have we allowed to gather the information we need in order to start the constraint-removal work that we want to do so we can start getting some environmental to those assets, as the plan sets out?

When do we think that the on-farm efficiency grants might happen? I do not
think I am out of line in thinking that if we have allocated money along a timeline we might have thought about the next level down in the budget process. I would like you, Senator Farrell, if you can, to give me a loose time frame around that. I would be very appreciative, as would the constituents who have come to see me on a regular basis on this issue. I was at the Mildura public meeting years ago for the first draft. This has been a long process, and there are a lot of people who would like some rough guidelines.

My understanding is the way in which these programs are going to be rolled out will be different to the way in which past programs have been rolled out. Do you have any commentary around the likelihood of producers and irrigators in taking up these programs? Are they going to be as fully subscribed in the same manner as previous programs have been?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:03): I thank Senator McKenzie for her question. You talk about wanting some certainty for these communities; the best way to get some certainty for these communities is to finish the debate on this legislation and vote in favour of it. Then we can get on with the job of restoring the health of the Murray-Darling River.

In terms of the constraints management strategies and the time lines, they are specifically referred to in the Basin Plan. If you like I can read those out for you:

1. Within 12 months after the commencement of the Basin Plan, the Authority must prepare a constraints management strategy that:
   a. identifies and describes the physical, operational and management constraints that are affecting, or have the potential to affect, environmental water delivery; and
   b. assists all jurisdictions to participate in constraint measures in order to allow environmental water to be used to maximum effect and to maximise the benefits of any increase in held environmental water; and
   c. evaluates options, opportunities and risks to water users, communities and the environment, associated with addressing key constraints, including through constraint measures that are relevant to measures that might be notified under section 7.12; and
   d. assesses the impacts of modifications of constraints on environmental water delivery and third parties, as well as downstream impacts, and assesses options to address those impacts; and
   e. identifies mechanisms by which impacts on third parties can be addressed.

Of course, this is all in the current Murray-Darling Basin Plan.

Senator McKENZIE (Victoria) (13:05): Please cite the difference in dollar-per-megalitre funding between the old on-farm efficiency grants and the grants anticipated under the special water account bill.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:06): It is a competitive process, and I am not sure that we can say whether the price will be higher or lower. I do not know that we can necessarily predict that at the moment. I do not know that we can predict at this stage exactly what will happen in the future.

Senator MADIGAN (Victoria) (13:07): Are you able to inform the Senate of moneys allocated, whether the $50 million mentioned
or any other moneys, for communities in northern Victoria which have had land or water buybacks by the government? We currently have some farmers who have sold their land and water to the government and others have chosen to retain their land and water and now find themselves in a position where their adjacent neighbours have sold their properties and water rights, and properties across the road from them have been sold. These farmers have now been told that the channel that feeds the properties where they want to stay will be shut down. Has any money been allocated so that these people will still be able to access water, or will they be left high and dry, so to speak?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:08): I am aware of the issue that you have raised. It is an issue that potentially affects all of the basin communities. The particular program—again, I am not particularly familiar with the circumstances in Victoria—in South Australia is probably a state-based program, as are many such programs. It may very well be that the program you are referring to is a state-based one, but I will get some more information for you and try and respond to you.

Senator MADIGAN (Victoria) (13:09): Are you able to enlighten the Senate and affected people about these things? One of the farmers I mentioned has been told, 'If you want to access your water, you're going to have to pay $800,000 to have it piped down the road from the main channel.' What do you say to people like that who wish to remain on their land and wish to retain their water? These people have been left high and dry to date. I acknowledge what you said about certainty, but these people have no certainty even though they have made a decision to remain on their properties. Their families currently are in limbo and have been for some time.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:10): The answer to Senator Madigan's question is that undoubtedly there have been lots of problems in Murray-Darling Basin communities. The one you have identified is one that probably replicates itself in many other parts of the Murray-Darling Basin. It is not simply a northern Victorian problem, it is a problem in the Riverland and other parts of the Murray-Darling Basin.

The whole point of the Murray-Darling Basin Plan is to restore certainty to these communities, to provide some support for these communities and to restore the environmental health of the Murray-Darling. It is the government's intention that by passing this legislation we will achieve that. That is what we want to do: we want to bring prosperity back to these Murray-Darling Basin communities, we want to restore the health of the river, and the way we see that being done is by the implementation of the Murray-Darling Basin Plan, which we have done. By adding to that this piece of legislation, which has been agreed by the affected federal and state governments, we will bring about those achievements. That is our aim: to sort out these sorts of problems. I cannot say it will solve every single problem of every single community in the Murray-Darling Basin, but I can say that this is absolutely the best plan that we can come up with to set about the task of restoring the prosperity and the health of the river. That is what we are aiming to do with this legislation.

Senator MADIGAN (Victoria) (13:12): We all know what the objective supposedly is, but the problem for these people is the devil is in the detail. I acknowledge what you
said about the state governments buying land and water rights, but the people just want to know what the physical plan is and how you are going to go about achieving it. I had many calls yesterday and last night about our discussions in the chamber, but people are none the wiser and are even more confused than they were. They are becoming more and more confused by the day. They just want to know: what is the actual plan? What is the actual coordination? And how are we going to achieve these things in a tangible way?

The TEMPORARY CHAIRMAN: The question is that Nationals amendment (5) on sheet 7336 be agreed to.

Question negatived.

Senator HANSON-YOUNG (South Australia) (13:14): by leave—I move amendments on sheet 7314, Nos (8), (9) and (25) together:

(8) Schedule 1, item 2, page 8 (after line 5), after subsection 86AD(2), insert:

(2A) In debiting amounts for the purposes of making payments in relation to projects mentioned in paragraph (2)(a) or (c), priority is to be given to:

(a) projects that will produce the maximum guaranteed increase in the volume of Basin water resources that are available for environmental use within the shortest time; and

(b) projects that demonstrably take into account the most recent scientific knowledge in relation to ground water and climate change; and

(c) projects that demonstrably enhance the environmental outcomes referred to in the objects to this Part.

(9) Schedule 1, item 2, page 9 (after line 9), at the end of section 86AF, add:

(3) The terms and conditions must include a requirement that the financial assistance granted will be used for a purpose that:

(a) is consistent with achieving, by 31 December 2019, an increase of at least 450 gigalitres in the volume of the Basin water resources available for environmental use; and

(b) will enhance the environmental outcomes referred to in the objects to this Part.

(25) Schedule 1, item 6, page 13 (line 4), omit "subsection 86AF(2)", substitute "subsections 86AF(2) and (3)".

This group of amendments goes directly to how the money can be spent and for what purpose. The Water Amendment (Water for the Environment Special Account) Bill 2012 contains a long list of purposes for which the $1.7 billion in the special account may be spent. There are also various conditions on the spending included in the bill. These amendments as circulated add requirements to guarantee that any expenditure from this account will be spent in the best possible way to give the best value for money. This means that expenditure on the project is buying the most water with the greatest certainty for the least money—getting the best bang for our buck, so to speak.

The amendments take into account recent scientific knowledge in relation to groundwater and climate change. We do not know, as I have said many times in this chamber before, what the future will bring and what new science might soon have to tell us about how we can be using our water resources more wisely. These amendments prioritise and reward new projects that reflect the most up-to-date knowledge and science on these important issues. We know that overallocation and falling into bad habits caused this entire environmental crisis in the first place. We need to make sure we are acting more wisely and smarter and that we are saving taxpayers’ money along the way.

We cannot afford to see an amount such as this, almost $2 billion, simply frittered away because we are not using it in the smartest and most efficient manner. It does make sense at a time when we know all sides of the chamber are continuing to talk about the amount of money that is in the budget to pay for services. We do not want to see
money unnecessarily spent on things just because we did not specify in the legislation that we are trying to get the best value for money for the environment and for the taxpayer.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (13:16): The coalition will not be supporting this Greens amendment. I note that amendment (9) talks about 'at least 450 gigalitres'; that is not what we propose to do because that would force the hand and cause immense hurt.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:16): I indicate also that the government is not supporting these amendments.

Senator McKENZIE (Victoria) (13:17): I have a question for Senator Hanson-Young as to how the money will be spent. I refer to the schedule under 86AG, and note that the Greens proposed earlier amendments rearranging that schedule. I would just like an explanation from the Greens of the data they used to rearrange that schedule.

Senator HEFFERNAN (New South Wales) (13:17): In 86AD, titled ‘Purposes of the Water for the Environment Special Account’, under 86AD(2)(a) we see:

(v) entering agreements to acquire an interest in, or in relation to, land (including easements) to facilitate environmental watering—

Does that actually mean this money can be used to acquire land, not water? It is a pity I had not come here a couple of days ago, I would have pulled all this apart properly. It is a joke.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:18): I am advised that we can purchase a flood easement by agreement.

Senator Heffernan interjecting—

The TEMPORARY CHAIRMAN: Senator Heffernan?

Senator HEFFERNAN (New South Wales) (13:18): I understand, from speaking to the officials, that this money will not be used to, shall I say, subsidise estate purchases. But, in the Nimmie-Caira instance, which is a complete fraud on the public purse, there is a proposition, which was agreed to before the licences were issued—and they were issued with no environmental plan—to pay for the licences before they were issued 2¼ times the value of the water in those licences, which will enable them to acquire the land. How do we know that value? Given that this is in this agreement in this bill, how do we know that this money will not be just blown buying land? That is acquiring a flood plain and, because there is a constriction from the Maude weir to Balranald, when there is just above a supplementary flow the water must go down that flood plain. It has been agreed with the minister's office that they are going to buy this flood plain. This is a complete fraud because when the river is constricted between Balranald and Maude the water is going to go down that flood plain and the only way to get it down there without going over the flood plain will be to shepherd it somehow through the flood plain. And if you then shepherd it through the flood plain, you will turn that flood plain into a desert of blow away grass and poverty bush. Given that this actually authorises the acquisition of that sort, which is to buy the land, which in this case has been covered by the bureaucrats and the filling of the water-buyback book of 370 gigalitres gross and 175 gigalitres net average annual calculated flow, calculated without any measurement, how do we know that under this agreement to which this parliament is about to agree that this money will be spent in the best way possible? That is the vaguest proposition I have ever seen in
water management. I agree with you, Minister, that the management of the water, under all governments and for all time, has been buggered up. It started with allowing the trading of supplementary licences in the Murray-Darling Basin. How do we know that this will be used? It says here:

… entering agreements to acquire an interest in, or in relation to, land (including easements)—

In the case of the Nimmie-Caira thing, they are actually going to acquire the fences, the gates, the windmills—and there is no likely proposition that that water will get back into the Murrumbidgee. How vague do you have to be to get political cover to get you past the next election? This is an agreement to buy land.

Senator Farrell, I would like to take a point of order in relation to relevance. The particular amendment that we are dealing with here is Senator Hanson-Young's amendment. I have made myself quite available in attempting to answer all of the questions that Senator Heffernan has raised, but I think we ought to stick with the procedure.

The TEMPORARY CHAIRMAN: Yes, Senator Farrell, you are quite correct. Senator Heffernan, you need to direct your questions to the amendments before us.

Senator HEFFERNAN: Under 86AD(5), part of the agreement is that you will enter into agreements which, will you agree, will involve similar acquisitions to the Nimmie-Caira even though the Nimmie-Caira is not in this?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:24): I can simply indicate to you that the government is not supporting the Greens' amendment, so, to the extent that there is anything in this Greens amendment that relates to the issue that you have raised, the government is not supporting that amendment.

Senator McKENZIE (Victoria) (13:24): I directed a question to the mover of the amendment around an explanation of the Greens' financial position and allocation of
funds for this particular bill. Are you refusing to answer that?

The TEMPORARY CHAIRMAN: There is no obligation for Senator Hanson-Young to respond to that question.

Senator HANSON-YOUNG (South Australia) (13:25): There is no obligation for me to respond; I am not a minister, but I will point out that I think the question that you are asking relates to the previous amendment that we voted on yesterday, and the answer to your question—I will answer it anyway—is that the extra money was brought forward from when we changed the time frames.

Senator McKENZIE (Victoria) (13:25): My question to the mover of this amendment went to my understanding of the amendments before us right now. Clause 9 goes to the timing and clause 8 goes to the making of payments, so I was simply seeking clarification from the Greens around that. I do have some questions on constraint removal, which I understand could be projects under this bill, and I will put all of my questions on the table and hope that somebody answers them: will South Australia’s and New South Wales’s decreases in funding for the shared Murray-Darling Basin programs have any effect on the programs—

The TEMPORARY CHAIRMAN: Senator McKenzie, sorry to interrupt you: I am just seeking clarification that these questions are in relation to the amendments currently put forward.

Senator McKENZIE: They are. They go to constraint removal, which could be a project identified to get more water down the river. Do you see flooding liability issues as being a non-physical constraint in increasing river flows? Rivers’ operators or state authorities hold the ultimate responsibility and liability for adverse flooding impacts—and it is a particular issue for the upper catchment in Victoria, which is why I am asking these questions—on private property. The state authorities and river operators might act in an ultraconservative way in releasing the environmental water because they are liable. I am seeking solutions or for someone to categorically state who is responsible—because I have asked these questions in estimates and I have asked them during the inquiry and I am still not clear—for the unintended flooding of private property as a result of environmental flow releases from dams. Would the Commonwealth consider indemnifying the states from flooding liability caused by the delivery of the environmental watering plans? I would really appreciate some clarity around that. I am not trying to be difficult; I have asked these questions before and I would seek a response, please.

I do apologise. I note that the government will not be responding to those questions, which could equally apply to the bill itself—and my understanding is that the overall question before us today is actually that the bill be agreed to—but I would seek that the Greens, given that they are talking about how the money in the special account will be spent, actually give the upper catchment landholders in Victoria an understanding of who they think is legally responsible for any flooding events that may be caused on their properties as a result of releasing water for environmental flows.

Question negatived.

Senator HEFFERNAN (New South Wales) (13:28): Minister, in the consideration of this political fix—even Craig Knowles owns up to that: it is the best deal they could get politically, nothing to do with science—what consideration has been given to the impact on the aquifer of the works and the various water acquisition buybacks, given that we have not completed
the study into the interconnectivity between the aquifers and the rivers? What consideration has been given in this bill and the use of this money to the impacts on the various aquifers that are connected to the various rivers?

The TEMPORARY CHAIRMAN: Senator Hanson-Young.

Senator Heffernan: With great respect, Chair, I was hoping to get an answer from the minister.

The TEMPORARY CHAIRMAN: Senator Hanson-Young has the call.

Senator HANSON-YOUNG (South Australia) (13:29): by leave—I move Greens amendments (17) to (24) on sheet 7314:

(17) Schedule 1, item 2, page 10 (line 27), after subsection 86AI(2)(b), add:
   ; (iv) whether it is anticipated that that increase will meet the target of at least 450 gigalitres by 31 December 2019;
(18) Schedule 1, item 2, page 10 (line 27), after subparagraph 86AI(2)(c)(iii), insert:
   ; (iv) whether the project achieved the optimum water recovery volume against the expenditure of funds under the Water for the Environment Special Account as under subsection 86AD(2);
(19) Schedule 1, item 2, page 11 (line 19), omit "30 June 2024", substitute "31 December 2019".
(20) Schedule 1, item 2, page 12 (line 5), omit "30 September 2019", substitute "30 September 2015".
(21) Schedule 1, item 2, page 12 (line 7), omit "30 September 2021", substitute "30 September 2017".
(22) Schedule 1, item 2, page 12 (line 14), omit "2020-2021 financial year", substitute "2016-2017 financial year".
(23) Schedule 1, item 2, page 12 (line 16), omit "2022-2023 financial year", substitute "2018-2019 financial year".

(24) Schedule 1, item 2, page 12 (after line 16), after section 86AJ, add:

86AK Audit of Water Special Account
(1) Pursuant to the powers under Part 3, the National Water Commission must audit the Water for the Environment Special Account as soon as practicable after 30 June in each financial year from the date of establishment of the account.

(2) The audit must report on:

(a) the quantity of environmental water that was delivered to each project that receives payments under this Act; and

(b) the value to the community of any payments made under paragraph 86AD(2)(c)(ii).

These amendments are the last of the Australian Greens amendments to this legislation. They go specifically to auditing of the account. They are to make sure, of course, that the Australian community gets value for money within this special account. It is almost $2 billion and we need to make sure we spend it in the best possible way. It cannot just simply be left to chance as to whether or not, as the years progress, this money is actually delivering the water that we are setting out to achieve.

We do not want to find ourselves in 2019 or, God forbid, 2024 suddenly realising that the well is dry and the water has not been returned but that it is all too late because we have spent the money from the special account. It needs to be carefully audited every year so that everybody, from the Murray-Darling Basin Authority to the scientists to members in this chamber and our local communities and constituents, knows exactly how much water has been purchased or returned so far and how much money remains in the account. Every time the Commonwealth Water Holder buys water at an inflated price through expensive means, such as some of the more expensive on-farm infrastructure grants, we know less money is available to buy the water that is outstanding.
We are seeking to amend the bill to ensure that the National Water Commission will properly, rigorously, audit the special account after every financial year to make sure that the $1.77 billion is being spent wisely and productively. This is an appropriate role for the National Water Commission. It enhances its current oversight role and the list of tasks it has to achieve. It is true that this bill as it stands has some inbuilt review mechanisms including a requirement for annual reporting to parliament and two ad hoc reviews. These reviews have their place, but they are very limited in their scope and timing. They will work in parallel with the audits under the Water Commission, as proposed by these amendments, so that the community can be confident of knowing exactly where this money is going and what they are getting for every dollar.

The Greens amendments will make sure that whenever the department is required to table the annual report before parliament it has to state clearly whether the volume of water secured, project by project, was bought in the most cost-effective way. We know that we have examples of porkbarrelling in this area already—Senator Heffernan has spoken about this many times during this debate over the last three days. We need to make sure we put as many safeguards as possible in this legislation to ensure that Australian taxpayer money is not simply frittered away because this chamber cannot be bothered ensuring that we put some proper rules and regulations in place.

Senator HEFFERNAN (New South Wales) (13:33): Could I go back to my question which was put before the amendments were put. Minister, to refresh your memory, and I am sure this is a steep learning curve for you—

Senator Farrell: I remember your question.

Senator HEFFERNAN: Could you give us the detail of how many extra gigalitres of groundwater extraction we allocated in the last plan? Was it 1,700 or 2,700? I think it was 2,700 gigaLs. If we spend some of this $450 million between Narrandera and Leeton where the main channel to the MIA goes through some sandy country, and we actually fix that up, and given that we have allocated an extra 2,700 gigaLs of groundwater extraction in various aquifers around the state, what calculations have been made on improving the infrastructure against the increasing allocation of groundwater when a lot of the infrastructure you improve will actually take water away from the aquifers which you have allocated extra water to because of the connection between the two?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:34): In response, we are at cross-purposes here a little bit. We are dealing with further Greens amendments, so can I indicate that the government does not support those amendments. I think it is fair to say that the National Water Commission is already dealing with the audit under the terms of the Murray-Darling Basin process and we are satisfied that that is the appropriate course of action.

Senator Heffernan has raised a couple of questions. One was in relation to the link between groundwater and other parts of the water system and he has now raised a further question. I think it is fair to say those questions are not directly relevant to this particular bill.

Senator Heffernan: It's in the bill.

Senator FARRELL: We do not view it as being directly relevant to this particular bill, but I will ask the department to get a
response to you on the issues you have raised.

Senator HEFFERNAN (New South Wales) (13:36): Thank you, Minister. Just to make sure you understand that it is relevant, in part (v) it says, 'entering agreements to acquire an interest in, or in relation to, land (including easements) et cetera. These issues are very relevant to the way this money is spent. I am sure—I will bet you £1,000 to one peanut—that is the answer to the question I have asked, and that is: have we studied the likely implications against three things? They are: the minimum decline by 2050 of 3,500 gigs in run-off in the lower Murray-Darling Basin, the fact that the interconnectivity studies between the rivers and the aquifers are not complete, and that we have increased the allocation from the aquifers by 2,700 gigs and are increasing money to make more efficient some of the works to save waters for the environment but some of the water that we save would have ended up in the aquifer and been allocated to those extra licences. So there is a serious flaw in the thinking of this bill.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:37): If Senator Heffernan already knows the answers to his questions I am not sure why he is asking them, but I reiterate my offer to get the department to respond as best we can.

Senator Heffernan: I rise on a point of order. I thank the Parliamentary Secretary for his comment and let him know that the best way to be informed is to be told.

The TEMPORARY CHAIRMAN: There is no point of order. I thank the Parliamentary Secretary for his comment and let him know that the best way to be informed is to be told.

The TEMPORARY CHAIRMAN: There is no point of order. The question now is that Australian Greens amendments (17) to (24) on sheet 7314 be agreed to.

The committee divided. [13:38]

(The Temporary Chairman—Senator Bernardi)

Question negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:45): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012
Second Reading
Debate resumed on the motion: That this bill be now read a second time.

Senator RYAN (Victoria) (13:46): The Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 is the result of the recommendations and work of the Joint Standing Committee on Electoral Matters. It deals with a number of issues upon which I can say there is agreement between the opposition and the government arising from that committee and I believe there are issues which are agreed across the parliament.

Firstly, the bill deals with postal vote applications. The bill codifies the current practice in the Australian Electoral Commission by centralising the authority to deal with postal vote applications with the Electoral Commissioner. It makes the Electoral Commissioner responsible rather than the DROs. This, as we understand it, codifies current practice which is based on some legal advice that the commission received in the late 1990s. This did cause some concern for members of the coalition because, although the bill does give the commissioner the power to delegate, there is no obligation in the legislation for that delegation to be given to the DROs, which is what happens at the moment. The coalition firmly believes that the DROs should retain this particular role. The involvement of the DROs at the moment allows people to deal with postal vote applications in the way that we have become accustomed to. I should say that, while the bill does change the legal authority to the Australian Electoral Commissioner, he did give an undertaking, while appearing before the Joint Standing Committee on Electoral Matters, that he would delegate his authority to the DROs so that at the coming election postal vote applications would be dealt with in precisely the same manner as they are now. So the coalition is accepting that undertaking of the Electoral Commissioner.

This bill also deals with increasing the amount of money to be paid as a deposit for nomination to the House of Representatives and the Senate. I understand that there will be some amendments to this particular proposal so I would like to explain the coalition’s position. This is the first change in that amount in six years and it raises the amount for the House of Representatives from $500 to $1,000 and the amount for the Senate from $1,000 to $2,000. Of course any nomination fees from someone who receives more than four per cent of first-preference votes are returned, so that does actually protect the franchise and the ability of people to nominate.

One of the issues that has caused some concern for many members is the size of the Senate ballot paper. Under our law we cannot have multiple above-the-lines on a ballot paper. There must be a single black line with ticket votes above it and the candidates listed below it. This may sound a little bit odd but we have been informed that the New South Wales Senate ballot paper is now at the largest size that it is possible to print for the election and there is no capacity to print a larger ballot paper. That on its own is no reason to play with the rules about who can be candidates but it does indicate, when we look at the increasing number of groups that get a very, very small percentage of the vote, that there is an impact if we are running into a limit on how large the ballot paper can be. This in particular applies in New South Wales, the largest of the states, and their ballot paper because the size of the font on
the ballot paper is now decreasing to the point where with any more candidates it could fall below eight point. To those listening, that would be smaller than newsprint in some cases. So there is in my view a legitimate interest in protecting the right of those who wish to nominate to nominate while gradually, and not by a significant amount, increasing the fee for the Senate to $2,000—given the importance of our elections for the Senate—and for the House of Representatives to $1,000 because of the much smaller electorate and the smaller costs involved. We do not believe that is unreasonable.

Similarly, the bill also deals with an increase in the number of people required for someone to be nominated who is not a grouped candidate individual. This number has increased from 50 to 100. There was agreement across the joint standing committee on this particular matter.

One issue that did take up some time of the joint standing committee was a proposal by the government in the draft bill to remove the term 'of unsound mind' as a form of disqualification for a voter. The committee—I believe unanimously at the time—agreed that, while there was some concern from some stakeholders about the term 'unsound mind' maybe not being as politically correct as it might have seemed 20 years ago, it did have a very firm foundation in legal meaning and there was no alternative that could be put in the act that would not potentially expand those disenfranchised from voting. So the coalition has strongly taken the view that the term 'of unsound mind' should stay because it has a definite meaning, it is a very narrow one and by keeping it there we would not inadvertently expose senior citizens, particularly those in care, to being removed from the electoral roll when perhaps they should not, particularly considering the law as it has stood. I am pleased to say that the government accepted that recommendation and the bill has been amended to reflect that, so the term 'of unsound mind' and the requirement for a certificate from a medical practitioner are retained and it makes that definition stay as narrow as I think we would all like it.

So that particular amendment has been incorporated and the coalition is pleased to support the other aspects of this bill as relatively noncontroversial, reflecting several years of work of the Joint Standing Committee on Electoral Matters, so we strike a legitimate balance between participation, nomination, the burden placed on those who wish to nominate and also the practicalities of an election. I know there is some concern in the chamber over the increase in nomination fees and I know discussions have been had as to that. I am sure we will have more discussions on that when we move to the committee stage of this bill.

Senator RHIANNON (New South Wales) (13:52): The Greens do have a number of concerns with the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012. While from the title and at a first glance this legislation may appear to be just of a technical nature, we all need to be aware that it really goes to the heart of the democratic process. If you look at the history of democracy, you will see that democracy has been expanded to help ensure that everybody who is able to vote is also able to participate fully, and that clearly means also being able to stand for election.

The changes we have before us that increase the nomination fee and change the number of nominators for an unendorsed candidate do put in place severe limits. I realise that we need to ensure that we have manageable ballot papers. I come from New South Wales and I clearly understand that.
The first election I ran in in 1999 was the giant tablecloth ballot paper election. That was when more than 80 parties ran for the upper house. In New South Wales we put a lot of effort into the standards to be put in place so that front parties, as some of them were, could not be just set up. When working on changes that raise the bar and put limits on how candidates participate, one needs to always be careful that they are not making it much harder for smaller parties and Independents to participate in our electoral process.

We have serious concerns that the proposed nomination fees and the number of nominators required to nominate as a candidate are undemocratic. Doubling the nomination fee to $1,000 for a House of Representatives candidate and $2,000 for a Senate candidate and increasing the number of nominators for an unendorsed candidate from 50 to 100 does create an additional barrier. People sitting here may think this is fair enough in that we will have a more manageable ballot paper and avoid having to reduce the font size, which is what the AEC said it would have to do if it became bigger. Reducing the font size would bring in a whole set of problems if people have difficulty reading the ballot paper.

If this chamber decides to push ahead with these changes it will create an equity issue. It makes the cost of running a full ticket in the Senate close to prohibitive for small players. That could be hard to imagine for many senators sitting here, but that is quite real. I can remember how tough it was for the Greens in the late 1980s and early 1990s. These are issues we need to consider very closely.

While we do need to get the appropriate balance, the Greens do not think we have struck that appropriate balance here. We will be moving that we retain the current levels with regard to payments and the number of nominators. We will certainly give serious consideration to the other amendments I understand others on the crossbench will be moving.

I again want to emphasise that this is not just a technical matter; it is about us getting it right and not just making it easy for established parties to be able to continue to run their group of candidates in every seat because they are able to afford it and can quickly get the number of nominators required. We need to ensure that in every election people who have a legitimate right to participate in our electoral process are readily able to do so.

Senator FAULKNER (New South Wales) (13:56): The Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 does contain practical measures to enhance Australia's electoral laws. The bill implements three recommendations made by the Joint Standing Committee on Electoral Matters in its report on the conduct of the 2010 election. The bill also makes a number of amendments related to recommendations of the Joint Standing Committee on Electoral Matters and, as we have heard, includes some technical amendments to electoral laws.

The government routinely looks to the Joint Standing Committee on Electoral Matters for comments, advice and scrutiny on electoral law reform. The provisions of this bill are consistent with that longstanding practice. The particular recommendations of the joint committee that are picked up in this bill are its recommendation 12 to amend the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act to specifically allow for the automated issuing of postal votes by the AEC, recommendation 31 to amend the Commonwealth Electoral Act to increase the sum to be deposited for
nominating for election as a senator from $1,000 to $2,000, and recommendation 32 to amend the act to increase the sum to be deposited for nominating for election as a member of the House of Representatives from $500 to $1,000. The bill also makes amendments to increase the number of electors required to nominate a candidate for federal parliament as either a member of the House of Representatives or a senator. The bill will also result in some important machinery reforms to electoral law.

The amendments in schedule 1 of the bill will certainly simplify and improve administration of postal voting. The framework of our electoral system is built around Australians voting in person at their local polling booth on election day, with any other form of voting being the exception.

Debate interrupted.

QUESTIONS WITHOUT NOTICE
Obeid, Mr Eddie

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:00): My question is to the Leader of the Government in the Senate. In his answer to my question yesterday the minister told the Senate that he knew his six-star board and lodgings at Perisher were being provided free of charge by the former Carr government minister, Mr Eddie Obeid, while he was staying there. That being so, why did the minister wait until this week—some eight years after staying there—to declare Mr Obeid's generous hospitality in his pecuniary interest register?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:00): Can I thank Senator Abetz for following up on his question from yesterday because it gives me an opportunity to point out what was on the news last night. What was on the news last night was very entertaining if you watched the Channel 10 news. Hugh Riminton did an article on what Senator Abetz had been asking me about yesterday. What did Mr Riminton says right at the end? He said, 'I have been talking to a senior opposition spokesperson'. And you know what Mr Riminton said they said? 'We know there is nothing in it.' Given up by your own side, Senator Abetz.

I am not in business and I do not have shares in a company with Mr Obeid like some people in this chamber, but I am not suggesting that there is anything inappropriate in that. But let me be clear about this: I have complied with all the requirements. I reject absolutely the smear from those who claimed they were starting the year with a positive agenda to sell, claimed that they were going to be on the policies, but you were given up by your own side. Senior frontbencher tells senior journalist, we know there is nothing in it. Feel free to keep firing away the questions, because your own side have given you up, Senator Abetz. We know there is nothing in it. (Time expired)

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:02): Talking about giving people up, it was in fact Mr Obeid that gave Senator Conroy up at the ICAC inquiry, which then forced the minister to rush to amend his pecuniary interest register.

The PRESIDENT: Order! No statements. The question.

Senator ABETZ: I assume the clock will be reset?

The PRESIDENT: No, you made a statement. If you make a statement—
Senator ABETZ: You called order, Mr President. The time is now out. You called order.

The PRESIDENT: No, I think there was about 15 seconds on the clock. You have got 15 seconds. That is the problem with people giving statements at the front of a question. The statement then takes up that time, apart from it being disorderly.

Senator ABETZ: My question is: if, as the minister claims, he was not required to make a declaration at the time, why has he made one now and, for good measure, on two separate registers?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:04):

This is a repeat of the question from yesterday. I have complied with all of the requirements—in fact I have gone further. I have lodged, even when not required, with both, as you have correctly identified. What we have here is that—as a senior coalition frontbencher told Hugh Riminton last night, there is nothing in it. I have complied with the requirements, as I have said publicly in a statement that I made as well as what I lodged, I was invited by Minister Burke. And that has been said to Hugh Riminton by a senior coalition frontbencher: we know there is nothing in it. So I do not think there is a lot more I can add and I do not want to waste the Senate’s time, so I am very comfortable to sit down at this point.

Rural and Regional Services

Senator THISTLETHWAITE (New South Wales) (14:06): I have a policy question for the Minister for Finance and Deregulation, Senator Wong. Can the minister inform the Senate what funding the Gillard government has provided to support regional Australia? How does this compare to any alternative plans for the development of regional Australia?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:07): I thank the senator for his question and for his interest in good policy.

As you know, Mr President, this government has made unprecedented investments in regional Australia,
investments that were never seen under a coalition government. There has been some $4.3 billion invested in regional Australia, including $1.8 billion in regional health. We saw a regional priority round of the Education Investment Fund and, of course, the Regional Development Australia Fund.

Honourable senators interjecting—

**Senator WONG:** It is unsurprising that I could have been Deputy Prime Minister, Senator Joyce. Senator Joyce is very quiet while we are talking about all of the things that this government has delivered to regional Australia.

The record of this government stands in stark contrast to the performance of the opposition because after a decade of neglect of the regions which the National Party participated in—and it took a Labor government to turn that around—we see now what Mr Abbott's real plan is, a plan that he has been keeping secret, a plan that has all the rigour of something dreamt up by Senator Joyce, the man who apparently could have been Deputy Prime Minister according to him. But more worrying than the fact that this really does look like Barnaby might have dreamt—

**The PRESIDENT:** Order! You need to refer to people by their correct title.

**Senator WONG:** I will come to where this actually came from. It certainly looks like something Senator Joyce dreamed up. But what is more worrying is that it has been authored by the man who wants to be the finance minister, Mr Robb. The Liberal Party must be shaking their heads. *(Time expired)*

**Senator THISTLETHWAITE** (New South Wales) (14:09): Mr President, I have a supplementary question for the minister. What support has the minister seen for these alternative approaches to developing regional Australia?

**Senator WONG** (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:09): What has been quite extraordinary is that, since the Tony-goes-troppo plan was leaked to the *Daily Telegraph*, it has been quite interesting to observe just how quick a range of shadow ministers and backbenchers have been running away—

**Senator Bob Carr:** Such a detailed policy!

**Senator WONG:** From this detailed policy—thank you, Senator Carr—one with such vision and such insight and understanding of the importance of good policy. In fact, it seems that the only people who actually support this plan are Senator Joyce and Gina Rinehart. Ms Rinehart floated something surprisingly similarly nasty last year as part of a plan that included paying Australians two dollars an hour. It is interesting that those ideas now have found their way into coalition policy. You have to say that not only is this plan ridiculous it is also completely uncosted. *(Time expired)*

**Senator THISTLETHWAITE** (New South Wales) (14:10): Can the minister inform the Senate of the likely impact of Mr Abbott's 'Northern Exposure' policy on jobs in Western Sydney, and does the government support such changes?

**The PRESIDENT:** Order! I do not think that is in order. You cannot ask a question about an opposition policy. You can ask about an alternative policy, but you cannot ask that. So that is out of order.

**Senator Joyce:** Mr President, they are welcome to ask about our policy if they have made their own.

**The PRESIDENT:** Senator Joyce, that is not even a point of order. I have given people before the opportunity to revamp the question. I have been quite consistent about
that. You have the opportunity to make it conform to the standing orders.

Senator THISTLETHWAITE: Can the minister inform the Senate of the likely impact of any alternative approaches to developing regional Australia and their effects on Western Sydney?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:11): I thank the senator for that question and for his ongoing support for Western Sydney.

The reality that we have seen in this piece of paper, drafted apparently by the shadow finance minister, would have a dreadful effect on Western Sydney because it would involve not only people in Sydney paying more tax but would involve people being required to move out of Western Sydney and to go north. We know there are many public servants who live and work in Western Sydney. For example, we have in the High Street, Penrith, Centrelink office nearly 100 workers. Perhaps, Senator, you should go down there and tell them their jobs are safe, because we all know what your plans are.

We saw what you did in Bankstown when you were previously in government, when you shut offices there. (Time expired)

Carbon Pricing

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:13): My question is to the Minister representing the Prime Minister, Senator Conroy—Eddie's boy. I refer the minister to comments made by the Prime Minister on ABC Sydney on 9 August last year. In that interview the Prime Minister said in reference to the impact of the carbon tax that they will certainly see is a 10 per cent rise in power price bills. We have always said it would be a 10 per cent rise. I also refer the minister to a survey by the Australian Industry Group of 485 businesses, which showed that they report an average 14.5 per cent increase in their power bills due to the carbon tax. Why is the carbon tax imposing a bigger impost on Australian business than what the Prime Minister promised?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:14): I am very pleased to receive this question because, at its core, it is a question about the strength of the Australian economy. It is an allegation from Senator Joyce that this economy has been hit hard by the carbon tax. What we need to do is take a stocktake. Let's take a stocktake of the Australian economy. Our economy is 11 per cent larger than since Labor came to office. That is very impressive growth. We have seen growth to the September quarter at 3.1 per cent compared to a 10-year average of three per cent. We have unemployment rates—as again demonstrated today—at 5.4 per cent, well below the OECD average of eight per cent. We have an exceptional job creation record. We have over 840,000 jobs created.
global financial crisis, we created around 840,000 jobs. Our inflation rate is at 2.5 per cent, below the 10 year average of 2.8 per cent. So let's go again to the fraudulent claims being made by some around the carbon tax. The government has said every day since the introduction—

Senator Joyce: Mr President, I raise a point of order on relevance. The question was about power prices; he is not addressing power prices. People of western Sydney want to know why they are paying more for power. In his last eight seconds, can he tell the people of western Sydney and Melbourne why they are paying more for their power than they should be?

The President: There is no point of order.

Senator Conroy: As I was in the process of pointing out, Treasury modelling found that the carbon price would increase household electricity prices by 10 per cent—$3.30 on average a week. (Time expired)

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (14:18): Mr President, I ask a supplementary question. I refer the minister to comments made by the Prime Minister in July last year that if the dairy industry faces any costs from the carbon tax they would be able to 'pass any additional cost through to the consumer.' The same AIG survey of 485 businesses found that 90 per cent of the food manufacturers had higher costs due to the carbon tax but only 11 per cent were able to pass these costs through. Why has the Prime Minister failed Australian farming communities and the Australian people?

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (14:19): (Time expired)

Senator Conroy: As I was explaining in my previous answer, the Treasury modelling found that the carbon price would increase household electricity prices by 10 per cent or $3.30 a week on average. Electricity regulator determinations have confirmed this. An independent agency has confirmed it. In some cases, the carbon impact has been less than Treasury's estimate. Even in South Australia—I am sure some of my colleagues will be able to point out—it has been substantially less and reductions are possible. What we have here is a typical scare campaign based on no facts. Senator Joyce is well aware that state governments and state electricity agencies have been gold plating their infrastructure. State Liberal governments across the country are responsible for doing something about it. (Time expired)

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (14:19): Mr President, I ask a further supplementary question. If Australian businesses cannot trust the government to get the impact of the carbon tax right and if this chamber cannot get a direct answer from questions directly asked of the minister, how can Australian families believe any of the promises made by this government?

Senator Conroy (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:20): Unfortunately, I know facts are not Senator Joyce's strong point, but the facts show and the ABS—they must be part of the global conspiracy to not tell the truth to Senator Joyce—has confirmed the CPI figures. To meet this impact the government provided $10—that is nearly $7 on top of the $3. But the main driver of electricity prices in recent years has been the costs of electricity networks, most of which are owned by state governments. That is what the facts are. You can wave around electricity bills—and
unfortunately that lead to a tragic result for Mr Abbott in the other place. Feel free to try
the same stunt. You have no policies whatsoever and you are continuing a
fraudulent scare campaign. (Time expired)

**Coal Seam Gas**

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:21): My
questions is to Senator Conroy, the Minister representing the Minister for the
Environment. Can the minister explain why Minister Burke supported handing over
environmental approval power from the Commonwealth to the states through the
COAG process last year when he knew at
that very time that the New South Wales
government had not complied with the
National Partnership Agreement on Coal
Seam Gas and Large Coal Mining
Development, requiring New South Wales to
consider independent Commonwealth advice
on groundwater? Why did he do it when he
knew that New South Wales were not even
meeting their existing environmental
responsibilities?

**Senator CONROY** (Victoria—Leader of the Government in the Senate, Minister for
Broadband, Communications and the Digital Economy and Minister Assisting the Prime
Minister on Digital Productivity) (14:21): I
reject the premise of your question, Senator
Milne. Minister Burke and I have answered
questions on this extensively. The
protections that are included and the
considerations that the minister used utterly
show that your question is without
foundation. We have gone through a process
that is thorough and we have consulted
extensively. We will continue to work
closely with the states and we will continue
to make independent judgements, as the
minister is charged to do on a variety of
issues. I fundamentally reject your premise
in the way that you have defined your
question.

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:22): Mr
President, I ask a supplementary question. That is a fascinating response to a simple
question: can he explain why the minister
wanted to hand over Commonwealth powers
to the states when he knew that New South
Wales was not complying? And now,
overnight, he has become concerned about
the impacts of coal seam gas on communities
and the environment after he himself
approved three huge coal seam gas mines
and ports within six months of becoming
environment minister. Does the minister's
concern extend beyond the New South
Wales electorates in Western Sydney?

**Senator CONROY** (Victoria—Leader of the Government in the Senate, Minister for
Broadband, Communications and the Digital Economy and Minister Assisting the Prime
Minister on Digital Productivity) (14:23): I
again repeat: I reject the fundamental
premise of your question.

Senator Milne: Which bit?

Senator CONROY: That there are
political considerations around electorates. I
just fundamentally reject this. In August
2011 the Australian government initiated the
national agenda for reform of environmental
regulation through COAG. At the time,
Minister Burke announced the government's
response to the independent review of the
Environment Protection and Biodiversity
Conservation Act—or EPBC, as it is more
commonly known—and this included
working collaboratively with the states and
territories. This is exactly what I said
previously.

The Australian government position was
that agreements should simplify the
regulatory environment, make regulation
more efficient and ensure that existing
protections for matters of national environmental significance were not compromised. While discussions with all jurisdictions were constructive, significant challenges emerged in developing agreements that could offer certainty and consistency for business while providing the assurance that high environmental standards would be met and maintained. (Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:24): Mr President, I ask a further supplementary question. For clarity, will the government now unequivocally rule out any transfer of Commonwealth environment powers to the states? Straight up and down—yes, or no?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:24): In December 2012 the Prime Minister advised COAG that negotiations would not be progressed, given the significant challenges that emerged in developing agreements. COAG committed to continue to work to streamline environmental regulation that delivers strong environmental outcomes and better conditions for business. The government remains committed to delivering an improved system that protects the environment and is more efficient, including by improving administrative practice and working with states and territories to improve assessment, bilateral agreement outcomes and to increase the use of strategic assessments.

I, on behalf of Minister Burke, just reject utterly the premise on which you have underpinned your questions.

Superannuation

Senator CORMANN (Western Australia) (14:25): My question is to the Minister representing the Prime Minister, Senator Conroy—my new best friend. Given that the Prime Minister has now told the Australian people—

Government senators interjecting—

The PRESIDENT: Order! Could this issue be settled after question time, please?

Honourable senators interjecting—

The PRESIDENT: I do not know who that would be for, though. I do not normally take interjections! Senator Cormann, your question is more important than the other interjections. They are disorderly.

