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SITTING DAYS—2012

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RADIO BROADCASTS

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FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

Senate Party Leaders and Whips
Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy
Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party of Australia—Senator Hon. George Henry Brandis SC
Leader of The Nationals—Senator Barnaby Thomas Gerard Joyce
Deputy Leader of The Nationals—Senator Fiona Nash
Leader of the Australian Greens—Senator 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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<th>State or Territory</th>
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<td>Abetz, Hon. Eric</td>
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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
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<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td>Minister for Social Inclusion</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Minister for Social Inclusion, Minister for the Public Service and</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Cabinet Secretary</td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td>Treasurer (Deputy Prime Minister)</td>
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<tr>
<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<td>Senator the Hon Chris Evans</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Industry and Innovation</td>
<td>The Hon Greg Combet AM MP</td>
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<tr>
<td>Minister for Small Business</td>
<td>The Hon Brendan O’Connor MP</td>
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<tr>
<td>Parliamentary Secretary for Industry and Innovation</td>
<td>Senator the Hon Kate Lundy</td>
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<tr>
<td>Parliamentary Secretary for Higher Education and Skills</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Minister for Broadband, Communications and the Digital Economy</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
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<tr>
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<tr>
<td>(Deputy Leader of the House)</td>
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<td>The Hon Warren Snowdon MP</td>
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<td>The Hon Nicola Roxon MP</td>
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<td>Minister for Queensland Floods Recovery</td>
<td>Senator the Hon Joe Ludwig</td>
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<td>Minister for Community Services</td>
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<td>Senator the Hon Bob Carr</td>
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<td>The Hon Dr Craig Emerson MP</td>
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<td>Parliamentary Secretary for Pacific Island Affairs</td>
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<td>The Hon Richard Marles MP</td>
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<td>Minister for Sustainability, Environment, Water, Population and Communities</td>
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<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>The Hon Peter Garrett AM MP</td>
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<tr>
<td>Minister for Employment and Workplace Relations</td>
<td>The Hon Bill Shorten MP</td>
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<td>Minister for Early Childhood and Childcare</td>
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12:30, read prayers and made an acknowledgement of country.

CONDOLENCES
Comans, Mr Charles Kennedy, CBE, QC

The PRESIDENT (12:31): It is with deep regret that I inform the Senate of the death last month at the age of 97 of Charles Comans, QC, former First Parliamentary Counsel. It was after his retirement as First Parliamentary Counsel that Charles Comans became the Senate's first consultant legislative drafter in the early 1980s, drafting amendments and private senators' bills, mostly for non-government senators, in what became the Procedure Office of the Department of the Senate. He also helped to draft the Parliamentary Privileges Act 1987, which began as the first private senator's bill introduced by a President of the Senate.

COMMITTEES
Electricity Prices Committee
Legal and Constitutional Affairs Legislation Committee

Meeting
Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (12:32): by leave—I move:

That:

(a) the order of the Senate of 20 September 2012, authorising the Select Committee on Electricity Prices to hold a public meeting during the sitting of the Senate today, be varied by omitting “1 pm” and inserting “12.30 pm”;

(b) the Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today; and

(c) the Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.45 pm.

Question agreed to.

BILLS
Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator SINODINOS (New South Wales) (12:33): The coalition will be supporting the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012, as it is a continuation of Welfare to Work reforms that were initiated by us in government in 2006. I go first of all to the intent of the bill, which is to amend the Social Security Act to remove the grandfathering provisions for parenting payment recipients from 1 January 2013. This will affect those parenting payment recipients who have been continuously receiving parenting payments since before 1 July 2006. Under the previous legislation introduced by the Howard government, recipients of a parenting payment could be grandfathered—or, as we sometimes say these days, grandparented—on this payment until their youngest child turned 16 years old, provided that the child was in their care before 1 July 2011. In addition to removing the grandfathering clause for parents, this bill seeks to double the permissible liquid assets, raising the maximum limit from $2,500 to $5,000 for singles and from $5,000 to $10,000 for those with dependants. It also seeks to define which payments should be categorised as termination payments to ensure that there is consistency across the board when considering the income
maintenance period. This will bring the definition of termination payments into line with the policy intent of the *Guide to Social Security Law*, ensuring that termination payments such as for untaken long service leave, untaken maternity or paternity leave, early termination payments and other such payments are included in the income maintenance period.