Senator CORMANN: And now the minister has the briefing note in front of him! Given that the Prime Minister has now told the Australian people that there will be no tax on super payments for the over-60s under a government she leads, can the minister also rule out increased Labor taxes on super savings through even further reduced concessional contribution caps or higher taxes on super earnings?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:27): It is just a pity that you will not give the same commitment. It is just a pity, Mr President, that those opposite, and Senator Cormann, will not give the same commitment. It is just amazing that those opposite are asking a question on superannuation, when the Leader of the Opposition has personally committed to increasing taxes on 3.6 million Australian low-paid workers. It is just outrageous. But it is even more extraordinary when those opposite have form on this issue. When it comes to superannuation and the whole principles that underpin our superannuation system—
Senator Cormann: Mr President, I rise on a point of order in relation to the requirement for the minister to be directly relevant to the question. He is giving a speech on his perspective on coalition policy. I asked him a question about whether or not the government could rule out increases in super taxes on super earnings and further reductions in concessional contribution caps. It was a very specific question. I did not ask him any questions about coalition policies; I asked him a question about government policy and whether, given the Prime Minister's statements yesterday where she was able to rule out certain taxes, he can rule out further taxes.

The PRESIDENT: Senator Conroy, you do need to address the question in the time remaining.

Senator CONROY: It was a very broad-ranging question and the point of order was probably the longest on record. But, Mr President, when it comes to taxes on superannuation and when it comes to ruling things in or out, what I can rule out categorically is that this government will not tax 3.6 million Australian low-paid workers like those opposite are planning to do. (Time expired)

Senator CORMANN (Western Australia) (14:29): Mr President, I ask a further supplementary question. Does the Gillard government consider that Australian superannuants contributing $25,000 a year to their superannuation are rich?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:31): The answer is a number. Especially when they have written the answer for me, Mr President—

Senator Cormann interjecting—

Honourable senators interjecting—

(continued)
The PRESIDENT: Order! Senator Conroy, resume your seat. When there is silence on both sides, we will proceed.

Senator CONROY: Mr President, Senator Cormann is interjecting on the basis he is demanding that I answer in a particular way. He is seeking to distort the processes of question time, demanding an answer that is exactly the word that he wants. So, when he comes stands up in a few moments and takes a spurious point of order, I invite you to sit him down immediately.

The PRESIDENT: Senator Conroy, you are debating the issue. You need to address the question.

Senator Cormann: Mr President, I raise a point of order. My question was very specifically about a number. I asked the minister about the tax rate paid by Australian taxpayers contributing more than $25,000 to their superannuation each year. The only answer that can be directly relevant to that question is a number. How much is it?

The PRESIDENT: That is not a point of order. I cannot instruct the minister how to answer a question. I have said this time and time again. The minister has 24 seconds remaining to address the question.

Senator CONROY: As I indicated earlier in my answer, Senator Cormann is spending his time interjecting every few seconds. He is seeking to waste this chamber’s time by constantly interjecting. If there is any information that is possibly relevant to this question—over the constant interjections from those opposite—I shall seek it.

International Development Assistance

Senator PRATT (Western Australia) (14:34): My question is to the Minister for Foreign Affairs, Senator Bob Carr. I ask the minister if he could advise the Senate on threats to cut—

Honourable senators interjecting—

The PRESIDENT: Order! When there is silence on both sides, we will proceed. You are wasting the time of question time with senseless interjections on both sides.

Senator PRATT: My question is to the Minister for Foreign Affairs, Senator Bob Carr. I would like to ask the minister if he can advise the Senate on threats to cut Australia’s overseas aid budget by a magnitude of $800 million?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:35): There is such a threat of a cut to the Australian aid budget. It came in this immensely detailed policy document about Northern Australia, which is weighty with detail. It proposes a huge excision in Australian development assistance abroad, without any justification. It is not compatible with the OECD guidelines that help us shape what is eligible and not eligible for Australian aid. It is a massive cut. They say that they would compensate by building a hospital in Australia, but that is not how you help the Solomons with their problem of malaria. It is not how you help get rid of polio in Pakistan. It is not how you stop the spread of TB—

Senator Ian Macdonald: Mr President, I raise a point of order. This minister is showing discourtesy to you in continually turning his back on the President, when we should be all addressing the President. Would you please ask the minister to show some courtesy.

The PRESIDENT: And I have told you repeatedly: that is not a point of order.

Senator BOB CARR: Australia’s aid budget for this financial year is a record and proud $5.2 billion—that is, $315 million more than the previous year and $2 billion more than the coalition’s aid budget in its last year in office. Our approach meets the
OECD's guidelines for the proper use of aid. But if this coalition policy were to be implemented, a huge excision from that aid budget would take place, with the justification of building a medical research facility on Australian soil, which would make no contribution to the acute health problems of some of Australia's poor neighbours. You do not reduce the incidence of malaria in Vanuatu by building a research facility on Australian soil. You disappoint the people of the Solomons who look to Australia to beat malaria and eradicate it from their islands by 2020, as we all do.

(Time expired)

Senator PRATT (Western Australia) (14:38): Mr President, I ask a supplementary question. Can the minister explain to the Senate what the consequences of a cut of this magnitude of $800 million would mean for Australia's aid programs?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:38): It would mean 350,000 fewer vaccinations. It would mean 35,000 mothers without a birth attendant, increasing the chances of maternal and infant mortality. It would mean close to 300,000 fewer people with clean water and sanitation. It would mean 140,000 girls and boys without schooling, 6,650 teachers would not receive training—that is, in countries like Meama or Papua New Guinea—and 3,500 people without adequate access to disability services.

Honourable senators interjecting—

Someone has just said the coalition no longer adheres to the policy. What an extraordinary position! It gets released in the Telegraph this morning and now they are disowning it.

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

Senator Abetz: Mr President, I rise on a point of order. Senator Bob Carr just made an assertion by pointing his finger at somebody over here. None of us said that which he asserted and it would be absolutely outrageous if that were to be allowed to remain on the Hansard in the absence of those words being spoken. That is the way they might do business in the New South Wales parliament; they do not do it that way here.

Senator BOB CARR: Mr President, on the point of order: I distinctly heard a mellifluous voice from the opposition, saying into the air: 'That's not our policy.' I am trying to be fair—

Opposition senators interjecting—

The PRESIDENT: Order! This is now debating it. Withdraw the comment and let us get on with question time.

Senator BOB CARR: That is my devoutest wish, Mr President.

The PRESIDENT: You are withdrawing?

Senator BOB CARR: I withdraw, Mr President. So here is the coalition's policy: $800 million out of the overseas aid budget, out in the media this morning, with Tony Abbott's stamp of approval on it. But within hours it has been disowned and it is now no longer their policy—disowned this morning.

(Time expired)

Senator Kroger interjecting—

Senator Conroy interjecting—

The PRESIDENT: Order! Order! That is not a point of order, Senator Conroy. I know you are not taking a point of order.

Senator PRATT (Western Australia) (14:41): Mr President, I ask a further supplementary question. Can Minister Carr please update the Senate on what we are already doing in our aid program to
strengthen health services in developing countries?

Honourable senators interjecting—

The PRESIDENT: If people want to interject, it is completely disorderly on both sides. If you wish to debate the issue, the time to debate the issue is when you can move a motion to take note of the answers that are given in question time after three o'clock. I remind all senators on both sides that the way in which that behaviour is happening here today is completely disorderly.

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:41): What a vulgar interjection that was, Senator Kroger. You should withdraw that. What a shocking thing to say!

Mr President, we are training health workers in a range of countries. In 2011 Australia helped train more than 5,000 health workers in Indonesia, 47 undergraduate doctors, 16 specialist doctors and we are supporting 477 Australian award scholars from developing countries to study health-related causes—23 at Charles Darwin University, 138 at James Cook University and 25 at Central Queensland University. Each of these would perish with the implementation of the opposition's policy, released a few hours ago but apparently disowned more recently, according to what they are saying.

Over the last few years Australia has supported 92 health-related Australian award— (Time expired)

Defence Equipment

Senator JOHNSTON (Western Australia) (14:44): My question is to the Minister representing the Minister for Defence, Senator Bob Carr. I refer the minister to the government's decision to cancel the $225 million contract to buy self-propelled howitzers from South Korea. Does the minister stand by his response to Senator Nash's question last year, that there would be no trade fallout from this cancelled contract, which, in his words 'did not figure' in the minister's many discussions with Korean government representatives?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:44): I repeat what I said in two answers to this question last year, and that is that in meetings between me and the foreign minister of South Korea this matter was not raised.

Senator JOHNSTON (Western Australia) (14:44): Mr President, I ask a supplementary question. Given the minister's answer, can the minister explain why, then, in my recent visit to Korea, Korean government representatives actually expressed to me great disappointment with the Australian government's decision to cancel the SPH contract. Will the minister now concede that he was wrong to be so dismissive of Senator Nash's legitimate question canvassing Korean industry's concern about the sovereign risk of investing in Australia as a result of this government decision?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:45): I can only repeat that, in my half-dozen or so encounters with the foreign minister of South Korea, this was not raised. And how you, as an opposition spokesperson, could talk about 'sovereign risk' in Australia when no country on the face of the planet would offer a better investment climate, I do not know. To talk up the sovereign risk of your own country I think is a very dubious and shameful strategy. None of Australia's interlocutors would suggest for a moment there is sovereign risk about doing business in this
country, yet you as an opposition say, 'Oh, sovereign risk in Australia'! The fact is, jobs in this country are to a large extent sustained by the flow of foreign investment and by the high reputation Australia—(Time expired)

Senator JOHNSTON (Western Australia) (14:46): Mr President, I ask a further supplementary question. I refer the minister to last week's withdrawal by the leading South Korean manufacturer Poongsan Corporation from the $1 billion to $2 billion domestic munitions manufacturing arrangement tender process, citing 'sovereign risks of doing business in Australia', which it said were too large and could not be ignored. Will the minister now admit that he has been wrong and show some leadership, repairing this damaged relationship with Korean industry and have the government reconsider its ill-considered—(Time expired)

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:46): I am proud to say that on no occasion when I have spoken to representatives of the government of South Korea has this matter been raised in any form. The reason—

Honourable senators interjecting—

The PRESIDENT: Order! When there is silence, we will proceed.

Senator BOB CARR: The reason for this decision on howitzers was announced by the Minister for Defence. In October 2009 the government announced it would acquire four batteries of lightweight towed howitzers, and the government announced the cancellation of the acquisition of self-propelled on the highest advice of the people in the armed forces. Was it supposed to do a different thing? Was it supposed to ignore that advice it received from the highest levels of the ADF on the recommendation of Defence—(Time expired)

East Timor

Senator MADIGAN (Victoria) (14:48): My question is to the Minister for Foreign Affairs, Senator Bob Carr. Minister, in light of the fact that in 16 days, on 23 February this year, the CMATS treaty between Australia and Timor-Leste which provides for the distribution of revenue derived from the disputed Greater Sunrise oil and gas field can, according to article 12 of the treaty, be unilaterally terminated by either party unless the development plan is agreed to before this date, can you advise where the negotiations on this development plan are at and whether the government has a preference as to how and when the Sunrise project should be developed?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:49): I thank the senator for his question. This is an important issue that we are taking forward in the context of the positive and cooperative relationship we enjoy with the government of Timor-Leste. Australia and Timor-Leste have been engaged in detailed and complex negotiations for some time on the options for the development of the Greater Sunrise oil and gas field. They are discussions that involve the two governments as well as the joint venture formed to develop the field, which is led by Woodside. This is a valuable resource that, properly developed, will deliver significant benefits to both Timor-Leste and Australia. It is important we get it right. Negotiations are not yet at a point where a development plan has been agreed, but they have made important progress. Agreement was reached by the Sunrise Commission late last year to conduct an independent reserve estimate study, which is underway now. Detailed discussions have been held between experts of the two governments and the joint venture on the complex legal, technical, commercial and political issues involved. Australia has
not yet come to a final position on its preferred development concept. More work needs to be done before we get to that point, and this work is underway. But we are strongly committed to working with Timor-Leste to enable the development of the Greater Sunrise resource to the benefit of both countries.

Senator MADIGAN (Victoria) (14:50): Mr President, I ask a supplementary question. Minister, if Timor-Leste exercised its authority to terminate CMATS, is the government prepared to engage in maritime boundary negotiations given that all three treaties between the two countries are without prejudice as to a future maritime boundary resolution? What will Australia do to facilitate this process?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:52): The Australian government supports the development of petroleum resources in the JPDA and Greater Sunrise areas, and supports strongly and remains strongly committed to the treaties between Australia and Timor-Leste that facilitate these developments for the benefit of both countries. Timor-Leste and Australia freely entered into CMATS in 2007. Australia will honour the treaty. We expect Timor-Leste to do the same. I am not going to speculate on what action the Australian government would take should Timor-Leste proceed to terminate CMATS. We have received, however, no indication from Timor-Leste that would suggest CMATS would be terminated.

Senator MADIGAN (Victoria) (14:52): Thanks, Mr President. I have a second supplementary: Minister, since the former coalition government invoked the national interest exception twice to take action regarding Timor Sea issues, without parliamentary discussion or ratification—when it withdrew from the ICJ and UNCLOS boundary resolution process in March 2002 and when CMATS entered into force in February 2007—does this government intend to fully include parliament and the public in future discussions and decisions which relate to the Timor Sea and Timor-Leste?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:52): The government implements treaty-making arrangements consistent with practices of successive governments, which include appropriate consultation between the parliament, the government and the Australian public. The parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade will be conducting an inquiry into Australia's relationship with Timor-Leste. Members of the parliament and the public will be able to provide input to this inquiry and I look forward to the results of this inquiry. With respect to Timor-Leste, Australia is committed to supporting Timor-Leste's economic development. Revenues from oil and gas have made a significant contribution to this small country’s progress to date and we would expect this to continue.

South Australian Economy

Senator EDWARDS (South Australia) (14:53): My question is to the Minister representing the Prime Minister, Senator Conroy. I refer the minister to a recent National Australia Bank monthly business survey released that showed that South Australia has the worst business conditions in Australia. Given this government's flippant attitude towards the small business ministry—having five ministers since 2011, the most recent appointed this week—how does this government expect small business to survive, let alone thrive, given this level of delinquency?
Thank you, Mr President. Could I thank my South Australian colleague for the question. It is quite extraordinary to hear a senator from the state of South Australia talking down the South Australian economy. Absolutely typical—because, unlike the opposition, the Gillard government has always had the best interests of South Australians in mind. In the infrastructure field all up we are providing an unprecedented $2.7 billion from our six-year Nation Building Program to rebuild and renew the state's road, rail and public transport infrastructure. Already federal Labor has more than doubled annual infrastructure spending from $109 to $272 per South Australian. On submarines, the federal government is committed to building 12 future submarines, which will be assembled in Adelaide. This is the biggest defence project Australia has ever undertaken. It means work for numerous Australian companies and for thousands of Australian workers, including boilermakers, welders, electricians, naval architects, engineers and many, many more. In the auto industry in March, the government has agreed to a $215 million co-investment deal with General Motors Holden. This co-investment will support thousands of jobs at Holden that otherwise would have been lost if the company had stopped making cars in Australia. It is not just the direct workers at the plant; it is a whole host of small businesses that are supported by the agreement in South Australia. The automotive industry pays the wages for around 52,000 Australians through equity.

The co-investment between the government and GM will support thousands of jobs at Holden that otherwise would have been lost if the company had stopped making cars in Australia. It is not just the direct workers at the plant; it is a whole host of small businesses that are supported by the agreement in South Australia. The automotive industry pays the wages for around 52,000 Australians through equity.

A further question of the minister, Mr President. I refer the minister to a recent quarterly business survey by Business SA that showed that 39 per cent of businesses in South Australia believe that poor economic management by the Gillard government will be a major constraint on business in 2013. Why doesn't the government believe small businesses deserve the undivided attention of a minister solely focused on the engine room of this economy?

Mr President, on a point of order on the question of direct relevance: what the supplementary question was directed to was whether the minister believed that small business in South Australia was entitled to expect the undivided attention of a single minister—the senator having pointed out in his primary question that there have been five changes in that portfolio since 2011. The supplementary question is much narrower and more specific than the primary question. It asks only whether or not small business in South Australia is entitled to expect the undivided attention of a single minister. The minister has not addressed that issue at all.

Once again we have a point of order that is not at all relevant to this question time. Senator Conroy has been directly relevant to this question. He has been highlighting what significant attention small businesses have been receiving. This opposition may believe that small businesses are a very narrow, very small group of businesses—

Order! This is debating the issue.
Senator Jacinta Collins: but the benefits that Senator Conroy has been referring to are a much larger group—

The PRESIDENT: There is no point of order. The minister still has 26 seconds remaining and I call on the minister to continue.

Senator CONROY: Mr President, I know that the government's level of support for small businesses in South Australia is a matter of some interest, but they should listen to the facts. What small business in South Australia, and small business all around Australia, has been focused on is that the government has increased the small business instant asset write-off threshold to $6,500. Those opposite voted against it. Small business has the undivided attention of this government. (Time expired)

Senator EDWARDS (South Australia) (14:59): Mr President, I have a further supplementary question. Given that the government has introduced almost 21,000 new regulations since 2007 and the instability of a revolving door of ministers, will the minister now concede that the reason small businesses are struggling is because they have little faith in a government that burdens them with higher costs, higher taxes and more red tape?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (15:00): What is a burden on small business is when those opposite vote against an instant asset write-off threshold increase. That is a burden on small business. What is a burden on small business is living in the state of Victoria where the Victorian coalition government have ground the economy to a standstill. What is a burden on small business in this country—

The PRESIDENT: Order, Senator Conroy! Senator Brandis—

Senator CONROY: is the Queensland government driving unemployment—

The PRESIDENT: Order, Senator Conroy! Senator Brandis, on a point of order.

Senator Brandis: Mr President, on a point of order on direct relevance: the question was about small business in South Australia—nowhere else. I look forward with interest to see how Senator Conroy's creativity can establish how an answer about small business in Victoria is relevant to a question about small business in South Australia. I ask you to draw the minister's attention to the question.

The PRESIDENT: The minister has 33 seconds. I do draw the minister's attention to the question.

Senator CONROY: Mr President, the instant asset write-off is a national write-off that is absolutely relevant to small businesses in South Australia. What is a burden to those small businesses in South Australia is that those opposite opposed it. An increase to $6,500 was voted against by those opposite. That is a burden on South Australian small businesses. (Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Parenting Payments

Senator KIM CARR (Victoria—Minister for Human Services) (15:02): Mr President, I have further information in answer to a question asked by Senator Siewert earlier this week. I seek leave to incorporate the answer in Hansard.

Leave granted.

The answer read as follows—
RESPONSE: TRANSITIONS FROM PARENTING PAYMENT

I undertook to follow up some matters in response to a question from Senator Siewert on Tuesday in regard to parents moving from the parenting payment to Newstart and other payments.

Advice given to parents

Last year the Department created a team of 300 staff across the country to make contact with parents coming off Parenting Payment. This team has been provided with comprehensive training.

The Department has informed me that officers have not been advised to tell parents that their Schoolkids bonus could be used to compensate for a loss in income support payment.

Staff talked to each individual parent about their circumstances and entitlements. In doing this, parents would have been advised of all upcoming payments they were eligible for, such as the School Kids Bonus, and how this could assist parents with essential education expenditure.

The Department is still giving priority to engaging and supporting these parents progressively transitioning to Newstart under the new arrangements. This includes giving priority to setting the appointments for people to discuss their circumstances.

Use of Centrepay

500,000 customers use Centrepay every week across Australia.

When talking with parents coming off Parenting Payment, departmental staff discussed their Centrepay arrangements and made sure all existing Centrepay deductions continued or were amended as they transferred onto Newstart.

This included advice to parents that, if necessary, they should engage with those organisations receiving their deductions.

The Department also engaged directly with the third party organisations, such as housing authorities and utility providers, to ensure they were aware of the changes for this group.

If for any reason individuals have not had Centrepay settings continued, they should contact Centrelink immediately.

If the Senator has any specific cases that she would like my Department to follow up, I will arrange for them to do so.

Eligibility for Concession Cards

There are various rules relating to customer eligibility for concession cards.

There is no transition period for retaining concession card entitlements when a recipient moves from one payment to another.

Retention of card eligibility is primarily linked to people moving into employment from income support.

However, for Parenting Payment recipients, the Department has a new process that ensures that parents transitioning to Newstart can continue to use their card pending confirmation of their commencement on a new payment.

ANSWERS TO QUESTIONS ON NOTICE

Answers to Questions

Senator CASH (Western Australia) (15:03): Pursuant to standing order 74(5), and with notice given to the relevant minister's office, I ask the Minister representing the Minister for Immigration and Citizenship, Minister Lundy, for an explanation as to why answers have not been provided to more than 331 questions on notice from the October 2012 Senate estimates hearings.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:03): The department has taken some 647 questions on notice from the supplementary estimates hearing in October 2012. The department did not meet the deadline for receipt of answers to the Legal and Constitutional Affairs Legislation Committee as many of the questions sought detailed information on a number of complex and sensitive issues.

Over the past seven hearings, since the supplementary estimates hearing in October
2010, there has been a significant increase in the number of questions on notice. For example, there were 647 questions taken on notice at the supplementary estimates hearing in October 2012; 510 questions on notice at the budget estimates hearing in May 2012; 509 questions at the additional estimates hearing in February 2012; 423 questions on notice at the supplementary estimates hearing in October 2011; 794 questions on notice at the budget estimates hearing in May 2011; 357 questions on notice at the additional budget estimates hearing in February 2011; and, finally, 445 questions on notice at the supplementary estimates hearing in October 2010. This compares with only 136 questions on notice being asked at the budget estimates hearing back in May 2010. Our best efforts are being sustained to respond to these questions.

Senator CASH (Western Australia) (15:05): I move:

That the Senate take note of the minister's explanation.

The explanation that the minister just gave is clearly one that the minister's office has on hand. This is not the first time I have had to stand in this place and ask the relevant representative minister why, yet again, both the minister and the department have failed to comply with an order of the Senate—that order being to provide answers to questions on notice asked at Senate estimates, by a relevant date. When Minister Ludwig was the representative minister, the exact same situation occurred: the minister and the department failed to provide answers to questions on notice asked at Senate estimates, by a relevant date. When Minister Ludwig was the representative minister, the exact same situation occurred: the minister and the department failed to provide answers to questions on notice within the stated timeframe and, again, almost the identical answer was given in response to my seeking an explanation.

Lo and behold, today we again have the Minister representing the Minister for Immigration and Citizenship providing nothing more and nothing less than a series of excuses for what are either blatant policy failures by the government or, worse still, a complete failure by the department to discharge its responsibilities. I note that, in the minister's explanation, the minister outlined for the Senate the number of questions that had been placed on notice during the relevant Senate estimates period. The minister was making the point that there had been several hundred questions placed on notice at each Senate estimates hearing. I invite you to have a look at the portfolio that we are seeking the explanation from—the immigration and citizenship portfolio—and ask yourself, why? Why have the opposition and the Greens—a number of those questions were from the Greens—had to put questions on notice to the minister and to the department? There are two answers to that: the first is, the department at Senate estimates cannot or will not provide answers to the genuine questions that the opposition asks. They either do not know the answer or, quite frankly, they are too embarrassed to give the answers. The second answer is: as Senator Bernardi rightly pointed out, when you have such a gross failure in relation to a particular portfolio; when you have in excess of 30,000 people arriving by boat in less than five years under the current Labor government and the former Labor government, when you have a blowout in costs—not actual costs—tipping in excess of $6 billion, when under the former Howard government on a per annum basis this particular portfolio was costing the Australian taxpayer less than $85 million—not billion but million—it is little wonder...
that blind Freddy himself can work out why there has been an increase in the number of questions asked.

As of today, which I note is the final parliamentary sitting day before this particular portfolio's additional estimates hearing on Monday, there are currently 331 answers that have not been provided by the department. That is an indictment on either the minister or the department or both. We are expected to go into Senate estimates on Monday without the answers to those questions. The answers were due to be provided by 7 December 2012 and, as senators would be aware, that is not a date that is set by the opposition. It is not a date that the coalition plucks out of the air. That is the date that is set by the relevant Senate estimates committee, the numbers of which are controlled by the current government.

Were any answers provided by this minister and his department by the relevant due date? Not even one. Not even one answer was provided by the department by the due date. In fact, the first answer was not received by senators until some four weeks later on 10 January 2013. The due date was 7 December 2012. The first answers were not received until 10 January 2013.

Unfortunately for the Australian taxpayer, this is not the first time that I have had to stand here and ask the relevant minister for an explanation. Almost two years ago exactly, on 9 February 2011, I had to again stand in this place and ask the representative minister at that time why answers had not been provided to all 445 questions that had been placed on notice by senators of the immigration and citizenship portfolio following the Senate estimates hearing in October 2010.

There is a pattern of behaviour which is nothing more and nothing less than a pattern of failure under successive ministers—under the former minister, Minister Evans, under Minister Bowen and now under Minister O'Connor—not only for this portfolio but in the provision of answers to questions on notice that have been genuinely put on notice at Senate estimates hearings. I remind all senators, in particular Minister Bowen and now Minister O'Connor, that senators have a fundamental, constitutional right which they are entitled to exercise, and that is to ask questions at Senate estimates and to be given those answers in a timely fashion. Unfortunately, in relation to this portfolio, quite frankly, nothing surprises me anymore. I suppose we should be grateful that I have got but one answer from this particular minister.

The failure yet again to provide answers to questions on notice in a timely fashion or at all is an indictment on former minister Bowen. It is an indictment on the current minister, Minister O'Connor, who if he wanted to could today signal to his department that they, this afternoon, should provide the opposition and the Greens Party with the answers that they require so that we can go into Senate estimates on Monday properly informed.

Question agreed to.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Gillard Government

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:13): I move:

That the Senate take note of answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by Opposition senators today.

On 13 November 1991 Mr Eddie Obeid gave his maiden speech in the New South Wales parliament and in that speech Mr Obeid thanked his many friends in the New
South Wales branch of the Australian Labor Party. Among the many friends that Mr Obeid thanked in the New South Wales branch of the Australian Labor Party were one John Della Bosca, one Graham Richardson and one Bob Carr—now Senator Bob Carr, Australia's very disappointing foreign minister. As we have learned though in recent days, Mr Obeid's network of friendships extends far wider than the New South Wales branch of the Labor Party. It extends down the generations because, as we have learned in recent days, so friendly is Mr Tony Burke, a senior member of the cabinet of Julia Gillard, with Mr Obeid that Mr Burke was afforded the hospitality of Mr Obeid's ski lodge by Mr Obeid. Lo and behold, we also learned that Senator Stephen Conroy, now the third most senior minister in the Commonwealth of Australia—chilling, isn't it, Senator Wong, to think that Senator Conroy is the third most senior minister in the Commonwealth of Australia—was also the beneficiary of Mr Obeid's hospitality.

We in the opposition do not assert any particular wrongdoing against Senator Conroy but there is a deeper question here and the deeper question goes to the networks of influence and patronage and mateship and favours which define the culture of the New South Wales branch of the Labor Party and in particular the right faction of the New South Wales branch of the Labor Party, of which Mr Burke is a member, and its sister faction in Victoria, the Victorian Right, of which Senator Conroy is the leader and which faction holds in office this discredited Prime Minister, Ms Julia Gillard. That network of undue influence, favours, friendships and protection defines the culture of the Labor Party.

On occasions I have been known for some flights of rhetorical fantasy when it comes to the inequity of the Australian Labor Party, its culture of criminality and corruption but I could not do better than what its own federal vice-president Mr Tony Sheldon had to say in a speech which Mr Sheldon gave last weekend. Mr Sheldon said:

Our crisis—

speaking of the Labor Party—
is more than just a crisis of trust brought on by the corrupt behaviour of property scammers and lobbyists. It's a crisis of belief brought on by a lack of moral and political purpose.

Mr Sheldon went on to say that 'there must be no underestimating of the gravity of the crisis here and in New South Wales, no blame shifting and no dodging of the responsibility to set things right'. Very significantly, Mr Sheldon went on to say that what he had to say about the New South Wales Labor Right had 'strong relevance to every state branch and every faction in the country'. So this is not just a problem for New South Wales and it is not just a problem for the right wing of the Australian Labor Party. It is, according to their own federal vice-president, part of a culture endemic in every faction in every state across the Australian Labor Party. No wonder that people in each of the states have got wise and successively tossed the Labor Party from office in four states and no doubt will do the same in the Commonwealth this year.

Senator PRATT (Western Australia) (15:19): I am delighted to be able to take note of answers given in a wide-ranging question time today by Minister Conroy. I note in doing so, that we know from what is going on in New South Wales at the moment that we would expect accountability to flow. We do not yet know what the outcomes will be from that but I am concerned and worried like anybody else. But what was contained in one question to Senator Conroy was in fact whether Senator Conroy and Mr Burke should have disclosed that they spent the weekend together. To be honest, I would like
to ask if that is actually what the opposition is asking. Are we actually asking for disclosure as to when any in this chamber or in the other chamber go on holiday together, or perhaps should I say spend the night together under any other circumstance?

Senator Wong: I don't want to go there! I really don't want to go there!

Senator PRATT: I don't want to know either. So when they ask the question whether Senator Conroy and Mr Burke should have made a disclosure about the social time they spent together that weekend, I would challenge whether that is actually the standard that the opposition is looking for or one that they would like to uphold themselves.

Senator Bernardi: So disclosure on my spousal interest form!

Senator PRATT: Exactly. I know the appropriate accountability should be there in terms of disclosing what accommodation you use and where that has come from, and that has been done in this case. But as for the question to be asked whether Senator Conroy and Mr Burke should have disclosed that they were there together, please know I do not want that to be a new standard for parliament. Heavens above that we should have to all make such disclosures. I would be happy to myself, but I do not want to ask that of all my colleagues.

One of the other topics that was debated in this question time was the question of superannuation. Senator Cormann asked if the Labor government does think that those who can afford to put $25,000 a year into their superannuation are rich. Personally, I would not necessarily say that such people are rich but under some circumstances they may be and under other circumstances they may not be. Whether you have got $25,000 that you have the capacity to invest says nothing about the rest of your overall wealth and whether you are rich or not. But I do know that we in the Labor government have been focused on making sure we have good, progressive superannuation policies, which means we have been right to be focused on helping people on lower incomes make savings and contributions to their superannuation. That is exactly what we have been getting on and doing.

We also debated in question time electricity prices and how the carbon price has been passed through in increased electricity prices. You see in both of these questions the absolute shallowness of the opposition on this. If you remove the carbon price and if you remove the tax on mining, then things like the increase in superannuation from nine per cent to 12 per cent and the compensation that has been passed on to households for increased electricity prices will not exist anymore. They will be simply gone. There is a complete policy vacuum from the opposition on these questions.

Our ministers were asked by senators opposite about the impact of electricity price increases on the dairy industry. We have compensated households, in particular needy households, for any price increases that are passed on. It is expected that some sectors of the economy will have to pass on electricity price increases, but that is in very stark contrast to states like Western Australia where we have seen a 60 per cent increase in electricity prices. *(Time expired)*

Senator BERNARDI (South Australia) *(15:24)*: I note Senator Pratt in her far-ranging contribution touched on what Senator Brandis suggested was endemic, systematic corruption in segments of the Labor Party in New South Wales. Senator Pratt said she was concerned and worried about what was going on in ICAC. Well, she should be worried and concerned. Senator
Pratt has good knowledge of it because she hails from the great state that is the home of WA Inc., Brian Burke and Carmen Lawrence—all those luminaries she is so proud they have put into the political system. Well may Senator Pratt be worried about what other skeletons will turn up as this festering boil has been lanced in New South Wales and will spread across the country, as we are seeing with our declaration of interests.

I rise today in response to Senator Conroy’s response and cavalier lack of concern about the diminishing confidence of business in my state of South Australia. The telltale sign that Senator Conroy gave not a jot nor a tittle about South Australia was the ponderous delivery of his response. It was so slow and static. It was difficult for him to talk about it because he has not got a clue. It is easy for those on this side to talk about small business because, unlike the one, two or maybe three on the other side who have actually employed someone from their own purse, members on this side of the chamber have employed people and depended on their successful businesses to pay their bills and their mortgages.

I myself struggled in small business under a Labor government. But never under the awful detrimental time of Paul Keating and the recession we had to have did I have to struggle quite as severely as businesses are doing under this government. It is the lack of certainty that is causing them distress and concern. It is the green tape, the red tape, the increased bureaucracy and the workplace employment laws that really provide a disincentive for business people to employ people. It is too hard. I can speak of dozens of business people who have said, ‘I can’t afford to put anyone else on because if it doesn’t work this government is going to hunt me down.’ They complain about the union coercion and the standover tactics. I could tell you about small business operators who have reduced their workforce because of the impact of unions on their workforce. These are innovative, technologically advanced industries that have been impeded because of the actions and the encouragement of this government.

The frustration for many of them is that they are expected to pay all their bills on time, make their budgets balance and provide secure employment for dozens, hundreds or in some cases families, yet this government does not expect to hold itself to the same account. If you cannot manage your budget, you cannot manage your business. If you cannot manage your budget, you cannot manage the economy. This government is incapable of managing the economy. It is incapable of empathising or understanding the genuine concerns of small business because it has no affinity for small business. Small business or business in general is simply an obstacle to be overcome, something to be raided to prop up the coffers and something to blame when things go wrong. Yet the small business men and women of this country are the engine room, the driving force, behind the growth here. Unfortunately, that engine has only two cylinders firing.

Every day that this government stays in power and every day the Treasurer, the finance minister and the Prime Minister mismanage the Australian budget, deceive businesses about what to expect and tinker with all of the things where businesses need certainty, is adding to the lack of force that is going to propel this economy forward. We should all be concerned about it because if we remove the government from the employment sector then small business is the thing that is driving this country. It is keeping families employed. It is the one thing that we need to do well because it is innovation, technology, the enthusiasm and
the spirit of entrepreneurialism that will provide us with that springboard to future growth. It is not government borrowing; it is not government debt; it is not government spending—they are all mortgages on the future. We do not want to rob from the future. We want to live for today and build upon our great strengths.

Senator FURNER (Queensland) (15:29): I also rise today to contribute to answers provided by Senator Conroy in today's question time. What surprises me a little bit is where the opposition are going. They started the week claiming that they were going to be the alternative government, and they were going to step out of the dark as the opposition and all of a sudden become this alternative government. But not once have we heard anything from them during question time on policy. What we have heard today, and consistently throughout this week, is attacks on scurrilous claims against Senator Conroy about some involvement of a previous minister through the New South Wales government about some chalet he owned. There is nothing in it, yet they come along here with these scurrilous gutter-raking claims that there was something involved in that.

I put it to the opposition to start acting like an alternative government. Do not come in here and produce this nonsense. Let us get over this fact about the carbon price. The carbon price does not even get a mention out there in voter land. Go out there and talk to people about it, like I do, and you will find that people do not even mention it, because it has no impact. It has not had any impact whatsoever. People are still buying their legs of lamb, and they are not having to pay $100 like the coalition indicated. A $100 leg of lamb—where do you really come from when you come up with those scare campaigns about the effects of the carbon price? No wonder people do not believe your leader when they are coming up with this sort of nonsense. Once again, come up with some policy. Today, have you heard the grandstand policy? The 'Tony troppo tax' and we are going to shift all the people out from South Australia, Victoria, Brisbane and New South Wales, and put them up in northern Australia: Karratha, Cairns, Townsville, up in Darwin. The 'Tony troppo tax'. This is your policy. When challenged today in question time by Senator Carr, you stepped back from it and said: 'No, that has got nothing to do with us. We never suggested that'. Unbelievable.

One of the other questions provided today was on superannuation. I stand proud, as a previous union official and a union secretary, of course, that we were part of a government—

Senator Boyce: You wouldn't be here if you hadn't been in the union.

Senator FURNER: That is irrelevant, Senator Boyce.

The DEPUTY PRESIDENT: Order! Ignore the interjections.

Senator FURNER: We know where you are going after this Senate, anyhow. As a union official, I was very proud to see the introduction of compulsory superannuation contributions, to see workers have an entitlement starting at three per cent, and now those low-income workers—and everyone in the workforce—are receiving nine per cent. Our program to lift that to 12 per cent is an excellent sign of where we as a Labor government see the need for investment, the need for creation of wealth and the need for people to be sustainable with some dignity when they retire. I think people should take note of the fact that the Labor government is the only government that has been the backbone of workers in this country to assist them through the life of their retirement.
We know where the member for Warringah, Mr Tony Abbott, stands on this. He should really explain to the Australian people that he wants to increase taxes on superannuation for low-income earners by nearly $1 billion a year to fill that $70 billion black hole that has been created. It has certainly been announced by Mr Abbott on breakfast radio as well. Unfortunately, it is just another example of what we will be up for if we end up in a situation where we have a coalition government in this place. We see examples of that in Queensland—and I know Senator Boyce will support me here—where we are seeing over 14,000 public servants and ancillary staff sacked by a Liberal National Party government in Queensland.

Senator Boyce: How much did you cut out of the Queensland Health budget?

The DEPUTY PRESIDENT: Order on my left!

Senator FURNER: This is just another example of how they will treat public servants, trying to get them up in northern Australia. They do not take any consideration when it comes to workers in our country. They do not take into consideration any matters of importance like superannuation. We know where we stand for entitlements, we know where we stand for obligations and the rights of genuine working people in this country.

Senator BOYCE (Queensland) (15:34): I also seek to take note of the remarks made by Senator Conroy following questions from the opposition. I must say that it is always a pleasure to follow Senator Furner in this chamber in terms of taking note. Firstly, I would like to point out to him that question time is actually not for the opposition to detail their policy to the government, it is for the government to be held accountable. I would also like to follow up briefly on his comment in relation to superannuation and about how he was a union secretary, of course. I think in that one brief little comment he has nailed one of the biggest problems we have with this government: of course he was a union secretary. Most of the government were union secretaries or presidents in their past life. Most of them have never worked in a business where their assets were on the line in their lives. They have not got a clue. And this goes on and on.

I quite deliberately referred to Senator Conroy’s remarks rather than Senator Conroy’s answers to questions put by opposition senators around superannuation and the small business situation, because they were not answers. Asked about the effect of the carbon tax on business, all Senator Conroy could do was rabbit on about household costs and what Treasury modelling about household costs had said. I would suggest that it is not the opposition that needs to get out and talk to people—we are already doing that. What we bring to this place is based on what they tell us. It is the government that is so bound up in its own little philosophies and ideologies that it is not getting out to talk to people.

As the shadow minister for small business, Mr Bruce Billson, has pointed out in a media release, small business does not need the current financial situation which has been set up by this government and its actions, or should I say, lack of actions. Business conditions were considerably weaker in the December quarter as the NAB survey points out, deteriorating to their lowest level since the June quarter 2009—the lowest they have been in three years. There has been a deterioration in mining conditions and yet all this government can do is try to pitch its survival on a mining tax which is apparently not raising anything.

In my home state of Queensland—and the home state of Senator Furner, where would
you think he would have some idea of what was going on—conditions were very poor according to this NAB survey. Business confidence edged lower and remained lacklustre. The poor old Reserve Bank is trying to do what it can. Recent interest rate reductions have done little to alleviate business worries about the currently soft state of our economy. We have Senator Furner claiming that people are out there spending on legs of lamb and the like and yet the NAB quarterly survey points out that sales were the most constraining factor on output in the quarter. I quote:

… with almost two-thirds of firms reporting lack of sales and orders as their biggest constraint.

Their biggest constraint was the lack of orders and the lack of sales. Yet this government tries to find yet another way to attack small business.

We already have them needing to do their own administration on maternity leave. We have the BAS payments being required monthly, not quarterly. We have example after example of this government attacking and putting on small imposts that are incremental in their own right but come on top of the carbon tax. The price of diesel has gone up 2.5c per litre in the recent 12 months. The costs for business and the labour relations that this union dominated government has developed are all adding up to a disaster, including the superannuation cuts that they are now proposing.

Question agreed to.

Coal Seam Gas

Senator WATERS (Queensland) (15:39):

I move:

That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by the Leader of the Australian Greens (Senator Milne) today relating to environmental laws.

Clearly there is something rotten in the state of New South Wales when it comes to mining regulation, whether that be Eddie Obeid’s empire or the failure to properly regulate coal seam gas. This week we have seen revelations that New South Wales is late on agreeing to consider the advice of the coal seam gas agency that the Commonwealth set up under pressure from the Independents. That could not be a clearer statement of the New South Wales government’s lack of desire to actually listen to the science when it comes to coal seam gas. They have not signed up to listen to the advice from this committee, nor will they deal properly with coal seam gas.

My concern is that the federal government is trying to distract attention from the fact that it too does not want to deal with coal seam gas. It is trying to say that the New South Wales government is hopeless. It is on this issue. This is to distract from the fact that the federal government refuses to tackle the concerns of regional communities seriously—concerns about groundwater and concerns about the climate.

This week we have seen Minister Tony Burke dragged to the table. Suddenly overnight he is really concerned about coal seam gas because it is going into Western Sydney now. Minister Burke did not seem to care so much about Queensland residents or the other regional New South Welsh folk until it was on his own doorstep. This is faux concern because this is the same minister who approved three massive coal seam gas minefields and the associated port facilities, the first two within six weeks and the third one within about five months of becoming environment minister. All of a sudden he is concerned about coal seam gas. I am afraid I will not buy it.

This brings me to the point that the failure of New South Wales to sign up to pitifully
weaken advice from a committee is yet more evidence that the states simply cannot be trusted to live up to their environmental responsibilities. This is the same government criticising the New South Wales government that a few months ago wanted to give them even more environmental responsibility. I am afraid it is absolutely hypocritical. It simply does not add up. Minister Burke cannot grandstand and say how awful New South Wales is on coal seam gas when he is the very guy who wanted to get rid of all his powers and have the states do his job. I do not quite know what he thought he would be doing around here without the responsibility to approve major projects that significantly impact matters of national environmental significance which, by their very title, should be kept within the realm of the national government.

I have a bill to address this issue. The government, of course, have prevaricated. It was clearly put to Senator Conroy: 'Is this on the table or off the table, what are you doing with your environment powers? Do you still want to give them away to retrograde governments like New South Wales and Queensland, where Premier Newman is repealing most of our environmental laws as quickly as he can and turning us simply into one big coalmine?' Minister Conroy could not answer that. Thankfully, someone thrust a piece of paper at him halfway through Senator Milne's questioning, but I am afraid he was still not able to clarify what the government's position is. Tomorrow is their chance to make it clear to the Australian people. Do they actually want to protect the environment or do they simply want to give all of their powers away to the states?

The hearing on my bill to force them to do their job will be tomorrow, and we will hear from all sorts of experts who will talk about the terrible history of the states in protecting the environment—states who have been willing to put oil rigs in the Great Barrier Reef, to dam the Mary River, where the endangered lungfish lives and to put cows in national parks. We will hear tomorrow from folk who are saying that clearly the states are not up to the job of looking after the federally significant parts of our environment.