However, while the coalition's Welfare to Work reforms were aimed at assisting Australians off welfare and into work, the main aim of this bill is to realise much-needed savings for the government, with expected savings from this bill of around $691.9 million over four years. That is a fair whack of money, and that is why the government has had this damascene conversion to Welfare to Work after years of opposing and indeed demonising the very measures that we are talking about here today.

For many years there has been a view within the OECD that we should increasingly move from passive income support to active income support—in other words, we find ways in which to use the public dollar, if you like, to encourage and support people in making a transition to work. This the Howard government did in 2006, when it invested $3.6 billion into Welfare to Work. It is good to see that Senator Bilyk is listening so intently! There were four under-represented groups of people who were targeted for assistance from Welfare to Work under this initiative, with parents being one of those groups. The 2005-06 budget saw an investment of $389.7 million over four years to specifically assist parents into work. The Welfare to Work reforms of 2006 built on our Australians Working Together initiative from 2003, when parents with children aged between 13 and 15 were required to undertake one or more activities such as job search, education, training or community work to assist them in preparing for a return to work.

From 1 July 2006 new applicants were eligible for parenting payment single when their youngest child was aged less than eight, and they moved to Newstart or another payment when their youngest child turned eight. Single principal carer parents in receipt of the Newstart allowance were also given access to the pensioner card, the pharmaceutical allowance and the telephone allowance. New partnered applicants would receive a parenting payment when their youngest child was six, and they would move to Newstart when their child turned six.

Both parenting payment single and parenting payment partnered recipients had a requirement to look for 15 hours or more of work a week. Parents who were on parenting payment single or partnered as at 30 June 2006 were grandfathered, enabling them to stay on that payment under the current eligibility provisions until their youngest child turned 16. However, job search requirements would apply from the later of 1 July 2007 or when their youngest child turned seven.

Where there were extenuating circumstances, such as a child with a disability or another reason why a parent may have full-time caring requirements, the Welfare to Work legislation permitted temporary exemptions. It was a very deliberate decision on the part of the government to grandfather people who were on these payments at a certain date. The reason for that was actually to make it easier for the public to accept the reform by making it clear that it was not having a retrospective impact but rather that it was focused on new recipients. This has been an important principle in a lot of social security legislation and, indeed, tax legislation over the years. Its
purpose was to make it easier for the community to accept the reform.

In addition to access to concessions for single parenting payment recipients, the Howard government ensured that additional out-of-school-hours care was available for parents. However, recent childcare reforms are seeing out-of-school-hours care at great risk, with many centres to close as a result of the national reforms. A new employment participation service was offered to parents with school-aged children, ensuring that they had the skills needed to gain a job.

As part of the coalition policy, parents could refuse a job—and this is quite important—if they were not more than $50 a fortnight better off once we took into account the costs of employment, such as child care, or if they had to travel more than 60 minutes each way to work. Currently, parenting payment recipients are subject to different rules depending on when they first claim payment; so this legislation will bring all parenting payment recipients onto the same standard.

The research undertaken by the Department of Education, Employment and Workplace Relations on the Welfare to Work reforms demonstrates clearly that there was a 23 per cent increase in the number of single principal carer parents leaving income support after six months in comparison to the previous three years, with 38 per cent moving off payment during 2006-07. The report also showed that over 70 per cent of principal carer parents left income support for employment. In other words, they did not drop out of the workforce: they actually got a job. Similarly for partnered principal carer parents on Newstart allowance, 45 per cent were no longer in receipt of income support payments after six months compared to 32 per cent in 2005-06.

At the time of the Welfare to Work reforms the Howard government introduced a range of complementary services to assist parents in their transition to employment once the youngest child had reached school age. These were all designed to boost workforce engagement and to reduce the dependency on welfare. Regrettably, under the current employment services model many of these forms of assistance are no longer available and the government has not proposed any alternatives.

We recognise that the best way to help parents and their children is to help them get a job. Tony Blair used to speak about fairness in the workplace starting with the opportunity of getting a job. The coalition understands that those children who grow up in a jobless household often face greater disadvantage in their community and an increased likelihood of being welfare dependent themselves. We have seen over generations the intergenerational transmission of poverty, where people grew up in households where neither their grandparents nor their parents ever had a job and going down to the Centrelink office was seen as the way that you picked up your pay.

Intergenerational unemployment is a growing concern in this country, and the longer people remain on welfare then the more difficult the transition to paid employment becomes. That is why these measures are sometimes seen as tough love; in the short term they are seen particularly as applying the stick, subject to certain carrots. It is for the good of the welfare recipient in the long run, so they get back their capacity to participate fully and actively in the job market. With that goes their self-esteem—that goes up—their confidence goes up and their capacity to contribute to the community more generally goes up.
We do have concerns with this bill, even though we support it. Unlike the Welfare to Work agenda introduced by the coalition in 2006, there is no additional funding to support parents into work. This legislation is sending a very negative message: all stick and no carrot. If the government was truly committed to assisting parents back to work it would provide additional assistance. It would do it as part of a coherent, comprehensive, credible strategy around the return to work, or getting people into work. Instead, this government has slashed $162.2 million from Job Services Australia assistance for jobseekers and it has cut a further $44.3 million from outcome payments for Job Services Australia providers.

Parents who are working could be worse off financially as their participation requirements may force them into accepting a job where they are worse off financially. This is in contrast to the Howard government reforms, where parents were promised that they could refuse a suitable job offer if they were not better off by at least $25 a week. In the 2005-06 budget an underlying cash surplus of $8.9 billion was predicted, demonstrating strong economic growth. Unemployment was at its lowest level—5.1 per cent—since 1976, and forecast to trend down further. This is in contrast to Labor's most recent budget, which continued their unmitigated trend of running a deficit, and that is the context in which this legislation has come forward. That is why, as I said before, it is a grab for cash. It is a dash for cash, precisely because the government are running out of other options in order to try and get their budget into a wafer-thin surplus of $1.5 billion in 2012-13.

This means that the government has had to eat humble pie. Hypocrisy, thy name is Labor! Labor voted against the Welfare to Work reforms of the Howard government in 2005, even though those reforms included extensive assistance to help get people back into work—unlike this particular package. Just a few short months ago Labor moved to decrease the parenting payment cut-off age of the youngest child from 16 to 12. Making this further decrease now shows that this is more about achieving a budgetary saving than about a policy that is genuinely committed to assisting people from welfare to work, particularly given the tough economic times that are facing Australian families today.

As I said before, Labor have been hypocrites. On 15 September 2005, ACOSS Advocacy Day—ACOSS being the Australian Council of Social Service—describing the Howard package, Penny Wong said:

This package has nothing to do with moving people from welfare to work and everything to do with extreme cuts to the household budgets of Australian families who can least afford it.

This is even though the legislation at the time provided that you could refuse a job if you were not at least $25 a week better off. Under the government's package, some people will be forced to take a job even if they are worse off. You can have a no-disadvantage test in the labour market under this government because the unions will demand that, but if you are a welfare recipient you cannot get a no-disadvantage test under this government. We were trying to encourage people to go into the workforce and make it a positive experience. All stick, no carrot!

Kelly Hoare, a former member of the other place, said on 1 December 2005:

Labor is opposed to the changes in this bill and it opposes them on the basis that these changes simply dump people from one welfare payment onto a lower welfare payment and push the most vulnerable Australians over the edge by making extreme cuts to their household budgets.
The reality, as I indicated earlier, based on research commissioned by the Department of Education, Employment and Workplace Relations was that a significant number of people got into paid employment and were better off as a result.