The government have the chance, and they should take this opportunity to clarify with the Australian people what on earth their stance is. There has been a whole lot of confusion since COAG. The Prime Minister has rightly said there are some significant challenges in palming off federal powers to the states. She should accept that those challenges are insurmountable and that the states cannot be trusted to do the job, and that instead of weakening our federal environmental laws by simply giving them over to state governments, the federal government should actually strengthen those laws. They should stand up for our environment, which supports this economy that we still hope to have and which supports all of these beautiful places that are internationally significant and bring tourists to our door time and time again. This is the government's chance, but I am afraid we will see that only the Greens are committed to standing up for regional communities and our environment.

Question agreed to.

MINISTERIAL STATEMENTS

Closing the Gap

Senator Jacinta Collins (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:45): I present a statement on Closing the Gap, as listed at item 13 on today's Order of Business.
Senator SIEWERT (Western Australia—Australian Greens Whip) (15:45): by leave—I move:

That the Senate take note of the ministerial statement on Closing the Gap between Indigenous and non-Indigenous Australians.

Leave granted.

Senator SIEWERT: In beginning to address this particular issue, I would like to table the Shadow Report 2013: On Australian governments’ progress towards closing the gap in life expectancy between Indigenous and non-Indigenous Australians. It has been circulated to all members of the reps.

The DEPUTY PRESIDENT: Leave is granted.

Senator SIEWERT: I have also tabled the shadow report in responding to this statement for the last number of years, so I appreciate the opportunity to table it again. It is very important that we see the opinions of organisations that are working outside of the government on whether we are closing the gap or not. I would first like to comment on the Prime Minister's Closing the Gap statement, some of the issues that were addressed in it and what was left off. It was very disappointing that the Closing the Gap statement did not address the very significant issues and the very high rates of incarceration of Aboriginal and Torres Strait Islanders in this country. It was completely fascinating that that issue was not addressed—I will come back to this issue particularly—nor was the issue of the National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes. The funding for this program runs out in 2013. While I acknowledge that there is currently work being done on the Indigenous health plan, I know that it is one of the issues that comes up in the shadow report, whose most prominent recommendation is that that issue needs to be addressed. But that was not addressed in the Closing the Gap statement. I would have thought that, given the importance of closing the gap, given the importance of this statement, that issue would have been addressed in the Prime Minister's statement.

One of the other issues that is touched on in the statement but does not lead to a sense of security in terms of the impact that this particular program is having is addressing the enrolment of children in preschool and in school. While the numbers of kids that go through the door and then enrol are counted, we are still not getting a measure of what impact that is having. What are the genuine progress indicators, and what are the genuine outcomes that are coming out of that program while the government fails to address issues such as hearing loss and the impact of otitis media on these children? You can get the children into the classroom; but, unless they are addressing those issues and enabling those children to catch up because of the impact of the hearing loss, we are not going to get the significant benefits from that program.

The other things that the Prime Minister conveniently did not address were the issues around income management. Since this place rose at the end of last year, we have had two reports that are very significant when we are talking about the impacts of income management. Of course, income management was continued under the Stronger Futures program and it has also been continued under separate legislation. The evaluation of the new income management, which was released at the end of last year, said:

The report shows that there is no measureable and clear evidence of any positive impact of income management. Those who do support the scheme tend to do so because of benefits such as fee-free banking, similar benefits they receive through
voluntary income management or Centrepay arrangements.

A small number perceived that it increased their ability to purchase food, but there was no reduction in the extent to which they report running out of food. Furthermore, the evaluation says, 'Although there have been some strong perceptions of wellbeing of children in the community, such perceptions do not necessarily line up with objective data.' It says, 'There is little evidence to date that income management is resulting in widespread behavioural change either with respect to building an ability to effectively manage money or to building socially responsible behaviour.' It says, 'Indigenous people in NTER areas felt significantly more discriminated against than those in the contrast group; for many there is a strong sense of having been treated unfairly and being disempowered.' So here is a report, after five years of income management in various guises, saying, 'Sorry, there is no effective evidence.' Then a report came out just last week from the ANAO on the administration of income management in the Northern Territory. Firstly, it says the cost per person per year in remote areas is $6,600–$7,900. I tell you what: there are many people that have said to me that they can think of better ways of spending that money to the better advantage of Aboriginal and Torres Strait Islander people. That is a lot of money for a program that there is no evidence works. Is it any surprise that the Prime Minister does not address those issues in the Closing the Gap report? Here is one massively expensive program—over $410.5 million over the next six years is budgeted for this program. Is it any wonder that the Prime Minister does not mention in her Closing the Gap speech when it does not work and that nearly half a billion dollars could be spent on much better outcomes for Aboriginal and Torres Strait Islanders?

I would like to come to the shadow report, which looks at the progress of these indicators. The key highlighted recommendation that Close the Gap campaign steering committee calls for is that the National Partnership Agreement on Closing the Gap in Indigenous health outcomes be renewed to ensure policy and program continuity past 2013 with funding maintained at least the same as allocated in 2012-13 when adjusted for inflation. That is absolutely critical. They also call for a systemic national approach to social determinations and, very importantly, Closing the Gap and related programs to be quarantined from budget cuts across all federal, state and territory jurisdictions. And they are very concerned about the reported recent cuts. Of course, the federal government did cut funding to Aboriginal programs in order to pay for Stronger Futures. So we are seeing Aboriginal programs—some of the leadership programs and other programs—that have been cut because of Stronger Futures.

In the shadow report under 'Progress against the COAG Closing the Gap Targets' there are comments about meeting the early childhood targets. They say: While in absolute terms the overall trend is to increasing Aboriginal and Torres Strait Islander longevity, the capacity of these gains to close the gap remains an issue.

If current trends continue, under-five Aboriginal and Torres Strait Islander mortality rates may fall within the range of the COAG Target to halve the gap in under-five mortality by 2018. However the relative lack of progress in recent years and the widening differential on the critical factor of low birth weight cause concern. Other areas that remain a concern include the level of investment in ongoing health programs. Again, that is why they are calling so much for a commitment by government

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now to funding the ongoing health program. They say:

When the significantly greater need for health services resulting from poorer health status is factored in (the Campaign Steering Committee estimates this is at least double as a general rule) the relative lack of total funding available for Aboriginal and Torres Strait Islander health is evident.

Of course, this issue was not addressed in the government's Closing the Gap statement.

The government need to be looking at what they are investing in and what programs they are currently taking up to address closing the gap, because their current programs are misguided. The government refuse to really deal with the significant policy measures that are needed. And today we had the government coming out and saying that they were going to get tough on the licensees in Alice Springs. That is great; they have needed to do that for a very long time. They have had the Stronger Futures legislation for eight months, and they are only now starting to look at whether they can use it—when, clearly, they could use that program. That was put in place, supposedly, to do that.

The government still refuse to look at some of the key issues that communities are calling for—that is, a minimum floor price; looking at takeaway-free days in the Northern Territory and Alice Springs; and looking at reducing the number of licences that exist. These policy measures have been consistently called for by the community and this government have refused to do anything about them. Rather, they continue with flawed programs for which there is absolutely no evidence base. How many more reports do they need to show that income management does not work?

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (15:55): I also rise to take note of the ministerial statement on closing the gap between Indigenous and non-Indigenous Australians and the Prime Minister's report of 2013. I would like to commend the Prime Minister and the government. I think this is a very important document, and every year that goes past it is a more important document because it provides us with trend lines so that we can, with some confidence, know whether or not we are actually going to meet the targets in 2030. That obviously allows us to provide some priorities in where we put our resources in this area.

I would like to go through some of the indicators—though not in the order provided in the Closing the gap report. The first is life expectancy and the second is infant mortality. The reason that I mention those two first is that I think there has been quite a deal of success in those areas. I do not think anyone has any doubt that life expectancy—certainly in the Northern Territory jurisdiction—is going up, and there are no issues that are going turn it to trend down again. So, in effect, we are above trend line. There are no issues around that that I think are going to stop us meeting that benchmark. The second is infant mortality. That is a little bit more problematic in the return on the data. Whilst that is on track, it is not quite above trend. From the experts I speak to, I think we could all reasonably say that they are two indicators that we are not going to have to worry about, though that does not mean that we should take our eye off the ball. We are actually going to meet those targets. They are the only two that are really on track.

One of the other indicators is access to preschool. We have, as is declared in this report, met that target. It is a target that is probably one of the easiest ones, because it is not a social target. It is normally a bricks-and-mortar target. We know it is about putting resources aside for staffing, buildings
and processes. Australia has a right to be very pleased that the vast majority of Indigenous people now have access to a preschool. But, of course, access is not the only thing. It is very important but, as the Prime Minister mentioned in her ministerial statement, we need to go from access to attendance.

Given that the target regarding access to preschool has in effect been met, I think it would be quite reasonable—given that this is a guiding document that informs Australians and will both inform and guide future parliaments about where we place our resources—in future documents to deal with the issues around attendance in these preschools. Instead of just ticking off, 'Yes, we have got a line item and we have built them and we are happy now,' we should think about having an additional one to deal with how those preschools are going. I will leave it to the experts to find benchmarks that would give us an indication of the success or otherwise around attendance.

The next indicator is the 16- to 24-year-olds with year 12 or equivalent. This is a sad reality, and it really irks me, because without attaining year 12 or equivalent, it really makes it hard to take up what we normally say are opportunities—for example, the opportunity to see the world and travel. For that you need to have funds and to have funds you need to get a good job and you need to be very competitive. We have had a two per cent increase in five years. We are not on track. We are not going to make it. We really need to put a lot of thought—not more resources but a lot of thought—into that. It is not only about a two per cent increase in five years. Just over 50 per cent of the Aboriginal population actually gets a year 12 leaving certificate—against 86 per cent for everyone else. It is hard to see the other side. Eighty-six per cent of mainstream people expect to receive the Higher School Certificate and go on to have a whole range of choices. They expect to get automatic entry to vocational education, entry matriculation and a choice of professional life. But only 50 per cent of Aboriginal people are going to get that.

The last of the indicators is the employment indicator. There have been minor improvements, but I think everybody would acknowledge that this is not even close to being on track. We are not going to make the target. There is no question about that, and there has to be significant change. These things interact. If we do not get an increase in the number of Aboriginal people completing year 12, we are certainly not going to get an increase in the employment area. These things are all interlinked, and it is very important that we work on those two areas.

We have come out with a book, and I commend the Prime Minister and the Leader of the Opposition. We all talk glowingly about this and we all need to feel good about ourselves. To be frank, there are two indicators that are generally going to look after themselves. One is a building program; we finished that. That leaves only two indicators, but we are not going anywhere on them. We are not going to hit the target. We are not going to close the gap. I think that a lot of intellectual horsepower is going to have to go into it. It is not just about more money; we need to start thinking of innovative ways in which we can make changes in these very, very important areas.

Of course, there are some complementary reports that can give us an idea about how well our first Australians are progressing in these areas. Certainly from the perspective of Northern Australia, the NAPLAN results are downright depressing. There are many areas that just say, 'We have done school and we can't read and write.' I am even more
saddened by the fact that a child can manage to get to the end of primary school before someone says, ‘No, you can’t read and write.’ There is a systemic failure through the education system in some areas, and that has to be rectified as soon as possible.

It is very good to have this data, and it becomes more valuable and more practical over time. It does help us manage what we do. But I have a concern that the headline figures may well obscure something that is happening on the ground. For example, in year 12 acceleration. Yes, we crept forward two per cent; I suspect it is probably more than that in metropolitan areas, and I suspect it is going back rapidly in very remote areas. I think, in terms of a suggested improvement in how we may look at these matters, we need to disaggregate the data so that we are better able to target our resources where they need to be deployed and where the effort really needs to be targeted.

If you look closely at this data and you take away those things that we are going to achieve, those last two indicators where we are simply not closing the gap, where we are not going to get there, are just fundamental to closing the gap on opportunity, and it is a real shame that that is not the case. I certainly look forward to seeing the 2014 data and I hope it is a substantive improvement.

I have to say that I was a little disappointed in the Prime Minister’s attempt—in the middle of all of this, and it is all quite a respectable process—to take a cheap shot at Queensland and the Northern Territory about alcohol. We have those debates; they are robust debates, and they should be. But I saw it as a pretty cheap shot in order to impress people in some of the more populated areas around our south-east, in a political sense, rather than trying to provide this as something that has some gravitas and some independence and to try to keep the politics out of it. I was a little sad that the Prime Minister was not a little bit better informed with respect to her references to the banned drinkers register and the Northern Territory. There is quite a large body of data that I have seen and validated, that indicates that issues such as one person who was on the banned drinkers register has been arrested 117 times—each one of them when they were drunk—and the fact that 60 people on the register have been arrested over 2,000 times. At the end of the day, the motivation of the register was to stop people getting access to alcohol. Clearly it did not work at all. Everybody accepts that. So there has to be a better way.

Those people who are trapped in the system—they are sick. You cannot treat them in the justice system. You have to take them from the justice system and you have to rehabilitate them in the health system. That is what is happening in the Northern Territory. I commend the Closing the gap: Prime Minister's report 2013 to the House.

Question agreed to.

International Day of Zero Tolerance to Female Genital Mutilation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (16:06): I present a statement on the International Day of Zero Tolerance to Female Genital Mutilation, as listed at item 13 on today's Order of Business.

Senator CASH (Western Australia) (16:06): by leave—I move:

That the Senate take note of the ministerial statement on the International Day of Zero Tolerance to Female Genital Mutilation.

I note that yesterday, 6 February 2013, was the International Day of Zero Tolerance
to Female Mutilation. I would like to note for the record exactly what we are talking about when we refer to female genital mutilation. It is defined by the World Health Organisation as 'all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.' And when we talk about the procedure itself, it should never conjure up the idea that someone is lying in a hospital bed, that they have been properly anaesthetised and that a doctor is performing this procedure. When this procedure is performed, more often than not, the common tool of trade is a pair of rusty scissors, a sharp knife or, potentially at its worst, even a sharp rock.

It is estimated that female genital mutilation is practised in 28 countries in western, eastern and north-eastern Africa, in parts of the Middle East, and within some immigrant communities in Europe, North America and Australasia. It is also estimated that between 100 and 140 million women and girls around the world have experienced the procedure, including up to 92 million women and girls in Africa.

Perhaps the most abhorrent part of this practice is that, when it is carried out, it is mostly carried out on young girls up to the age of 15, not over the age of 15. Often these girls are much younger than 15 and, in many cases, are under the age of 10.

In relation to the number of girls internationally who are at risk each year of being subjected to female genital mutilation the World Health Organization estimates that approximately three million young girls worldwide will undergo the procedure each year.

The procedure itself has no known health benefits and is known to be harmful to girls and women in many different ways. To say the least, when you are having this procedure performed without anaesthetic, perhaps by a pair of scissors it is, without doubt, painful and traumatic. And the removal of or the damage to healthy genital tissue interferes with the body's natural functioning and causes immediate and long-term health consequences.

Female genital mutilation is a manifestation of deeply entrenched gender inequality and is recognised as a human rights abuse. It constitutes an extreme form of discrimination against women and girls. It is a violation of the rights of the child; the rights to health, life, security, physical integrity; and the right to be free from torture and cruel, inhumane or degrading treatment.

I personally hold the strong view that, as women living in a free and democratic society, we have a fundamental obligation to speak out and protect the human rights of women both here in Australia and overseas. This position is recognised by UN Women Australia, which has stated:

Australia is strategically positioned and has the ability to effect substantive change for the role of women at national, regional and international levels.

UNIFEM, which is now part of UN Women, considers there to be six forms of violence against women which must be stopped. One of these forms of violence is harmful, traditional practices, which includes female genital mutilation.

We need to stand up for the rights of women and young girls. We need to be prepared to recognise the reality that female genital mutilation is being practised in Australia, notwithstanding that it is a criminal offence in each jurisdiction in Australia and notwithstanding that this is a practice which we as Australians find culturally abhorrent.

Just last year we saw the arrest of a number of people in New South Wales who
had organised or carried out female genital mutilation. One of those who was charged with performing the procedure is a retired healthcare provider. Again, just last year, in my home state of Western Australia, Western Australia police charged a couple, after it was alleged that they took their daughter, at the age of just one year, over to Bali for her to undergo female genital mutilation. They have also now been charged.

Surely, in 2013, with the technological, medical and social information that we have at our fingertips, the evidence is clear that this is a cruel and brutal procedure to force upon a child.

I would like to commend the World Health Organization on their ongoing work to meet the aim of eradicating female genital mutilation within a generation. Their continued focus on advocacy, research and guidance for health systems has already seen a documented decrease in the number of girls subjected to the procedure.

As has been said by many, including the Minister for Health, who speak out against this practice: one girl undergoing this cruel practice is one too many. One girl suffering from shock and ongoing infections as a result is one too many. One woman experiencing complications in childbirth or the death of a newborn child as a result of her having undergone female genital mutilation is one too many.

Question agreed to.

COMMITTEES

Corporations and Financial Services Committee

Intelligence and Security Committee

Government Response to Report

Senator KIM CARR (Victoria—Minister for Human Services) (16:13): I present four government responses to committee reports as listed on today's Order of Business. In accordance with the usual practice, I seek leave to incorporate the documents in Hansard.

Leave granted.

The documents read as follows—

Australian Government response to the Parliamentary Joint Committee on Corporations and Financial Services report:

Statutory Oversight of the Australian Securities and Investment Commission—

August 2011

February 2013

Recommendation 1

• The committee recommends that ASIC amend its website to include an explanation of the meaning and significance of holding an Australian financial services licence. The information could also be usefully included on the MoneySmart website.

Government response

• The Government supports this recommendation.

• An Australian Financial Services (AFS) licence is an important safeguard in ensuring consumers and investors are afforded due protections under the Corporations Act 2001. The Government broadly supports any measures that would increase consumer or investor understanding of the meaning and significance in holding an AFS licence.

• The Government notes that ASIC has updated its MoneySmart website to include additional information on the meaning and significance of holding an AFS licence. This material, available at www.moneysmart.gov.au, states that an AFS Licence is:

– A licence given by ASIC that allows people or companies to legally carry on a financial services business, including selling, advising or dealing in financial products. You should only deal with licensed businesses as you are better protected if things go wrong and you will have access to free dispute resolution services. ASIC grants a licence if a business shows it can meet basic standards such as training, compliance, insurance and
dispute resolution. The business is responsible for maintaining these standards. A licence does not mean that ASIC endorses the company, financial product or advice or that you cannot incur a loss from the investment.

- This information is also supported by additional information and tools regarding AFS licenses, available at www.moneysmart.gov.au. ASIC has also updated its primary website to contain similar information: http://www.asic.gov.au/afslicensing.
- The Government commends ASIC’s decision to adopt the Committee’s recommendation, and also its continued approach to consumer and investor education.

**Australian Government response to the Parliamentary Joint Committee on Intelligence and Security**

*Review of the re-listing of Ansar al-Islam (AAI), Islamic Movement of Uzbekistan (IMU), Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ) as terrorist organisations—tabled 28 May 2012*

February 2013

Parliamentary Joint Committee on Intelligence and Security

*Review of the re-listing of Ansar al-Islam (AAI), Islamic Movement of Uzbekistan (IMU), Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ) as terrorist organisations*—tabled 28 May 2012

**Government’s Response to Committee’s Recommendations**

**Recommendation 1:**
The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Ansar al-Islam as a terrorist organisation not be disallowed.

**Response:**
The Government agrees with the recommendation.

**Recommendation 2:**
The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Islamic Movement of Uzbekistan (IMU) as a terrorist organisation not be disallowed.

**Response:**
The Government agrees with the recommendation.

**Recommendation 3:**
The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Jaish-e-Mohammad (JeM) as a terrorist organisation not be disallowed.

**Response:**
The Government agrees with the recommendation.

**Recommendation 4:**
The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Lashkar-e Jhangvi (LeJ) as a terrorist organisation not be disallowed.

**Response:**
The Government agrees with the recommendation.

**Australian Government response to the Parliamentary Joint Committee on Intelligence and Security**

*Review of the re-listing of Hizballah’s External Security Organisation—tabled 28 June 2012*

Parliamentary Joint Committee on Intelligence and Security

*Review of the re-listing of Hizballah’s External Security Organisation*—tabled 28 June 2012

**Government’s Response to Committee’s Recommendations**

**Recommendation 1:**
The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Hizballah’s External Security Organisation as a terrorist organisation not be disallowed.

**Response:**
The Government agrees with the recommendation.
Australian Government response to the Parliamentary Joint Committee on Intelligence and Security

Review of the re-listing of Five Terrorist Organisations (Al Shabaab, Hamas' Izz al-Din al-Qassam Brigades, Kurdistan Workers Party (PKK), Lashkar-e-Tayyiba and Palestinian Islamic Jihad—tabled 10 October 2012

Parliamentary Joint Committee on Intelligence and Security

Review of the re-listing of Five Terrorist Organisations (Al Shabaab, Hamas' Izz al-Din al-Qassam Brigades, Kurdistan Workers Party (PKK), Lashkar-e-Tayyiba and Palestinian Islamic Jihad)

Tabled 10 October 2012

Government's Response to Committee's Recommendations

Recommendation 1:
The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Al-Shabaab as a terrorist organisation not be disallowed.

Response:
The Government agrees with the recommendation.

Recommendation 2:
The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list Hamas' Izz al-Din al-Qassam Brigades as a terrorist organisation not be disallowed.

Response:
The Government agrees with the recommendation.

Recommendation 3:
The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the Kurdistan Workers Party as a terrorist organisation not be disallowed.

Response:
The Government agrees with the recommendation.

Recommendation 4:
The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the organisation Lashkar-e-Tayyiba as a terrorist organisation not be disallowed.

Response:
The Government agrees with the recommendation.

Recommendation 5:
The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the organisation Palestinian Islamic Jihad as a terrorist organisation not be disallowed.

Response:
The Government agrees with the recommendation.

Corporations and Financial Services Committee

Report

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:13): I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Stephens) (16:13): I present the response to the final report of the Finance and Public Administration Legislation Committee on its inquiry into the performance of the Department of Parliamentary Services. I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

Response to the Senate Finance and Public Administration Legislation Committee report:
The performance of the Department of Parliamentary Services

February 2013

Response to the Senate Finance and Public Administration Legislation Committee Report
on the performance of the Department of Parliamentary Services

Introduction

The Department of Parliamentary Services (DPS) welcomes the Committee's Report and its recommendations. We acknowledge and thank the Committee members for their work. This response is framed in accordance with the specific recommendations of the Senate Finance and Public Administration Legislation Committee and also seeks to address the additional areas of broad concern and other matters of continuing interest to the Committee.

Many of the recommendations reflect the priority directions to refocus and strengthen DPS as a Department that delivers customer-focused and efficient services. In many areas, DPS has already commenced action in line with, or extending further, the recommendations of the Committee.

DPS commits to periodically informing the Committee of the progress against these priorities, the implementation of the recommendations and other actions that have been committed to in this response.

Accountability and transparency

Recommendation 1—The committee recommends that the funding and administration of the Department of Parliamentary Services be overseen by the Senate Appropriations and Staffing Committee and the House Appropriations and Administration Committee meeting jointly for that purpose, and that standing orders be amended as necessary.

Response

The Department of Parliamentary Services (DPS) supports an appropriate level of scrutiny and advocacy for its role within the parliamentary system. There are currently four main layers of Parliamentary accountability for DPS.

Most significantly the Presiding Officers have a direct line of accountability to them from the Secretary of DPS. This relationship is articulated in the Parliamentary Service Act 1999 and they have utilised this authority in instructing the incoming Secretary in 2012 about their expectations and have met regularly with her to ensure the operational improvements and the program of reform are on track.

The Presiding Officers have a number of committees which operate to advise them on key aspects of DPS' role. These include the Security Management Board (usually meets ten times a year) and the Joint Library Committee (meets 4 times a year). Over the past 12 months the Presiding Officers have also overseen the establishment of the Heritage Advisory Board (meeting ten times a year) and the Parliamentary ICT Advisory Board (expected to meet six times a year). The Presiding Officers are actively involved in this layer of accountability and have taken action when required.

The second layer, the Joint House Committee, is made up of the members of the separate House Committees of the Senate and the House of Representatives and usually meets four times a year. The primary focus of these separate Committees is their own Houses. The Joint House Committee is currently Chaired by the President of the Senate.

The third layer is oversight by the Senate Finance and Public Administration Committee through its Estimates hearings three times a year and its questions on notice process. The Committee has raised concerns that the identification of many issues raised in the Inquiry came to its attention through the Estimates process. In many ways this might be seen to represent the valuable role Estimates plays in accountability.

The fourth layer is the Parliament itself. Under statute and resolutions, the Parliament is required to involve itself in Parliamentary administration and the activities of DPS. The Department was established by resolutions of the Houses in accordance with the Parliamentary Services Act 1999. Certain proposals for work (including major work proposals) in the Parliamentary zone and precincts are to be approved by the Parliament in accordance with the Parliament Act 1974. A Senate resolution of 3 June 1987 provides, inter alia, that no changes in the structure or responsibilities of the Parliamentary Departments should be made until the Senate has approved of the changes.

DPS is also accountable through its Annual Report, Australian National Audit Office audit...
processes and general legislative compliance requirements for such matters as budget, fraud control and WHS. While there may be merit in a further element of scrutiny over DPS to assist the Presiding Officers in their role, its form would need to be balanced against current arrangements to maximise its effectiveness.

As also noted in the Report there is no single entity with a role to advocate for the needs of DPS. In this way it differs from the Chamber Departments which each have a specific Parliamentary Committee dedicated to both oversight and advocacy.

In this context the Presiding Officers will consider whether alternative mechanisms for both accountability and advocacy should be established either along the lines recommended by the Committee or as a stand-alone arrangement. In the interim, the Presiding Officers will continue to affect accountability on the Department Secretary as specified in the Act and will closely monitor the performance of the Secretary in the delivery of her duties.

Employment issues

General comment

The Committee's findings on bullying and harassment within DPS, the lack of confidence in senior management and lack of leadership in this area is beyond dispute. Regrettably, historically there has not been sufficient active focus on bullying and harassment and several individual cases were not appropriately dealt with. It is acknowledged that further and on-going action is required by the Department.

DPS supports the recommendations to build and re-establish the confidence of staff to raise concerns regarding inappropriate behaviour in the workplace. In late 2012, the Department developed and is now implementing a Fostering Inclusion and Respect Strategy designed to ensure that DPS is a fair and ethical workplace for all staff through a stronger focus on prevention, early intervention when such matters are raised, timely investigation and follow up. Supporting this will be a broader strategy to promote appropriate workplace behaviour which is currently in development and will be implemented from early 2013. Key elements underpinning both strategies include embedding senior management commitment, prevention initiatives, a learning and development program, strengthened policies and procedures and monitoring and regular reporting.

Further work is also required to improve confidence in DPS recruitment practices and the health and welfare of staff. The responses below aim to strengthen recruitment practices by improving transparency and merit based processes. Improving the health and welfare of staff will be addressed through a more equitable allocation of work and review of specific work practices in priority areas such as Hansard.

Recommendation 2—The committee recommends that the Department of Parliamentary Services implements appropriate training programs for managers in relation to bullying and harassment and ensures that adequate processes are in place so that all employees are confident in reporting bullying and harassment.

Response

DPS supports this recommendation.

In 2012 DPS focused on a corporate compliance training program to educate managers and staff on appropriate workplace behaviour through the following courses:

- Bullying and Harassment;
- Parliamentary Service Values & Code of Conduct;
- Fraud and Ethics; and
- Work Health and Safety Awareness.

All staff are now required to attend these courses every two years. During 2011-12, there were 339 attendances recorded for these courses.

In November 2012, DPS also conducted a pilot course on the management of workplace behaviour which was compulsory for all Parliamentary Executive Level 2 Directors. This course covered what is, and what is not, appropriate workplace behaviour and, strategies to remedy inappropriate behaviour; leadership techniques, roles and responsibilities; and the DPS complaint management process.
By July 2013, DPS will also create a suite of information and support tools for staff and managers that articulate the roles and responsibilities of all staff. This will include:

- the establishment of a structured complaint management framework with appropriate support tools and information guides for staff;
- regular monitoring and reporting to enable the Executive to identify 'hot-spots' of staff dissatisfaction or stress;
- ongoing review of strategies to manage workplace behaviour; and
- the establishment of workplace behaviour agenda items in key communication forums such as the DPS Consultative Forum, Executive meetings, meetings between DPS and union representatives, Branch staff meetings and the Harassment Contact Officer Network.

Recommendation 3—The committee recommends that the Department of Parliamentary Services develop a bullying register to record information about bullying such as details of the incident, where it happened and what action that has been taken so that any trends can be quickly and easily identified.

Response

DPS supports this recommendation.

In July 2011, DPS established a Human Resource Register (Register) in which HR staff record workplace issues. Matters recorded include complaints of bullying and harassment, workplace disputes, Code of Conduct investigations and requests for review of management action.

DPS currently uses the Register as both a reporting mechanism and as a preliminary stage of its case management process to help ensure that all workplace matters are recorded and actioned through to an appropriate conclusion for the complainant and respondent.

From March 2013 the DPS Executive will review regular reports on bullying and harassment complaints, disputes and pending workplace investigations. The intent of this process is that workplace behavioural issues are swiftly and professionally addressed. This action will establish more streamlined and effective processes that will avoid the mistakes of the past and enable issues to be better managed through proper oversight and regular reporting.

Recommendation 4—The committee recommends that if areas with systemic bullying issues are identified, that the Department of Parliamentary Services undertake a pre-emptive investigation of the area rather than wait until formal complaints are received.

Response

DPS supports this recommendation.

DPS recognises that it is vital to address inappropriate behaviour as soon as it is identified, rather than waiting for a specific complaint to occur. In accordance with the 2011 Comcare Bullying Prevention Audit, all DPS section managers have conducted formal Bullying Risk Assessments to identify whether trends or hotspots exist. The responses have been analysed and advice provided back to each branch head regarding contributory factors, such as the level and intensity of workload; staff shortages; and organisational change. In September 2012 Branch heads were provided advice on the various options which exist within DPS to mitigate the risk of inappropriate behaviour.

To further support pre-emptive action against bullying and harassment, in late 2012 DPS commenced a program to revamp and re-energise its Harassment Contact Officer (HCO) Network. Through an active promotion of the role, staff representation on the HCO Network increased from nine HCOs in October 2012 to 27 in December 2012. The role of the HCO is to assist staff by being the first point of contact for issues of bullying, harassment, discrimination and other forms of unacceptable behaviour.

The HCO network is a significant mechanism which provides individual staff opportunities for direct and discreet contact, whilst ensuring that issues of inappropriate workplace behaviour are promptly addressed and privacy assured. HCOs are tasked with distributing information about their services throughout DPS through team and branch meetings and other representational
forums. The HCOs are scheduled to undertake a two-day HCO training course in February 2013 and all staff will be actively encouraged to use the HCO Network to assist them in matters where they believe they are experiencing or witnessing inappropriate behaviour.

All HCOs are required to report to HR Services any contact with staff regarding inappropriate behaviour. It is intended that, as DPS establishes and further strengthens the HCO Network, the volunteer HCOs will become workplace 'champions' in educating colleagues in the early identification and resolution of inappropriate behaviour.

**Recommendation 5**—The committee recommends that the Department of Parliamentary Services approach Comcare to undertake a further audit, including a survey of all staff, before the end of 2013 to measure improvements, if any, in the management of bullying and inappropriate workplace behaviour in the Department of Parliamentary Services.

**Response**

DPS supports this recommendation.

DPS has commenced preliminary discussions with Comcare to conduct a supplementary audit (including survey) similar to the bullying and harassment audit undertaken in late 2011.

DPS anticipates that Comcare will conduct this audit and survey in late 2013. The survey will provide valuable feedback on the impact of strategies rolled out in 2012-13 by:

- measuring the levels of confidence of staff in reporting inappropriate behaviour;
- measuring staff understanding on how to lodge concerns and complaints of inappropriate behaviour; and
- providing assurance that when issues or complaints are made, they are dealt with quickly and effectively.

DPS will also assist Comcare in the development and promotion of a National Work Health and Safety (WHS) Management System Audit Tool. DPS’s Work Health and Safety Management System is audited against the SafetyMAP audit tool, and is accredited against the Joint Accreditation System Australia and New Zealand (JAS-ANZ) standards.

DPS aims to model best-practice for other Commonwealth agencies. DPS is the only Commonwealth premium paying agency that has accreditation to JAS-ANZ standards. As a result, Comcare will use the DPS WHS Management System as a case study for distribution to the wider Commonwealth.

**Recommendation 6**—The committee recommends that the Department of Parliamentary Services ensure that all recruitment processes are open, transparent and based on merit.

**Response**

DPS supports this recommendation.

The Parliamentary Service Act 1999 and the Parliamentary Service Determination 2003/2 provide the legislative framework for staff selection and engagement in the Parliamentary Service. This legislative framework is intended to ensure that all selection processes are based on merit, free of patronage, favouritism and discrimination and that the principles of procedural fairness apply.

DPS acknowledges that it needs to strengthen procedures to provide greater confidence that:

- all eligible applicants have a reasonable opportunity to put forward their claims;
- all selection processes are transparent, and seen to be applied fairly to all applicants; and
- the assessment process is able to realistically match the qualities of the applicants to the qualities genuinely required for the job.

To ensure that all recruitment processes are open, transparent and based on merit DPS will review its policies and guidelines in the first half of 2013 so that all participants, including selection committee members, understand their roles and responsibilities. From early 2013, DPS will also introduce a formal process for all members of selection committees to declare perceived and actual conflicts of interest prior to short-listing applications, to ensure the concerns and perceptions of nepotism are addressed.

The DPS Executive will review regular reports on all recruitment actions. This reporting will
include all recruitment statistics and components such as number of applicants for each position, number short listed, panel members, decisions, merit lists, outcomes and any additional information to ensure transparency and accountability for recruitment decisions.

**Recommendation 7**—The committee recommends that the Department of Parliamentary Services ensures that all employees involved in the conduct of selection processes receive adequate training and that a review of recruitment processes and tools be undertaken to ensure that they are relevant and appropriate.

**Response**

DPS supports this recommendation.

A key component of the DPS corporate training agenda is Selection Advisory Committee (SAC) training. This training covers the application of the merit selection and the rigour required when making employment decisions. As stated in response to Recommendation 6, all policies, processes and guidelines relating to selection and employment decisions will be reviewed and communicated to all staff.

DPS will also ensure that only trained staff can participate in a Selection Advisory Committee.

**Recommendation 8**—The committee recommends that the Department of Parliamentary Services investigate the use of systems, including electronic recruitment, to better manage recruitment and ensure efficient processes.

**Response**

DPS supports this recommendation.

DPS notes the benefits of an electronic recruitment system and has commenced work on a comprehensive e-HR project to encompass electronic systems that will not only benefit recruitment processes but also performance management, learning and development and analytic and reporting systems. It is expected this project will automate several HR manual processes to realise working efficiencies and assist staff in workflow processes and decision making.

DPS will complete this action by the end of 2013.

**Recommendation 9**—The committee recommends that the Department of Parliamentary Services approaches the Merit Protection Commissioner to establish independent selection advisory committees for forthcoming recruitment processes.

**Response**

DPS supports this recommendation.

DPS has commenced discussions with the Merit Protection Commissioner (MPC) on possible assistance with forthcoming recruitment processes, and developing strategies to be used across the Department to promote merit-based principles. The MPC provides a service called Independent Selection Advisory Committees (ISAC), which can make recommendations to agencies about the suitability of candidates in recruitment exercises. The ISAC may be used to fill vacancies at the job classification levels of APS 2-6.

The MPC may charge agencies a fee for services provided by the ISAC. DPS will consider using this service, noting that, despite its cost, the Department may realise savings as the ISAC provides an efficient, professional and transparent process at the outset, without the costs of delayed placement decisions resulting from promotion reviews.

The Department will continue to work with the MPC over the coming months with the aim of implementing this recommendation by 30 June 2013.

**Recommendation 10**—The committee recommends that the Department of Parliamentary Services review rates of personal leave in order to identify any underlying causes of the high levels of personal leave taken in the department.

**Response**

DPS supports this recommendation.

Personal leave is an important entitlement for staff. Unplanned personal leave is often needed, not only due to illness, but for caring and other responsibilities. Data does show however, that rates of unplanned leave are above average in DPS.
Absence management is therefore an important issue for DPS to address and the Department acknowledges that high absence levels can often indicate an underlying workplace issue such as motivation, job satisfaction or commitment to organisational goals. DPS recognises that failure to manage and address unplanned absence places other employees under unnecessary pressure. In this context an early focus approach will be undertaken to determine where the 'hot spots' and assist frontline managers with a better practice approach, using clear, fair and well-communicated management methods. These methods may include training for line managers in addressing absenteeism; providing them with tools to record, monitor and analyse their workplace; and assisting them with a consistent prevention and return to work strategy for staff who demonstrate consistent unplanned absenteeism.

For a longer-term management approach, DPS will establish an Absenteeism Review Group comprising staff, managers and union representatives to assess the nature of unplanned staff absences, identify underlying causes and develop measures to bring rates of personal leave to an acceptable level. The DPS Executive will also review regular reports on the management of personal leave, using statistical analysis, benchmarking and trend data. Absenteeism will also continue to be discussed at the Department's quarterly Consultative Forum meetings. DPS will implement measures to address this recommendation by 30 June 2013.

Recommendation 11—The committee recommends that the Department of Parliamentary Services undertake a work health and safety audit within Hansard services to identify any factors contributing to overuse injuries.

Response
DPS supports this recommendation.

DPS has a number of staff in Hansard who have had workplace restrictions for many years. In 2011, there were eight (8) long-term cases in Hansard. As a result, DPS undertook a much more coordinated and proactive approach to assisting staff with workplace injuries, primarily through engagement of an Occupational Physician with expertise in musculoskeletal injuries. The Occupational Physician was invited to visit Hansard to obtain a thorough understanding of Hansard operations, enabling them to make fully informed recommendations regarding treatment and work restrictions of affected staff. This intervention approach has enabled six long term affected staff to successfully return to full time duties, noting that other two staff members are making sound progress to recovery.

As part of the Department's enhanced focus on proactively supporting staff, in September 2012, it engaged SRC Solutions to undertake a risk assessment of the Hansard work environment. SRC Solutions reported in late 2012 and found that:

- the risk of Occupational Overuse Syndrome, or other musculoskeletal disorders resulting from the work performed by Hansard staff, was assessed as being at a low-moderate level;
- the results are broadly consistent with the injury risk associated with the use of Windows based applications in other office environments; and
- DPS has control measures in place to address this risk.

The Report also made several recommendations in relation to work practices and workload; use of technology; physical working environment; occupational overuse syndrome and pre-employment screening for staff. Implementation of the Report's recommendations began in January 2013.

Notwithstanding this recent work, given the SRC Solutions report, ongoing concerns about WHS raised by Hansard staff and broader workplace development opportunities, DPS will conduct a full review of Hansard in 2013. While the terms of reference for the review are yet to be finalised, it will include examining how improvements in the use of technology, staffing roles and structures, managing variations in workload and training could contribute to a more healthy, effective and efficient workplace.
Heritage management of Parliament House

General comment
The Committee has highlighted serious issues with DPS processes for the management of assets at Parliament House. These include the maintenance of design intent, the adequacy of engagement with the original architects, the governance framework through which changes to the building are made, the transparency of decisions and the involvement of the Parliament in certain decisions. DPS accepts that major changes are required to address these issues.

DPS is committed to developing a clear vision for the preservation of the building that will remain relevant for decades to come. The way forward will include new arrangements for genuine consultation with the moral rights holders, the development of a Conservation Management Plan with the assistance of an expert advisory committee, improved project management, strengthen governance and the creation of specialist senior positions to drive revised processes for the management of heritage.

Recommendation 12—The committee recommends that the Presiding Officers arrange for the installation of a plaque within the building’s 25th anniversary, commemorating the contribution made by Mr Romaldo Giurgola, as well as all those who worked on the planning, design and construction of Parliament House.

Response
DPS supports this recommendation.

Arrangements are currently underway for a plaque to commemorate the contribution of the original architects and those who worked on the planning, design and construction of Parliament House. It is anticipated that the plaque will be placed in a prominent position within the Parliamentary Precincts during a special ceremony in mid-2013, the year of the 25th anniversary of the opening of Parliament House.

Recommendation 13—The committee recommends that the Presiding Officers table in both Houses, on a biennial basis, a report devoted specifically to the building and its contents including information on the condition of the building and its contents, costs of upkeep of the building, heritage concerns and any other related matter so as to fully inform the Parliament and the public about the building.

Response
DPS supports this recommendation.

DPS acknowledges the concerns of the Committee about the completeness, accuracy and transparency of information it provides, in addition to its overall capacity to effectively manage the building. It is important that the Parliament and the Australian public are provided with full and frank information about the condition of Parliament House as one of the most iconic working and public buildings in the country. Current planning and reporting practices do not provide an adequate basis from which to assess the ongoing needs of the building and its contents.

DPS recognises the important custodial role it plays in maintaining this complex national building and its contents and commits to better performing this role into the future through improved organisational capabilities, benchmarking, medium and long term planning and reporting.

In its evidence to the Inquiry in October 2012, DPS committed to reviewing the current methodology through which the condition of the building is assessed—the Building Condition Index (BCI) and the Engineering Services Condition Index (ESCI). This will be undertaken in 2013 and will assist DPS to develop an appropriately detailed Strategic Asset Management Plan through which accurate and costed strategies for maintaining the building and its contents can be developed and published.

As recommended, DPS will report to the Parliament through the Presiding Officers on matters relating to the building and its contents, including the costs of upkeep and operations and associated heritage issues. It is envisaged that this will require a staged development, commencing with the review of BCI and ESCI methodology prior to a full condition audit in 2013-14. The Department will simultaneously improve its business case, costing and project management...
capabilities to ensure that the findings of the condition audit can be accurately costed for budget purposes.

**Maintenance and project management**

**General comment**

The Committee has raised concerns about the adequacy of project planning, the availability of in-house technical expertise, and the implementation of projects by DPS. Of particular concern is the lack of specialist departmental staff to provide advice in technical areas and undertake appropriate maintenance work within the building. Currently, DPS has panel arrangements for the supply of some technical specialist services such as engineering expertise. Other skill sets are supplied by in-house staff. It is timely to review the existing skill set and to determine the appropriate range of expertise needed to maintain and upgrade the building.

Related to this, in late 2012 DPS commissioned a high-level review of the Asset and Capital Management Framework in order to streamline and provide a higher level of reporting and management of the Capital Management process within DPS. Implementation of some of the recommendations will directly impact on project management and will improve the project request approval process, transparency of projects and accuracy of reports. Internal changes to organisation structures within DPS are underway to improve project governance, consistency of approach and project controls.