Dr Carmen Lawrence, a member of the other place, said on 1 December 2005:

… the vulnerable people at whom this legislation is targeted are the ones not able to get the ear of the government. They are not able to walk these corridors with expensive, paid consultants to influence the government's policy, and the government refuses to listen to their advocates.

We did listen to the people who said that if you want to get people into work you have got to make it a positive experience and you have got to give them the assistance to do it. When I worked in the former Howard government, I was one of the people who advocated in 2005-2006 that we grandfather existing recipients, because it was important to get public acceptance of the reform. Labor has now gone further but has provided only stick and no carrot. Dr Carmen Lawrence, if she were here today, would be saying that the people who are not being listened to down the corridors and in the ministerial wing are the most vulnerable in our community.

We will support this legislation. There is no doubt in my mind that it is important we continue the journey of welfare to work. It is also important to recognise that the government have come to this damascene conversion, if I could call it that, on welfare to work simply by the exigencies of their own budgetary situation. It is a pity that, because of that budgetary situation, they cannot see their way clear to actually provide assistance which will facilitate and make the transition to employment a positive experience for parenting payment recipients and their families.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (12:47): Schedule 1 of the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012 will drive already vulnerable single parents, the majority of whom are single mothers, further into poverty. What this bill does is drop single parents who are currently on parenting payment single down to a payment which is nearly $140 less than what they are on at the moment. We know that Newstart is now around $132 to $140 below the poverty line. In other words, we are dropping single parents onto the poverty line. Aren't single parents still parents? It is not only the mothers and fathers that we are dropping there, but their children as well. That is what you are about to pass in this place. The Greens will be opposing schedule 1 which is the schedule that drops those vulnerable parents onto Newstart. We will be opposing that particular piece of this bill, make no mistake.

The government is bringing this bill to this chamber despite the recommendations of two of the committee that it controls. The Education, Employment and Workplace Relations Legislation Committee recommended that this bill not proceed until the inquiry into Newstart concluded. Then the newly established Joint Committee on Human Rights, in their first major recommendation, recommended that this bill does not proceed until the Newstart inquiry has finished. Further, on the very last day of the last sitting—around six o'clock, if I recall, when they tabled their report—they said in essence:

If Newstart combined with other benefits is not sufficient to provide an adequate standard of living for affected individuals, the measures risk being a violation of human rights under article 9 of the International Covenant on Economic Social and Cultural Rights. The Committee was not yet convinced that the affected single parents would
be able to maintain access to appropriate levels of social security support if placed on Newstart. As a result, it would be premature for the government to introduce these measures prior to the completion of the Newstart Inquiry.

But the government is proceeding with this anyway. One of the few things that I agree with that Senator Sinodinos just said is that this is purely a savings measure on the back of some of the most vulnerable people in our community and on the backs of future generations. So if we are talking about entrenching poverty, that is exactly what this measure does: it helps entrench poverty. It helps condemn those children that we as a caring society are supposed to be nurturing and supporting. It helps condemn them to the poverty cycle.

How can we claim that we have a surplus if we have just thrust over 100,000 single-parent families and their children into poverty? How can we then claim that there is a surplus when it is on the backs of the most vulnerable in our community? Make no mistake, this measure reduces the income of single parents and their families, and as I said, over 85 per cent of those are women.

This schedule, if passed, takes away the grandfathered protections that were put in place when the Welfare to Work measures were first moved in this place in 2006. Recipients' parenting payments will cease when their children turn six if they are partnered parents and eight if they are single parents. That means they will end up on Newstart and that will mean a difference of around $140 because, if you remember from our discussion here last sitting, the indexation rates for Newstart and the parenting payment are different.

This measure will affect over 100,000 single parents. This group is the most vulnerable in Australia. Recent data from the OECD shows that around two-thirds of the children of single parents who rely on income support are living below the poverty line and 90 per cent of that particular group are women. Sole parent families on income support already struggle to meet essential living costs and 85 per cent of parenting payment recipients experience multiple deprivation. Multiple deprivation is when you lack three items that are vital for an adequate standard of living—for example, medical treatment, warm clothes, a decent and secure home, schoolbooks for children. Those are things that we consider essential items. I reiterate: over half of the parenting payment recipients are already living in what we would term serious poverty. Now we are talking about cutting their payments further.

The Salvation Army recently released a survey of people accessing its emergency relief centres. Of the 1,731 individuals surveyed, 81 per cent were on income support and 36 per cent of those were single parents with dependent children. The Foodbank report that was launched in this house recently reported that the three main groups being provided with food assistance were low-income families, unemployed people and single parent families. Are you getting the picture? These are families that are already under stress and already living in poverty or close to poverty. Of particular concern is the impact of this measure and of hardship on children. Over half of the respondents to the Salvation Army survey reported they were unable to afford to pay for out-of-school activities for their children and over one-third could not afford for their children to participate in school activities and outings. How is affecting the education of our next generation a sensible measure? And what does this mean for their mental health and their ability to interact and connect with their peers?

It is not surprising that a recent report from the National Association of Community Legal Centres found that the majority of the
local government areas with high rates of sole parent households were also some of the most disadvantaged in the country. The people who will be most affected by this bill live in the areas that have poorer infrastructure, supports and services. This measure will make it even harder for them to find work. Get the picture about the multiple deprivation and the multiple barriers to finding work and supporting your family?

Sole parents are more likely than any other group of people to experience financial stress. According to the ABS, 70 per cent of sole parents are in the poorest 20 per cent of the population. How do we expect single parents to be able to survive when we take away more of their income? It is very clear that this group of Australians is very vulnerable and likely to be more marginalised by this measure. I have been quite amazed that the government thinks that, by stripping away further assistance and support for these people, it is actually helping them: 'Let's take more money and pretend we're helping people and pretend this isn't a savings measure.' What this is about is a savings measure dressed up as trying to be helpful. Well, please stop helping, because it is not.

I would like to articulate a few quotes from submissions received by the Senate inquiry. One woman said:
I have gained casual employment with the Salvos' retail, maybe two days per week, which is usually Saturday or Sunday, and occasionally one day during the week. It has taken me two years to find this job as employers don't seem to offer parent friendly hours for people who have limited child care. My elderly parents are two hours away and come when they can to look after her. We are just managing but won't on Newstart. I won't be able to keep what I have earned.

Another woman said:
Ever since the announcement I have been looking for a second job so that we can afford to live for next year. Who even knows how I'll juggle the child care. I can't get there, I'm just terrified. I've had one interview since May—this was in July because the hearing was in July—so where are these jobs they're talking about? I'm educated and already employed yet I am still finding it difficult. I can only imagine how desperate someone suffering after a difficult divorce with a very few children, no recent work history and little education must be feeling. It is hopeless, and hopelessness does not help people work and raise their children.

These two women, unfortunately, are not alone. Tens of thousands of women are going through similar crises. I have a very long list of similar emails and submissions from people. We do not support the government and the opposition pushing these women and their children further into poverty. There are countless examples of people who will be plunged into financial hardship with this measure.

I would like to tackle the view that this is about encouraging single parents into work. Nearly 50 per cent of single parents are, in fact, already working. They are juggling looking after their family, trying to find child care, finding work that has family friendly hours and supporting the children who are our future generation. Pushing families onto Newstart decreases their payments by about $60 to $100, depending on how many children they have and what their circumstances are. It subjects working parents to a much harsher income-free area, of $31 per week, than if they are on parenting payment single. There is also the removal of the additional child income-free area of $12.30 a week and the ending of eligibility for the pension education supplement of up to $31.20 per week. In other words, this is having multiple impacts on single parents. Sole parent who drop from parenting payment single to Newstart and
have no current income will lose around $55 per week. The government tried to pretend it was softening this by saying, ‘It's okay, we'll give you $210 a year supplementary allowance.’ Great: four bucks a week! That is not even the price of a cup of coffee these days—not that you can afford a cup of coffee when you are on Newstart.