**Recommendation 14**—The committee recommends that the Department of Parliamentary Services undertake capability reviews in relation to design integrity, project management and technical areas including fire safety and engineering services.

**Response**

DPS supports this recommendation.

The Department will commission focused capability reviews in the areas of design integrity, project management and technical services, including fire safety and engineering, in the first half of 2013.

These reviews will identify the skills and qualifications of current staff and match those against identified corporate needs. This will be followed by a training and recruitment strategy to fill any internal gaps as well as inform DPS' approach to contracted services in specialist asset management areas.

**Recommendation 15**—The committee recommends that the Department of Parliamentary Services undertake an audit of fire safety in Parliament House and consider reviewing the standard of building documentation.

**Response**

DPS supports this recommendation.

Since July 2010, DPS has commissioned three investigations by specialist engineers into different aspects of fire safety systems including replacement of the fire indicator panels, fire sensors replacement, and fire penetrations audit and rectification. This has resulted in a program of works to upgrade and replace old and ageing infrastructure and systems, and expected changes to operational procedures. It is anticipated that all priority work will be completed by September 2014, with the remainder of the current program to be completed by June 2015.

Over time, the fire code and the Building Code of Australia change and the obligations of building owners can also vary. While accepting this recommendation, in light of the recent investigations and the program of works, DPS proposes that the recommended fire safety audit be carried out at the conclusion of the current program of works. In the intervening period, DPS will conduct its skills audit and related work to ensure it has the appropriate expertise in this important area.

Building documentation is a vital element of DPS responsibilities. Document management protocols are maintained in accordance with the National Archives of Australia (NAA) guidelines and the NAA DPS disposal authority.

In 2012, the current documentation/drawing management system, which was specifically developed for the Joint House Department, was reviewed for its ability to continue to provide an efficient service. The review identified a number of deficiencies, primarily due to interoperability with legacy systems and productivity.
improvements which are now available with newer software packages.

A scope for the technical documentation management system upgrade will be developed by June 2013, with the aim to commence the upgrade in the 2013-14 financial year.

Documentation relating to the building and infrastructure services must be maintained for the 200 year building life. DPS has a procedure for processing updates to the technical drawings and the technical documentation library, whenever there are changes made to the building. In summary, drawings and other technical documentation are reviewed to ensure that the information accurately reflects work completed and all changes are tracked through the documentation management system to update the master plans for the building. The process is required to ensure that the history of changes to the building are recorded, and maintained in accordance with the National Archives of Australian (NAA) guidelines and the NAA DPS disposal authority.

Recommendation 16—The committee recommends that the Department of Parliamentary Services provide more accurate, meaningful and transparent information, including information about costs and construction projects undertaken in Parliament House, in its annual report.

Response
DPS supports this recommendation.

A comprehensive review of the form and content of the Annual Report will be undertaken, including specific consideration of issues raised by the Committee including:

- the requirement for a 'clear read' between the report and the Portfolio Budget Statements;
- consideration of other formats/forums for reporting information to the Parliament and the public, and how they might complement information provided in the annual report;
- the use of existing governance and reporting mechanisms, such as the Library Committee, the Joint House Committee and the Parliamentary ICT Advisory Board, to report information that is less suitable for an annual report; and
- the need for timely, accurate and useful trend data.

A full review of the DPS Key Performance Indicators has also commenced. It is acknowledged that the number of performance measures reported in the Portfolio Budget Statements and Annual Report is too great and many existing indicators do not facilitate useful analysis. The anticipated outcomes of the review are:

- a reduction in both the number and detail of performance indicators listed in the PBS—detailed information will still be collected and used for management decisions, but only included in the annual report when required as supporting data;
- a better focus on the Department's core business, including building maintenance and construction projects;
- a set of KPIs that accurately and effectively show performance against the new DPS corporate plan objectives;
- the creation of data sets that report outcomes and outputs rather than just activities; and
- data that can be reported consistently to allow both benchmarking and comparative annual performance to be assessed.

Both reviews are related and will be conducted during the first quarter of 2013.

Asset management
General comment
While the Committee has noted some improvement in DPS's disposal procedures since the commencement of its Inquiry, it has also expressed concern that improvements will not be realised unless there is a continued focus on what constitutes possible heritage or cultural value. The Committee also highlights that DPS is a steward of assets on behalf of the Parliament and the Australian people.

In line with these concerns, DPS commits to developing a plan, in consultation with the other Parliamentary Departments, for coordinated procedures and ongoing training and awareness
raising in relation to the management of items with possible heritage or cultural value.

**Recommendation 17** - The committee recommends that the Department of Parliamentary Services undertake a full audit of the Parliament House status A and B furniture with particular regard to condition, conservation measures, use of furniture, and past disposal practices.

**Response**

DPS supports this recommendation.

DPS owns and is responsible for all status A furniture. However, existing arrangements for category B furniture are complex. DPS does not own or control a significant portion of the status B furniture. Broadly, DPS owns and looks after all status B furniture in general circulation areas and in the Ministerial Wing. The Chamber Departments own and are responsible for the status B furniture in their respective locations/departments. While all status A and B furniture is maintained by DPS, the Chamber Departments are responsible for refurbishment and disposal of their respective status B furniture. Over the course of a year DPS carries out inspections of all status A and B furniture and provides advice to the Chamber Departments in relation to the refurbishment of their respective status B furniture.

DPS will work with the other Parliamentary Departments to undertake a full audit of the Parliament House status A and B furniture with particular regard to condition, conservation measures, use of furniture and past disposal practices. This audit will be completed by the end of 2013. DPS will also seek the agreement of the Chamber Departments to consolidate this information into one system to end duplication and minimise any risk that effective management controls are compromised.

**Contract management**

**General comment**

The Committee raised numerous concerns regarding DPS’ contract negotiation and implementation practices. The Department agrees that this is a priority area for action. DPS is dedicated to improving the delivery of its services to clients. An important part of the service delivery framework is the use of contractors. Robust procurement and contract management processes are therefore vital to ensuring DPS meets its obligations to clients, and to ensure that it delivers value for money services within the Commonwealth procurement environment. DPS agrees that there are steps that can be taken to enhance its contract management capability to better manage current contractual arrangements and ensure that all future contracts entered into are sound and managed effectively.

**Recommendation 18** - The committee recommends that the Department of Parliamentary Services ensures that all staff involved in contract development and management have relevant skills and receive appropriate training where necessary.

**Response**

DPS supports this recommendation.

As stated in response to **Recommendation 14**, DPS will conduct a skills audit in the first half of 2013 to identify the capability of officers currently in contract management roles. Where gaps are identified, staff will be provided with appropriate training to improve their contract management skills, including training by the Department of Finance and Deregulation, and nationally recognised training at the Certificate IV, Diploma or Advanced Diploma level as applicable. DPS will also ensure that in its recruitment process for positions relating to contract development and management that applicants demonstrate their experience and qualifications in this area.

**Recommendation 19** - The committee recommends that the Department of Parliamentary Services review the way in which it develops and manages contracts.

**Response**

DPS supports this recommendation.

DPS will undertake a review of its procurement and contract framework in 2013 to ensure it is contemporary, robust and meets Commonwealth requirements and identified best practice. This will include a comprehensive review of all relevant documentation, including templates, procedures, processes and other resources to ensure that DPS is aligned with the most recent
developments in procurement and contract management.

As part of the review, the Department will consider where its internal resources need to be complemented by external assistance, including legal assistance, contract negotiation expertise, and other subject matter experts. Where appropriate, DPS will consult the Department of Finance and Deregulation and the Auditor-General and engage external providers to assist in the review, to be completed by the end of 2013.

**Recommendation 20** - The committee recommends that the Department of Parliamentary Services consider approaching the Auditor-General to undertake an audit by arrangement of DPS contract development and management.

**Response**

DPS will undertake the steps identified by the Committee and its response to Recommendations 19 and 20 to immediately improve its contract development and management capability. While this work is underway, DPS will approach the Auditor-General to seek his views on the best way to undertake an evaluation of DPS contract development and management, including a potential timetable for the evaluation.

**Security arrangements**

**General comment**

The Committee expressed concerns around aspects of DPS management of physical security enhancements, as well as security staffing and rosters. DPS is committed to providing professional security services to the Parliament that appropriately balance the design integrity requirements of the building and recognise the importance of facilitating legitimate public and business access. As noted by the Committee, further attention is required on the planning and implementation of physical security projects. This will be achieved through measures outlined in the response to the recommendations on project management, contract management and staff capability. In January 2013 DPS advertised the new position of Assistant Secretary, Security. This will enable the important function of security to be overseen by a senior manager dedicated to the area.

**Recommendation 21** - The committee recommends that the Security Management Board review the criteria for the issue of photographic security passes for Parliament House.

**Response**

DPS supports this recommendation.

This issue was also canvassed in the independent review of the 23 August 2012 security breach, along with a recommended review of the criteria for issuing 'unaccompanied' paper passes. As Chair of the Security Management Board, the Secretary, DPS will seek its support in early 2013 for a broad-ranging review including examining all categories of passholders and passholder privileges, based on an assessment of the risk of unrestricted access, to ensure that the number and type of active passes reflects business requirements for access to private areas.

A short term response will include a revision of *Operating Policy and Procedure No. 10.10 Parliament House Passes* with particular reference to categories of passholders, vetting requirements, access privileges and duration of passes. Longer term implementation may include options for restricting access within the private areas of Parliament House using electronic access.

The initial policy revision is expected to be completed by mid-2013, with implementation at the commencement of the 44th Parliament.

**ICT issues**

**General comment**

The Committee canvassed ICT issues broadly while recognising that implementation of the recommendations arising from the Roche Review will result in significant change to the way in which ICT services are planned, and provided to, all users of the Parliamentary Computing Network and occupants of Parliament House.

The ICT governance arrangements recommended by Mr Roche have been adopted as follows:

- the Parliamentary ICT Advisory Board (PICTAB) has been established, with its first meeting held in December 2012;
- the Departmental Staff User Group had its first meeting in November 2012;
• the Parliamentarians User Group’s first meeting is scheduled for mid-February 2013;
• membership is being finalised for the Parliament Staff User Group; and
• the new position of CIO was created and filled from 22 October 2012.

Work has also commenced on establishing a One-Stop-Shop, to be fully operational for the commencement of the 44th Parliament following the 2013 general election. Development of the parliament-wide strategic plan has commenced. At its first meeting PICTAB agreed in principle to a set of strategic themes around which the plan will be finalised in 2013.

The relationship between the Security Management Board (SMB) and PICTAB has been agreed such that SMB will oversee the detail of ICT Security policy implementation and PICTAB will take more of a strategic view looking at overall trends in ICT security. Recruitment of an ICT security advisor will commence in early 2013 to remove DPS’ current dependence on contractor support.

Recommendation 22 - The committee recommends that, as a matter of priority, arrangements should be completed for the transfer of responsibility for mobile and multifunction devices to the Department of Parliamentary Services.

Response

DPS supports this recommendation.

DPS and Department of Finance and Deregulation (Finance) are currently working on transferring the responsibility for multifunction and mobile devices such as Blackberries. The Special Minister of State has asked Finance to (legislatively) change the entitlement to agnostic technology prior to the transfer to DPS. Once this is done and the Presiding Officers have accountability for the determination to approve purchases, the costs of those items and usage will become DPS’ accountability.

Budget considerations

General comment

While noting poor management of resources by DPS in the past, the Committee expressed concern at the continued imposition of the efficiency dividend on the Department at a time when the Parliamentary workload has increased. At particular risk is the ability to fund adequate maintenance for the building and maintain service levels to the Parliament in the face of rising demand and increasing salaries and fixed costs.

DPS is committed to managing within its budget and working within Government Budget rules in seeking to meet rising costs. Following a funding decrease as a consequence of amalgamation, the operational appropriation for DPS for 2012-13 (of $101 million) has returned to about the same level as that of the combined appropriations of its three predecessor departments in 2003-04. DPS has suffered a decline in its purchasing power as CPI has continued to grow over the same period. For 2012–13, DPS has to find $4.6 million in savings as follows:

• $1.6 million for the 1.5% efficiency dividend;
• $2.6 million for the 2.5% "one off" efficiency dividend, and
• $0.4 million for the Mid-year Economic and Fiscal Outlook (MYEFO) efficiencies.

Key sources of cost pressure for 2012–13 are increases to staff salaries based on the Enterprise Agreement, rising energy costs, increased Comcare premium, conduct and implementation of external reviews (such as the Roche ICT review) and various HR costs including redundancies not budgeted for.

DPS is reviewing all elements of its budget from both an expenditure and revenue perspective to ensure it is operating as efficiently as possible. This analysis will be overlaid with robust cost projections in order to accurately determine the ongoing capital and recurrent funding needs of DPS so that it can fulfil its obligation to support the operation of Parliament and its management of an iconic public building.

Recommendation 23 - The Committee recommends that the Commonwealth exempt the Department of Parliamentary Services from any future one-off, additional efficiency dividends.

Response

While this recommendation is for the Government to respond, DPS supports in-
principle, the examination of alternative funding models such as those canvassed in the Report. Furthermore, given the important visitor role undertaken by DPS on behalf of the Parliament that is comparable to that of Cultural Institutions exempt from the efficiency dividend, DPS also supports its exemption of from the efficiency dividend. It is noted that DPS does not have the flexibility that exists within large government agencies to absorb efficiency dividends. Finally, given its core role to support Parliament, DPS should be treated in the same way to the Chamber Departments which have been made exempt from the additional efficiency dividend.

Tabling

The ACTING DEPUTY PRESIDENT (Senator Stephens) (16:14): On behalf of the President, I present Work of Committees for the period 1 July to 31 December 2012.

Ordered that the document be printed.

BUDGET

Proposed Additional Expenditure

Senator KIM CARR (Victoria—Minister for Human Services) (16:14): I table the following documents:

Particulars of proposed additional expenditure in respect of the year ending on 30 June 2013 [Appropriation Bill (No. 3) 2012-2013].

Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2013 [Appropriation Bill (No. 4) 2012-2013].

I seek leave to move a motion in relation to the documents.

Leave granted.

Senator KIM CARR: I move:

That:

(a) the documents I have just tabled, together with the final budget outcome 2011-12 and the Issues from the advances provided under the annual Appropriation Acts for 2011-12, be referred to committees for examination and report; and

(b) consideration of the Issues from the advances provided under the annual Appropriation Acts in committee of the whole be made an order of the day for the day on which committees report on their examination of the additional estimates.

Question agreed to.

Portfolio Additional Estimates Statements

Senator KIM CARR (Victoria—Minister for Human Services) (16:15): I also table the portfolio additional estimates statements 2012-13 in accordance with the list circulated in the chamber.

The list read as follows—

Agriculture, Fisheries and Forestry.
Attorney-General.
Broadband, Communications and the Digital Economy.
Climate Change and Energy Efficiency.
Defence.
Department of Veterans' Affairs.
Education, Employment and Workplace Relations.
Families, Housing, Community Services and Indigenous Affairs.
Finance and Deregulation.
Foreign Affairs and Trade.
Health and Ageing.
Human Services.
Immigration and Citizenship.
Industry, Innovation, Science, Research and Tertiary Education.
Infrastructure and Transport.
Regional Australia, Local Government, Arts and Sport.
Resources, Energy and Tourism.
Sustainability, Environment, Water, Population and Communities.
Treasury.

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.

**COMMITTEES**

**Membership**

The ACTING DEPUTY PRESIDENT (Senator Stephens) (16:16): Order! The President has received letters from party leaders requesting changes in the membership of committees.

Senator KIM CARR (Victoria—Minister for Human Services) (16:16): I move:

That senators be discharged from and appointed to committees as follows:

**Community Affairs Legislation and References Committees**—

Appointed—Participating member: Senator Evans

**Economics Legislation and References Committees**—

Appointed—Participating member: Senator Evans

**Education, Employment and Workplace Relations Legislation and References Committees**—

Appointed—Participating member: Senator Evans

**Environment and Communications Legislation and References Committees**—

Appointed—Participating member: Senator Evans

**Finance and Public Administration Legislation and References Committees**—

Appointed—Participating member: Senator Evans

**Foreign Affairs, Defence and Trade Legislation and References Committees**—

Appointed—

Substitute member: Senator Kroger to replace Senator Eggleston for the consideration of the 2012-13 additional estimates on 13 February and 14 February 2013

Participating member: Senator Evans

**Legal and Constitutional Affairs Legislation and References Committees**—

Appointed—Participating member: Senator Evans

**Regulations and Ordinances—Standing Committee**—

Discharged—Senator Cash

Appointed—Senator Sinodinos

**Rural and Regional Affairs and Transport Legislation and References Committees**—

Appointed—Participating member: Senator Evans.

Question agreed to.

**MOTIONS**

**Gillard Government**

Senator CORMANN (Western Australia) (16:17): I move the motion standing in Senator Fifield's name:

That the Senate notes the failure of the Gillard Government to live within its means or to develop a coherent fiscal strategy.

The Labor Party in government does not know how to manage money. They manifestly do not know how to live within their means. In their first four budgets they spent $172 billion more than they raised in revenue, and of course this year was supposed to be the year—the first time since 1989 that a Labor government was going to deliver a surplus budget. But sure enough, in the shadow of Christmas, while the Treasurer was hoping that Australians were distracted and starting to focus on some Christmas cheer and end-of-year celebrations, he snuck out there and gave a press conference, and finally fessed up to what everyone across Australia already knew: that this government would not be delivering a surplus in 2012-13 either.

This Labor government does not know how to manage money. This Labor government does not know how to live
within its means. This is a government that spends too much, which is why they are always casting around for more cash, which is why they are always looking for more new Labor Party taxes, which is why we are, yet again, talking about increased taxes on people's superannuation savings.

The government will say, 'Well, we've got very difficult circumstances.' And, yes, there was a global financial crisis. However, you have to look at our circumstances here in Australia. Firstly, the Labor government in 2007 inherited a very strong budget position: no government net debt; $70 billion worth of Commonwealth net assets; a $20 billion surplus. And of course we are here, in the Asia-Pacific—a very strongly growing part of the world. Australia, in the first four years of this Labor government benefited from the best terms of trade in 140 years, and if you look at other resource based economies around the world, they have all been delivering surplus budgets, and they are all in a much stronger fiscal position than Australia under the administration of both the Rudd and Gillard governments.

Not only did they inherit a strong budget position, with no government debt, a $20 billion surplus and $70 billion worth of Commonwealth net assets; not only did they benefit from the best terms of trade in 140 years, because we are a resource based economy and because we are in the Asia-Pacific right at the heart of the rapidly-growing part of the world; they also imposed 27 new or increased Labor Party taxes—27 new or increased Labor Party taxes, so far.

You would remember, Madam Acting Deputy President Stephens, that last week the Prime Minister gave a speech to the National Press Club and in her speech there was no coherent economic strategy on how to grow Australia's economy more strongly—nothing! There were only two things in the Prime Minister's speech: an election date of 14 September, and an assertion that somehow the Australian people are not paying enough tax. It was a clear threat, because of course the problem that the Prime Minister has, and the problem that the Treasurer has, is that not only has Labor spent $172 billion more than they have raised in revenue in their first four years, they have already made $120 billion in unfunded election commitments.

So here we have it: we have a government that has spent too much. We have a government that is always desperate for more cash—always casting around for another tax grab. Yet it is still not enough. They still have not been able to balance the books, and they have made so many additional promises that they need more cash. So here we have the Prime Minister letting the cat out of the bag at the same time as she is announcing the election date. In the next budget, the Prime Minister says, there will be some tough decisions—some tough decisions, the Prime Minister says! We, of course, know that 'tough decisions' from a Labor Prime Minister like Ms Gillard is code for more Labor taxes.

Over the last two or three weeks, spin doctors out of the Treasurer's office and out of Mr Shorten's office have been busily backgrounding the press gallery trying to make the case that somehow there ought to be increased taxes on people's superannuation savings. That is not quite the way they put it. The way the Labor Party put it when they want come up with a new tax is that they essentially go out there and try to demonise a group of Australians that they are about to hit with a new tax. Usually the words they use are, 'There are some rich people out there that are taking advantage of some perks that they do not deserve.' That is their modus operandi. Remember we had the luxury car tax in their first budget, and the
Treasurer went out and said: ‘This is a tax on the rich. This is a tax on Australia’s Maserati drivers. This is a tax on Australia’s Ferrari drivers. Don’t you worry, aspirational middle class; this will not be a tax that you will have to pay.’ But guess what! Over the last four years, who has paid most of the revenue that came from those increased luxury car taxes?

**Senator Fifield:** Who?

**Senator CORMANN:** It is families across Australia buying a new family station wagon or the like, because this government might have a political strategy to demonise the supposedly rich—because that is what they want to do for their political purposes—but, when it comes down to it, their tax increases invariably hurt low- and middle-income earners. And so it is now with superannuation. People out of Mr Shorten’s office and the Treasurer’s office have been out there busily trying to make the case that there are all these rich Australians who are taking advantage—quasi-avoiding tax, quasi-dodging tax—of tax concessions that are available to those Australians who are doing the right thing by saving to achieve a self-funded retirement.

That is what we have had. Of course, the first thing the government were looking at—and spin doctors out at Mr Shorten’s office and the Treasurer’s office were quite up-front about it as they were backgrounding off the record—was taxing super payment for over-60s if those payments were taken as a lump sum in the range of $800,000 to $1 million. The Prime Minister was shamed into ruling that out, because she could see that the outcry across Australia from people who have been doing the right thing was so significant. Even Labor people—even people like former Senator Nick Sherry, a highly reputable contributor to the superannuation policy debate over a very long time—started to attack this government for the tax grabs that they were considering, and the Prime Minister was shame into ruling that particular tax grab out. But that will not stop them from going down the list of all of their other increased tax options that they are currently considering. They are looking at taking more money away from super savers by fiddling with the transition to retirement arrangements. They are looking at lowering concessional contribution caps even further.

A Labor government that looks at doing these sorts of things to Australians doing the right thing by saving for their own retirement should at least be across the facts. Today I asked the leader of the Labor Party in the Senate—the Prime Minister’s representative in the Senate, the Leader of the Government in the Senate—whether he was aware how much tax people saving for their retirement pay on any contribution to superannuation above $25,000 a year—and you know what? The minister did not know; Senator Conroy did not know. You would think that a government that was considering whacking on another tax would at least know the facts, because when we talk about concessional contribution caps—when we talk about the 15 per cent tax rate that applies to those Australians who make contributions of up to $25,000 a year—that is not a perk. People that are saving $25,000 are not rich people. That 15 per cent tax rate is an incentive to encourage people to save more now, to lock their money away for 20, 30 or 40 years until they retire so that it is available for them in retirement, along with the earnings on those funds invested.

The government has already reduced those concessional contribution caps from $50,000 and $100,000 down to $25,000 because it is desperate for more cash. It wanted people who were saving more voluntarily to superannuation to pay more tax. That is what this is all about. It wants Australians saving for their retirement to pay
the price for its wasteful spending because it cannot balance the books, because it cannot live within its means, because it has had $172 billion of accumulated deficits and because it has already got $120 billion in additional unfunded spending commitments—it has to go after savers across Australia and put its hands into their pockets and try to get some more out of it. There is this $1.34 trillion pot of money. There are $1.34 trillion worth of super savings invested in superannuation and the Labor Party thinks, 'We want a bigger share of it.' Why? Because this Labor Party in government does not know how to manage money, because it does not know how to live within its means and because it has failed to develop a coherent fiscal strategy.

But there is more. Not only has this Labor government considered imposing a tax on super payments for the over-60s, not only is it looking at taking more money away from super savers by fiddling with the transition to retirement arrangements, not only is it looking at lowering the concessional contribution caps even further; I put it to you that the government right now is looking at scrapping the government superannuation co-contribution for low-income earners completely. Even though the Labor Party promised before the 2007 election that they would make no change to superannuation, over the last five years the Treasurer, Mr Swan, has cut government super co-contribution benefits for low-income earners by more than $3.3 billion—and if anyone is interested in the detail, I have a printout here listing all the measures in budget after budget, in Mid-Year Economic and Fiscal Outlook after Mid-Year Economic and Fiscal Outlook. I repeat, this Labor government has cut government super co-contribution benefits for low-income earners by more than $3.3 billion—so far. And I have absolutely no doubt that people in Mr Shorten's office and people in the Treasurer's office are looking at this yet again to make further cuts.

The other thing that I am led to believe Mr Shorten and the Treasurer are looking at is to lower the threshold from which the increased 30 per cent contributions tax would apply. That is the measure that was in the last budget, when the government said they would impose a 30 per cent tax on contributions for anyone earning more than $300,000. By the way, that was supposed to come into effect on 1 July 2012. We have not seen any legislation yet because the government is too incompetent even to process their tax grabs through this parliament. Do you know why? Because they have not found a way yet to sort out the implications for politicians and public servants. They are embarrassed that they are imposing one rule on Australians out there while living with another rule for themselves. They are quite quick at imposing additional taxes and cutting benefits for low-income earners, for the middle class. They are not quite as quick when it comes to imposing additional hardship on themselves.

The other thing I am absolutely convinced about is that, whatever Labor say before the election, after the next election a re-elected Labor government would scrap the low-income super tax offset because Labor cannot afford it. Whatever their rhetoric before an election, they do the opposite, every time, after the election. Remember this promise in 2007: 'We won't make any change to superannuation'. In successive budgets the Treasurer cut concessional contribution caps, pushing up the tax that people who save more have to pay. They cut the super co-contribution benefits for low-income earners by more than $3 billion. In total, they have imposed more than $8 billion in additional taxes on those Australians doing the right thing by saving for their
retirement—Australians doing the right thing by trying to get themselves into a position where they can look after their own retirement needs rather than being a burden on the public purse. We know that there is more to come because all of those tax grabs in the past were not enough.

The reason Labor will have to scrap the low-income super tax offset if re-elected is because they have attached it to the minerals resource rent tax—and what a fiasco that was. Only a Labor Treasurer can come up with a complex new tax targeting an important industry for our nation which hardly raises any revenue at all. In fact, only the Labor Party can come up with a complex new tax targeting an important industry for Australia which leaves the budget worse off. Right now, the government has spent more on administering the minerals resource rent tax than what the tax has raised in revenue. It is just a complete joke, a complete fiasco. Yes Minister gave us the hospital without patients. Slim Dusty gave us the pub with no beer. And Mr Swan gave us the shrinking, secret, mining tax with no revenue. How incompetent do you have to be? No wonder this government cannot live within its means. No wonder this government is all over the place when it comes to its fiscal and economic strategy.

The mining tax is a complex, distorting, highly inefficient, costly to administer, costly to comply with tax which hardly raises any revenue at all. The government have already spent all of the money they thought it would raise, and more. And guess what? Everyone in the Labor Party is so embarrassed about what a mess Mr Swan has made of the mining tax that they are scrambling around wanting to cover up the costly consequences of his incompetence. He came up with a complex new tax, the ATO is spending more than $50 million to administer it so far and the smaller miners are spending more than $20 million complying with it so far to prove that they actually do not have to pay it. It has raised hardly any revenue at all, certainly no meaningful revenue, and the three biggest miners who signed the deal with the government have not paid any mining tax at all.

Clearly, everyone from the Prime Minister down in the Labor Party is severely embarrassed. So what do they do when people ask: how much revenue have you raised? They duck for cover. Do you know what they tell us? They say: 'We're not allowed to know how much it is because it is secret. If we told you how much revenue this tax had raised, somebody would have to go to jail.' That is the advice that was tabled by the government earlier today. If somebody from the ATO told the Treasurer how much his failed mining tax had raised, that tax officer would have to go to jail. How ridiculous is that? A government that comes up with a new tax, makes predictions on how much it is going to raise and spends all the money they think it is going to raise should be accountable for whether or not it has raised what they predicted it would at budget time. That is basic common sense. That is basic accountability of the executive government to the parliament—but not for this government. They say, 'You're not entitled to this, this is secret.'

I say again: this is a government that has made a complete mess of things from the Prime Minister down, but I would say the weak link in particular is the Treasurer. It was the Treasurer that stuffed up the initial mining tax. It was the Treasurer that stuffed up the second version of the mining tax. I have to say if I was Mr Rudd I would be rather upset because it was Mr Swan who made a mess of the mining tax and it was Mr Rudd who got the sack. It was Mr Swan who stuffed up the mining tax and, while Mr Rudd got the sack, he got a promotion. This
government has made a complete mess of things. This Treasurer has made a complete mess of our budget, he has made a complete mess of the mining tax, and if he had any decency he would resign.

Senator MARK BISHOP (Western Australia) (16:37): What a great pleasure. What a joy to be asked to participate in this debate. What a great pleasure it is to stand here and reflect upon the record of this government in terms of economic management and fiscal rectitude over the last five years. I cannot believe I was so fortunate as to be contacted by the Whip's office and asked to make a contribution. It is almost delight on a stick to be able to reflect upon the solid work and the great set of achievements seriatim, which I will refer to in due course, of this government and by this government for the last five years.

Before I go to my remarks, speaking in the context of delight upon a stick, let us refer to the motion at the outset before the chair, which says: 'The failure of the Gillard government to live within its means or to develop a coherent fiscal strategy.' For those in the public gallery, this is not a new motion. Senator Fifield, sitting over there on the front benches of the opposition, brings this motion to the chamber about every 18 months and, indeed, Senator Fifield brought it last September. So we have had five quarters of economic statistics since the last time Senator Fifield brought an almost identical motion to the chair. Do you know what, Madam Acting Deputy President? On every set of economic statistics, every indicator in the last five quarters, whether it be inflation, interest rates, employment growth, unemployment levels or overall growth, the set of statistics for last five quarters are better, and better than they were when Senator Fifield brought the motion before us last September. We are happy to have a re-run of this debate. We are very happy—in fact, we are delighted to run up the attack flag and, one by one, rebut the assertions outlined by Senator Cormann and the other assertions undoubtedly to be put forward by other contributors from the opposition.

At the outset, the government says, 'We are proud of our economic record, proud of our economic achievements and proud of all the key economic indicators that are published every quarter or every six months in this country.' I do not say that with any sense or sentiment of arrogance or hubris. I simply say it with quiet, contemplative pride. We say that a whole set of economic indicators and standard reflections are a reflection themselves of the government's sound fiscal strategy, restrained government spending and discipline in achieving taxation aggregates measuring no more than 23½ per cent of GDP over the life of this government. We say in terms of those sound economic indicators that we are proud.

Madam Acting Deputy President, I hear you think out loud, 'What are those key economic indicators that Senator Bishop is referring to?' Let me go through them one by one, and I will do it slowly for all the slow learners in the opposition. One by one we will go through each of those indicators. Let us look at the growth rate, the unemployment figures and the inflation outcomes. Let us look in detail at current interest rates for homes, families and business, and, more importantly, let us look at the investment figures, actual and proposed, of a capital nature into businesses in this country. Let us say, right at the outset, that that set of indicators can lead to only one conclusion, and that is an impressive record of outperformance in economic management by this government, by this Treasurer and by this fiscal team.
What are the indicators? What do the figures independently show? What are the objective figures released by Treasury and the Reserve Bank? What are the figures referred to every week and every fortnight in the press? Firstly, it is growth. Our economy grew solidly in the September quarter—half a per cent—with growth around trend for the last 12 months of 3.1 per cent. No mean achievement. Three per cent growth every year means rising living standards. Compare that with the United States, Western Europe and most of the rest of the world. 3.1 per cent growth.

The second key economic indicator statistic to look at are levels of inflation. It is simple to say inflation remains well contained at 2.2 per cent for the calendar year to December 2012—minuscule, in the scheme of things, with the trend line down, continuum down, no suggestion of an upbeat and no suggestion of an increase. A remarkable achievement, and something we are proud to have achieved, proud to reflect upon and proud to yell out from the rooftops.

What is the third indicator that has some bearing in this debate by which you can make an objective assessment of the performance of the economy and how well or otherwise it has been administered by this government? It is the most important thing to every working Australian, to every person who has employment, to every member of every family who has a job and to businesses that employ hundreds of thousands and millions of Australians. What is the unemployment rate in this country? It remains low at 5.4 per cent. It must be said it is one of the lowest in the industrialised world at 5.4 per cent. It is the lowest in all of the OECD countries, better than all of Western Europe's, better than all of Central Europe's, better than that for all parts of the United States—5.4 per cent and going down, a remarkable achievement that so many Australians have been in work, continue in work and will continue in work going forward. So 5.4 per cent is a wonderful outcome and a great statistic.

So a 5.4 per cent unemployment rate is good now but it can be improved as we go forward. So what do we think is going to happen as we go forward? We know the answer to that. If we look at the capital investment figures, actual and projected, we see there is a direct link between growth in capital investment into new enterprise and infrastructure with consequent growth in employment across the board.

So what do we have in terms of committed, actual and projected investment going into this country over the forward 12 months? What we have again is another stunning figure, another wonderful outcome. We have a huge pipeline of investment of $270 billion in resources which will provide a huge boost to export income and to earnings for years and years and years. I could not remember a more upbeat report on the consequences of that huge pipeline of investment than was given to us at the last two rounds of Senate economics estimates when the Governor of the Reserve Bank and the Secretary of the Treasury in turn were asked to reflect upon the level of investment, the changing nature of that investment and the consequences. They were asked those questions not by me as chair or by government senators; they were asked those questions by a series of opposition senators, including, I think from memory, Senator Cormann. What those two highly respected officials said was this: that the nature of investment is changing, that it has gone from being finance led with the building of plants and mines and roads and ports and the like, and that we are now going to the most important stage as to all those ports, roads, mines, dams and all of the other stuff—all throughout Western Australia, Queensland,
parts of New South Wales, South Australia and the NT—as we are shifting from the preparatory stage to the production stage. So heaps of mines are built, heaps of roads are built, heaps of railways are built, heaps of ships are there waiting to be loaded and we go into production—and when you go into production you increase your labour, you increase your output, you increase your income and companies increase their earnings. They said, believe it or not, that growth in production is going to continue for the next eight to 15 years—in evidence. The Secretary of the Treasury and the Governor of the Reserve Bank said it. It is almost a perfect circle: massive investment, useful infrastructure, mines and the like coming into production, massive exports, a huge increase in earnings to companies, a huge increase in income to government. It is all coming about on the watch of this government and under sound fiscal administration and under the implementation of sound economic policy by this government.

That is fine for business and for those people who are employed, and that is fine for those who might be greatly benefiting from receiving high wages in those sorts of areas. But because we have been so disciplined in our spending and because we have borrowed so little and because we are achieving surplus budgets over time, what has occurred with that? The cost of money has gone down. Interest rates are going down. Interest rates are currently around three per cent, the lowest they have been in this country since 1996. Over the last two years they have come down and down and down and some reputable forecasters suggest they might even go down by another half a per cent this year, down to 2½ per cent. Now there ain't too many parts of the world where you can borrow money over time—five, 10 or 15 years—at 2½ or 2¾ or three per cent. What does that mean to business? It means they know that there is a sound economy properly administered and well run with disciplined spending by government. But for individuals and families it means that for every one per cent reduction in the interest rate—from six to five to four to three—on a $300,000 loan there is a $150 a month saving in outgoings. So over the last four or five years interest rates have come down from a little bit over six per cent to a little bit over three per cent. Three per cent turns into something like $150 to $200 a month in savings.

Now $600 or $800 cash in a worker's pocket every month, month in and month out, is a consequence of low interest rates, and those interest rates are a direct reflection of careful levels of spending by this government. So business has profited and done well and is investing, workers are getting lots and lots of work and more employment and high wages, and families have much more disposable income—hundreds and hundreds of dollars every month—to do with as they wish, because the interest rates on their home loans and their car loans and the like have gone down, keep going down and remain down. As I said, it is a wonderful set of statistics to argue, a wonderful set of statistics to put forward and something everyone—every person—on this side is proud of in a quite contemplative manner because we have set out to do our job and we have done our job.

So what is the net of that stunning list of statistics? What does the rest of the world say about those matters I have just referred to and put on the public record? Let me provide a very brief quote from the OECD. It says:

With 21 years of uninterrupted growth Australia stands out amongst OECD countries.
So there we have the results. Unlike most of the rest of the developed world, we have solid growth, we have low unemployment, we have contained inflation, we have low interest rates and, most importantly, we have record investment, actual and committed, going forward. That it is a pretty solid quintet of achievements. Let me repeat the quintet of achievements again: solid growth, low unemployment, contained inflation, low interest rates and record investment. That builds upon this government's impressive record of our performance during the worst global conditions since the Great Depression. Not since the 1930s, which is now 80 to 90 years ago, has the world faced such dire economic circumstances. When you speak to the myriad officials from the United States, Europe, the United Kingdom and parts of Asia you meet when you are overseas or when they come to this country from time to time you hear how impressed they are about the administration of the economy in this country.

That quintet of achievements—solid growth, low unemployment, contained inflation, low interest rates and record investment—builds upon our impressive performance record during the worst global conditions since the Great Depression. What does building upon our impressive performance record mean? Let us look briefly at the United States, Western Europe, the United Kingdom, a range of Mediterranean countries and others in Europe. The facts are pretty well known. Debt is at levels that are barely manageable, and they are having great difficulty in servicing that debt. It is up around 150 per cent or 200 per cent of annualised GDP. Budgets still have not been brought into balance. Countries are still borrowing, not as heavily as they were, long term at unacceptable levels. Average unemployment across Europe is 11.7 per cent. The last figure I saw for unemployment in the United States was 8.7 per cent. So in Europe it is over 11 per cent and in the United States it is over eight per cent. Compare that to the results in Australia. For the last few years unemployment has been around five per cent. That is a remarkable achievement.

The final indicator is the forward investment figures into business in Europe, which without exception across the board are trending down. Business does not have the confidence to borrow. Business does not have the confidence to invest. Government demands are too great. As a consequence, the 11 per cent unemployment figure for Europe and the eight per cent figure for the United States are unlikely to shift in a meaningful way for at least the next three to five years. Compare that to the administration of the economy in this country. The government's budget papers published in May this year will show unemployment contained at around five per cent to 5½ per cent. There may be a little bit of drift either way, but it will not be six, eight, 10 or 11 per cent—it will not be going the wrong way, as is the case in Europe and perhaps in the United States.

Let me go through the consequences of that sound administration of the economy. What does it mean when you put it all together? It means that, unlike the rest of the developed world, we have avoided recession and we have saved hundreds of thousands of jobs in this country. Our economy has grown by 13 per cent since the Labor Party came to power back in 2007. It is 13 per cent larger than it was. There has been 13 per cent growth over a period of four or five years. Other developed economies are still clawing back lost output. We did not lose any output. We have not lost any output. Our economy keeps growing and we keep employing people. Thirteen per cent growth, with an average of a little over three per cent each
year, is a wonderful achievement. More than 800,000 jobs have been created since Labor came to power whilst in the United States, Europe and parts of Asia something like 28 million people have been displaced and thrown on the scrap heap of unemployment. We did not do that. (Time expired)

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (16:57): One of the great joys of serving in this chamber is to be present for a contribution by Senator Mark Bishop. I must confess to being a little fond of Senator Bishop. His contributions are always marked by a degree of charm. I particularly enjoyed today because Senator Bishop was very much in character. He was very much role-playing a senator who is a supporter of Prime Minister Gillard. He was very much role-playing someone who accepts and believes Treasurer Swan's economic narrative. I have difficulty believing that Senator Bishop does accept the Treasurer's economic narrative because Senator Bishop is a very intelligent person. He is nobody's fool. Given my fondness for him, I have to give him the benefit of the doubt that he was merely in character here today.

I did mention in a preface to a question to Senator Wong yesterday that I did work as a senior adviser to the former Australian Treasurer, the last one to deliver a surplus. The sole point of me mentioning that was that Mr Costello was the last Treasurer to deliver a budget surplus. I do not say that to claim to have a significant role in the creation of those surpluses. I was a mere adviser. But the point is that I was in the very fortunate and privileged position to be a witness to history and to the hard work of Treasurer Costello as he sought to pay down Labor's $96 billion debt, as he worked hard to bring the budget back into balance. One of the things about Mr Costello is that it looks to those outside as though it was a fairly effortless exercise to repay that amount of debt, to bring the budget back into balance. So effortless did people think that it was that the Labor Party came to assume that budgets just automatically and necessarily would find themselves in surplus. They thought that managing the economy was something that was straightforward and easy to do, that did not require tough decisions. I think we have seen—and the nation has learnt the hard way—that running an economy is actually difficult. It requires sound judgement and it requires tough decisions.

Like you, Mr Acting Deputy President Bernardi, I recall seeing Mr Rudd in those television ads before the 2007 election say, 'I am often accused of being a fiscal conservative, but it is a badge that I wear with pride.' We laughed and we smiled at this. Essentially, what Mr Rudd was trying to do was to say to the nation, 'I am a slightly younger and funkier version of John Howard.' These are relative concepts, I grant you. Mr Rudd went further—I think we recall it was a campaign style launch speech—and, of the then Howard government, he said, 'this reckless spending must end'. I will leave you to draw the conclusion or the comparison between the spending of the Howard and Costello government, and that of the Rudd, Gillard, Swan government. There is a dramatic difference.

I will come directly to the motion that I have put here, and that is that the Senate notes the failure of the Gillard government to live within its means, or to develop a coherent fiscal strategy. Senator Bishop said that this is a motion that I frequently put forward, and he is exactly right—it is, because it is no less true today than it was last year, the year before, the year before that, and the year before that. It is proving to be fairly timeless under this particular administration. The problem is that this
government has never had a fiscal strategy, let alone an economic strategy. All it has ever had is a political strategy. We first saw that come into stark relief in the wake of the global financial crisis. You will recall before that, Mr Swan's first budget in which—this is one of my favourite budget speeches, Treasurer Swan's first one—he declared, 'We are budgeting for a surplus of $21.7 billion in 2008-09, 1.8 per cent of GDP, the largest budget surplus as a share of GDP in nearly a decade.' Mr Swan was saying in this budget speech that basically Peter Costello was one of the easy beats: 'You thought what you delivered were surpluses, wait till you get a look at my surplus: $21.7 billion and 1.8 per cent of GDP.' Well, it did not happen, because the global financial crisis came along, and that has been the excuse that the Labor Party has used for each and every one of their budgets: 08-09, 09-10, 10-11, 11-12, 12-13 and no doubt for 13-14 as well.

The Australian Labor Party would want us to believe is that what saved Australia from recession, what saved the nation from suffering a similar fate to that of other developed advanced economies, was their $10 billion fiscal stimulus, and then their $42 billion fiscal stimulus—which had a few well-known elements like school halls and pink batts. That is a contention I completely reject. The reason why the Australian economy continued to grow, the reason why we did not suffer the fate of the US, the UK and other European nations, was because we had a different starting point—we were completely debt free. But the other reasons why we came through that period well was that we had a floating exchange rate, we had the demand from China, monetary policy—the Reserve Bank cutting interest rates—and Australia had the world's best credential arrangements courtesy of Mr Costello. That is why we came through that period well.