Are you getting the picture? People are going to be living on less money. These are people who are already struggling, who are in work part time or struggling to find work. If you are living in a rural area, for example, child care only works generally in normal working hours, not shift working hours. So for a start that blocks you out of any type of shift work because you simply cannot get child care. For those that are already working, the income-free area means they get to take home less, so it is having a double effect. Parents out there are not only going to be dropped on Newstart, they are also going to have less money to take in their pockets when they are working. How does it work that we are encouraging people into work and then we are going to drop them onto a payment that has a lower income-free area? How is that encouraging, how is that an incentive? Again, this is not about incentives; this is about the government saving money on the backs of the most vulnerable.

If this payment passes in addition to the payment cuts outlined, parenting payment recipients who move onto Newstart will not be eligible for the $32.64 per week pensioner education supplement. The National Welfare Rights Network estimates that there are over 25,000 parenting payment single recipients who are receiving that supplement. They will be able to continue to receive it but new people will not be able to. This is discouraging and counterproductive for people trying to improve their qualifications and skills.

We cannot believe that this legislation will in fact help parents into work or encourage parents into work; it will make it harder. Once you are in poverty, that is yet another barrier to finding work. Senator Evans when he was the shadow minister for social security agreed with that. He said:

Simply cutting payments for people on welfare does nothing to help them get paid work, which is the best way out of poverty. By cutting payments to vulnerable Australians who are already financially disadvantaged, the Howard Government's budget will increase income inequality rather than reduce it.

Well said, Senator Evans, and we agree. There is no difference here between the Welfare to Work measures implemented under the Howard government and this. What they are doing is going after another group of vulnerable Australians.

It is also important to note that parenting payment single recipients are already subject to activity requirements. In other words, they are already supposed to be looking for work and undertaking these activities. This is supposedly to ensure that parents engage in the workforce. The majority of people are already on these sorts of requirements, so these measures will not lead to further activity requirements. The Greens, as I have said on many occasions, are already cautious about activity requirements and question their effectiveness when compared to more positive, less punitive measures. But it is still curious to see that these reforms, which are apparently about activating measures, provide no change in their requirements for this engagement. It makes you wonder whether the government admit that their measures are not being effective in encouraging people to find work.

People that are on parenting payments and trying to find work face multiple barriers.
These multiple barriers are the issues that we need to be addressing. It is not easy when you are raising children to be also juggling work in quite child-unfriendly environments. You are more often than not in temporary employment, in casual employment, where you do not know what your regular hours are. I was at the gathering outside Parliament House this morning talking to a group of single parents about this legislation. They were urging this place not to support this particular part of the legislation. In particular I was talking to a single mother who has repeatedly been trying to find work and has been in and out of work—and then, when she is in and out of work due to no fault of her own, she is having problems with Centrelink because it is casual and temporary work. So the system does not help people either. The government would be better off investing in how to address those barriers rather than putting in place more and more punitive approaches to people who are trying to raise their families.

The other issue that has also been raised, and I will be moving an amendment on this if I fail to convince the chamber to oppose this legislation, is the timing of this. This is coming in on 1 January, when every family in this country has trouble paying their bills; they are in debt because of Christmas. 'Here is your great Christmas present. Now you are going to be dropped onto Newstart and get $130 a week less. Then you have got to prepare your kids for school and buy their school uniforms. Sorry about that, sorry that you have got less money. We do actually want your kids to get a better education but we will just make it harder for you to send your kids to school.' We will be moving an amendment to at least move the start of this revolting piece of legislation to 1 July.

I want in the last couple of minutes to address the liquid assets waiting period. The Greens welcome finally seeing this particular piece of legislation, which is schedule 2 of the bill, which reduces the length of the liquid assets waiting period by doubling the maximum reserve threshold for liquid assets. This is a positive measure and one that should have been continued after the GFC package ran out. As people will recall, this was actually part of the GFC package and the Greens strongly advocated that it be retained. In fact, it was our lobbying that got it into the package in the first place. We think it is a positive measure that will help the recently unemployed being faced with very stressful prospects of emptying their bank accounts before they can access income support. So it is a measure that we will be supporting, which is why we are not opposing the bill outright but will be voting separately on both of the schedules of this bill. However, I will be moving a second reading amendment because, as per usual, the government has not dealt with the issue of appropriate indexation. So I will be moving a second reading amendment that the Senate calls on the government to bring forward additional legislation to provide appropriate indexation of the liquid assets maximum reserve threshold.

As I said earlier, the Greens will be opposing schedule 1. If we go down on that and on the arguments of all those single parents who are going to be negatively impacted by this legislation and not manage to sway senators—even those senators who, with their hands on their hearts, have said that they are concerned about those single parents but are still going to vote with the government—I will be moving an amendment, as I indicated, that this legislation commences on 1 July 2013 rather than the Christmas-New Year present that the government proposes for single parents on 1 January. We will not be supporting this legislation, and we urge all senators in this chamber to reconsider their vote and to...
consider the impact that this legislation will have on single parents and their children.

**The ACTING DEPUTY PRESIDENT (Senator Cameron):** Senator Siewert, do you have an amendment that you wish to move?

**Senator SIEWERT:** Yes, I do. I move the second reading amendment on sheet No. 7272.

At the end of the motion, add: "but the Senate calls on the Government to bring forward additional legislation to provide appropriate indexation of the liquid asset maximum reserve threshold".

**Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (13:06):** I compliment both Senator Sinodinos and Senator Siewert for their contributions to this debate on the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012. I think the comments that both of them have made are very telling and should be taken on board. There are two elements to this bill for which I have concern. The first is that it fails to promote greater workplace participation, workforce participation, for those people who will be affected by it. The second is that, obviously, this is an attempt by the government to try to balance the budget—a fact which, of course, will never happen under this government—and to do so at the expense of and on the back of the most vulnerable—in this case, low-income earners, carers, single parents and inevitably, as Senator Siewert has eloquently indicated, their children. Those are concerns that I will return to during this presentation.

We also have real concerns about the primary objectives of the legislation, and that is its failure to promote greater workforce and workplace participation as well as its failure to provide appropriate incentives to encourage those who are out of the workforce to find, to maintain or to re-enter useful employment. They are areas that are obviously of concern.

In the inquiry that we held into this matter, the Department of Education, Employment and Workplace Relations cited evidence which indicates that children who grow up in jobless families are themselves much more likely to experience unemployment as adults. Following on from Senator Siewert, I want to focus on the impact of this legislation on children. If I may quote from the submission by the department to the inquiry:

Children who grow up in jobless families are far more likely to be out of work as adults compared to those who had a working parent—or parents.

It is therefore vital that the income support system seeks to incentivise work in order to break the dependency cycle. The system must provide the right balance of support and incentive to work to ensure that parents are in a position to benefit from the opportunities the economy has to offer, particularly as their children get older and the parent's capacity for work increases, and provide their families with positive role models and greater financial security.

I will repeat those—as I am sure they go to the heart of what we all would agree in this place—and they are: positive role models by parents or their carers for their children and greater financial security being stability.

It was at the same inquiry that Ms Netty Horton, the Territorial Social Program Director of the Salvation Army—and I must say that she was not supportive of the legislation—explained to the committee:

We would like to be very clear in that we are fully supportive of moving as many people as possible—single parents or unemployed people in general—towards being able to work, and some of the focus of our submission has been around our experiences in working with the most disadvantaged group of those people in the
community and recognising that they need additional support and incentives to move them into the paid workforce.

She went on to conclude:

We recognise that that is the best way out of poverty and the best way to ensure participation both for them and for their children in the community.

Those are very telling comments.

The regrettable aspect of the matter that we are discussing today has, of course, been the inability of this government to carry on the work commenced by the Howard government under the Welfare to Work reforms of 2006. At the time, those reforms were predicated on the basis of some $8.9 billion in cash surplus that had been generated following the repayment of the debt of the then Keating government. It was because of that surplus that the Howard government was able to implement its Welfare to Work reforms. It invested some $3.6 billion in 2006, with $400 million over four years of that specifically directed to assist parents into work—the very people we are speaking about. The Labor government today have made some effort to try and continue those initiatives, but because they have now got themselves into the circumstance of such deep indebtedness and deficit, we see them taking these sorts of actions in an attempt to try and save some $789 million over four years at the expense of who, I would say, are the most vulnerable in the community.