I think the Australian Labor Party—certainly at least some of them and possibly Senator Bishop himself—actually understand that. Of course, they cannot admit it as they have got to be in character and play their role in this place. But a number of Labor senators and Labor colleagues in the other place actually do understand that. We only need to look at the Asian financial crisis to prove the point. The Asian financial crisis happened under the watch of Mr Howard and Mr Costello, and Australia continued to perform well in the absence of economic stimulus, in the absence of fiscal stimulus. You would have thought that if there was an economic challenge that would have seen Australia go into recession, it would be one that affected our region, where our trading partners were in recession. Despite that, we continued to grow. The global financial crisis—yes, it was dramatic; yes, it was severe; yes, it was profound—was fundamentally based in the United States and Europe, not our key trading partners. So if you can survive a significant external economic challenge in your own region, when your own trading partners are in recession, without economic stimulus, you should be able to survive a profound economic challenge that comes from the United States and from the Europe. We know that the policy settings were appropriate to ensure that happened. I will go through them again because I think it is worth doing. Australia had no net government debt. We had the floating exchange rate. We had the demand from China. Monetary policy was doing its job and we had the world's best prudential arrangements. Comparing those two scenarios bears out the point.

I think the reason the Australian Labor Party put in place the $42 billion stimulus package and the $10 billion stimulus package was because they wanted to be seen to be doing something. Being seen to be
doing something was far more important than actually doing the right thing. Under that cover of being seen to do something, the Labor Party had the opportunity to indulge a number of pet projects but also to indulge themselves in spending that they thought would be of political benefit. That was a huge indulgence which the nation will be paying for over a long, long time.

There are a few fiscal myths that the Labor Party have sought to perpetrate in an effort to convince the nation that they do indeed have a fiscal strategy rather than a political strategy. The first of those myths was that they had a plan to get the budget back into surplus in the 2012-13 financial year that we are in. That represents the second budget speech that Mr Swan presented where he forecast a surplus. There were promises on 500 occasions that there would be a budget surplus in 2012-13. The Prime Minister herself accounts for 150 of those occasions. She went so far as to say on 4 July last year:

We saved jobs, we stayed out of recession and got back to surplus.

That did not happen, it was not true. It is not going to be true.

Mr Swan, the Treasurer, said on 18 August last year:

Well, we're getting back to surplus in three years. Come hell or high water.

There was no qualification there. There was no fine print. It was, come hell or high water, he would get the budget back into surplus. He is not going to. Having former Prime Minister Bob Hawke in the other place this week prompted a number of people to recall that the last time there was a Labor surplus was when Mr Hawke was the Prime Minister, which is a little while ago now. That was in the 1989-90 financial year. We are not going to have a budget surplus.

The second fiscal myth which is put forward as the cover for that is revenue write-downs. We have heard a lot about revenue write-downs since the Labor Party have been in office. When the government say there have been revenue write-downs, the impression that they want to leave with the public is the year-on-year revenues have declined as a result of circumstances beyond our control: falling company tax and turmoil in the global economy, which is affecting the profitability of companies who pay tax. That is the impression that the government seek to leave, that there has been a reduction in revenue year-on-year. That is simply not the case. Just look at the period from when the current government came into office. This government is estimated to be collecting $70 billion more this financial year than in the last year of the Howard-Costello government. This year alone Labor forecast a jump in revenue of $37 billion from 2011-12.

Although the prediction of the revenue to come in has been reduced, the fact is that year-on-year revenues are still increasing and have been increasing. In that situation, the only explanation as to why the budget will not come into surplus as forecast is because spending has gone up at a greater rate than revenue. This government is spending more than it is bringing in. That is not the fault of declining revenue forecasts because, as I said, revenue is still increasing. That is the second great fiscal myth of this government.

Another great fiscal myth is that Labor have a lower tax-to-GDP ratio than the Howard government. That is true if you take a very narrow view of the total call on the taxpayer by the government. If you add non-tax revenue and debt that is borrowings, there is a very different picture. That ratio goes up to 25 per cent of GDP, rather than the 22.5 per cent of GDP in 2012-13 that the government are so fond of claiming.
The fourth fiscal myth is that Labor is a lower-spending government compared to the coalition. That is wrong. Labour is spending over $90 billion a year more now than the last budget of the Howard government. Myth five is something that I touched on a little earlier: Labor say that their record debt is low in comparison to other OECD countries, but the government do not compare the situation to that of like countries. They are very fond of comparing our situation to that of Japan, the US, the UK and Europe, who all had massive debts going into the global financial crisis. A much better comparison is with a number of developed commodity-exporting countries like Chile, Sweden, Finland and Norway, all of whom are in the black. The sixth fiscal myth is that Labor has identified over $250 billion worth of savings since coming to office. Close to 80 per cent of the $16.4 billion identified as ‘saves’ in the government’s 2012 MYEFO were revenue measures.

The plain, simple truth is this government has never had a fiscal strategy; it has had a political strategy. Every spending decision and every so-called ‘savings’ decision, most of which are in the form of tax increases, has been taken and viewed through a political prism. Managing a budget is difficult; we all accept that. Running an economy is hard. You have to prioritise. You have to work out the difference between that which is necessary as opposed to that which is merely desirable. This government has not done that at any point in the last five years. It is going to take more than 10 years to pay off all of Labor’s debt. I often use the rule of thumb that, for every year of bad government, you need three years of good government to undo the damage. I will let you do the maths as to how long that means the coalition would need to be in office.

**Senator Mason:** I think it is at least 15.

**Senator FIFIELD:** I think Senator Mason is right.

I cannot imagine what it would be like to be Mr Swan. The result of the next election is in the hands of the Australian people, but for the sake of argument let’s say that there is a change of government. Imagine being Mr Swan going to job interviews where they ask him, 'What was your role?' and he responds, 'Well, I was responsible for running the finances of Australia.' Then they ask, 'How did you fare?' and he responds, 'Well, I actually didn't get the show into black in a single year that I was the Treasurer.' That is not a proud record; that is a disappointing record—being the Treasurer who never delivered a single budget surplus.

There does need to be a change of government. Only this side of the chamber has the discipline and the character to bring the budget back into balance and to pay down Labor’s debt so that we do not squander future opportunities for the nation.

**Senator STEPHENS** (New South Wales) (17:17): I am pleased to be able to contribute to this debate this afternoon, because Senator Fifield is actually quite right in what he has just said. Running an economy is very hard. Making budgetary decisions is very difficult. They do require responsible decision making; they do require discipline; they do require prioritising; they do require a sense of understanding the whole. When we think about how well our economy has fared over the life of the Labor governments and compare that to the wonderful announcement today of a draft economic policy outlining a plan to provide tax incentives and direct payments to turn the tropical north into an economic powerhouse, it seems peculiar to say that the least you could accuse the Gillard government of is not having a coherent fiscal strategy, because I do not think that anyone could claim a
coherent fiscal strategy is one to split Australians into different personal tax zones and forcibly shift hundreds of thousands of public servants to cities north of the Tropic of Capricorn, out to Karratha or to Perth or to Darwin or to Cairns or to Broome. Crazy-brave maybe, but certainly not a coherent strategy. The fact that the proposition actually clearly breaches the Constitution is besides the fact. I do have to think that the headlines today that Mr Abbott has gone troppo are probably the best expression I can think of. It is hardly a surprise that the opposition is in retreat about this leaked document. If the number of emails and calls that our offices have been receiving is any indication, I am sure that the opposition has been receiving many more. Hardly a coherent fiscal strategy coming from the opposition today. But I have to say that not everyone actually thinks it is a dud. One Daily Telegraph reader, Alastair of Newrybar, posted online this morning:

Been saying for years that this should happen to diversify our work force and increase our productivity as mooted by Lang Hancock and Joe Bjelke-P. Logical development in the top end could see Australia becoming the food bowl to the world, with plenty of Asians only too happy to migrate and develop market gardens and farms. With an adequate water supply, anything will grow and having worked on the mine developments in the 60s, the weather is not too oppressive. Just when I was doubtfully wondering if you have the cojones to do something radically productive rather than drift along playing politics, you show you may have a spine after all Tony. Try raising the voting and drinking ages back to 21, re-establishing National Service and see the votes roll in.

Yes, that is exactly right: that proposal came straight out of the Bjelke-Petersen era with support from not only Lang Hancock but also, of course, his daughter, Gina Rinehart.

By contrast, the Gillard government's fiscal strategy has not only been coherent; it has been fair and it has been equitable, certainly not sluging the ordinary folk so that the rich can become richer or kowtowing to the Gina Rineharts of the world; not tearing the heart out of communities; not playing with people's lives but putting in place a well-thought-out package of measures to help people make ends meet, to spread the benefits of the mining boom and to be responsible economic managers. Senator Bishop spoke very passionately about Australia's economic record, where Australia's economy really stands as a beacon of resilience in the world. Unlike other countries, we have avoided recession, we saved hundreds of thousands of jobs in the face of the worst global financial conditions since the Great Depression and we bullet-proofed the Australian economy. We kept it out of recession. That is something that is very difficult for the opposition to acknowledge. It did not happen by accident; it was a result of shrewd, strategic thinking about what decisions needed to be made, about what investments needed to be made and about what stimulus had to be injected into the economy—and it required courage to act on those decisions.

I will remind listeners and those who are interested in this debate today that since December 2007, when Labor came to power, the Euro area economy has shrunk by 1.7 per cent, the Japanese economy has shrunk by 1.7 per cent and the US economy has grown by just 1.2 per cent. But here in Australia our Australian economy has actually grown by almost 13 per cent since that time. That is the significant message that we all need to understand—and that only came about from a very coherent fiscal and economic strategy.

Let us get back to the matter of jobs. Worldwide, unemployment is on the increase. It is a tragic situation. We know that the cornerstone of good economic management is to keep people in work or to
get people into work. Around 800,000 jobs have been created since we were first elected. That is jobs created, not axed and not packed up and spirited away to Karratha or other points north where there is not even the infrastructure to support them. And it is not the 12,000 public servant jobs that Mr Abbott is determined to get rid of—12,000 public servants and their families to be cast on the scrapheap of unemployment.

Our fiscal policy is designed to support families and individuals and to help industry grow and help the economy to grow. We have put in place a fairer tax system, with cuts to the income tax rate for most Australians so that they have more money to spend every fortnight, and we have tripled the tax-free threshold, which means that more than a million people not only do not need to a tax return but also do not pay any tax out of their take-home pay. They are able to spend that meeting cost-of-living expenses. And we have made many, many other economically responsible and coherent changes that have improved the lives of Australians and have underpinned strong economic growth.

The fact that we have invested so much in paid parental leave is very important in building some productivity into our economy. Now that it is in place we are actually going to see the benefits of that investment, with more than 160,000 new parents across Australia benefitting from up to 18 weeks leave under the paid parental leave scheme. The support that we have provided to families through family payments is really very significant. Those issues are part of a coherent strategy.

For more evidence, let us look at the way we have means tested the private health insurance rebate, meaning that low- and middle-income earners are no longer being forced to subsidise the health insurance of higher-income earners. And why should they have to do that? We have invested $4.6 billion in dental care. That means that more than three million kids are going to be able to get to see the dentist, and it will significantly boost public dental services for Australians on lower incomes. That of course boosts the overall health of the nation.

This morning here in Parliament House we had the very important launch of a new campaign, a new alliance, called the Social Determinants of Health Alliance—a very significant piece of work that links together productivity, economic development, economic costs and the social benefits of improved health and wellbeing of Australians. We need to think about that. The overall health of the nation is not just about economic health; it is about the social and mental health of our families as well. It saves wasting money on unnecessary and available health interventions. Senator Fifield, in his motion, talked about living within one’s means. Well, living within one’s means means strategically, thoughtfully and responsibly allocating resources so that they provide the best outcomes for the economic and social wellbeing of the country.

Our coherent approach in managing the economy has a big-picture focus. There is the household assistance for the carbon price, which I talked about in the chamber yesterday. Australian families and pensioners are getting payments to help with their utility bills now and over the coming months. And we are investing wisely in the future, because of our recognition that the science of climate change is a reality that we cannot ignore. It is responsible and critically important to make $3.2 billion available to the Australian Renewable Energy Agency to support stable research and development, and $200 million for clean technologies. These are all part of a coherent fiscal strategy that is about investing for our future.
And what about the National Disability Insurance Scheme, a coherent policy—coherent with Labor values; coherent with Australian values? It is a responsible, thoughtful approach to a problem that has been ignored for far too long. That is what the Gillard government talk about when we talk about vision. That is in very serious contrast to the opposition's so-called 'Vision 2030', which people are laughing about today—laughing, if they were not actually scratching their heads trying to make some sense of what is going on with an opposition that proposes to carve $800 million out of a foreign aid budget to be diverted to this incoherent megaproject in Northern Australia. It really does not bear much more consideration.

As I said, under the Gillard government, the Australian economy grew by 3.1 per cent last year—faster than any other advanced economy. We are now the 12th-largest economy in the world. Since Labor came into office we have moved up three places. IMF Article IV from 16 November last year says, 'five years on, both the economy and the financial sector continue to outperform most of their peers'. That is the IMF's judgement on Australia's performance.

Our investment outlook is strong—we have an incredible investment pipeline—as is our credit rating, with 'AAA with a stable outlook' from all three rating agencies for the first time in our history. Our net debt as a percentage of GDP is a mere fraction of our peers'. Our interest rates are low. When the Liberals left office, interest rates were 6.76 per cent. The Reserve Bank's official cash rate now is three per cent. Our interest rates are the lowest since 1996. There is a benefit to mortgage holders. On a $300,000 mortgage—a pretty average family mortgage—families are now paying $5,000 a year less compared to when the coalition left office. So there is nothing to be gained by Senator Fifield bleating about the way the government has managed the economy.

We are held up as an example in the developed world. If it is coherence Senator Fifield wants to see, then Labor has it in spades. Think about what Senator Fifield's own leader, Mr Abbott, said in his speech to the National Press Club, he gave some early insights into what is in store for Australia under a coalition government. There would be massive cuts to the Public Service: 12,000 jobs—12,000 families—and massive cuts to front-line services. I think about the public servants who are doing so much at the moment, out there on the front line, like the people at Centrelink. Those people are doing amazing jobs and they are the ones who are going to be hit by Mr Abbott's policies.

Mr Hockey has promised to deliver a surplus in the first year and in every other year. Already we know that he has a huge credibility problem in how to do that, because he still has to explain to the Australian people how he is going to fund his multibillion dollar black hole and where his razor gang is going to start slashing and burning. The irony of it all is that the policy paper released by Mr Abbott, which is called Real solutions for all Australians, is actually going to have a devastating impact on many Australians. It will certainly cause anxiety for people as they come into the election campaign, waiting to hear just what it is that Mr Abbott has in mind for them.

Let me remind senators again: we have a hugely strong investment outlook. We have a record $268 billion in infrastructure projects at an advanced stage. Senator Bishop talked before about the investment pipeline, where things had started to be identified; planning is in place and now we are starting to see the implementation and the construction of those major infrastructure projects and the delivery of outcomes, which will mean improved
exports and opportunities. We have low debt and strong public finances. We have the 12th largest economy in the world. Many of us here in this chamber have had the opportunity in the past 12 months to travel overseas and to understand very clearly how Australia is held up as a beacon around the world. People ask us how it is that we have an unemployment rate of five or 5½ per cent. Last year, in November, I was in Ireland, and there were desperate questions from the Irish government about the situation there, where the unemployment rate now is over 15 per cent generally but the youth unemployment rate is now over 40 per cent. There is a desperation in countries like Ireland, Argentina, Greece, Italy and Portugal about almost a lost generation of young people who will never actually be able to recover.

What did we do during the global financial crisis? We put in place a massive effort to ensure that we did not lose our skills base, so we are not in the situation of countries like Ireland, who sent more than six per cent of their population overseas last year—many of them here to Australia—repatriating money home. Thank God we are not in that situation and never will be. And we will not be, because we have a strong fiscal strategy. We have a strong economy and we have a government that is responsible and strategic about the way in which these things will be considered and managed. We have a government that is governing for all Australians and seeking to make sure that the economy supports us all, that the economy does not pick winners and losers and that we can be a good society as well as a strong economy. That is the government that I am proud of, and I think it is a very coherent strategy and one that I will be delighted to be propagating during the next six months.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (17:34): I would like to make a few comments on Senator Stephens's presentation to the Senate, referring to Ireland. The last thing I would ever do would be to attack Senator Stephens—because of my respect for the lady. Being a lady from out of Cessnock, it is a pity she never joined the National Party when she became political! But seriously, I do respect Senator Stephens and I am not going to go into any sort of personal attack on what she said, but she mentioned Ireland.

I was with Senator Stephens a few months ago when we met with some of the Irish politicians. Ireland has a population of 4½ million, and they owe $120 billion. They took it out of the debts of their bank. But I want to take you to Queensland. Queensland also has 4½ million people, and they have a debt of $72 billion—and going up, heading towards Ireland's level of debt. How did Queensland get that debt? They got that debt from years of Labor government.

People have been critical of the Campbell Newman Liberal-National Party government in Queensland for tightening the belt and reining in the spending. The other option is: go down the road of Ireland. As I said, they have the same population. Queensland has 4½ million people; Ireland has 4½ million people. Ireland has $120 billion of debt and Queensland is on $72 billion and has been forecast, under the previous government, to go to $85 billion by 2015, and some $100 billion by around 2020. It is getting to the same parallel financial mess as Ireland. Luckily there is a new government there that realises that managing money is important, but that is a tough job they are facing. Just like in New South Wales, when the O'Farrell-Stoner coalition government was elected on 26 March 2011. Guess what? In the year's budget: a $5 billion black hole. What's new?
Let us look at Senator Fifield's motion—"the Gillard government's fiscal strategy"—which is a very important motion of general business here today. Yesterday, Senator Cormann and I moved a motion in the Senate calling on the final budget outcome to be released before election day, 14 September. The ALP government and the Greens voted it down. Why did they vote it down? Why do they not want to let the Australian people know how much money they will borrow this financial year, which of course concludes on 30 June like any other financial year? Over the last five years, the final budget outcome has been released between 24 and 30 September. This year will be no different. The budget outcome of this financial year will be released after the election. I wonder why they chose the date of 14 September? So that the election can be held before the final budget outcome is known—the facts, the truths of this year's budget from which we were going to have a surplus. On more than 400 occasions the Prime Minister, Ms Gillard, and the Treasurer, Mr Swan, have said, 'There will be a budget surplus'. But hang on, the Christmas break comes along, 'Sorry, the budget surplus has been dumped. There will be no budget surplus; there will be another debt.'

I wonder how much debt? We will get a bit of an indication in the May budget this year when Treasurer Swan delivers it. He might say this year that there is not going to be a $1½ billion surplus like he said in the MYEFO back in November. It will be about a $4 billion deficit; that is what he will say. He will make his forecast for the next financial year and that will be another figure probably in the red. He might tone it down a bit—$1 billion or $2 billion in the red—but borrowing more money. However, you wait until we get that final budget outcome towards the end of September. It will be greater than the $4 billion or whatever Mr Swan says. There is nothing surer than that because the government will go on a borrowing and spending spree. We will only be able to monitor the Australian Office of Financial Management's website to see where the gross debt is going.

The government will borrow money to buy votes—that is exactly what they will do. As sure as I stand here, the figure forecast for this year's budget deficit in May will be higher come September when we get the real figures. They will borrow money to buy votes. That is all the Labor Party knows—debt, debt and more debt. Remember when Ms Gillard was made Prime Minister, and the new transparent government she would lead? Where is the transparency when you are hiding the budget figures? Why did you not support Senator Cormann's and my motion yesterday? What have you got to hide?

We know the Greens will back you up in hiding the budget figures, because the Greens never, ever look at budgets. They are a closed shop. They will not let the media in to their conferences. When it comes to managing money, the Greens are probably worse than the Australian Labor Party. Spend, spend, borrow, borrow, penalise success and reward failure—that is the attitude of the socialists in this place. That is what will happen and that is what we will see more of. Penalise success, penalise effort, penalise hard work and reward failure—that is what socialism is about, and this nation was built on what? Hard work, hard sweat and effort. Go back to the first export of our nation, wool.

Senator Fifield interjecting—
Senator Ludwig interjecting—

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! Senators on both sides of the chamber will respect the right of
the senator on his feet who has the call to be heard in silence.

Senator WILLIAMS: Thank you, Mr Acting Deputy President, I could not agree with you more. Let us go back to the early days of European settlement when a worker went into the scrub, cleared the country, cut the trees down, split them with wedges, dug the holes with crowbars and shovels and built the fences over some pretty rough country. Along came the sheep and the shearers bent their backs—those very same shearers who started the Australian Labor Party under the Tree of Knowledge at Barcaldine in Western Queensland—and were the workers. We do not have any here today. We do not even have a shearer amongst the Labor politicians. I think they must be quite ashamed about that, for the shearers are on our side of the parliament. Amazing, isn't it? That is where they came from and that is where they have gone to. 'Let us penalise hard work!'

We will see more of it in superannuation. Superannuation was one of the good schemes the Hawke-Keating government brought in, so that people would save for their retirement and not have to rely on the taxpayers to pay for their retirement. Now, if you are going to get to $1 million we will cop into that because the $1.34 trillion—an enormous amount of superannuation savings—is the nest egg that the Labor government says, 'We can get some of this to help us fill our black hole of budgets.' As of last Friday gross debt was $262 billion. Those people listening on the radio should go to the website of the Australian Office of Financial Management—AOFM. Bring up the website www.aofm.gov.au, and every Friday afternoon, right in the middle of the home page, you will see the gross debt of this government.

I will be honest: it started off at around $50 billion. I discussed this with former senator Nick Minchin and asked: 'Did we really have a $50 billion debt when Labor was elected in 2007?' and he said, 'Yes, there was'. He said we kept it there to keep the government bond market open. Then we put $50 billion in the bank to neutralise it, so that it was zero. So, it started with $50 billion in 2007 and last Friday it was $262 billion—an increase of $212 billion in just five years of this government. Of course, some of that is through residential mortgage-backed securities, buying loans off small institutions to give them liquidity to lend money during the global financial crisis. And a fair bit of it went on the National Broadband Network, which is not even in the budget. But it is, 'Just draw off the government's AOFM. Draw out the money and we will pay it back later when the scheme gets profitable.' Well, do not hold your breath for that. So we have this debt. It is going to cost about $12 billion a year in interest alone. We must refer to the gross debt, the $262 billion, because what we have on the good side in the bank we cannot touch. There is $82 billion in the Future Fund we need for public servants' retirements. There is $22 billion of HECS fees. We cannot charge the students interest on their debt. Once they get a job and start earning $30,000 a year or more, they start paying it back. We have about $16½ billion of residential mortgage backed securities—those loan packages the government bought. We make a whisker of profit on them.

Let me explain it another way. If you owed the bank a million dollars and you were being charged, say, seven per cent interest, you would have to find $70,000 a year. But if you had half a million dollars in the bank, you would have a gross debt of a million dollars but a net debt of half a million. The half a million you had in the bank would be earning interest at, say, 4½
per cent, so you could use that money to help pay your debt. But you cannot use any on the government's good side of the ledger to help pay the debt, so we have to pay the interest on the gross amount of debt. Forget the net amount; the net amount does not earn us any money. We have to pay off the gross debt this government has built.

In November 2011, the Reserve Bank lowered interest rates from 4.75 per cent to 4.5 per cent. They said the economy is slowing, it is not going well. A few months before that I was talking to Mr Martin Parkinson at Sydney airport. I said to him that the interest rate movement will be down and he laughed at me. I suppose he is a bit embarrassed when a broken down old cocky got it right and the boss of Treasury got it wrong. The fact is I live in the real world. I see what is happening to small business and I see what retail sales are doing, and they are terrible. So I picked it right. He might be embarrassed that a broken down shearer picked the economy right and the boss of Treasury did not. For once in my life, I was right. I have been wrong many, many times.

What was the government doing then? Why was the Reserve Bank stimulating the economy? Prior to that, the Reserve Bank put up interest rates. They were raising interest rates while the government was borrowing money and stimulating the economy. Economists will say this is the right thing to do. ‘The Reserve Bank is raising interest rates, so we are going to keep borrowing and spending money to stimulate the economy.’ It is like driving your car with your foot on the accelerator and pulling on the handbrake at the same time. The Reserve Bank was pulling on the handbrake while the government was borrowing money and spending it. That is crazy and now we this huge debt. That is what we are left with.

Where did they spend it? If you run a business and you borrow money, you borrow money to improve your business, to grow your business—better machinery to make you more productive. They did not build any train lines to make our freight system more efficient. No Melbourne to Brisbane train line was built. They gave $900 to people to spend on whatever they wanted to spend it on. They could buy a TV or go to the club and put it in a poker machine. No infrastructure was built except for what the states are responsible for: the Building the Education Revolution. In my hometown of Inverell one of the schools had four perfectly good classrooms. What did the government do? They pulled down those four perfectly good classrooms and replaced them with four new classrooms. That is supposed to be spending money wisely. That is stupidity.

I remember the Nationals campaign launch for the last election in 2010 down at Wagga Wagga. I was not there but the team was there. It was not a windy day that day, but a big covered outdoor learning area that had been built in Wagga Wagga fell over. It just collapsed. They said, 'Stand back, it's going down.' What a good investment that was! They built a new covered outdoor learning area and it just collapses on the day of the Nationals election campaign launch.

We could go to pink batts also. Sadly, four lives were lost and houses were burnt down. If people want insulation in the roofs of their homes, they should put it in themselves. They will save electricity and they will insulate their houses better. It is not something for governments to do. If you are going to borrow money, build some infrastructure to make your business more efficient. But, no, they never went near that.

The decision of August 2008 to roll out the red carpet for asylum seekers has now seen Australia $6.6 billion out of pocket for
their costs. We are a generous country. My hometown of Inverell is a proud country town. We have 12,000 people. We have Sudanese refugees. A lovely lady at home went and basically freed them. One lady came here with her four children. Her husband had been murdered and her brother had been murdered, and she got a new opportunity in life in a beautiful country town like where I live at Inverell. These are the genuine refugees we need to help whose lives are under threat. But we have an industry where people pay to get on a dangerous leaky boat and run the risk of losing their life. That is the industry we have and one that is also costing the taxpayers an enormous amount of money.

During the 2007 election campaign, we heard that there were not going to be any new taxes. But we saw the alcopops tax and the luxury car tax. If someone has been successful and worked hard, and can afford a more expensive car, that is wrong so tax that car. Penalise success, reward failure—that is what socialist governments are about. Then came the cigarette tax and the flood tax, and now the carbon tax. And there was the minerals resource rent tax. How embarrassing it must be because those three big mining companies just sucked the Prime Minister in. I have seen the signed paper where all the royalties must be credited. If you want to get a better share from the royalties, simply let the states raise their royalties. Those resources in the ground belonged to the Crown. The Crown is the state. All you have to do is tell the states to raise their royalties then Canberra pays less to the states. Money saved is money made. That is how you run business, instead of this minerals resource rent tax mess—budgeted to spend so much yet not raise a red cent.

Then there is the liquified petroleum gas tax. It was introduced by the coalition—brought in as a clean fuel. Run your car on gas and you have 30 per cent less emissions, so less pollution. If you want to lose an election, upset the taxi drivers because they talk to a lot of people. I do not know how many millions of taxi fares a year there are, but the tax on clean fuel is going to go up to 12½ cents a litre. Where is all this clean energy in the environmental programs? You are taxing the very clean energy that we have a big supply of in this country. It is not imported. It is our very own Australian fuel that you are taxing to try get your bottom line up to this budget surplus that is ‘not negotiable; we will deliver; hang on, we'll go back on our word again’. The point is that so many Australian people do not trust this government to manage money, to spend it properly. They are spending $100 billion a year more in their annual budget than was spent in the last year of the Howard government. Just 5½ years later and they are spending $100 billion.

That is incredible. The people do not trust the government on carbon taxes, promises or caring for our aged. It is amazing that in the stimulus package our aged-care facilities, a federal responsibility, never got a red cent. Wherever I go around Australia, in many of the country towns I visit I see that the aged-care facilities are doing it so tough. No, we went and put in all these school buildings in state schools, which are a state responsibility—pulled down perfectly good buildings and replaced them with new buildings. You could go to Kingstown, where a little building about 10 metres long by six metres wide cost $330,000. That would build you a huge four-bedroom brick home but they got this little hut. You could go out to Tottenham, literally in the centre of New South Wales, where it cost $600,000 for a tuckshop and they could not fit the microwave in it.
That is why people do not trust you to spend the money properly. You take the money off the taxpayers and off business and you waste it like that. These are the people I speak to all the time when I travel around regional New South Wales, and have they got a set on this government. Even in New England, the electorate in which I live, many of them have been scathing about their local member, Mr Windsor, for giving us this government. Likewise in Lyne, in Port Macquarie and those areas they are scathing about Mr Oakeshott for giving us this government. Those traditionally conservative seats that have been held for many, many years show and the Senate vote in those seats shows—those people in New England and Lyne will get their day on 14 September to have their say. As I often say: 'Seats don't belong to politicians; they belong to the people.' You betray your people and they will let you know at the next election.

All my life, whether it be state or federal Labor governments, they have sent us broke. They have mortgaged up. They have filled up the bankcard, filled up the mastercard and mortgaged our children's futures away. If they did some good with it and built some decent infrastructure you would say, 'That's not a bad investment.' But the amount of waste has been unbelievable. Hence, that is why I support this motion of Senator Fifield's. The fiscal strategy of this government has been an absolute disgrace. We have $262 billion of debt. I do not know how we are going to pay it off. It will be hard work and economic management that will achieve that in time.

**Senator BILYK (Tasmania) (17:55):** While Mr Abbott and those opposite would like to pretend that it never happened, the global financial crisis was the most difficult global economic period since the Great Depression, and its effects are still being felt. There continues to be uncertainty in the global economy and, recently, the unusual combination of a persistently high dollar in the face of lower commodity prices has hit Australian company profits, which means the government is receiving less in taxation revenue than expected. In fact, over the last five years, government revenues have been written down by $160 billion. Revenue for 2012-13 alone has been written down by a staggering $20 billion. These dramatic falls in revenue put significant pressure on the federal budget. However, the government has a strong track record of making savings to reprioritise spending and maintain our budget position. In the mid-year review, we made $16.4 billion in savings, on top of over $130 billion in savings made over our last five budgets. We also have a strong record when it comes to making structural saves that have contributed to the long-term health of the budget position.

Indeed, if you look at the mid-year review we released last year, it took stock of these and other changes and reported that, without these savings, net debt would be $250 billion worse in 2020-21. Unlike the opposition's claim in this motion, we are spending less and making responsible savings. One of the most effective ways to assess government spending is to look at it as a proportion of GDP. Spending is at or below 24 per cent of GDP over the budget period, which is the longest sustained period of spending at this low level in over 30 years. In contrast, the Howard government was the highest taxing and most wasteful government in Australia's history. Research by the IMF shows that this government has made responsible spending decisions, while the Howard government clearly missed opportunities to effectively use the mining boom and strong global economic conditions to invest in Australia's future. The report again debunks the myth frequently repeated by Mr Abbott, Mr
Hockey and those opposite that the Howard government exercised spending restraint.

This government's tough decisions have led to positive results for the Australian economy. Unlike the rest of the developed world, we avoided recession and saved hundreds of thousands of jobs. Our economy is now 13 per cent larger than it was when Labor came to office, while other advanced economies are still clawing back lost output. More than 800,000 jobs have been created since Labor came to office, while 28 million have been lost worldwide. The only jobs strategy the Liberal Party has is the slashing of jobs, straight out of the Campbell Newman and Barry O'Farrell playbook. We have strong public finances and low debt, with net debt expected to peak at one-tenth of that across major advanced economies. We are one of only seven countries that have a AAA credit rating, with a stable outlook, from all three ratings agencies. This was never, ever, achieved under the coalition.

The opposition talk about 'living within your means', and it is fine for the opposition to talk about fiscal responsibility. We welcome discussions like the one we are having today about fiscal responsibility. That is why we have given those opposite full and complete access to the Parliamentary Budget Office. Because the Australian people know that, while the braggart down the pub will tell you they climbed Everest, hit a century for Australia and knocked out Muhammed Ali, unless they show you the photos you know that they are, to put it politely, full of hollow boasts. Those opposite are full of hollow boasts. We have repeatedly called upon them to cost their policies using the expertise of the Parliamentary Budget Office. They have refused.

Those opposite have said they will release their costings before the election. Unlike those opposite who appear not to trust anyone or anything, I do trust that they will release their costings before the election, although I suspect it will be on 13 September. It is irresponsible for those opposite to make promises of more spending, lower taxes and higher surpluses without detailing how they are going to pay for it. It is meaningless to announce policies without providing credible costings. Costings are only credible if they have been verified by Finance and Treasury or the independent Parliamentary Budget Office and released publicly. Costings are not credible when they have been prepared by a private firm acting in the interests of their client rather than in the public interest.

It is imperative that those opposite release their costings and release all their policies, because there is great fear in Tasmania, my home state, about what will happen were those opposite to get into government. There is growing outrage at Mr Abbott's plans to strip $700 million in GST revenue from Tassie's budget to boost the coffers of his Western Australian state Liberal mates, and there is growing fear about Mr Abbott's leaked 'Vision 2030'—

**The ACTING DEPUTY PRESIDENT (Senator Moore):** Order! It is now 6 pm and time to move to the consideration of government documents.

**DOCUMENTS**

**National Broadband Network**

Debate resumed on the motion:

That the Senate take note of the *NBN Co. Ltd Report for 2011-12*.

**Senator RONALDSON** (Victoria) (18:01): It is not with great pleasure, regrettably, that I rise to speak in relation to item No.9 which is the NBN Co. Ltd. I want to briefly mention some matters that are raised by the shadow minister in relation to the NBN rollout. And then I want to talk
about some matters in relation to Corangamite, which of course has suffered badly from the rollout. Just out of interest, the target—of course the revised NBN target, because as we all know they have been revised down and revised down—which is the 'pass by' has 286,000 houses by June 2013 but in December 2012 there were 46,000. So, the revised-down target of 286,000 for June next year has only 46,000 as at December 2012. The activate target was meant to be 44,000 premises by June 2013, but only 6,600 as of December 2012—again, downgraded. As the shadow minister said, the coalition is totally committed to high-speed broadband at affordable prices. But the NBN is not, and will not, do that.

The interesting part is that the member for Corangamite, Darren Cheeseman—the inactive member for Corangamite, Darren Cheeseman—of course, has been making many promises about the NBN network and telling his constituents that they will be on it soon. But that actually does not stack up when you look at the facts of it. In fact, if you look in Corangamite itself, the Colac and the Otways are not even included in the to-do list—the constantly revised down to-do list. Suburbs such as Highton, Grovedale, Waurn Ponds and Belmont are not in the revised-down to-do list.

Just out of interest, Waurn Ponds is where Deakin University is placed—a fantastic education institution—and the planned teaching hospital there. Interestingly, Mr Cheeseman very recently stated that the NBN is about getting families online and access to health and aged care, and kids getting access to world-class education services. Well, in Waurn Ponds—not even on the revised to-do list—the Deakin University, which indeed is providing world-class education services, is actually not on the NBN list. Is not on it! And those people in Ocean Grove and Torquay—which are planned for 2015, and they are part of the three-year plan—what confidence can they possibly have that they will soon have an NBN connection, let alone an activation of that connection? The fact is, Mr Cheeseman should stop talking about his constituents having access to the NBN when he knows the truth is they will not have it. For many, they are not even part of the planned three-year rollout. For those who are ostensibly part of the planned three-year rollout, they will see those figures quoted by the shadow minister about the revised-down figures for the NBN Co.

This is a complete and utter farce, and Labor members in the other place, and Labor senators, have to stop talking about the virtues of a program that is extraordinarily expensive, and that the government even keeps offline on the budget. And when you look at what has been rolled out, it is simply not happening.

Mr Cheeseman has to be honest with his constituents. How can it be that people in Colac and the Otways are not even included in the rollout? How is it that those in Torquay and Ocean Grove will have no confidence at all that they are going to be part of it. How is it that Highton, Grovedale and Waurn Ponds and Belmont, again like Colac and the Otways, are not even on the revised-down list? This is a farce. This government has got to stop talking about this NBN rollout and start telling the truth about what is happening.

What is happening of course, is nothing! Nothing is happening! These figures have been revised down, they are unachievable targets and it is about time there was a bit of honesty from the minister and the member for Corangamite.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Commonwealth Superannuation Corporation

Senator RONALDSON (Victoria) (18:07): I want to talk about superannuation and I want to talk about the DFRDB and the DFRB indexation issue.

The ACTING DEPUTY PRESIDENT (Senator Moore): That is item 44 on page 16 of the Notice Paper?

Senator RONALDSON: Yes, it is, Madam Acting Deputy President. I move:

That the Senate take note of the document.

Interestingly, on Monday or Tuesday sworn in at Government House was Minister Kelly, the member for Eden-Monaro. Minister Kelly is now in a position of responsibility and a position of influence. We all know that Minister Kelly and Minister Lundy wrote to former minister Lindsay Tanner in relation to doing something about fair indexation. They said to him that he had to do something about it, that the government had to do something about fair indexation. How is it that 57,500 Australian families who are DFRDB and DFRB recipients, those who have served this country, are treated differently to age and service pensioners? How is it that these people who have served our country are on the CPI indexation method only, an indexation method that for the last 12 years has been decided by this government and previous governments as not being an effective representation of the cost of living?

How can we possibly justify treating those military families on those two superannuation schemes differently to age pensioners? How is it that this nation can stand by and allow a group of men and women and their families who have served this nation to be treated so appallingly? As you well know, Madam Acting Deputy President, I have endeavoured in this very chamber with a fair indexation bill several years ago now to have this Senate debate and pass a bill for fairness, a bill that recognises the uniqueness of military service, a bill that recognises the contribution of military men and women to this country. And this nation continues to stand by and treat these families appallingly. No-one can justify to me how it is that you can index the superannuation payments of these men and women differently to the aged pension. The CPI is no longer a representative mix of the cost of living index. It has not been now for over a decade.

The coalition tried in this chamber to bring fairness to those men and women and their families, and in a dark day in the Senate's history this chamber refused to provide the appropriate level of relief that these men and women are owed. I make it quite clear again that the coalition is committed to addressing this inequity; we are circumspect in relation to what promises we can make given the diabolical financial situation left by this government. This is a firm commitment, an irrevocable commitment, to those families that in the first budget of an Abbott government we will ensure that that indexation is achieved. I throw the challenge out to all Labor senators and to all Labor members in the other place to look at their conscience and see whether they can stand by and let this continue. And they cannot. If their consciences are searched, they will know it is wrong.

I throw out a challenge to Minister Kelly. He is the one who wrote to then Minister Tanner and said 'This is unfair' and 'Do something about it'. But where has Minister Kelly been since that letter? Where has he been in enforcing the fairness that he demanded of then Minister Tanner? He is now a government minister, he is a minister of influence within this present government. If Minister Kelly is serious about his statement three years ago, he will demand
that the Gillard government bring fairness to these military superannuants. If he does not, he stands utterly condemned.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Members of Parliament (Staff) Act 1984 Report

Senator RONALDSON (Victoria) (18:14): I move:

That the Senate take note of the document.

I want to bring to the chamber's attention an item that was in the Colac Herald yesterday. It alluded to the fact—I will read the press report, which said:

Political operatives are secretly campaigning for the federal seat of Corangamite online, posting political messages under fake names.

An internet user or users from Parliament House Canberra's computer network has pretended to be at least nine different people while making pro-Labor comments online.

The comments, posted online under Colac Herald stories about Colac Area Health cuts, all come from the same internet protocol address, a specific computer server's code.

The comments all praise Labor Party policies or belittle the Liberal Party but fail to identify the writer's political links.

The false names included a fake Colac Area Health employee and a fake Barwon Health employee.

Community lobbyist Laura Cook said she would prefer to see political staff working to fix Colac's hospital crisis rather than "spamming" people.

"I'm absolutely gobsmacked," she said.

"What a complete utter waste of time and resources.

"They're best fixing it rather than spamming people—same article—

Monash University politics lecturer Dr Zareh Ghazarian questioned the ethics of the "cynical" tactic to influence voters before the 2013 federal election.

"This is clearly concerned with trying to change grassroots voting intention," Dr Ghazarian said.

The ACTING DEPUTY PRESIDENT: Senator Ronaldson, I take it you are linking this example to the Members of Parliament (Staff) Act report?

Senator RONALDSON: Yes, indeed, Madam Acting Deputy President.

The ACTING DEPUTY PRESIDENT: Could we actually try and bring the report into the debate?

Senator RONALDSON: Yes. I will, thank you very much. I will just finish this quote:

"It's often very difficult to discern who is a partisan actor and who is a non-partisan observer," he said.

"It's very easy to write what you like online, the checks are quite limited.

Madam Acting Deputy President, I am not making any allegations in relation to where this may, or may not, have come from. But I would express the disappointment of the people of Colac. The editorial of the Colac Herald quite rightly raised this matter, and expressed concern about it as well. All I seek to say in relation to this is that—and I have the editorial here—it said:

...underhand tactics are unwelcome. Political operatives are posing as regular voters to stir up public opinion in the hope of gaining votes, but they should have been open and honest with their campaigning. Voters have a right to know when politicians are campaigning. They must identify themselves in the media and in advertisements. This should extend to online comments.

I only seek to bring that matter to the attention of the chamber because it has obviously caused a great deal of concern at the Colac Herald—and quite rightly so—and
it has obviously concerned a number of Colac residents.

That brings me to the point about what has happened to Colac Area Health. There is just no point to Minister Plibersek complaining—

Senator McEwen: Madam Acting Deputy President, on a point of order: I fail to see how Senator Ronaldson is at all relevant to the report that he purports to be addressing. I do not think that Colac Area Health has got much to do with the report on the Members of Parliament (Staff) Act 1984.

The ACTING DEPUTY PRESIDENT: Thank you, Senator McEwan. Senator Ronaldson, I will draw your attention—as I did earlier—to the comments you are making in relation to the report on the Members of Parliament (Staff) Act.

Senator RONALDSON: Thank you very much. Indeed, these comments were posted online from a Parliament House address and they were about the situation in relation to Colac Area Health. You may not be aware, Madam Acting Deputy President, that there has been a slashing of funding by Minister Plibersek which has put the Colac hospital and Colac Area Health under enormous pressure.

The ACTING DEPUTY PRESIDENT: Senator, you have 18 seconds remaining to link it to the report.

Senator RONALDSON: Thank you. I will take the interjection. I can assure you, Senator, that the people of Colac view appropriate delivery of health as very, very relevant and I can assure you that they are extraordinarily unhappy about the reduction in funding by Minister Plibersek, which has put health care—(Time expired)

The ACTING DEPUTY PRESIDENT: I am checking to see whether you seek leave to continue your remarks later.

Senator RONALDSON: I seek leave to continue my remarks later. Leave granted; debate adjourned.

DOCUMENTS

Consideration

The following orders of the day relating to government documents were considered:


Australian War Memorial—Report for 2011-12. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Security Intelligence Organisation (ASIO)—Report for 2011-12. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Research Council—Report for 2011-12. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Migration Agents Registration Authority (MARA)—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2011-12. Motion of
Senator Bushby to take note of document agreed to.

Australian Customs and Border Protection Service—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.

Department of Broadband, Communications and the Digital Economy—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.

National Mental Health Commission—Report for the period 1 January to 30 June 2012. Motion of Senator Bushby to take note of document agreed to.

Classification Board and Classification Review Board—Reports for 2011-12. Motion of Senator Bushby to take note of document agreed to.


Australian National Preventive Health Agency—Report for the period 1 January 2011 to 30 June 2012. Motion of Senator Bushby to take note of document called on. Debate adjourned till Thursday at general business, Senator Bushby in continuation.


Mid-year economic and fiscal outlook—2012-13—Statement by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Senator Wong). Motion of Senator Bushby to take note of document agreed to.

Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.


Department of the Prime Minister and Cabinet—Australia in the Asian Century—White Paper, dated October 2012. Motion of Senator Bushby to take note of document agreed to.

Food Standards Australia New Zealand—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.

Department of Climate Change and Energy Efficiency—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.

Australian Institute for Teaching and School Leadership Limited (AITSL)—Report for 2011-
12. Motion of Senator Bushby to take note of document agreed to.

Department of Industry, Innovation, Science, Research and Tertiary Education—Report for 2011-12, including report of IP Australia. Motion of Senator Bushby to take note of document agreed to.

Tertiary Education Quality and Standards Agency (TEQSA)—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.

Department of Industry, Innovation, Science, Research and Tertiary Education—Report for 2011-12, including report of IP Australia. Motion of Senator Bushby to take note of document agreed to.

Tertiary Education Quality and Standards Agency (TEQSA)—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.


Australian Centre for International Agricultural Research (ACIAR)—Report for 2011-12. Motion of Senator Back to take note of document agreed to.

Outback Stores Pty Ltd—Report for 2011-12. Motion of Senator Back to take note of document agreed to.


Repatriation Medical Authority—Report for 2011-12. Motion of Senator Back to take note of document agreed to.

Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans' Affairs—Report for 2011-12, including financial statements of the Defence Service Homes Insurance Scheme. Motion of Senator Back to take note of document agreed to.

Australian Public Service Commission—Report of the Australian Public Service Commissioner for 2011-12, including reports of the Defence Force Remuneration Tribunal and the Merit Protection Commissioner. Motion of Senator Back to take note of document agreed to.


Department of Finance and Deregulation—Consolidated financial statements for the year ended 30 June 2012. Motion of Senator Macdonald to take note of document agreed to.


CHAMBER
called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Grape and Wine Research and Development Corporation (GWRDC)—Report for 2011-12. Motion of Senator Macdonald to take note of document agreed to.

Fisheries Research and Development Corporation (FRDC)—Report for 2011-12. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Report for 2012—Social justice. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Report for 2012—Native title. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Australian Research Council—Strategic plan 2012-13 to 2014-15. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Schools Assistance Act 2008—Report on financial assistance granted to each state in respect of 2010. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Australian Postal Corporation (Australia Post)—Statement of corporate intent 2012-13 to 2015-16. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Broadcasting Corporation (ABC)—Equity and diversity—Report for the period 1 September 2011 to 31 August 2012. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Skills Quality Authority (ASQA)—Report for 2011-12. Motion of Senator Nash to take note of document agreed to.

Tiwi Land Council—Report for 2011-12. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Sugar Research and Development Corporation (SRDC)—Report for 2011-12. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Torres Strait Protected Zone Joint Authority—Report for 2009-10. Motion of Senator Macdonald to take note of document Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

General business orders of the day nos. 47 to 52, 54 to 61 and 63 to 68 [The numbers used are as listed at in the Notice Paper] relating to government documents were called on but no motion was moved.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (18:21): by
On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin) I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the exposure draft and explanatory notes of the Human Rights and Anti-Discrimination Bill 2012 be extended to 21 February 2013.

Question agreed to.

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Education, Employment and Workplace Relations References Committee—Report—The adequacy of the allowance payment system for jobseekers and others, the appropriateness of the allowance payment system as a support into work and the impact of the changing nature of the labour market. Motion of the chair of the committee (Senator Back) to take note of report agreed to.


Environment and Communications References Committee—Report—Operation of the South Australian and Northern Territory container deposit schemes. Motion of Senator Kroger to take note of report agreed to.


Environment, Communications, Information Technology and the Arts References Committee—Report—About time! Women in sport and recreation in Australia—Government response. Motion of Senator McKenzie to take note of document agreed to.


Foreign Affairs, Defence and Trade References Committee—Final report—Procurement procedures for Defence capital projects—Government response. Motion of Senator Fawcett to take note of document agreed to.

Gambling Reform—Joint Select Committee—Third report—The prevention and treatment of problem gambling. Motion of Senator Fierravanti-Wells to take note of report agreed to.

Community Affairs References Committee—Report—The factors affecting the supply of health services and medical professionals in rural areas. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.


Rural and Regional Affairs and Transport References Committee—Interim (2) and final reports—Australia’s biosecurity and quarantine arrangements. Motion of Senator Back to take note of reports agreed to.

Orders of the day nos 1 to 6, 9, 12 and 13 relating to committee reports and government responses were called on but no motion was moved.

AUDITOR-GENERAL’S REPORTS

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 2 of 2012-13—Performance audit—Administration of the Regional Backbone Blackspots Program—Department of Broadband, Communication and the Digital Economy. Motion of Senator Back to take note of document agreed to.

Auditor-General—Audit report no. 3 of 2012-13—Performance audit—The design and conduct of the first application round for the Regional Development Australia Fund—Department of
Regional Australia, Local Government, Arts and Sport. Motion of Senator Bushby to take note of document agreed to.


Orders of the day nos 3 to 8 and 10 to 14 relating to reports of the Auditor-General were called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Moore) (18:23): Order! I propose the question:

That the Senate do now adjourn.

Gillard Government

Senator McEWEN (South Australia—Government Whip in the Senate) (18:23): I am very proud to be a part of the federal Labor government. We have introduced and achieved so many good and important Labor initiatives that will improve the lives of all Australians now and in the future.

In stark contrast to the aggressive, retrograde, negative and policy-free crusade that the coalition indulges in, the Gillard Labor government is working hard, looking to the future and implementing Labor policy.

During 2012, I spent a lot of time travelling throughout metropolitan and regional South Australia, meeting with people who have directly benefited from the federal government's investments and reforms. I look forward to continuing to do so this year.

The Australian Labor Party have always been about striving to create and to share opportunity. We seek to protect and assist people who do need government support. That is why in our proud history Labor introduced Medicare; introduced compulsory superannuation; abolished Work Choices; investing in education and reforming schools funding through Gonski; supported jobs during the global financial crisis through our stimulus packages; introduced a carbon price and compensated Australians for the impact of it; introduced the nation's first paid parental leave scheme; managed to keep interest rates low and unemployment low; supported unions to run the first ever pay equity case that delivered wage increases for low-paid community services workers; given tax cuts to those who need it most; and given tax breaks to small businesses that are the engine room of our economy.

Labor's record is an enviable record of achievement and I want to highlight some of those achievements. In education the Labor government has invested record amounts in all areas. From early learning right through to tertiary education the government has ensured that children and young people have access to high-quality education, no matter where they are located, no matter what their level of learning or socioeconomic background is.

One of the most successful programs, I believe, has been the Building the Education Revolution. In my travels throughout the state of South Australia, I have met so many principals, teachers, students and parents who are all so positive about the BER and so confident of Labor's investment in education.

Across my duty electorates of Sturt and Barker in South Australia, the single biggest investment in education infrastructure ever undertaken has seen more than $259 million shared amongst a total of 170 schools.

I have attended many openings at schools across both electorates and, at each and every one, I was met by the entire school community with enthusiasm and optimism about the regeneration of their schools.

Towards the end of 2012, I was fortunate enough to revisit one of South Australia's
great public high schools, Glenunga International High School. I have visited Glenunga a number of times and was more than pleased to be invited back to see the completion of all the BER facilities, as well as the new and exciting initiatives that have been put in place as a result of the federal government's earlier investments in the Digital Education Revolution program.

Principal Wendy Johnson and her team of talented educators have embraced their new facilities and have used the DER as an impetus to adopt the enormous opportunities for learning and teaching that new technologies can provide. Glenunga has shown leadership by identifying how these new tools can be used by teachers to deliver the curriculum, manage the school's administrative systems and communicate with its students and their parents and caregivers.

While I am sure it was initially a leap of faith for the Glenunga school community to introduce the digital technology programs for both the teachers and students there, there is no doubt it has been beneficial to the whole community. Students at that school will be well and truly ready for the challenges of further education, for work and for participation in the digital economy. That is exactly what the government intended with the Digital Education Revolution.

But it is not only schools that have benefited from the government's investments. As I said earlier, the Labor government has invested in all levels of education. Since 2007, the Labor government has provided more than $2 billion across Australia for preschool and kindergarten places. We have given 250,000 more children every year access to quality early childhood education. That is in stark contrast to the former Howard Liberal government that did not once invest in early childhood education.

Nationally, the government has made a $2.5 billion investment towards trade training centres, with more than $135 million benefiting 139 schools in South Australia alone. In the electorate of Barker, the Tenison Trade Training Centre, situated at Tenison Woods College in Mount Gambier, received more than $588,000 to provide pathways for students interested in cabinetry and cooking careers. The new Lower Murray Trade Training Centre at Murray Bridge High School is a $1.8 million investment, providing skills training to help young people find jobs in the automotive and construction industries.

In addition, since coming to office in 2007, Labor has opened the door to a university education to more Australians than ever before, many of them the first in their family to go to university. Thanks to Labor's investments and reforms, this year 190,000 more Australians will be studying at our universities than were enrolled in 2007 when we came to government. While I am on the subject of tertiary education, I would like to acknowledge the excellent work of former Minister for Tertiary Education, Skills, Jobs and Workplace Relations Senator Chris Evans for his hard work and dedication to the education portfolio. He worked tirelessly to transform Australia's higher education landscape and to provide life-changing opportunities for all Australians. He will be greatly missed.

The Gillard Labor government has always believed that supporting families and giving every child the best possible start in life is the most important thing we can do. We understand the cost-of-living pressures on working families, and to ease those pressures the government has increased tax cuts, increased family payments, increased child-
care assistance, introduced the new schoolkids bonus and introduced Australia's first Paid Parental Leave scheme. One of our more recent Labor initiatives that commenced on 1 January 2013, Dad and Partner Pay, gives eligible new dads and same-sex partners the chance to receive two weeks pay at the national minimum wage so they can stay at home for those very important first weeks of their new baby's life. The delivery of the schoolkids bonus has commenced to all eligible families, providing up to $410 for primary students and up to $820 per high-school student per year. The government is assisting families with the additional pressures of school costs and helping parents give their children the best start in life. We know that the opposition if elected will strip those cash bonuses away from the family budget.

One of the most crucial reforms that the Gillard government is currently implementing is the National Disability Insurance Scheme. The Gillard Labor government understands that Australians with disability miss out on the opportunities and fairness that should be a given in a wealthy nations like ours. For that reason we are investing $1 billion for the first stage of the NDIS from the middle of 2013, one year ahead of the timetable set out by the Productivity Commission. South Australia will be one of the nation's first launch sites for the scheme. From this July about 4,600 South Australian children aged up to 14 with significant and profound disability will start to have their needs assessed to receive individualised care and support packages to have decision-making power about their care and support including choice of service provider, and be assisted by local coordinators to help manage and deliver their support. The government is investing almost $33 million to make the NDIS a reality in South Australia, working in partnership with the South Australian Labor government to deliver this life-changing reform.

Lastly, I want to touch briefly on one of the most crucial projects currently being rolled out, and that is the National Broadband Network. With that, the government will deliver high-speed fibre to every Australian by the end of this decade. It will make businesses more productive and deliver better government services such as health and education. It will change the face of Australia's communications. It is a big and bold step, and the Australian Labor government is very proud of it.

When out and about on my travels, people ask me: what does Labor stand for? I tell them about the things we have done and I tell them we stand for opportunity and for fairness and that Labor's vision for the future is the best possible future for all Australians. We look after those who need it, we share the world we are so fortunate to have and we are not afraid to take the hard decisions. In the tradition of great Labor governments, the Gillard government has, despite continued obstruction from the coalition, been able to deliver great things for all Australians.

**Australian Greens**

Senator BERNARDI (South Australia) (18:33): It has been over a year since Bob Brown slammed the so-called hate media, also known as the Murdoch press, declaring: … we need news in our papers but we're getting opinion far too much.

It is also just over a year since former Senator Bob Brown, as Leader of the Greens, wrote to the Finkelstein media inquiry advocating tax deductibility for not-for-profit journalism enterprises, a measure which if adopted would substantially benefit the Greens's major donor, Graeme Wood, with his Global Mail venture. It is therefore ironic that recently there was an expose in *Crikey*, a...
media outlet which, as far as I am aware, survives without any taxpayer subsidies.

This expose was entitled 'Fear and loathing at the Global Mail: what went wrong?' The Global Mail was heralded as a new kind of journalism, but Crickey details how the Global Mail had treated its workers poorly and fostered a 'culture of bullying, nepotism and incompetence'. It seems that as far as hate is concerned, the Global Mail has it by the spadeful. In an interview with Fran Kelly on Tuesday, Graeme Wood labelled the Crickey story 'lies' and the problem at the Global Mail as 'a storm in a teacup', declining to go into any detail. But Crickey tells how the editor, Monica Attard, was 'boned'—I think that was expression—less than three months after the site was launched. The way they knifed her was so brutal and so lacking in due process that a lot of us never recovered from that, a former Global Mail reporter said.

According to Crickey, the journalists union is liaising with SACS staffers about taking a case to Fair Work Australia. The coalition trusts that the Fair Work Ombudsman will investigate any allegations that are made to it and that the Fair Work Commission will duly consider any cases brought before it in relation to conduct at the Global Mail. Crikey has also documented the incestuousness of the Global Mail staffing arrangements: 'A building full of married couples and old friends in the late stages of their careers doesn't exactly equate to a visionary tinderbox,' Jess Hill observed. Here we get to the nub of the issue. According to Crikey, the Global Mail's salary bill is quite significant. Some writers are paid in the region of $140,000, with senior managers said to be on salaries more than twice that amount—in other words, close to $300,000. All this for what? I cannot personally remember the Global Mail breaking one major news story. It seems to be a retirement home for a privileged coterie of armchair socialists who can boost each other in the twilight of their careers, courtesy of Graeme Wood's munificence.

But hang on—hold the presses! The Guardian has launched its digital Australian edition, commercially backed by none other than Graeme Wood. Wood says that his investment in the Guardian is 'all about making money'. This is not a sentiment that the Guardian is used to. Its ownership structure sees it run by a trust, which allows two redundancy options with less than 24 hours to decide. The first offer, more than double the monetary value of the latter, came with a gag on speaking publicly about her experience. To her credit, Jess Hill rejected this crude attempt to buy her silence. Hill, who disputes her final package, describes her treatment and that of several other colleagues as 'shockingly callous'—talk about a rogue employer!
it to run at a loss as it invests in developing its digital offering and in overseas expansion. Meanwhile, the *Global Mail* was seeking millions of dollars of subsidies last year from Australian taxpayers by way of tax deductibility status, direct funding, seed funding and payroll tax concessions. I ask you: how could any government responsibly subsidise a group of rent-seekers like this?

Some of the commentary on the recent disclosures about the *Global Mail* has been spot on: Like most lefties, they ... see themselves as visionaries but couldn't run a chook raffle. Imagine if they were in control of the country? Oh wait....

Seriously is anyone surprised? The answer is always content. Poor content, low readership.

... it sounds like TGM is run like a student newspaper where a bunch of kids waste a great deal of someone else's money pretending to produce serious journalism.

I have to wholeheartedly agree. I have yet to hear the Greens condemn these disclosures of an unacceptable culture at this online media organisation funded by the Greens' biggest donor. Where is the Greens' deputy leader, Adam Bandt, when you need him? He was very quick to accuse Qantas of being a rogue employer, but where is he now? Or are the Greens compromised again by their receipt of the biggest political donation in Australia's history?

Finally I should note that former Senator Brown departed this place without explaining his advocacy of tax deductibility for not-for-profit journalism enterprises, like the *Global Mail*, and without saying whether or not he had any discussions with Mr Graeme Wood, or anyone else connected to the *Global Mail*, about the need for such a journalism venture. I would also like to say that, given the disclosures about the practices at the *Global Mail*, the government—which has yet to fully respond to its own media inquiry—should firmly reject the concept of tax deductibility for not-for-profit journalism. Imagine taxpayers subsidising an outfit like the *Global Mail*. I think not!

**Bushfires**

Senator WHISH-WILSON (Tasmania) (18:40): I would like to speak this evening with respect to the bushfire that is currently burning in Tasmania down in the Derwent Valley, the brave crews who are fighting that and the chaotic situation surrounding communities in that area. I would like to speak this evening about bushfires and about some of the myths surrounding the Greens being responsible for bushfires.

This has virtually evolved into urban myth over time. I caught up with my predecessor, Dr Bob Brown, only recently and had a coffee in Salamanca Place and he said to me that recently he was at the blues festival down in Cygnet, and while he was lining up for some food he heard four people behind him. One of the guys lining up spoke up very loudly and said, 'Maybe we should burn down Bob Brown's property and see how he likes it.' Obviously, Bob is pretty quick on his feet, and when he was leaving he went up to them and said, 'I'll remember you in a line-up,' and he walked off. I know he was quite shaken by that comment, because the fear and the hatred that is quite often directed to the Greens—the idea that we are somehow responsible for horrendous bushfires, firestorms that take life and destroy property—is quite sickening. I will get to where I think the source of that is very shortly.

I have gone to great lengths in the last three or four weeks to try and debunk this myth in the media and have put out statements highlighting current Greens policies which support fuel reduction burns and hazard management. The reason that I
have taken a particular interest in this is twofold—

Senator Fierravanti-Wells interjecting—

Senator WHISH-WILSON: I did not think we got interruptions during these types of speeches, but correct me if I am wrong.

The ACTING DEPUTY PRESIDENT (Senator Stephens): Senator, we actually just go through the process. I will make sure that the interruptions are in line.

Senator WHISH-WILSON: Thank you.

Firstly, the very first campaign that I ran for the Greens was Windermere, the Legislative Council campaign in 2009. The day that I launched my campaign was Black Saturday, 7 February 2009. The only thing worse than seeing the footage—the disclosure, the horror of the lives that were lost and the property damage—was actually being blamed for the bushfires as I doorknocked and got around and met communities. I have been very cognisant of this sensitivity in the community towards the party that I am currently representing in the Senate.

The other issue is that I happened to be down on the east coast at Bicheno, where my family has a shack, during the recent bushfires. I consider myself part of that community in many ways—I know a lot of people there. I also got to witness firsthand the angst, the emotion and the frustration of the community there—and also the damage that it sowed. I wanted to make it very clear here today, as I did during motions today, that the Greens do support fuel reduction burns. We have had a longstanding policy supporting fuel reduction burns where appropriate—selective fuel reduction burns that reduce the risk of fires to communities. This policy is often ignored, particularly by journalists and by various Liberal politicians in my state of Tasmania and, I understand, here in the Senate prior to my time, who constantly harp about my party being somehow responsible for the loss of life caused by bushfires.

There are a couple of other things I would like to discuss tonight. One is the difference between fuel reduction burns and forestry regeneration burns. Forestry regeneration burns are part of the industrial-scale forestry that we see particularly after clear-felling of forests. They are designed to grow biomass to increase production as quickly as possible. This is the exact opposite of fuel reduction burns, which are designed to selectively reduce biomass in a forest. Forests are very complex ecosystems. They are not all the same. Some forests cannot be burnt effectively using reduction methods because of moisture content, for example, or the type of species. But some forests can be, and some have effectively been burnt over a number of years to reduce the fire hazard risk. As I witnessed firsthand in the area south of Bicheno, the damage that can be done by wildfires once they get a hold in areas that have not burnt out is quite horrendous.

The Greens have not only had a longstanding policy of supporting fuel reduction burns, which is often misconstrued as opposition to regeneration burns—often deliberately by those who want to misrepresent our position particularly for their own political gain, sowing the seeds of hatred and anger in my home state of Tasmania. We have also taken actions on the ground to try to reduce the risk of bushfire damage. A good example was in the Tasmanian budget when, in negotiating the 2010-11 budget, we managed to secure with Labor an additional recurrent $16 million allocation to the Parks and Wildlife Service for the vital role it plays in reserve management, including fuel reduction burns. We have also supported contingency payments to Forestry Tasmania on the condition that the funds only pay for non-
commercial functions, which include fuel load management. Those two actions were opposed by the Liberals in Tasmania—and they have the gall to post six-year-old media releases on websites and Facebook pages accusing us of being responsible for fires because we oppose forestry industrial-scale regeneration burns, which have nothing to do with fuel regeneration burns.

Another thing I would also like to talk is the idea that, somehow, lock-ups or conservation outcomes create more danger of bushfire hazards. It has now been firmly established that the recent bushfires in Tasmania occurred 80 per cent on private land and most of the severe damage was from monoculture plantations burning, not from forest reserves that have been put aside, apparently, by the Greens' conservation actions and are causing severe concern and risk to local communities. The reality on the ground is quite the opposite. Mixed endemic species in Tasmania have been replaced with monoculture plantations, and a lot of that has been driven by managed investment schemes and industrial-scale forestry which, again, has been strongly supported in this house by the Liberal Party. Another cross in the box.

Another myth I would like to debunk is that fuel reduction burns do not work. I was fortunate to have been able to see an area called Half Moon Bay which was totally destroyed. It looked like an atomic bomb had been dropped on it. All the houses were lost and the people had escaped with three or four minutes to spare. All the wild animals that made it to the beach got to the beach alive but suffocated. The whole beach was littered with dead animals because there was no oxygen in that area. That fire, only six kilometres away, was totally unstoppable: no firebreak, no amount of back-burning would have succeeded. That information came directly from the TFS at the community briefing. What stopped that fire from getting to the Freycinet Peninsula—which is, without a doubt, one of the jewels in the crown of my state—was that Parks and Wildlife had recently done a fuel reduction burn in that area, the fire burnt down on itself and they managed to contain it.

That is a really good example of how strategic fuel reduction burns, done with the proper resources, can help reduce fire risks. I have absolutely no doubt that they work when done properly, but we do not have the resources in place to do it where we need to do it. I totally understand the frustration of private landowners who have issues with liability, lack of resourcing, lack of expertise and lack of experience. We have lost a lot of the knowledge that we used to have in our forestry industry, for example, about how to do these things regularly.

The Premier of Tasmania, Lara Giddings, is having an independent bushfire inquiry and the Greens intend to make a submission, giving as much evidence and information as we can to that inquiry, and to play a role in future fire hazard reduction, just as we have constructively in Tasmania in the last few years in government with Labor. We also look forward to the Senate inquiry into extreme weather events and how we can get additional funding around the country for this very issue.

World War I

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (18:50): On Tuesday morning this week the Prime Minister and the Leader of the Opposition took part in a wreath-laying ceremony at the War Memorial. Seeing them pay respects at the Tomb of the Unknown Soldier on behalf of the parliament, I decided to continue tonight with the series of speeches I intend to make in recognition of the Centenary of World War I, which will begin next year. The first
of these speeches, which I delivered in March last year, covered the voyage to England of my grandfather, Sergeant Edward Farrell, and his posting to a training camp in sight of Stonehenge, on England's Salisbury Plain. It was in this camp that Edward had his first taste of the war. He wrote back to his fiancée, Emily—soon to become my grandmother—in Adelaide:

A batch of German prisoners has marched in, and they're now quartered about 100 yards from our hut. They are objects of great fascination to all the soldiers. They're pretty harmless though. Not much of any interest to describe about them. Some speak English pretty well. Grey uniforms, and lots of regiments represented, including the Prussian Guards.

By this time the Battle of Fromelles was in its final stages. This was followed by the Battle of Pozieres. Australia suffered more losses in the combined Fromelles and Pozieres operation over six weeks than in the eight months of the Gallipoli campaign. As the official war correspondent, Charles Bean noted Pozieres 'is more densely sown with the Australian sacrifice than any other place on earth.' Pozieres cost the AIF 23,000 casualties in 42 days, including 6,800 dead. Indeed, Fromelles was Australia's first major engagement on the Western Front, and has been described as the worst 24 hours in Australia's military history.

Edward, however, was still in England and visiting London on leave days. In early September 1916 he wrote:

We have been to the Tower of London, Westminster Abbey and St. Paul's, and saw all the old historical things in these places. The Tower was the most gruesome, and I saw where the two princes were murdered, Sir Walter Raleigh's cell, Henry VIII's suit of armour, and the Crown Jewels which are no doubt a wonderful collection. In St Paul's the most interesting items were the tombs of Nelson and the Duke of Wellington.

Edward also described the German Zeppelin raids:

We missed a beauty by only two nights, but on the Tuesday there was something in the air as the anti aircraft guns started at 1:30am. Frightened the life out of me. Hopped out of bed, but of course, I couldn't see anything, and the guns didn't last long.

By 9 October Edward was stationed in London, where he worked as an accountant in the audit and finance section of the Australian Army headquarters. He wrote to Em about his accommodation in Gloucester Road, South Belgrave:

I've got a nice little room all to myself—a corner on the second floor with three French windows opening out to a stone balcony. They've got shutters on them and it's such a nuisance as you can strike a light in the night without noticing that the shutters are up—Zeppelin precautions.

Edward managed to attend the theatre, visit the ANZAC Club, the Royal Albert Hall, the London Palladium and pubs including the Charing Cross Hotel and Ye Olde Cheshire Cheese. He saw Buckingham Palace, attended mass in Westminster Cathedral, and visited Hyde Park and the Serpentine. A letter home about a munitions factory explosion illustrates how close the reality of war was at any time:

Terrible isn't the word for it. The scene is about 10 or 12 miles from here but it shook us pretty considerably and even broke windows further away than we are. Whole streets have been blown to pieces. The papers first gave the deaths at 30 to 40 and then another 20 bodies were recovered—but if that total was multiplied by 10 it would be getting somewhere near the mark. The flames could be seen for 30 miles.

Parcels from home were always a treat and on 4 February 1917, he wrote to Em:

Your nice parcel has arrived and I loved the socks and tobacco!

Well-wishers in Australia also sent parcels to the Australian Imperial Forces headquarters, from where they were sent on to the troops. Edward told Em:
Last week I got a little Christmas parcel consisting of some chocolates and lollies, a pipe, tobacco, soap and toothbrush powder—plus one or two other little things. A note accompanying it wished me well, and asked me—as the 'recipient'—to write back to a woman in Brisbane called Vera.

The weather was also a regular topic of correspondence. He says:

It has been bitterly cold and blowing like anything all day. One night there was a very heavy snowstorm that kept up till dinnertime on Friday, by which time there was over a foot of snow on the ground and some places much deeper. It was dangerous, too, as drains two and three feet deep were covered right over. Of course muggins he had to walk into one.

By 5 March, back in military camp and training for France, Edward reported this to Em. He says:

I said goodbye to Piccadilly and farewelled Leicester Square as I made for Waterloo Station. I was sorry in some ways to leave London as I had made a few happy acquaintances while there, but the whole thing became intolerable and only for the cold weather I would not have stayed as long as I did.

On 25 March Edward was stationed with a training battalion in Hurcott, and shortly after the soldiers marched for several days to Bulford to be inspected by the King. Edward described the occasion in a letter home to Em. He says:

The King rode a fine charger and as he neared us over 30,000 troops came to 'the present arms' position, making what must have been an historic picture. After His Majesty had ridden along the lines—and it took sometime—we all performed a march past, two platoons at a time. Just as I passed him he turned to speak to Prince Arthur of Connaught and I'm not sure whether he saw me or not. After that we had dinner—a little bread and less cheese and presently the King went past slowly in his motorcar, accompanied by loud cheering by all the troops.

On 6 April America entered hostilities by declaring war on Germany, and on 10 April the battle of Bullecourt started. This battle resulted in Australia suffering almost 3,500 casualties. The second battle of Bullecourt began on 3 May, again with heavy Australian casualties, and was followed on 7 June by the battle of Messines.

By late July, Edward was in Le Havre, France, and described the journey from Hurcott in a letter to Em. He says:

About 5:30 in the morning they bunged several thousand of us on aboard the HMS Viper and at 7:30 several of these big transports pushed off accompanied by destroyers and submarines.

If we weren't packed like sardines I could have said it was beautiful gliding down past Southampton, Portsmouth and the Isle of Wight. Didn't go very far though before they started all sorts of tick tacking and doubling—dodging mine chains and one thing and another.

We came alongside the pier at Le Havre about 2 am. At 3 am we were issued with rations for the day, and between 7 and 8 am we disembarked. Our lot, however, had to do the cleaning up of the boat and it was 10 o'clock before we set off on the 7 mile or so march to camp—uphill and in full gear.

I wasn't very much taken with Havre. It's a pretty big town and port, though, and I suppose we went through the worst part of it out past Greville towards Montevilliers.

This speech has covered my grandfather's time in training in England and his arrival in France. The next episode of my serialised speech will see my grandfather Edward in action—being injured, and subsequently repatriated to England.
tabled with an instrument unless otherwise indicated by an asterisk.)


Carbon Credits (Carbon Farming Initiative) Act—

Carbon Credits (Carbon Farming Initiative) (Diversion of Legacy Waste to an Alternative Waste Treatment Facility) Methodology Determination 2013 [F2013L00161].

Carbon Credits (Carbon Farming Initiative) (Human Induced Regeneration of a Permanent Even-Aged Native Forest) Methodology Determination 2013 [F2013L00162].

Civil Aviation Act—Civil Aviation Regulations—Instrument No. CASA 14/13—Instructions – GNSS as primary means of navigation for NDB and VOR (overlay) approach—Qantas Airways Limited [F2013L00157].

Fisheries Management Act—

Macquarie Island Toothfish Fishery Management Plan 2006—Macquarie Island Toothfish Fishery Fishing Year Determination 2013 [F2013L00156].

Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 1 2013 [F2013L00168].

Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 3 2013 [F2013L00166].

Medical Indemnity Act—Medical Indemnity (Run-off Cover Claims and Administration) Amendment Protocol 2013 [F2013L00154].

National Vocational Education and Training Regulator Act—

Data Provision Requirements 2012 [F2013L00160].

Standards for NVR Registered Training Organisations 2012 [F2013L00167].

Radiocommunications Act—

Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band) Amendment Determination 2013 (No. 1) [F2013L00159].

Social Security Act—

Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 3) [F2013L00163].

Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 4) [F2013L00165].

Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 4) [F2013L00164].

Telecommunications Universal Service Management Agency Act—

Levy Amount Formula Modification Determination 2013 [F2013L00158].

Telecommunications (Participating Persons) Determination 2013 [F2013L00155].

Departmental and Agency Grants Tabling

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—Department of Health and Ageing, Organ and Tissue Authority.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Financial Management and Accountability

(Question No. 2344)

Senator Ryan asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 9 October 2012

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio: For each of the following items: (a) licences; (b) registrations; (c) fee for services; and (d) permits (and all other permission structures):

(1) How many are administered to the non-government sector.

(2) What are the associated fees with each item, and which sectors of the community are required to hold each.

(3) How often does each item require renewal.

(4) What fees have been paid for each item for the following financial years (or since the item was introduced since 2007-08): (a) 2007-08; (b) 2008-09; (c) 2009-10; (d) 2010-11; (e) 2011-12; and (f) 2012-13.

(5) How much total revenue is collected annually from each of the listed items.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

Due to the various permissions structures operating across the portfolio, a separate response is provided from each relevant area of the portfolio.

Bureau of Meteorology (BoM)

BoM has a number of cost recovery arrangements under s31 of the Financial Management and Accountability Act 1997. BoM produces and distributes a variety of data, information and services and derives revenue from:

- Climate, Water, and Weather services and products;
- Participates in collaborative research projects; and
- Specific cost recovered services for areas such as Aviation, Defence and some commercial services.

For the purposes of these questions the above services have been included as item c) "fee for services".

(1) Data is not available on how many fee for service items are administered to the non-government sector.

(2) In addition to appropriation funded public information services, the Bureau provides enhanced weather and climate information to meet residual public needs. The current fees for services are as set out below:

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QUESTIONS ON NOTICE
Climate Data Service

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</tr>
<tr>
<td>Annual Registration Fees</td>
<td></td>
</tr>
<tr>
<td>PMSP User</td>
<td>9,905</td>
</tr>
<tr>
<td>Regular User</td>
<td>965</td>
</tr>
<tr>
<td>Annual Subscription Fees</td>
<td></td>
</tr>
<tr>
<td>Level 1 Product</td>
<td>135</td>
</tr>
<tr>
<td>Level 2 Product</td>
<td>270</td>
</tr>
<tr>
<td>Level 3 Product</td>
<td>830</td>
</tr>
<tr>
<td>Level 4 Product</td>
<td>1,655</td>
</tr>
<tr>
<td>Level 5 Product</td>
<td>3,185</td>
</tr>
<tr>
<td>Transaction Fees</td>
<td></td>
</tr>
<tr>
<td>New Client Setup</td>
<td>1,005</td>
</tr>
<tr>
<td>Service Change</td>
<td>335</td>
</tr>
</tbody>
</table>

Notes:

Category 1 (Cat 1) relates to requests where the details are fully specified by the requestor.

Category 2 (Cat 2) relates to requests where additional assistance is required to specify the details required.

These charging rates are current as of 21 November 2012.

For annual subscriptions, services range from Level 1 for the delivery of public products on a managed delivery platform to Level 5 for the provision of complex and custom products. The fee at each level has been standardised to reflect the per product production effort required.

Otherwise, the Bureau's cost recovered services (non-commercial) are enhanced information services pursuant to the Australian Government Cost Recovery Guidelines. Fees for commercial services are competitively neutral and set in accordance with the Australian Government Competitive Neutrality Guidelines for Managers.

The Bureau's cost recovered services are demand driven and optional for all users. A significant proportion of the total is services to the aviation industry.

(3) N/A.

(4) Fees for services paid since 2007-08:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>$20,703,000</td>
</tr>
<tr>
<td>2008-09</td>
<td>$26,985,000</td>
</tr>
<tr>
<td>2009-10</td>
<td>$44,774,000</td>
</tr>
<tr>
<td>2010-11</td>
<td>$59,535,000</td>
</tr>
<tr>
<td>2011-12</td>
<td>$66,405,000</td>
</tr>
<tr>
<td>2012-13</td>
<td>$60,379,000</td>
</tr>
</tbody>
</table>

(5) A total of $278,781,000 has been paid since 2007-08.

Environment Assessment Compliance Division and Heritage and Wildlife Division

QUESTIONS ON NOTICE
Permits are issued by the Department of Sustainability, Environment, Water, Population and Communities for the import and export of wildlife specimens (live and dead) in accordance with Part 13A of the Environment Protection and Biodiversity Conservation Act 1999. In addition to an import or export permit, a facility assessment is required for live animals for animal welfare purposes.

The department administers the Commonwealth Historic Shipwrecks Act 1976, which involves the issuing of registrations and permits.

The department charges a fee for services for the assessment of Sea Dumping Permit applications under the Environment Protection (Sea Dumping) Act 1981.

(1) Wildlife trade import and export permits and fees: exact data are not available. In 2011-12, 1855 permits and approximately 15,900 personal baggage permits were issued for the export and import of wildlife specimens. The majority of these were for non-government bodies, companies and individuals. In 2011-12 the department completed 48 facility assessments but the majority of these were for government institutions.

Approximately 60 permits and 30 registrations are issued annually under the Historic Shipwrecks Act 1976.

All fees for services are administered to either the non-government sector or state government based corporate entities.

(2) Wildlife trade import and export permits:

- Personal baggage permit $1.00
- Single use permit $30.00
- Multiple use permit $75.00 per 6 months (max 3 years)
- Testing permits $150.00
- Exceptional circumstances permit $150.00
- Household pets permits $150.00
- Facility assessment $150.00

Any individual or organisation wishing to import or export wildlife specimens is required to obtain/hold a permit.

No registration, application or permit fees are currently charged under the Historic Shipwrecks Act 1976. The permits and registrations relate to the either the control of protected shipwreck relics or visitation to historic shipwrecks within protected zones and are issued to private individuals, associations and businesses.

As at April 2009 fees for the assessment of applications for sea dumping permits are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dredged or excavated material &lt;100,000 m$^3$</td>
<td>$10,000</td>
</tr>
<tr>
<td>Dredged or excavated material &gt;100,000 m$^3$</td>
<td>$23,500</td>
</tr>
<tr>
<td>Artificial reef</td>
<td>$10,000</td>
</tr>
<tr>
<td>Burial at sea</td>
<td>$1,675</td>
</tr>
<tr>
<td>Platform</td>
<td>$12,700</td>
</tr>
<tr>
<td>Vessel</td>
<td>$12,700</td>
</tr>
<tr>
<td>Disposal of Sewage</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

The fee for an application to vary a permit is $860.

Prior to April 2009, but within the period to which QoN 2344 refers, the fees for the assessment of applications were as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dredged or excavated material &lt;100,000 m$^3$</td>
<td>$5,000</td>
</tr>
<tr>
<td>Dredged or excavated material &gt;100,000 m$^3$</td>
<td>$16,500</td>
</tr>
<tr>
<td>Artificial reef</td>
<td>$5,000</td>
</tr>
</tbody>
</table>
The fee for an application to vary a permit was $500.

Only the non-government (private) sector or state government based corporate entities applying for a permit to dump material at sea pay a fee for the assessment of an application (Part 5 - Environment Protection (Sea Dumping) Regulations 1983).

(3) Wildlife trade import and export permits: are not renewed but they do have an expiry date, which varies with the type of permit. Facility assessments do not have an expiry date.

Expiry dates for sea dumping permits range from 1 to 12 months depending on the purpose.

Fees for the assessment of applications are not subject to renewal, but are occasionally varied upon payment of a variation fee as above.

(4) Fees that have been paid for sea dumping permits:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>$177,500</td>
</tr>
<tr>
<td>2008-09</td>
<td>$153,500</td>
</tr>
<tr>
<td>2009-10</td>
<td>$364,995</td>
</tr>
<tr>
<td>2010-11</td>
<td>$269,615</td>
</tr>
<tr>
<td>2011-12</td>
<td>$207,325</td>
</tr>
<tr>
<td>2012-13</td>
<td>$95,615</td>
</tr>
</tbody>
</table>

Fees that have been paid for wildlife trade import and export permits and facility assessments:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>$204,687.44</td>
</tr>
<tr>
<td>2008-09</td>
<td>$209,489.00</td>
</tr>
<tr>
<td>2009-10</td>
<td>$134,756.00</td>
</tr>
<tr>
<td>2010-11</td>
<td>$91,307.00</td>
</tr>
<tr>
<td>2011-12</td>
<td>$95,906.58</td>
</tr>
<tr>
<td>2012-13</td>
<td>Not available</td>
</tr>
</tbody>
</table>

(5) For sea dumping permits, a total of $1,268,550 has been paid since 2007-08.

For wildlife trade permits, a total of $736,146.02 has been paid since 2007-08.

Great Barrier Reef Marine Park Authority (GBRMPA)

(1) The GBRMPA administers permits and other permission structures under the Great Barrier Reef Marine Park Act 1975, the Great Barrier Reef Marine Park Regulations 1983, the Great Barrier Reef Marine Park Zoning Plan 2003, the Sea Installations Act 1987, the Environment Protection (Sea Dumping) Act 1981, and the Environment Protection (Sea Dumping) Regulations 1983. Most of these are issued to the non-government sector, and of the 1367 current permits, approximately 2.5 per cent (33 permits) are issued to the government sector.

(2) Permits are required for anyone (including individuals, companies, incorporated bodies and government departments and agencies) intending to conduct activities in the Great Barrier Reef Marine Park which require permission under any of the pieces of legislation that the GBRMPA administers.

Permit Application Assessment Fees (applies for calendar year 2012 only)
<table>
<thead>
<tr>
<th>Proposed Activity</th>
<th>Initial fee</th>
<th>Continuation fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity that requires use of an aircraft or vessel having a maximum passenger capacity of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) less than 25 passengers</td>
<td>$670</td>
<td>$670</td>
</tr>
<tr>
<td>b) 25 to 50 passengers</td>
<td>$960</td>
<td>$770</td>
</tr>
<tr>
<td>c) 51 to 100 passengers</td>
<td>$1750</td>
<td>$1070</td>
</tr>
<tr>
<td>d) 101 to 150 passengers</td>
<td>$2910</td>
<td>$1540</td>
</tr>
<tr>
<td>e) more than 150 passengers</td>
<td>$4870</td>
<td>$1940</td>
</tr>
<tr>
<td>Activity that requires the use of a facility or structure in the Marine Park</td>
<td>$2140</td>
<td>$2140</td>
</tr>
<tr>
<td>Activity that requires a public notice (as it may restrict reasonable use by the public)</td>
<td>$7780</td>
<td>$2910</td>
</tr>
<tr>
<td>Activity that requires a public environment report to be prepared</td>
<td>$38,980</td>
<td>$38,980</td>
</tr>
<tr>
<td>Continuation of an activity that required a public environment report, where another report is not required</td>
<td></td>
<td>$4870</td>
</tr>
<tr>
<td>Activity that requires an environmental impact statement to be prepared</td>
<td>$105,290</td>
<td>$105,290</td>
</tr>
<tr>
<td>Continuation of an activity that required an environmental impact statement, where another statement is not required</td>
<td></td>
<td>$4870</td>
</tr>
<tr>
<td>Any other activity (including moorings)</td>
<td>$670</td>
<td>$670</td>
</tr>
</tbody>
</table>

Fees for other applications and requests

<table>
<thead>
<tr>
<th>Application</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer of a permit</td>
<td>$554</td>
</tr>
<tr>
<td>Variation of a permit condition</td>
<td>$380</td>
</tr>
<tr>
<td>Change to a Vessel Identification Approval (VNA)</td>
<td>$51</td>
</tr>
<tr>
<td>Replacement of a VIN or BIN or the documents evidencing an identification number</td>
<td>$51</td>
</tr>
<tr>
<td>Re-issue of a permit</td>
<td>$51</td>
</tr>
<tr>
<td>Request to the Authority for information about any of the following:</td>
<td></td>
</tr>
<tr>
<td>(a) the conditions to which the permission is subject</td>
<td>$51</td>
</tr>
<tr>
<td>(b) whether the permission is in force</td>
<td>$51</td>
</tr>
<tr>
<td>(c) the activities for which the permission has been granted</td>
<td>$51</td>
</tr>
<tr>
<td>Request to vary an application if, as a result of the variation:</td>
<td></td>
</tr>
<tr>
<td>(a) the Authority must notify or re-notify</td>
<td>$51</td>
</tr>
<tr>
<td>(b) an assessment, or an additional assessment, must be made</td>
<td>$51</td>
</tr>
<tr>
<td>Request for a summary of documents, being a list of any or all of the following:</td>
<td></td>
</tr>
<tr>
<td>(a) each permission granted to the person making the request</td>
<td>$51</td>
</tr>
<tr>
<td>(b) each application made by the person</td>
<td>$51</td>
</tr>
</tbody>
</table>
(3) Permit tenure forms part of the decision of the delegate, however in some cases, is informed by GBRMPA policy. In general, permits are usually issued for between one and fifteen years with the most common tenure being six years.

(4) Totals for this year and the five preceding years are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>$384,550</td>
</tr>
<tr>
<td>2008-09</td>
<td>$264,802</td>
</tr>
<tr>
<td>2009-10</td>
<td>$269,007</td>
</tr>
<tr>
<td>2010-11</td>
<td>$254,135</td>
</tr>
<tr>
<td>2011-12</td>
<td>$372,677</td>
</tr>
<tr>
<td>2012-13 to date</td>
<td>$184,198</td>
</tr>
</tbody>
</table>

(5) A total of $1,729,369 has been paid since 2007-08.

Marine Division

Commonwealth Marine Reserves

(1) 258 permits have been issued to the non-government sector in the 2012/13 financial year.

(2) There are no fees associated with permits or approvals issued by the Director of National Parks in relation to Commonwealth marine reserves. People, companies or government agencies undertaking activities in Commonwealth marine reserves that would otherwise be an offence under the Environment Protection and Biodiversity Conservation Act 1999 and Regulations 2000 are required to have a permit or an approval to undertake their activity.

(3) There is no set period for the renewal of permits or approvals.

(4) No fees have been paid.

(5) No revenue is collected.

Australian Bird and Bat Banding Scheme (ABBBS) Banding Authorities

ABBBS Banding Authorities authorise the holder to use the Scheme’s bands and may be regarded as 'skills tickets', confirming that the authority holder has a specified level of skills in the capture, handling and banding of birds or bats.

(1) Approximately 600 banding authorities are administered to the non-government sector on an annual basis.

(2) The annual fee to hold an authority is $54.25. Anyone wishing to attach metal ABBBS bands to birds or bats in Australia is required to hold an ABBBS Authority.

(3) ABBBS Banding Authorities are renewed annually.

(4) Total revenue collected annually:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>$24,857.28</td>
</tr>
<tr>
<td>2008-09</td>
<td>$26,632.80</td>
</tr>
<tr>
<td>2009-10</td>
<td>$26,830.08</td>
</tr>
<tr>
<td>2010-11</td>
<td>$27,151.00</td>
</tr>
<tr>
<td>2011-12</td>
<td>$26,387.58</td>
</tr>
<tr>
<td>2012-13</td>
<td>$28,802.88*</td>
</tr>
</tbody>
</table>

*estimate of fees at 16/10/2012

(5) A total of $160,661.62 has been paid since 2007-08.

Section 238 Permits to interfere with cetaceans

Permits to interfere with cetaceans are administered under Section 238 of the Environment Protection and Biodiversity Conservation Act 1999. The requested details are as follows:
(1) Since the 2007-08 financial year, 20 permits have been administered to the non-government sector.
(2) The associated fee for applying to obtain a Section 238 permit is $25 per application. All Australian citizens, research institutions, non-government organisations and private enterprises are required to obtain a permit to interfere with cetacean in the Australian Whale Sanctuary and beyond, which includes for the purpose of research.
(3) There is no set timeframe for renewal. The duration of the permit is based on application and assessment of the activity.
(4) The following fees have been paid for application for a Section 238 permit in each of the following financial years:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>$100</td>
</tr>
<tr>
<td>2008-09</td>
<td>$125</td>
</tr>
<tr>
<td>2009-10</td>
<td>$25</td>
</tr>
<tr>
<td>2010-11</td>
<td>$75</td>
</tr>
<tr>
<td>2011-12</td>
<td>$125</td>
</tr>
<tr>
<td>2012-13 to date</td>
<td>$50</td>
</tr>
</tbody>
</table>

(5) A total of $500 has been paid since 2007-08.

*Australian Antarctic Division*

(1) Of the permits and environmental authorisations issued by the Australian Antarctic Division, approximately one-third are provided to individuals within the non-government sector.
(2) No fees are associated with these permissions.
(3) Permits are valid for one year. Environmental authorisations typically cover a number of years.
(4) N/A.
(5) N/A.

*Environment Quality Division*

(1) For permits granted under the Hazardous Waste (Regulation of Exports and Imports) Act 1989, 18 permits were granted to applicants in the non-government sector in 2011-12.
For licenses under the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989, at any given time approximately 1000 import/export licences are being administered.
All registrations that are processed under the Water Efficiency Labelling and Standards (WELS) scheme are from the non-government sector. There are approximately 500 registrants currently registering products with the WELS scheme.
Fees are charged by the department to process applications for a fuel standard variation under the Fuel Quality Standards Act 2000 (the Act). All applications are from the non-government sector.
(2) Under the Hazardous Waste (Regulation of Exports and Imports) Act 1989 all sectors of the community are required to obtain a (d) permit for the import, export and transit of hazardous waste. The fees for applications are as follows:

<table>
<thead>
<tr>
<th>Type of Permit</th>
<th>Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for Basel Export permit</td>
<td>$4,440 per application</td>
</tr>
<tr>
<td>Application for Basel Import permit</td>
<td>$270 per application</td>
</tr>
<tr>
<td>Notification of transit country</td>
<td>$110 per transit country</td>
</tr>
<tr>
<td>Application to vary Basel export permit</td>
<td>$370 per export application</td>
</tr>
<tr>
<td>Application to vary Basel import permit</td>
<td>$210 per import application</td>
</tr>
<tr>
<td>Application to vary transit permit</td>
<td>$110</td>
</tr>
<tr>
<td>Type of Permit</td>
<td>Permit Fee</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Application for special export permit</td>
<td>$480 per application</td>
</tr>
<tr>
<td>Application for special import permit</td>
<td>$270 per application</td>
</tr>
<tr>
<td>Notification of transit country</td>
<td>$110 per transit country</td>
</tr>
<tr>
<td>Application to vary special export permit</td>
<td>$270</td>
</tr>
<tr>
<td>Application to vary special import permit</td>
<td>$110</td>
</tr>
<tr>
<td>Application to vary a special transit permit</td>
<td>$110</td>
</tr>
</tbody>
</table>

Under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* a licence (or exemption) must be held by any person or entity from all sectors of the community wishing to import, export or manufacture substances regulated. A cost recovery levy (or fee for service) of $165/tonne imported is paid quarterly.

<table>
<thead>
<tr>
<th>Type of Licence</th>
<th>License Fee</th>
<th>Fee for Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Controlled Substances Licence</td>
<td>$15,000</td>
<td>$165/tonne/quarter</td>
</tr>
<tr>
<td>Essential Uses Licence</td>
<td>$3,000</td>
<td>$165/tonne/quarter</td>
</tr>
<tr>
<td>Used Substances License</td>
<td>$15,000</td>
<td>$165/tonne/quarter</td>
</tr>
<tr>
<td>Equipment Licence</td>
<td>$3,000</td>
<td>$165/tonne/quarter</td>
</tr>
<tr>
<td>Equipment Licence (Low Volume Import)</td>
<td>$400</td>
<td>$165/tonne/quarter</td>
</tr>
<tr>
<td>Section 40 Exemption</td>
<td>$3,000</td>
<td>$165/tonne/quarter</td>
</tr>
<tr>
<td>Methyl Bromide Licence</td>
<td>$15,000</td>
<td>$165/tonne/quarter</td>
</tr>
</tbody>
</table>

The *Water Efficiency Labelling and Standards Act 2005* (WELS Act) requires specified products to be registered and labelled with their water efficiency before they can be offered for supply. Products currently administered under the scheme are showers, taps, toilets, urinals, washing machines (including combination clothes washers/dryers) and dishwashers. Flow controllers are also included in the scheme on a voluntary basis. The WELS Determination 2011 currently specifies a fee of $1500 to register a WELS product, family of models or a set of minor products.

In most instances, manufacturers are usually the registrants but other parties, such as importers, wholesalers, trade suppliers, and retailers of WELS products are also able to register WELS products. Fees are set by the Fuel Quality Standards Regulations 2001 and based on a sliding scale related to the volume of fuel to be supplied. Applications to vary the fuel standards are received from:

- small businesses
- niche market suppliers of racing fuel used in competitive motor or water sport racing activities
- mid-range suppliers of market fuels
- major fuel refiners.

Fees Schedule

<table>
<thead>
<tr>
<th>Tier</th>
<th>Tier Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
<td>Less or equal to 1 ML</td>
<td>$2,575</td>
</tr>
<tr>
<td>Tier 2</td>
<td>Over 1 ML and less or equal to 25 ML</td>
<td>$25,000</td>
</tr>
<tr>
<td>Tier 3</td>
<td>Over 25 ML and less or equal to 100 ML</td>
<td>$70,000</td>
</tr>
<tr>
<td>Tier 4</td>
<td>Over 100 ML</td>
<td>$130,000</td>
</tr>
</tbody>
</table>

(3) Under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* the majority of permits are for up to one year. Under certain conditions, a permit can be issued for up to three years.

QUESTIONS ON NOTICE
Under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* renewal of licences is undertaken every two years, except for a 'Low Volume Import Licence' which is valid for fourteen days.

Each registration currently lasts for five years under WELS.

Approvals for racing fuel and mid-range suppliers are normally granted for up to two years.

Approvals for other small businesses and major fuel refiners may be granted for up to five years.

(4) Under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*:

<table>
<thead>
<tr>
<th>Financial year</th>
<th>Total income from application fees in $</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-2008</td>
<td>24,240</td>
</tr>
<tr>
<td>2008-2009</td>
<td>30,050</td>
</tr>
<tr>
<td>2009-2010</td>
<td>22,120</td>
</tr>
<tr>
<td>2010-2011</td>
<td>11,630</td>
</tr>
<tr>
<td>2011-2012</td>
<td>14,890</td>
</tr>
<tr>
<td>2012-2013 to 22 October 2012</td>
<td>10,480</td>
</tr>
</tbody>
</table>

Under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*:

<table>
<thead>
<tr>
<th>Financial year</th>
<th>Total income from licences in $</th>
<th>Total income from levy in $</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-2008</td>
<td>2,631,000</td>
<td>1,341,932</td>
</tr>
<tr>
<td>2008-2009</td>
<td>546,020</td>
<td>1,302,617</td>
</tr>
<tr>
<td>2009-2010</td>
<td>2,513,661</td>
<td>1,380,053</td>
</tr>
<tr>
<td>2010-2011</td>
<td>902,750</td>
<td>1,209,504</td>
</tr>
<tr>
<td>2011-2012</td>
<td>3,462,868</td>
<td>1,369,103</td>
</tr>
<tr>
<td>2012-2013 to 23 October 2012</td>
<td>644,107</td>
<td>14,957,467</td>
</tr>
</tbody>
</table>

Total fees and revenue collected under the *Water Efficiency Labelling and Standards Act 2005* are as follows:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Total Fees Collected ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>560,890</td>
</tr>
<tr>
<td>2008-09</td>
<td>418,891</td>
</tr>
<tr>
<td>2009-10</td>
<td>338,908</td>
</tr>
<tr>
<td>2010-11</td>
<td>776,978</td>
</tr>
<tr>
<td>2011-12</td>
<td>776,216</td>
</tr>
<tr>
<td>2012-13</td>
<td>358,352*</td>
</tr>
</tbody>
</table>

* Total fees and revenue collected from 1 July 2012 to 21 November 2012 (rounded to the nearest dollar).

Annual revenue under the *Fuels Quality Standards Act 2000*:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Revenue ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>14,975</td>
</tr>
<tr>
<td>2008-09</td>
<td>330,400</td>
</tr>
<tr>
<td>2009-10</td>
<td>5,150</td>
</tr>
<tr>
<td>2010-11</td>
<td>345,750</td>
</tr>
<tr>
<td>2011-12</td>
<td>287,575</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Financial Year | Revenue ($)  
---|---
2012-13 | 23,175 (estimate)  

(5) Under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* a total of $113,410 has been paid since 2007-08.  
Under the *Ozone Protection and Synthetic Greenhouse Gas Management Act* a total of $21,560,676 has been paid since 2007-08.  
Under the *Water Efficiency Labelling and Standards Act 2005* a total of $3,230,235 has been paid since 2007-08.  
Under the *Fuels Quality Standards Act 2000* a total of $1,007,025 has been paid since 2007-08.  

*Sydney Harbour Federation Trust*  
For each of the following items: (a) licences; (b) registrations; (c) fee for services; and (d) permits (and all other permission structures):  
(1) The Sydney Harbour Federation Trust administers the following types of permits to the non-government sector:  
- childcare licences  
- food compliance inspection fees  
- liquor licences  
- development application fees  
- public parking meter fees.  

(2) The fees for each type of permit are as follows:  

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Fee Description</th>
<th>2007-08 ($)</th>
<th>2008-09 ($)</th>
<th>2009-10 ($)</th>
<th>2010-11 ($)</th>
<th>2011-12 ($)</th>
<th>2012-13 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Childcare licences fees</td>
<td>Varies</td>
<td>1,295</td>
<td>0</td>
<td>0</td>
<td>1,500</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Food compliance inspection fees</td>
<td>Approx $300</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquor licence fees</td>
<td>$1500 for restaurants/cafes; $500 for events</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development application fees</td>
<td>Varies depending on value of works</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public parking meter fees</td>
<td>Currently $3.50 per hour weekdays / $5 per hour weekends</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(3) Renewal for each permit:  

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Renewal Type</th>
<th>2007-08 ($)</th>
<th>2008-09 ($)</th>
<th>2009-10 ($)</th>
<th>2010-11 ($)</th>
<th>2011-12 ($)</th>
<th>2012-13 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Childcare licences</td>
<td>biennially</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food compliance inspection fees</td>
<td>6 monthly annually for restaurants/cafes as needed for events</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquor licences</td>
<td>as needed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development application fees</td>
<td>as needed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public parking meter fees</td>
<td>hourly</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(4) Fees paid since 2007-08 to 2012-13 (up to 1 November 2012).
(5) A total of $1,620,134 has been paid since 2007-08.

Parks Australia Division including the Director of National Parks

Parks Australia has 6 categories of permits that have been issued to the non-government sector. Parks Australia administered 1212 permits since 2007-08.¹

Parks Australia has 6 categories of fee for service that are charged to the non-government sector. Given the nature of fee for service activities, Parks Australia is unable to provide a figure for how many have been administered.

¹ Note: the information provided in this response includes the Director of National Parks.

(2) Any sector of the community undertaking an activity that requires a permit or incurs a fee for service in Commonwealth national parks or reserves must apply for one. Associated fees for 2012-13 are:

Permits:

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Fees (2012-13)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Tour permits (Kakadu and Uluru-Kata Tjuta National Parks)</td>
<td>$100 per year when conducting less than 4 tours (Kakadu and Uluru-Kata Tjuta National Parks)</td>
</tr>
<tr>
<td>Filming permits (Kakadu and Uluru-Kata Tjuta National Parks)</td>
<td>$250 per day</td>
</tr>
<tr>
<td>Photography permits</td>
<td>$20 per day (Uluru-Kata Tjuta National Park)</td>
</tr>
<tr>
<td>Special permits (for bushwalking, sportfishing, safari camps and other particular activities – Kakadu National Park)</td>
<td>$100 per year when conducting less than 4 trips; $500 per year when conducting more than 4 trips</td>
</tr>
<tr>
<td>Research permits</td>
<td>No fees are collected</td>
</tr>
<tr>
<td>Part 8A of the EPBC regulations (Access to biological resources)</td>
<td>$50 for commercial permits only</td>
</tr>
</tbody>
</table>

Fee for Service: see Attachment A for the Australian National Botanic Gardens current fee for service charges.

Fees for camping within Kakadu and Booderee National Parks range from $5.00 to $49.00 depending on site size, amenities and if it is "peak" season or not.

Park Use fees are charged for Booderee ($11.00 per day per car), Kakadu ($25 for fourteen days) and Uluru-Kata Tjuta National Parks ($25.00 for three days).

(3) Renewal times are as follows:

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Renewal Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Tour permits (Kakadu and Uluru-Kata Tjuta National Parks)</td>
<td>Every 12 months (all national parks)</td>
</tr>
<tr>
<td>Filming permits (Kakadu and Uluru-Kata Tjuta National Parks)</td>
<td>Every 3 years for operators that are industry accredited (Uluru-Kata Tjuta National Park)</td>
</tr>
<tr>
<td></td>
<td>$250 per day</td>
</tr>
</tbody>
</table>
National Parks
Photography permits $20 per day (Uluru-Kata Tjuta National Park)
$30 per day (Kakadu National Park)
Special Permits (Kakadu National Park) Generally annually but can be renewed every 5 years
Research permits Issued for the length of time the research is undertaken
Part 8A of the EPBC regulations (Access to biological resources) Issued for the period required for the applicant's project (i.e. can be from 2 weeks to 5 years)

Fee for service activities are charged each time the service is requested unless otherwise noted in the response to Question 2.

(4) Fees per financial year are as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits</td>
<td>88,776</td>
<td>94,702</td>
<td>74,696</td>
<td>50,465</td>
<td>92,467</td>
<td>16,867</td>
</tr>
<tr>
<td>Fee for service</td>
<td>8,666,587</td>
<td>8,299,543</td>
<td>8,327,744</td>
<td>8,646,137</td>
<td>10,184,329</td>
<td>3,307,253</td>
</tr>
</tbody>
</table>

(5) A total of $47,849,566 has been paid since 2007-08.

Freedom of Information
The Department of Sustainability, Environment, Water, Population and Communities and its portfolio agencies follow the advice and protocols provided by the Office of the Australian Information Commissioner (the OAIC) in line with the Freedom of Information Act 1982 (the FOI Act) and Freedom of Information (FOI) Guidance Notes. The department also follows the FOI Guidance notes provided by the Department of the Prime Minister and Cabinet on 28 July 2011 which are available at www.dpmc.gov.au/foi/guidance_notes.cfm.


ATTACHMENT A
Fee for service charges – Australian National Botanic Gardens.
The fee for service charges apply to a range of users, government, non-government and general public. Currently fees are:

**Photographic Services**
Supply of images for commercial use $100.00 per image

**2012 Education Services**
Facilitated program 1 hour $5.00 per student (min $75.00)
Facilitated program 1 ½ - 2 hours $7.50 per student (min $112.50)
Facilitated program 2 ½ - 3 hours $10.00 per student (min $150.00)
Facilitated evening program 1 ½ hours $8.00 per student (min $200.00)
Facilitated weekend program 1 ½ hours $9.00 per student (min $200.00)
Teacher professional development program $10.00 per hour per participant (min $100.00)
Questions on Notice

2013 Education Services

- Facilitated program 1 hour $5.50 per student (min $77.00)
- Facilitated program 1 ½ - 2 hours $8.00 per student (min $112.00)
- Facilitated program 2 ½ - 3 hours $11.00 per student (min $144.00)
- Facilitated evening program 1 hour/1 ½ hours $8.00/$9.00 per student (min $160.00/$180.00)
- Facilitated weekend program 1 hour/1 ½ hours $8.00/$9.00 per student (min $160.00/$180.00)
- Teacher professional development program $10.00 per hour per participant (min $100.00)

Public Programs

- Afterdark tours $19.00 adults, $14.00 children
- Flora Explorer tours $6.00 adults, $3.00 children
- School holiday special program 1 hour $10.00 per participant
- School holiday special program 1½ - 2 hours $15.00 per participant
- School holiday special program 3-4 hours $25.00 per participant
- School holiday special program (full day) $50.00 per participant
- Early childhood special program 1 hour $5.00 per participant
- Early childhood special program 1½ - 2 hours $10.00 per participant
- Specialist guide $15.00 per person (min $100.00 per group)

Use of Buildings and Site

- Dickson Room half day $300.00, full day $400.00
- Theatrette per hour $100.00, half day $350.00, full day $450.00
- Crosbie Morrison Building half day $400.00, full day $600.00
- Banks Building half day $300.00, full day $400.00
- Outdoor sites (1-100 people) half day $300.00, full day $400.00
- Outdoor sites (101-250 people) half day $450.00, full day $600.00
- Outdoor sites (251-500 people) min $1000.00
- Outdoor sites (500 people) min $2000.00
- Outdoor site use for Wedding Ceremony $600.00 per three hours
- Use of indoor site for Wedding Ceremony wet weather) $150.00

Defence

(QUESTION No. 2384)

Senator Ludlam asked the Minister representing the Minister for Defence, upon notice, on 19 October 2012:

(1) What military and civilian response plans, if any, does the Australian Government have in place to respond to a nuclear attack against Australian territory?

(2) What such plans have been in place in the past?

(3) Will the Government release the sections of the Force Posture Review prepared along with the 2009 Defence White Paper that relate to the issue of attacks on Australian and joint Australia-United States (US) military and intelligence facilities in the event of major conflict between the US and China?
(4) What sites in Australia does the Government believe are likely nuclear targets in the event of major conflict?

(5) Does the presence of joint US military and intelligence facilities in Australia increase the risk of a nuclear attack against Australia?

(6) Does the presence of US nuclear-armed submarines in Australian waters and at Australian ports increase the risk of a nuclear attack against Australia?

(7) Does the Government have any casualty estimates resulting from nuclear attacks against Pine Gap and other facilities in Australia that are likely nuclear targets?

(8) How many designated bunkers would be available across Australia in the event of a nuclear attack against Australia?

(9) What general advice, if any, does the Government offer the Australian public in case of a nuclear attack against Australia?

(10) How would the Government attempt to protect medical and other emergency response workers from radiation effects in the aftermath of a nuclear attack?

(11) What research and preparations has the Government conducted on the effects of nuclear weapons on health and the environment?

(12) What are the likely effects of a regional nuclear war in South Asia on agricultural production in Australia?

(13) To what extent do the humanitarian and environmental effects of nuclear weapons inform Australia’s policies on nuclear disarmament and non-proliferation?

(14) Will the Australian Government participate in the conference in Oslo in March 2013 on the humanitarian consequences of nuclear weapons?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) and (2)

Emergency Management Australia has provided the following information:

Under Australia's constitutional arrangements, State and Territory Governments have responsibility, within their borders, for coordinating and planning for the response to and recovery from disasters and civil emergencies. When the total resources (government, community and commercial) of an affected State or Territory cannot reasonably cope with the needs of the situation, the State Government or a Territory Controller can seek assistance from the Australian Government.

The Australian Government has plans for providing Australian Government physical assistance in response to such requests. The Australian Government Disaster Response Plan (COMDISPLAN) describes the arrangements for centralised coordination of the provision of Australian Government physical assistance within Australia. This plan can be activated for any disaster or emergency regardless of the cause. COMDISPLAN was first adopted in December 1997 - it replaced the AUSDISPLAN (Australian Disaster Plan) which was first issued in July 1992.

The arrangements for provision of Defence resources for the performance of emergency or non-emergency support within Australia and its territories that are primarily the responsibility of the civil community or other government organisations are outlined in Defence Instruction (General) OPS 05-1: Defence Assistance to the Civil Community - policy and procedures (DACC).

The Attorney-General, the Hon Nicola Roxon MP, is designated as the Minister with responsibility for disaster-related matters. Emergency Management Australia, a division of the Attorney-General's Department (AGD EMA) is responsible for planning and coordinating Australian Government physical assistance to the States and Territories under the Australian Government Emergency Management

QUESTIONS ON NOTICE
Policy Statement. Coordination of this assistance is carried out by the AGD EMA Crisis Coordination Branch.

(3) A Force Posture Review was not prepared along with the 2009 Defence White Paper (2009 DWP).

The Force Structure Review (FSR) that informed the 2009 DWP was not prepared with any specific threat or nation in mind. It is about the array of challenges we might face over the next generation and the role of Defence in meeting those challenges. The FSR is a classified review and the Government is not considering releasing sections of the FSR Report. The 2009 DWP noted that in the event of Australia making contributions to conventional combat in the region, our planning would need to take into account retaliatory action being taken against us (para 7.15-7.18).

Consistent with its Terms of Reference, the ADF Posture Review did not consider an attack on Australia and Australia-United States Joint Facilities in the event of a major conflict between the US and China.

(4), (5), (6) and (7)

As stated in the 2009 Defence White Paper, Australia is one of the most physically secure countries in the world and Australia will most likely remain a secure country over the period to 2030 (paras 3.7 and 6.23). In the event of a crisis, Australian defence policy acknowledges the value to Australia of the protection afforded by extended nuclear deterrence under the US Alliance. Under extended nuclear deterrence, as long as nuclear weapons exist, we can rely on US nuclear forces to deter nuclear attack on Australia. The Government does not intend to speculate on hypothetical scenarios but will continue to regularly consider its judgements concerning the risk of nuclear attack, including in the 2013 Defence White Paper.

Successive Australian Governments have acknowledged that joint facilities could be targeted in conflict, but also emphasised that Australia's hosting of these facilities contributes to a stable system of global deterrence.

Successive Australian Governments have acknowledged US policy to neither confirm nor deny the presence or absence of nuclear weapons at any location. US officials have stated that it is not US practice to carry nuclear weapons on training flights, and US Administrations have previously stated that in normal circumstances US naval aircraft and ships no longer carry nuclear weapons.

(8) (10) and (11)

As with any disaster or civil emergency, appropriate resources would be made available. Under Australia's constitutional arrangements, State and Territory Governments have responsibility, within their borders, for coordinating and planning for the response to and recovery from disasters and civil emergencies. If further resources are required, the State Government or Territory Controller can seek assistance from the Australian Government. Further detail should be sought from the Minister for Health.

(9)

The 2009 DWP judged that Australia is one of the most physically secure countries in the world and that Australia will most likely remain a secure country over the period to 2030. Defence's current advice is that the 2009 DWP judgements remain sound.

(12)

The Government is aware of research quoted by the report of the independent International Commission on Nuclear Non-Proliferation and Disarmament (ICNND) on the likely effects of a regional nuclear war in South Asia on agriculture worldwide with potential relevance to Australia, but is not aware of any substantial body of research on the subject of any specific effects on Australian agriculture arising from use of nuclear weapons.
Humanitarian and environmental consequences of the use of nuclear weapons inform the Government's policies on nuclear disarmament and non-proliferation. Australia is committed to the goal of a world without nuclear weapons. The Government acknowledges that nuclear attack would be potentially devastating. Australia is a party to, and fully implements non-proliferation and disarmament treaties, including those prohibiting weapons of mass destruction and inhumane conventional weapons.

Australia has made a sustained contribution to the international consideration of nuclear non-proliferation and disarmament, including through the 1996 Report of the Canberra Commission on the Elimination of Nuclear Weapons. More recently, the independent International Commission on Nuclear Non-Proliferation and Disarmament (ICNND), established by Australia and Japan, reinvigorated international efforts on the issue. The Commission’s report made a significant contribution to the success of the 2010 Nuclear Non-Proliferation Treaty (NPT) Review Conference. Australia has since established-with Japan-the ten-nation Non-Proliferation and Disarmament Initiative (NPDI) to take forward the NPT Review Conference outcomes.

The humanitarian consequences of nuclear weapons is a subject on which Australia, as part the NPDI, has previously made a joint statement on:

Recognizing that nuclear weapons pose a grave threat to humanity we express deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirm the need for all states at all times to fully comply with applicable international law, including international humanitarian law. (para 4 of the 22 September 2010 Joint Statement by Foreign Ministers on nuclear disarmament and non-proliferation).

The humanitarian consequences of nuclear weapons is an important subject on which Australia, including as part the Non-Proliferation and Disarmament Initiative (NPDI), supports discussion. The Department of Foreign Affairs and Trade is considering Australia's participation in the conference.

Government Programs, Initiatives or Decisions
(Question No. 2407)

Senator Abetz asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 30 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection: (a) what has been its purpose; (b) what resources have been used; (c) who requested it; (d) to whom has it been circulated; and (e) can a copy be provided.

Senator Kim Carr: The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

Consistent with longstanding practice, departments provide a range of advice to relevant ministers. Consideration of these briefs is a matter for the Australian Government.

Financial Management and Accountability
(Question No. 2476)

Senator Bushby asked the Minister for Climate Change and Energy Efficiency, upon notice, on 1 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

QUESTIONS ON NOTICE
(1) How many Australian Public Service full-time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.

(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost-recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Ludwig: The Minister representing the Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

(1) As at 6 December 2012, the Department, the Clean Energy Regulator and the Climate Change Authority had 1,006.19 employees. Low Carbon Australia Limited staff members are not Australian Public Service employees. The Department and the agencies within the portfolio do not centrally maintain records that identify the function or role of positions relevant to the creation; administration or management; and enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation. Given the very broad nature of the question attempting to answer this question would cause an unreasonable diversion of resources.

(2) The Department and the agencies within the portfolio do not centrally maintain a register of what and how many compliance requirements; industry guidelines; best practice procedures; codes of conduct; and any other industrial manuals/documents. Given the very broad nature of the question attempting to answer this question would cause an unreasonable diversion of resources.

(3-5) Annual Regulatory Plans are managed within the Finance and Deregulation portfolio. Please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(6) Department of Climate Change and Energy Efficiency


(b) Registration fees are charged when businesses supplying or importing regulated products register their product on the Energy Rating website. Registration fees range from $440 to $780 per registration.
and are calculated according to the cost of registering products and the costs involved in monitoring compliance for different product types.

(c) Not applicable. The GEMS Act 2012 commenced on 1 October 2012.

Clean Energy Regulator

(a) Yes, Renewable Energy (Electricity) Act 2000 and related Regulations impose various fees on participants including non-government sector.

(b) The fees are set under Renewable Energy (Electricity) Regulations 2001. Attachment A is an excerpt from the regulations showing the current fees.

(c) From 17 October 2011 certificate creation fee for Small-scale Technology Certificates (STC) created by Small Generation Units such as small size solar Photovoltaic, wind and hydro systems was increased from 8 to 47 cents per STC.

The Climate Change Authority and Low Carbon Australia Limited do not impose cost-recovery schemes on the non-government sector

Attachment A

28 Fees

(1) For paragraph 10 (2) (d) of the Act:

(a) the fee for an application for registration is $20; and

(b) the fee for an application for registration as a person to whom certificates may be assigned under subsection 23 (2) or 23C (2) of the Act is $250.

(2) For paragraphs 12A (2) (f) and 13 (2) (e) of the Act, the fee for an application for provisional accreditation or accreditation is:

<table>
<thead>
<tr>
<th>Item</th>
<th>Generator Type</th>
<th>1997 Eligible Renewable Power Baseline Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>&lt; 10 kW, small generation unit or solar water heater for which the right to create certificates is not assigned under subsection 23 (2) or 23C (2) of the Act</td>
<td>Any baseline</td>
<td>$20</td>
</tr>
<tr>
<td>2</td>
<td>&lt; 10 MW, other than small generation unit or solar water heater to which item 1 applies</td>
<td>(a) default or nil baseline (b) special baseline with data (c) special baseline without required data (modelling required)</td>
<td>$50</td>
</tr>
<tr>
<td>3</td>
<td>≥ 10 MW, ≤ 25 MW</td>
<td>(a) default or nil baseline (b) special baseline with data (c) special baseline without required data (modelling required)</td>
<td>$200</td>
</tr>
<tr>
<td>4</td>
<td>&gt; 25 MW</td>
<td>(a) default or nil baseline (b) special baseline with data (c) special baseline without required data (modelling required)</td>
<td>$1 000</td>
</tr>
</tbody>
</table>

(3) For subsection 26 (3A) of the Act, the fee for registration of a certificate is:

(a) for a small-scale technology certificate created on or after 17 October 2011 for a small generation unit:

(i) for the first 250 certificates registered—nil;
(ii) for the 251st certificate registered—$117.97;
(iii) for each certificate registered after the 251st certificate—47 cents; and
(b) for any other certificate:
(i) for the first 250 certificates registered—nil;
(ii) for the 251st certificate registered—$20.08;
(iii) for each certificate registered after the 251st certificate—8 cents.

(4) For subsection 45E (1) of the Act, the fee for the surrender of a certificate under Subdivision A of Division 1 of Part 5 of the Act is 8 cents.

(5) For section 98 of the Act, the administration fee for a certificate surrendered by a liable entity under section 95 of the Act for a charge year is:

\[
\frac{\text{Total of certificate values}}{\text{Number of certificates}} \times P
\]

where:
- total of certificate values is the total of the certificate values of all certificates surrendered by the liable entity under paragraph 95 (1) (b) for that year.
- number of certificates is the number of certificates surrendered by the liable entity under section 95 for that year.

\( P \) is:
(a) if the total of certificate values for the number of certificates surrendered for the charge year is less than $1000—2%; or
(b) if the total of certificate values for the number of certificates surrendered for the charge year is at least $1000 but less than $5000—1.5%; or
(c) if the total of certificate values for the number of certificates surrendered for the charge year is at least $5000 but less than $15000—1%; or
(d) if the total of certificate values for the number of certificates surrendered for the charge year is $15000 or more—0.5%.

Note: For the meaning of certificate value, see section 96 of the Act.

Veterans' Affairs
(Question No. 2488)

Senator Bushby asked the Minister representing the Minister for Veterans' Affairs, upon notice, 1 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

(1) How many Australian Public Service full time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009 10, 2010 11, 2011 12, and 2012-13 financial years, and will a plan be completed for the 2013 14 financial year.
(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Bob Carr: The Minister for Veterans' Affairs has provided the following answer to the honourable senator's question:

(1) & (2) Given the very broad nature of the question, attempting to answer this question would cause an unreasonable diversion of resources.

(3), (4) & (5) Annual Regulatory Plans are managed within the Department of Finance and Deregulation. Please see the response provided by the Minister for Finance and Deregulation to Senate question on notice 2469.

(6) This question does not apply to the Department of Veterans' Affairs. While the Department undertakes cost recovery where it identifies an overpayment, it does not have a cost recovery scheme in the context of this question.

The Australian War Memorial applies a cost recovery regime on activities that include Tours, Public & Education Programs, selected Function costs, staff consultancy, Collection loans and photo reproduction sales, where appropriate. Fees imposed are calculated by applying a cost recovery model that closely follows the Australian Government Cost Recovery Guidelines. Much of the cost recovery activity relates to invoicing for employee/agency salary & wages costs, with increase in fees reflecting increases in employee costs.

Tertiary Education, Skills, Science and Research, and School Education, Early Childhood and Youth

(Question No. 2516)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Can an update be provided in relation to questions on notice nos 900 and 901, including: (1) What was the planned take up rate and associated program expense, year on year, over the forward estimates period 2012-13 to 2015-16. (2) What was the actual take up rate of each program, and has this been revised over the remaining forward estimates period from 2013-14 to 2015-16.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

- As previously tabled in response to 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.
An updated listing of all regulations that have been made under each Education, Employment and Workplace Relations (EEWR) portfolio Act since August 2011 is provided at Attachment A to update the previous response to questions 900 and 901.

As previously tabled in response to questions 900 and 901, there are currently no cross-portfolio programs managed in the Employment and Workplace Relations portfolio. There are a number of linked programs that reflect those National Partnership and Specific Purpose Payment appropriation arrangements as required under the Federal Financial Relations Appropriation frameworks. These linked programs are published in the Budget Paper No. 3 and the Portfolio Budget Statements (PBS) annually.

Please see Attachment B for a list of all boards within the portfolio including the length of the term of appointment, the tenure of the appointment and the names of the members on the board.

In terms of planned take up rates and associated program expenses over the forward estimates, all program estimates and Key Performance Indicators (KPIs) are published in the 2012-13 Portfolio Budget Statements. These Statements are accessible at: http://www.deewr.gov.au/Department/Budget/Pages/1213PBS.aspx.

The actual take-up of programs is reported in the Annual Report each year. The performance against KPIs for administered programs managed by DEEWR can be accessed from the 2011-12 Annual Report available at: http://deewr.gov.au/annual-reports

Attachment A

Regulations made under DEEWR portfolio legislation - since August 2011 (updates since Questions 900, 901)

<table>
<thead>
<tr>
<th>Regulation</th>
<th>DEEWR Legislation under which the regulation is made. AND Reference to what the regulation amends (where it is an amendment regulation) or, if it is a new regulation it is made under DEEWR legislation referenced above.</th>
<th>Date</th>
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<tr>
<td>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 AND Fair Work (Transitional Provisions and Consequential Amendments) Regulations 2009</td>
<td>Registered 8 August 2011 These Regulations were repealed on 30 September 2011 by the Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulations 2011 (No.1) Repeal Regulations 2011 after a motion to Disallow was raised on 14 September 2011.</td>
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<tr>
<td>Regulations 2011 (No.2)</td>
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<td>Fair Work Amendment Regulation 2011 (No.3)</td>
<td>Fair Work Act 2009 AND amend the Fair Work Regulations 2009 to prescribe the Public Service Minister as an employing authority for APS employees and removes the Minister for Jobs, Skills and Workplace Relations as an employing authority for APS employees</td>
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<td>Schools Assistance Act 2008 AND Schools Assistance Regulations 2009</td>
<td>Registered 2 Sep 2011 Start Date 3 Sep 2011</td>
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<td>Fair Work Amendment Regulation 2011 (No.4)</td>
<td>Fair Work Act 2009 AND Fair Work Act 2009; amends Fair Work Regulations 2009 to enable an official of an industrial association to represent a party in a small claims proceeding</td>
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<td>Coal Mining Industry (Long Service Leave</td>
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<td>Amendment</td>
<td>Coal Mining Industry (Long Service Leave Funding) Regulations 1993</td>
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<td>Funding)</td>
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<td>Amendment</td>
<td>Fair Work Act 2009; amends the Fair Work Regulations 2009 to allow for dual appointments between Fair Work Australia and the Road Safety Remuneration Tribunal</td>
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<td>Construction Industry Improvement Amendment Regulation 2012 (No.1)</td>
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Thursday, 7 February 2013

**SENATE**

**QUESTIONS ON NOTICE**

Regulation | DEEWR Legislation under which the regulation is made. AND Reference to what the regulation amends (where it is an amendment regulation) or, if it is a new regulation it is made under DEEWR legislation referenced above.
---|---
Fair Work (Building Industry – Accreditation Scheme) Regulations 2005. | - Accreditation Scheme Amendment Regulation 2012 (No. 1)

**Attachment B**

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<thead>
<tr>
<th>Name of Organisation</th>
<th>Name of Member</th>
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QUESTIONS ON NOTICE
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2012-13 Budget
(Question No. 2517)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

(1) What reductions or savings have been made within the portfolio following the 2012 13 Budget.
(2) What programs have been reduced or discontinued within the portfolio following the 2012-13 Budget.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The 2012-13 Budget when released on 8 May 2012 published a number of savings or reduction measures. These are available for the portfolio in 2012-13 Budget Paper No. 2 at:

http://budget.gov.au/2012-13/content/bp2/html/bp2_expense-08.htm

All savings decisions taken since the 2012-13 Budget were reported in the 2012-13 Mid-Year Economic and Fiscal Outlook (MYEFO). The MYEFO was released by the Treasurer on 22 October 2012, and provides detail on all decisions, including savings measures, taken by Government since the 2012-13 Budget. The MYEFO publication is available at: http://budget.gov.au/2012-13/content/myefo/html/index.htm.

Education, Employment and Workplace Relations
(Question No. 2518)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Can a full list be provided of all savings that have resulted from the efficiency dividend following the 2010 11 Budget.

Senator Chris Evans: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The efficiency dividend is applied to the total departmental budget and not allocated to specific functions. Each year the department undertakes robust business planning processes through which resources are matched to workload and priorities. It is not possible to assign specific savings to the efficiency dividend.
Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Will the Government intervene in the case General Manager of Fair Work Australia v Craig Thomson; if not, why not.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

These proceedings arise from the General Manager's investigation into the national office of the Health Services Union, which concluded in March 2012.

This is a matter for the General Manager of Fair Work Australia, her legal advisers and ultimately for the Court. Additional Commonwealth involvement is unwarranted.

Australian Labour and Employment Relations Association National Conference (Question No. 2520)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

(1) Did the department have any input into former Minister Evans' speech to the Australian Labour and Employment Relations Association National Conference in Fremantle, Western Australia in October 2011; if so:
   (a) to what extent; and
   (b) did the department draft the speech.

(2) Does the Government stand by the speech as a statement of Government policy in the workplace relations space.

(3) Was the Parliamentary Secretary for School Education and Workplace Relations consulted.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) The Department provided an event briefing to Minister Evans covering background information and logistics relating to the Australian Labour and Employment Relations Association National Conference. The briefing included a draft speech.

(2) The speech, as attached and posted to the DEEWR website, reflected Government policy.

(3) No.

Attachment A

Minister Evans Speech - Australian Labour and Employment Relations Association National Conference 2011


Friday 7 October 2011 Speech

Senator the Hon Chris Evans

• Minister for Tertiary Education, Skills, Jobs and Workplace Relations
• Leader of the Government in the Senate

Acknowledgments
I acknowledge the traditional owners and custodians of this land— the Wadjuk people of the Nyungar nation — and pay my respects to their elders, past and present.

I welcome the Australian Labour and Employment Relations Association as a new body in the industrial relations policy scene in Australia, and I expect it to build on the many fine achievements of its preceding body, the Industrial Relations Association of Australia.

As a Labor minister and a proud Western Australian making a speech in Fremantle, I can't let the 7th of October pass without mentioning that today is the 70th anniversary of the day that John Curtin, the former member for Fremantle, became Prime Minister of Australia.

John Curtin was one of our greatest national leaders. He led Australia through the Second World War. He was the federal member for this seat of Fremantle from 1928 to 1931 and (again) from 1934 to his death in July 1945, just a few weeks before World War II came to an end.

Curtin not only commanded a nationwide war effort, his government put in place the measures for post-war reconstruction that fostered a shared prosperity that has made Australia what it is.

Curtin was intent on ensuring that Australia emerge from the war free from the unemployment problems of the 1930s. He aimed for a policy of work for all who wanted it, arguing this could be achieved in peacetime as it had in war.

This, coupled with Curtin's legacy of uniform national taxation and expanded social welfare services, embodies the principles of fairness, shared prosperity and a genuine safety net for the benefit of all Australians.

These are the very same principles that underpin Labor's workplace relations reforms.

Since coming into office our Government has worked with determination to reshape and reform the industrial relations landscape in this country.

Our challenge remains continuing to support and create prosperity in which all Australians can share. We need to invest in training our workforce and build a productive, competitive economy that delivers better paid more highly skilled work for all Australians.

Yesterday the Government sought the views of industry and union leaders at the Future Jobs Forum. We discussed the very real challenges we face in our economy. The challenges which flow from the patchwork nature of our economy. The reality that while some sectors are experiencing record growth, others are struggling under the weight of the high Australian dollar.

There was a shared understanding that these are challenges that we must confront together. That we need to move beyond the shallow, point scoring political debate to work in unison to create sustainable jobs in sustainable and competitive industries.

Lifting productivity growth and improving labour productivity are essential elements to meet this challenge.

**The productivity challenge**

I'm sure you are aware that we're in the middle of a national debate about productivity and why it appears, on paper at least, to be stagnating.

Labour productivity grew at only 1.5 per cent per annum over the 10 years to 2009–10, compared with 2.1 per cent over the previous decade.

At present, it appears to jump around from quarter to quarter depending on the measures used and short-term impacts like droughts, floods and cyclones.

There are lots of factors at play of course—one of which is the statistical effect of major increases in resources sector investment.
Another is the legacy of neglect we inherited in hard infrastructure – our roads, rail, ports and telecommunications network.

It is true that we need to address labour productivity because it will strengthen our economy.

What is not true is that productivity decline is the result of the introduction of the Fair Work Act.

There has been no shortage of Opposition members, past and present, who have justified their calls to return to WorkChoices by blaming the FW Act for declining productivity.

But for all their ideological statements, there is precious little substance to support any of their claims.

The reality is that long-term structural improvements in productivity require long-term reforms.

I understand the importance that many prominent employer groups place in continuing to make our workplaces more flexible.

Flexibility is the Government's objective too. Flexibility that comes with fairness.

While the Government has indicated its willingness to review the practical workings of the Fair Work Act, to refine its processes and operation, to have an evidence based discussion on improving the system ensuring it is working to its full potential - the Gillard Government will not resile from the Act's essential elements.

We believe that the Fair Work system gets the balance right between workplace flexibility and workplace rights – that is the fairness the Australian people demand.

A return to some of the most extreme elements of WorkChoices would put hard working Australians and their take home pay at risk. It would also do nothing to boost productivity.

Putting the squeeze on the Australian workforce is not the answer.

The Governor of the Reserve Bank, Glenn Stevens, recently had this to say, and I quote:

*The desire for more productivity is not a call for working harder. Australians already work pretty long hours by international standards. Productivity per hour, which is what counts, is not improved by adding more hours, but by finding ways of making the hours that are already being contributed more effective.*[1]

He is absolutely right.

So, how do we make the hours hard-working Australians already put-in have greater economic impact?

**Productivity and the knowledge economy**

The first answer is by investing in education and improving skill levels.

Greater effort on education and skills development is one of the best ways to increase productivity over the long term. That's what our education revolution is all about.

I won't take you through the full details of the Government's substantial investments in education, but I do ask you to imagine for a moment the economic potential of the changes we are making.

Early childhood education, kindergartens, schools, TAFEs and universities have all had major funding increases since 2007, matched by major regulatory reforms to improve their quality and flexibility.

Taken as a whole, these funding increases and regulatory changes comprise the most important economic and social reforms of recent decades.

In higher education our goal is to increase the proportion of young Australians with university qualifications to 40 per cent by 2025.

In apprenticeship training, the Government is putting great effort and resources into improving Australia's trade training system, including modernising our all-important apprenticeship system.
As a result of our investment Australia’s apprenticeship and traineeship numbers are up significantly in recent years despite the Global Financial Crisis—from 410,000 in September 2006 to around 448,000 in September 2010, the highest level ever recorded.

And this includes a 15.7 per cent increase in commencements last year alone.

These are transformative changes with immediate economic benefit and with even greater economic potential.

Through modelling conducted for my department, Econtech has estimated that full implementation of the Government's policy agenda across education, training and participation could deliver an average increase in GDP of:

- up to 4.1 per cent per annum over the period 2010 to 2024; and,
- up to 8.6 per cent per annum over the period 2025 to 2040.

In other words, investing in skills and building a better skills system will pay a very significant economic dividend.

But we also have to address education and training with greater vigour because it is a social need that addresses wider concerns. It is vital to fulfilling our nation's promise to offer a decent and secure life to every citizen.

**Productivity and the FWA**

The second answer to our productivity needs is to properly and fully utilise the framework of the Fair Work Act.

Productivity growth is a key objective of the Fair Work Act and a prime consideration in all of the Act's major sections, including modern awards, bargaining, minimum wages and transfer of business.

At the heart of the Act is collective agreement-making at the enterprise level achieved by good faith bargaining. This is the best way to promote greater workplace flexibility and deliver higher productivity and higher growth in skilled jobs over the longer term.

The bargaining and agreement making frameworks of the Fair Work Act is designed to encourage employees and employers to negotiate enterprise agreements that deliver productivity benefits for businesses, improved skills and better pay for employees.

Take its major provisions. Under the Act:

- employers and employees can choose to make enterprise agreements that are specifically tailored to the skills and productivity needs of their particular workplace;
- they are free to agree on the content of their agreements, as long as it is about permitted matters and their agreement does not contain any unlawful terms;
- they can seek productivity improvements in return for any increase in entitlements; and
- collective agreements allow employees and employers to negotiate working arrangements at the enterprise level that tie wage increases to improvements in skill and productivity.

And this is what is happening on the ground. Let's look at the results from the most recent Trends in Enterprise Bargaining Report.

- Approximately 95 per cent of Fair Work agreements approved provide for flexible engagement and almost 72 per cent of agreements provide for flexible working hours.
- Almost 90 per cent of agreements approved under the Fair Work Act incorporate training provisions that deal with the more effective use of skills.
- 40.3 per cent of agreements approved under the Fair Work Act, covering 30.2 per cent of employees, contain a specific clause outlining a commitment to raising productivity.
Over 60 per cent of current Fair Work Act agreements contain the model flexibility clause or a term with greater flexibility than the model clause.

On this evidence the system is working. There are more than 25,000 enterprise agreements covering 2.6 million Australian employees.

The FW Act requires this level of commitment to flexibility – what we need to determine is whether employers and employees are taking up the opportunities the Act provides and if not, why not.

Despite these record levels of bargaining there is still moderate and contained wages growth which in turn has a moderating effect on inflation. This is especially important in a growing economy.

The average annual wage increases in the private sector in the March 2011 quarter remained constant at 3.8 per cent.

Thevariability of this moderate wages growth across industry sectors confirms that the new workplace relations system provides necessary flexibilities.

In other words, wage outcomes are linked to industry circumstances. While some areas of the labour market are experiencing higher than average wages growth, there is no evidence of wages pressure spreading to other parts of the economy.

Despite a few high profile and, in the case of Qantas, increasingly bitter disputes there has in fact been a continuation of the long term downward trend in industrial disputation.

The industrial dispute rate in quarterly terms over the past ten years (June quarter 2001 to June quarter 2011) has trended downwards and currently stands at 6.5 working days lost per thousand employees for the June quarter 2011.

While the figure is higher than recent quarters, it remains below the most recent peak of 9.1 working days lost per thousand employees in the June quarter 2008 which was well before the Fair Work Act commenced.

The increase in the quarterly rate of industrial disputes is in line with an increased number of expiring agreements in the March quarter 2011 where 3212 agreements expired compared with an average of 1765 expiring agreements each quarter over the last three years.

Most employers and employees appear to be getting on with the business of bargaining under the Fair Work Act.

I am interested in understanding the experiences of both employers and employees in the bargaining framework, especially the issues surrounding good faith bargaining. This is one of the matters that I want the Fair Work Act review process to explore.

In summary, the Fair Work Act has produced:

- a streamlined Awards system
- moderate and fair wages growth
- continued job growth and low levels of unemployment
- record numbers of agreements

The complaints of its critics often relate not to the Act itself but to other circumstances, such as, the uneven nature of economic growth and the patchwork economy they are creating.

Looking to the future

Ensuring that the Fair Work Act is implemented, as intended, with its focus on flexibility, improved productivity and the effective use of skills, is a crucial part of the Government’s workplace relations agenda.

But there are other important workplace relations issues too, which are currently progressing, and which have major implications for productivity and workplace justice.
These include:

- bedding down Paid Parental Leave;
- passing new legislation to protect employee entitlements;
- the outcome of the current pay equity case that is testing the new and enhanced equal remuneration provisions of the FW Act; and,
- the harmonisation of Australia's occupational health and safety laws and regulations.

I want to make a few comments on the national reform of occupational health and safety (OHS) laws. Over the past three years the Commonwealth has worked with the states and territories, business groups and unions to develop the new legislative framework. It will replace nine separate pieces of legislation and more than 400 OHS regulations and codes of practice currently in operation across Australia.

This is a major regulatory reform, with significant potential to improve efficiency and productivity. A recent regulatory impact analysis estimates that harmonised OHS laws will add around $2 billion per annum to productivity and an extra $2.50 million per annum in national benefits derived from reducing red tape and improving safety standards for workers.

It is very disappointing that the Western Australian and Victorian Governments appear to be moving away from their earlier commitment to meet the COAG deadline of 1 January 2012.

The regulatory analysis shows that over 60 per cent of the reforms will involve no cost or minimal cost for both jurisdictions.

The harmonised laws will actually improve upon the legislation that currently exists in both jurisdictions, including enhanced rights of workers to cease unsafe work and a best-practice system of licensing for high-risk asbestos removal work.

Ironically, the OHS regulators in both states have endorsed the model laws but their Ministers are waivering.

The Gillard Government considers that this reform needs to be put above politics for the benefit of the community, the safety of workers and the strength of the economy.

Every week of delay represents an opportunity cost of $43 million.

The achievement of this reform will be a significant win for all stakeholders as well as a victory for common sense.

**Conclusion**

Since coming into office we have worked with determination to reshape the industrial relations landscape in this country.

- We have introduced the Fair Work Act to balance fairness and flexibility — the most significant reform of workplace laws in this country in more than 100 years.
- We have delivered what our predecessors failed to deliver - a single, national system for around 96 per cent of the private sector.
- Almost 4000 complex, outdated awards have been consolidated into 122 modern instruments.
- And we now have more than 25,000 enterprise agreements covering almost 2.6 million Australia employees while maintaining a long term downward trend in industrial disputation.

Our investment in education and skills, as well as our commitment to promoting skills and productivity in agreements made under the Fair Work Act is stronger than ever.

The clear challenge is for industry and unions to now work together with us to ensure that the economic and social gains that are possible under the Fair Work Act are fully realised.
This requires an understanding that productivity growth, to be sustainable and lasting, cannot be achieved by following the "low road to reform" – by making jobs less secure or by cutting employee wages and conditions or by legislative quick fixes.

Let's find better ways of meeting the unique needs of individual workplaces and employers, of creating more flexible and innovative working arrangements and productivity gains through enterprise agreements.

The challenge to you all is to move beyond the obsession with quick legislative fixes.

As Industrial Relations professionals, I look to you to fully develop and realise the economic and social potential of the Fair Work system.

Thank you.

**Fair Work Australia**  
(Question No. 2521)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Did the Government submission to Fair Work Australia on penalty rates go to Cabinet; if so, on what date?

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

I thank the Senator for his question, however, as is consistent with long standing custom and practice, what is considered by Cabinet is a matter for the Government.

**Health Services Union**  
(Question No. 2522)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

What was the total cost of the intervention by the Minister in the Health Services Union matter, and can a full breakdown of costs be provided?

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The legal costs relating to the appointment of an administrator to the Health Services Union were as follows:

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**Workplace Relations**  
(Question No. 2523)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:
Can a list be provided detailing all resolutions of the Workplace Relations Ministers' Council (COAG Select Council on Workplace Relations) since 1 January 2008.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The decisions of the former Workplace Relations Ministers' Council (WRMC) and the COAG Select Council on Workplace Relations (SCWR) are reflected in the Communiques that are issued by the members of the respective Councils.

The Communiques for WRMC and SCWR since 1 January 2008 are attached. A Communique was not issued for the WRMC meeting (No.79) held on 12 February 2009.

**Budget Estimates: Question No. EW0031_13**

(Question No. 2525)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Can an update be provided to question no. EW0031_13, taken on notice during the 2012 13 Budget estimates hearing of the Education, Employment and Workplace Relations Legislation Committee and relating to Fair Work Building and Construction.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

FWBC is likely to encounter some additional expenses.

- Commonwealth Ombudsman oversight of compulsory examinations - $150,000 in 2012/13, $100,000 in 2013/14 and $100,000 in 2014/15
- Administrative Appeals Tribunal oversight of compulsory examinations - $13,000 in 2012/13, $13,000 in 2013/14 and $13,000 in 2014/15
- The Fair Work Building Inspectorate Advisory Board has so far incurred costs of $3105 in board fees, and $684.04 in travel costs associated with the first meeting.
- Costs of videotaping compulsory examinations - unknown at this stage
- Reimbursing witnesses to compulsory examinations - unknown at this stage

**Fair Work Act**

(Question No. 2526)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

With reference to question on notice no. 1907 (Senate Hansard, 15 August 2012, p. 5466) and question no. EW0010_13, taken on notice during the 2012 13 Budget estimates hearing of the Education, Employment and Workplace Relations Legislation Committee, can a list be provided of all changes to the Fair Work Act 2009 presently being considered by the Government outside of the Fair Work Act Review.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Government is committed to working with all stakeholders on the report and recommendations arising from the Fair Work Act (FW Act) Review. The recommendations and review panel report are publicly available documents. The Government retains an open mind on all remaining recommendations and none of them have been ruled in or out.
As indicated in the responses to question on notice no. 1907 and question no. EW0010_13, the Government is constantly considering the operation of the FW Act and whether its operation can be improved.

**Fair Work Act**  
(Question No. 2527)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

With reference to the Fair Work Act Review report titled Towards more productive and equitable workplaces, which states that 'The Panel was disinclined to recommend legislative changes where there was a reasonable prospect that judicial interpretation of existing provisions would resolve the problem': can examples be provided where the Review specifically did not consider issues because of a 'reasonable prospect' of judicial interpretation.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

After considering certain matters, the Review Panel, in some instances did not make a recommendation for change to the relevant provisions of the Fair Work Act 2009 because there was a reasonable prospect that judicial interpretation of the relevant provisions would develop to resolve matters raised as part of the Review.

Specific examples in the Review Report - Towards more productive and equitable workplaces: An evaluation of the Fair Work legislation - include:

- Application of good faith bargaining principles, particularly 'surface bargaining', discussed at pages 136-137 of the Review Report
- Application of the better off overall test in approval of enterprise agreements, discussed at pages 164-166 of the Review Report
- Withdrawal of notices of industrial action (pages 183-184)
- The Small Business Fair Dismissal Code (pages 224-226)
- The impact of the general protections provisions on an employers' ability to manage their business (page 234).

**Fair Work Act**  
(Question No. 2528)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

What is the final, total cost of the Fair Work Act Review, and can a full breakdown be provided including all staff, travel and secretariat costs.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The total cost of the Review was just under $900 000, including Panel, secretariat and publication expenses.

Each Panel member was paid $550 per hour (including GST) for a maximum of eight hours a day ($4400 per day including GST). The Panel members' appointments were part-time and they were remunerated for time worked, not for each day of the review period. These arrangements are consistent with appointments of similar standing and import.
The remuneration invoiced by the Panel was $382 800. The total cost of additional expenses incurred by the Panel was $13 000. This includes travel to attend meetings of the Panel and meetings with stakeholders as part of the Panel's consultations, accommodation, and Professor McCallum's engagement of a reader to assist him in his work. The total cost of the services provided by the panel was $395 800 (including GST).

The total cost for the Secretariat from 20 December 2011 (when the Minister announced the appointment of the Panel members) until the finalisation of the Review in June 2012 was $447 700, including the cost of an outposted officer from the Office of Best Practice Regulation for approximately eight weeks.

The Secretariat spent $29 800 on travel, accommodation and meeting expenses which included arrangements for stakeholder meetings and roundtables. These costs are independent of those incurred by the Panel and are included under 'Secretariat expenses' below.

Cost of the Review

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Note: figures have been rounded to the nearest hundred.

The Future of Work: Chatham House Rule
(Question No. 2529)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Was the Minister's meeting of 4 July 2012, relating to 'The Future of Work', convened under the Chatham House Rule.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Department is unaware as to whether the meeting was convened under the Chatham House Rule.

Fair Work Australia
(Question No. 2530)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

What is the cost of the Minister's intervention in the Fair Work Australia Modern Awards Review.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Minister for Employment and Workplace Relations, the Hon Bill Shorten MP, is entitled under Section 597, Subsection 1, of the Fair Work Act 2009 to make a submission for consideration in relation to a matter before Fair Work Australia (FWA) if the matter is before a Full Bench and it is in the public interest for the Minister to make a submission.

The Australian Government has provided several submissions to Fair Work Australia's Modern Awards Review. Each submission has been prepared by the Department of Education, Employment and Workplace Relations. The department does not keep records that would allow us to cost the preparation of these submissions.
**Fair Work Act**

(Question No. 2531)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

At any time, did the Minister consider pulling his application to the High Court on the Barclay v Bendigo TAFE case.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

No. The previous Minister intervened in the matter in the public interest under section 569 of the Fair Work Act. That public interest remained extant through to the hearing of the matter.

**Fair Work Australia: Staffing**

(Question No. 2532)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Can full details be provided of the standard due-diligence that would usually take place for appointments to Fair Work Australia.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

Resumes are scrutinised and references are sought on all prospective nominees. In the case of Deputy President and Commissioner candidates, the shortlist of candidates is scrutinised by the Opposition Spokesperson for Workplace Relations and the views of the States and Territories are sought on the shortlist of candidates resident in that State or Territory. In the case of the President, the views of the Opposition Spokesperson and the State and Territory Ministers for Workplace Relations were sought on the entire shortlist. The President of Fair Work Australia is also consulted on prospective nominees.

Prospective nominees are required to complete a private interest declaration and provide an assurance that they have no conflict of interest in addition to providing a release to allow the Department to undertake credentials checks.

These checks may include the following:

- DEEWR databases
- Law enforcement agencies
- State or Territory agencies
- Credit reference agencies
- Courts or Tribunals
- Other Commonwealth agencies such as the Australian Taxation Office and the Australian Securities and Investments Commission
- Searches of publically accessible records
- Any other appropriate organisation or person.

Prospective nominees are not advised of which of these checks will be, or are, undertaken.

Any matter disclosed in the private interest declaration or that arises from other sources, is considered on a case by case basis with all information being treated in accordance with the *Privacy Act 1988.*
Budget Estimates: Question No. EW0035_13
(Question No. 2533)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

With reference to question no. EW0035_13, taken on notice during the 2012-13 Budget estimates hearing of the Education, Employment and Workplace Relations Legislation Committee:

(1) Were the claims referenced in the question in the spirit of the Fair Work Act 2009.

(2) Are ambit claims in the spirit of the Act.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The objects of the enterprise bargaining provisions of the Fair Work Act are based on good faith bargaining. Claims made by bargaining representatives during enterprise bargaining are a matter for the parties involved. The good faith bargaining requirements do not require employers or employees to make concessions or to reach agreement. They do require bargaining representatives to meet standards of bargaining conduct which includes giving genuine consideration to bargaining proposals. Parties are able to take steps to enforce these requirements, including through seeking orders from Fair Work Australia.

Budget Estimates: Question No. EW0036_13
(Question No. 2534)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

With reference to question no. EW0036_13, taken on notice during the 2012-13 Budget estimates hearing of the Education, Employment and Workplace Relations Legislation Committee: can a response be provided to part 1(a), which asked whether the referenced claims were in the spirit of the Fair Work Act 2009.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Government notes your ongoing media monitoring efforts.

The objects of the enterprise bargaining provisions of the Fair Work Act are based on good faith bargaining. Claims made by bargaining representatives during enterprise agreement negotiations are a matter for the parties involved. The good faith bargaining requirements do not require employers or employees to make concessions or to reach agreement. They do require bargaining representatives to meet standards of bargaining conduct which includes giving genuine consideration to bargaining proposals. Parties are able to take steps to enforce these requirements, including through seeking orders from Fair Work Australia.

Employment and Workplace Relations: Prime Minister's Address to the Australian Industry Group
(Question No. 2535)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Did the department or the Minister's office have any input into the Prime Minister's address to the Australian Industry Group on 20 August 2012; if so, can full details of that input be provided.


Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Department and the Minister's office did not have any input into the address.

International Labour Organization Conventions
(Question No. 2536)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Is the Government considering withdrawing support from, or de-ratifying, any International Labour Organization conventions; if so, can details of the convention and the reason for considered action be provided.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

No. The Australian Government is not considering the denunciation of any International Labour Organization Conventions which Australia has ratified.

Employment Projections
(Question No. 2537)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Does the department agree with the article, published in The Australian on 17 August 2012, that states '85,600 jobs could be lost from manufacturing within the next five years unless the nation's productivity and competitiveness is improved'.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

Employment projections produced by the Department of Education, Employment and Workplace Relations (DEEWR) are based in part on the Monash model developed by the Centre of Policy Studies at Monash University and Deloitte Access Economics projections, but also take into account recent employment trends and known industry developments at the time of compilation. The projections are published on DEEWR's Labour Market Information Portal (deewr.gov.au/lmip).

DEEWR's projections do not make any specific assumptions about productivity or competitiveness in the Manufacturing industry, nor has DEEWR performed any specific modelling on the impact of changes in productivity or competitiveness on employment in Manufacturing.

Fair Work Act
(Question No. 2538)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

With reference to the answer provided to question on notice no. 1906 (Senate Hansard, 10 September 2012, p. 6537), can a yes or no response be provided to the question.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The answer is yes because industrial dispute figures have been trending down strongly over time, noting that short-term comparisons and commentary can be misleading because the figures tend to fluctuate in
the short-term and figures over the last year have been inflated by state public sector disputes outside of the Fair Work Act.

Meet the Press
(Question No. 2539)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

With reference to the Minister's interview with Mr Paul Bongiorno on Meet the Press, on 26 August 2012, in which the Minister stated that 'trade unions in Australia – with notable exceptions, but very few exceptions – are honestly run', can the Minister provide a full list of these notable exceptions.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The notable exceptions I was referring to during my interview with Mr Bongiorno were the NSW registered HSUeast and those branches of the federally registered Health Services Union to which Justice Flick of the Federal Court appointed an administrator in his decision of 21 June 2012.

Fair Work (Registered Organisations) Act 2009
(Question No. 2540)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Is the Minister considering any further amendments to the Fair Work (Registered Organisations) Act 2009 following the KPMG review commissioned by Fair Work Australia.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

No. My Department has advised that KPMG did not recommend any amendments to the Fair Work (Registered Organisations) Act 2000 and that given amendments to the Fair Work (Registered Organisations) Act 2009 that were made by the Government earlier this year, that no further amendments are warranted at this time.

Qantas
(Question No. 2541)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Does the Minister stand by the Government's statements that Qantas is a 'rogue employer'.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Australian Government has not referred to Qantas as a 'rogue employer'.

International Labour Organization Occupational Safety and Health Convention
(Question No. 2542)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

Does the Government continue to stand by article 16 of the International Labour Organization Occupational Safety and Health Convention, 1981 (No. 155).
Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

Yes. Article 16 of the International Labour Organization Occupational Safety and Health Convention, 1981 (No. 155) imposes an obligation on employers to ensure, so far as is reasonably practicable, that the workplaces, machinery, equipment, processes and chemical and biological substances under their control are safe and without risk to health. In addition, Article 16 requires that employers provide, where necessary, adequate protective clothing and protective equipment to prevent the risk of accidents of adverse health effects.

Australia ratified Convention 155 on 26 March 2004. Australia most recently reported to the International Labour Organization regarding its compliance with Convention 155 on 7 September 2012. In its report Australia advised that all jurisdictions continue to be compliant with the articles of the Convention.

Fair Work Australia
(Question No. 2543)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2012:

In relation to Fair Work Australia (FWA):

(1) With reference to the financial reporting requirements of registered organisations, can details be provided of the number of organisations that have failed to comply with the legislative target dates for each year since 2008, including:

(a) the names of each organisation; and
(b) to what the target dates related.

(2) For the 2009-10, 2010-11 and 2011-12 financial years, can details be provided of the number of registered organisations that failed to provide an auditor's report or statement referring specifically to the concise report as prescribed by section 265(3) (c) of the Fair Work (Registered Organisations) Act 2009 (the Act), including:

(a) when the failure occurred;
(b) whether the registered organisation has been required to correct the record and provide such an auditor's statement; if not, why not; and
(c) the names of each organisation.

(3) For the 2009-10, 2010-11 and 2011-12 financial years, how many registered organisations have:

(a) failed to provide a full report to their membership within 6 months of the financial year, over the past three years; and
(b) failed to lodge with FWA the necessary documentation within 14 days of a general meeting.

(4) To the knowledge of FWA, how many registered organisations have failed to comply with subsection 254(2) (d) of the Act.

(5) If this information has been withheld by organisations:

(a) why has FWA not demanded organisations provide completed records; and
(b) does FWA simply request that requirements be met in the future without requiring that historical data be provided to both FWA and to the membership of the registered organisation.

(6) Given that subsection 237(1) of the Act requires certain steps if an individual grant or donation exceeds $1,000, has FWA sought historical data of registered organisations that are known not to have complied, in particular, matters in relation to United Voice Tasmania.
Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Fair Work Commission (FWC) has provided the following response:

(1) With reference to the financial reporting requirements of registered organisations, can details be provided of the number of organisations that have failed to comply with the legislative target dates for each year since 2008, including:

(a) the names of each organisation; and

(b) to what the target dates related.

A reporting unit is required to lodge its financial report under section 268 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) with FWC within a maximum of six months and 14 days of the end of its financial year. Prior to that event, obligations prescribed in sections 265 and 266 arise in relation to the provision of reports to members and the presentation of reports to a meeting, being either a general meeting of members or (where rules make appropriate provision) a meeting of the committee of management.

Attachment A sets out each reporting unit of a registered organisation that has failed to lodge its audited financial report with FWC (or its predecessor as relevant) within the maximum allowable period of six months and 14 days. Global statistics are provided on the front page. Information for 2012 is incomplete as some reporting units are not yet required to lodge this financial report, depending upon the end of financial year date.

All reporting units that have not lodged financial reports required by section 268 are being actioned in accordance with the *FWC Regulatory Compliance Policy*, including by commencing inquiries or investigations.

Whilst compliance with the timeframes required by sections 265 and 266 is assessed and addressed for each reporting unit once a lodged report is examined by FWC, it is not presently possible to generate a report on compliance with target dates for these obligations.

(2) For the 2009/10, 2010/11 and 2011/12 financial years, can details be provided of the number of registered organisations that failed to provide an auditor's report or statement referring specifically to the concise report as prescribed by section 265(3)(c) of the *Fair Work (Registered Organisations) Act 2009* (the Act), including:

(a) when the failure occurred;

(b) whether the registered organisation has been required to correct the record and provide such an auditor's statement; if not, why not; and

(c) the names of each organisation.

FWC does not accept lodgement of a financial report that does not contain an auditor's report as such a report would not constitute a "full report" as defined in subsection 265(1) of the RO Act.

On occasion, a small number of reporting units will elect to provide members with a concise financial report. Subsection 265(3) requires that a concise report be separately audited (in addition to the audit of the "full" financial report). The following reporting units failed to lodge an auditor's report with respect to the concise financial report:

- National Office of the Transport Workers' Union of Australia in 2010 and 2011 - the reporting unit was required by FWA to lodge its auditor's report for the concise financial report for each year and the reporting unit has done so;

- Tasmanian Branch of the Shop, Distributive and Allied Employees Association in 2011 - the Branch was required by FWA to lodge its auditor's report for the concise financial report and it has done so;
• National Office of the Civil Contractors Federation in 2012 - this report is currently being processed.

It has been identified that it does not include an auditor's report for the concise financial report and correspondence will be prepared by FWC requiring lodgement of such an auditor's report.

(3) For the 2009/10, 2010/11 and 2011/12 financial years, how many registered organisations have:

(a) failed to provide a full report to their membership within 6 months of the financial year, over the past three years; and

(b) failed to lodge with FWA the necessary documentation within 14 days of a general meeting.

There is no legislative requirement that a reporting unit provide its financial report to members within 6 months of the end of financial year. The legislative scheme requires either that:

• Where it is to be presented to a general meeting of members of the reporting unit, the audited financial report must be provided to members no later than:
  o For those reporting units with a 30 June end of financial year - 10 December of the same year; or
  o For those reporting units with a 31 December end of financial year - 9 June of the following year.

• Where it is to be presented to a meeting of the committee of management of the reporting unit, the audited financial report must be provided to members no later than 5 months after the end of financial year.

Please see answer to question (1) above.

(4) To the knowledge of FWA, how many registered organisations have failed to comply with subsection 254(2)(d) of the Act.

FWC is reliant upon self-disclosure by reporting units where officers or members meet the criterion set out in paragraph 254(2)(d).

FWC would act upon any complaint received concerning a contravention of s254(2)(d).

(5) If this information has been withheld by organisations:

(a) why has FWA not demanded organisations provide completed records; and

(b) does FWA simply request that requirements be met in the future without requiring that historical data be provided to both FWA and to the membership of the registered organisation.

Refer to the answer to question (4) above.

(6) Given that subsection 237(1) of the Act requires certain steps if an individual grant or donation exceeds $1,000, has FWA sought historical data of registered organisations that are known not to have complied, in particular, matters in relation to United Voice Tasmania.

Each reporting unit is required by paragraph 11(f) of the Registrar's Reporting Guidelines to disclose items of expense for "grants or donations". Where grants or donations are disclosed in the financial report but a statement of loans, grants and donations has not previously been lodged by the reporting unit under section 237 of the RO Act, FWC advises the reporting unit of the requirement to lodge such a statement should any of the individual grants or donations exceed the $1,000 threshold.

The Regulatory Compliance Branch is currently drafting amendments to the Reporting Guidelines which will require disclosure in a financial report of all grants or donations that exceed the $1,000 threshold, thereby enabling FWC to determine whether the reporting unit has complied with section 237.

Lodgement by the Tasmanian Branch of the Liquor, Hospitality and Miscellaneous Union (as it then was) of a statement of loans, grants and donations for the financial years ended 30 June 2010 and 30 June 2011 is the subject of a current inquiry by the General Manager's delegate.
1 For other financial year end dates, refer to sections 265(5) and 266 of the RO Act in order to determine the date by which the financial report must be circulated to members.

Attachment A

Lodgement of financial reports - summary statistics

This table concerns lodgement of financial reports by reporting units under section 268 of the Fair Work (Registered Organisations) Act 2009 (RO Act) from 2009 to 2012.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Total lodged within time frame under ss.265, 266, 268*</th>
<th>Total lodged up to 1 month late</th>
<th>Total lodged between 1 and 3 months late</th>
<th>Total lodged between 3 and 6 months late</th>
<th>Total lodged between 6 and 12 months late</th>
<th>Total lodged more than 12 months late</th>
<th>Total not yet lodged</th>
<th>Total required to be lodged under ss.265, 266, 268.</th>
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<td>2009</td>
<td>230</td>
<td>72%</td>
<td>7%</td>
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<td>2010</td>
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<td>2011</td>
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<td>2012</td>
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</table>

* Financial reports are to be lodged within 6 months and 14 days of the end of a reporting unit’s financial year under sections 265, 266 and 268 of the RO Act. Some reporting units are not required to lodge within this time frame (such as reporting units that lodge under the separate financial reporting provisions under sections 269 and 270 and reporting units that are granted an exemption from lodging a financial report under section 271 of the RO Act).

** The total number of reporting units required to lodge a financial report for 2012 on or before 15 January 2013 was 221 (this includes, for example, reporting units that had a financial year ending on 31 March 2012 and 30 June 2012). The 6 month and 14 day time frame for 2012 has not yet expired for reporting units with a year ending date after 30 June 2012 (such as those reporting units whose financial year ended on 31 December 2012).

Breakdown of reporting Units which failed to lodge within 6 months and 14 days of the end of the reporting unit’s financial year

(remainder of attachment available from the Senate Table Office)

Commonwealth Firearms Advisory Council

(Question No. 2544)

Senator Abetz asked the Minister representing the Minister for Home Affairs and Justice, upon notice, on 8 November 2012:

(1) During the period after Mr Jason Clare's appointment as Minister in December 2011 until 8 August 2012: (a) how many recommendations or proposals did the Commonwealth Firearms Advisory Council (CFAC) make; and (b) to how many of these recommendations or proposals did the Minister respond.

(2) Did the Minister have any difficulty receiving the minutes of CFAC.

(3) Up to 8 August 2012: (a) when did the Minister meet with CFAC; (b) how many requests did the Chair of CFAC make to meet or speak with the Minister; and (c) when did the Minister meet with the Chair of CFAC.
(4) On 8 August 2012, did the CFAC Chair, Mr Pete Steedman, write to the Minister stating that, "The Council wishes to convey its disappointment that, at the time of writing, there is nothing to suggest that the Council's resolutions have been or will be incorporated into legislation or regulations. As outlined in earlier correspondence to you, this has generated considerable concern among the Council. The Council also expressed its disappointment that you have not met or engaged with any members of Council, nor acknowledged receipt of any written communications from the Chairman on behalf of Council"; if so, to whom was the letter copied.

(5) Was Mr Steedman's letter to the Minister received via the CFAC secretariat.

(6) Did CFAC resolve not to meet or conduct any further business until the Minister confirmed his intention to refer matters to, and utilise the services of, CFAC and did Mr Steedman also convey this in his letter.

(7) Up to 8 August 2012, what statements about firearms management did the Minister make without consultation with the firearms community.

(8) Has the Prime Minister, the Prime Minister's office or the Attorney General made any comment to the Minister about the above issues; if so, what were the comments.

Senator Ludwig: The Minister for Home Affairs and Justice has provided the following answer to the honourable senator's question:

In relation to question 1:
(a) CFAC made five recommendations or proposals on the operation of the firearms importation regime or firearms issues relating to areas of Commonwealth responsibility during the specified period.
(b) One of the recommendations has been included in a consultation paper prepared by the Attorney-General's Department. The public consultation period ended on 14 December 2012.

The next step will be to release draft regulations for public comment.

In relation to remaining questions the Minister and members of his staff met several times with members of CFAC as well as two formal meetings with the Council, on 22 October 2012 and 30 November 2012. During these meetings, a number of communication issues were raised, discussed and resolved. CFAC has provided further advice to Government on various firearms policy issues and is currently reviewing a consultation paper setting out various proposed amendments to the **Customs (Prohibited Imports) Regulations 1956**.

Radioactive Waste
(Question No. 2546)

Senator Rhiannon asked the Minister for Resources and Energy, upon notice, on 12 November 2012:

With reference to the storage of radioactive waste at the Australian Defence Industries (ADI) site at St Marys and its transportation to Woomera in 1995:
(1) What clean-up was undertaken of the area where the material had been stored.
(2) Has any study been undertaken to assess if any radioactive waste is still on the ADI site; if so:
(a) when was it undertaken;
(b) what were the findings; and
(c) have the findings been made public.
(3) If further radioactive material has been found at the site, what has been done and has the material been removed.
**Senator Chris Evans:** The Minister for Resources and Energy has provided the following response to the honourable senator's question:

1. The Australian Nuclear Science and Technology Organisation (ANSTO) has advised that normal surface cleaning procedures were conducted after removal of the radioactive packages. The storage area and all areas associated with the transfer, conditioning and further packaging were then surveyed for radiation and contamination. All were determined to be at normal background levels. These surveys were conducted by ANSTO and independently by another qualified organisation, confirming this status. The decisions to demolish the facilities as normal non-radioactive buildings were endorsed by the NSW EPA.

2. The Department of Finance and Deregulation (DFAD) has advised that the NSW Department of Urban Affairs and Planning (DUAP) commissioned two separate reports to assess if the decontamination works on the ADI site rendered the site suitable for urban use.

   a. The Stage 1 Independent Audit Report from CMPS&F Environmental was provided to DUAP in 1996 and the Stage 2 Decontamination Report from HLA-Envirosciences Pty Ltd was provided to DUAP in 1999.

   b. Consistent with s.4(a) of the Australian Nuclear Science and Technology Organisation Regulations 1994, ANSTO completed its clean up and removal of radioactive material on the ADI site prior to 31 December 1995. Therefore, DUAP's Audits did not identify any possible radioactive contamination.

   c. The two audits were made public by DUAP.

3. As stated in the answer to question (2)(b), no further radioactive material has been found at the site.

**Centrelink**

**(Question No. 2547)**

**Senator Parry** asked the Minister for Human Services, upon notice, on 12 November 2012:

With reference to applications for the Low Income Supplement:

1. Why does Centrelink not accept a driver licence, which contains a photograph, as proof of identity?
2. Why does Centrelink require an original birth certificate, which has no photograph, as proof of identity when a driver licence is requested as evidence of identity to obtain the birth certificate.

**Senator Kim Carr:** The answer to the honourable senator's question is as follows:

1. Generally, when claiming a Centrelink pension, benefit, allowance or service, customers are required to establish their identity by providing original documents from an approved list. The requirement for verification of identity is based on Section 8 of the Social Security (Administration) Act 1999, which states that abuses of the social security system are to be minimised. The Proof of Identity model used by the Department of Human Services (the Department) requires claimants/recipients to prove their identity when making new claims or when renewing or altering their claims. The model is based on providing documents which add up to 100 points. The Department provides a comprehensive list of acceptable proof of identity documents which is available to all staff and customers at the following website: (http://www.humanservices.gov.au/customer/forms/ss231).

   The Low Income Supplement is one type of benefit which requires a person, who is unknown to the Department, to establish their identity as per these requirements. This means the person needs to provide commencement of identity (proof of birth or arrival) in Australia, and other documents from the approved list that add up to 100 points. If a customer has previously met the proof of identity requirements and is claiming within 52 weeks of receiving a payment, the full proof of identity
requirements may not apply to them. Customers are advised to contact the Department if they are unsure.

An Australian driver licence is an acceptable form of proof of identity, providing it is a current driver licence, learner permit or provisional licence showing signature and/or photo and the same name as the claim. However, on its own it is insufficient to meet the overall requirement of 100 points.

(2) As advised in answer (1), an original Australian birth certificate or arrival documents are required, with additional documents to make up the 100 point total. This is part of the proof of identity model used by the Department.

Each Australian state and territory has its own Proof of Identity model. A range of identity documents can be used to claim a birth certificate, including a current driver licence, but it must be provided in conjunction with other documents as per the specific state or territory requirements.

Arnhem Land Coastal Region
(Question No. 2548)

Senator Siewert asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 15 November 2012:

With reference to mining exploration applications for the Arnhem Land coastal region and nearby offshore sites:

(1) Is the Minister aware of the large number of mining exploration leases pending over areas of the Arnhem Land coastal region.

(2) Is the Minister aware that applications placed in a Darwin newspaper for the proposed offshore oil and gas exploration were only advertised in English.

(3) Is the Minister concerned that only English was used, given that exploration will impact most significantly on Aboriginal people who may speak languages other than English.

(4) Has the department reviewed the potential impact of these leases; if so:

(a) what are the potential cultural and environmental impacts of the cumulative offshore oil, gas, and seabed mining, as well as land-based mining;

(b) what account is being taken of the proximity of recent offshore oil and gas, near-shore, up-river and estuary mineral exploration applications to areas where Aboriginal people extensively hunt, gather and fish;

(c) has any assessment been undertaken of the impact these activities will have, particularly on health if food sources are negatively impacted;

(d) has the impact of the exploration activity on the Arnhem Land coastal region and nearby offshore sites been calculated in relation to the traditional owners’ song lines and sites of spiritual significance; and

(e) has a clean-up plan for any oil or chemical spills been proposed; if so, how does this clean-up plan propose to deal with the issues such as the large tidal range, crocodiles, lack of roads and a 6 month wet season; if not, why not.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

(1) The Northern Territory Government has responsibility for the granting and maintenance of exploration licences and mining titles in the Northern Territory, including the Arnhem coastal region. In addition, the Department of Resources, Energy and Tourism manages, on behalf of the Australian Government, the annual release of offshore acreage for petroleum exploration. If more specific
information was provided about the applications of concern (e.g., date of publication and newspaper), the department could more effectively respond.

(2) As per response (1).
(3) Nil response, given (1) and (2).
(4) No, as per response (1).

**Bremer Basin**
(Question No. 2549)

**Senator Siewert** asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 15 November 2012:

Have Arcadia and their joint venture partner Enovation undertaken a 3D seismic survey of the Bremer Basin, Western Australia; if so, when is it due to be completed; if not, when is it expected to commence.

**Senator Conroy:** The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

No. The proponent has advised the department that the proposed seismic survey has been cancelled.

**Exploration Permit: Bremer Basin**
(Question No. 2550)

**Senator Siewert** asked the Minister for Resources and Energy, upon notice, on 15 November 2012:

Have Arcadia and their joint venture partner Enovation undertaken a 3D seismic survey of the Bremer Basin, Western Australia; if so, when is it due to be completed; if not, when is it expected to commence.

**Senator Chris Evans:** The Minister for Resources and Energy has provided the following response to the honourable senator's question:

Enovation Resources International Limited transferred their rights, title and interests in Exploration Permit WA-378-P and WA-379-P to Cathay Petroleum International Limited on 16 February 2010. Arcadia Petroleum Ltd holds a 90 per cent interest and Cathay Petroleum International Limited a 10 per cent interest.

Exploration Permits WA-378-P and WA-379-P are in year 5 of their work programs which list a minimum work requirement of 500 km2 new 3D seismic survey to be undertaken for each permit by the end of the permit year, 9 January 2013 unless varied.

The 3D seismic survey proposed by the joint venture has not yet commenced. An Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) referral decision for the survey was given on the 7 September 2012 for the survey to be undertaken as not a controlled action, if undertaken in a particular manner for the period of 1 November 2012 to 30 April 2013.

Operators are required by the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 to have an accepted Environment Plan (EP) in place before commencing activities. The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has not (as at 27/11/12) accepted an EP for the proposed activity.