The Howard government initiatives, amongst others, had a requirement that single and parenting payment partnered recipients seek at least 15 hours of work each week and to start that process themselves, psychologically as well as physically, to return to the workplace. In addition to that, there was access to concessions for single parenting payment recipients. Here the Howard government ensured additional out-of-school-hours care to be available for parents. But we know that only recently under a different guise childcare reforms are seeing this out-of-school-hours care being placed at risk in 2012, with many of the centres being forced to close as a result of the so-called national reforms. So we are going to see a double whammy here, and that is an inability for people to ensure their children are cared for whilst they either seek employment or, indeed, undertake those works.

As part of that coalition policy at that time parents could refuse a job if they would not be more than $50 a fortnight better off once the costs of employment were factored in—including, of course, child care—or if they had to travel for more than 60 minutes each way to work. Very sensible initiatives, but of course they have also unfortunately gone by the wayside.

I heard my colleague Senator Sinodinos quote from the then department of education and workplace's Welfare to Work reforms that showed there were significant increases, 23 per cent I believe, in the number of single principal carer parents leaving income support after six months in comparison to the three previous years as a result of those initiatives, and 38 per cent moving off the payment during 2006-07. That was for single principal carers, and the report showed that more than 70 per cent of principal carer parents left income support payments for employment. For partnered principal carer parents on the Newstart allowance, 45 per cent were no longer in receipt of income support payments after six months, compared to 32 per cent the previous year—an increase of some 13 per cent. So we could see evidence of improvements being undertaken and at the same time systems were in place to ensure that there was child care for children, and there was the capacity for an orderly transfer to work.
These measures were designed to boost workforce engagement, reduce dependency on welfare and, returning to the comments made earlier, to try to break that cycle of long-term intergenerational unemployment, which of itself unfortunately generally leads to a circumstance in which the growing child comes to expect a life themselves of unemployment, and that is unacceptable. I referred to that in my first speech in the Senate on 17 March 2009; I reflected that in a country like this we should surely never see a circumstance in which we look to a situation in which young people particularly would not find useful, gainful and obviously lucrative employment.

There are benefits to this bill. We do recognise that the best way to help parents and their children is to help the parents find a job. We do understand, as I have just indicated, that children growing up in a jobless household will be much more likely themselves to face long-term unemployment, underemployment or the third of that trifecta—that is, unfulfilling employment. It is not just the fact of getting a job or keeping a job; it is the fact of aspiring to a job that of itself will be of interest and of itself will help the person grow over time. All of us in this place have seen the experience that is denied young people when they themselves have not had that opportunity.

Intergenerational unemployment is a growing concern in Australia and the longer people remain on welfare the more difficult it becomes. I agree with Senator Siewert; indeed, the coalition shares its support for the increase in the level or limit of the liquid assets waiting period. In fact I have some difficulties even with the level or the limit to which it is being placed. I would like to see over time that figure potentially being increased because, as we all know, there are unforeseen problems that occur in families, be they emergencies or whatever, and it is unreasonable that we should not penalise somebody having some sort of a cash reserve, either as a single or as combined parents, to be able to overcome those emergency periods.

We do have concerns with the bill. I have tried to outline some of them. There is no additional funding to support parents into work, and I cannot emphasise that enough. I think that is one of its great deficiencies, in contrast to the Howard initiatives of 2006. I believe it is incumbent on the government to go back and re-examine these figures and see whether or not they cannot return to providing that additional assistance. It is the case that the government have slashed some $160 million from Job Services Australia assistance for job seekers. That is a very, very significant sum, and the impact of it will be adverse on those seeking employment and ultimately on their families. A further $44 million has been cut from the outcome payments for Job Services Australia providers. All of these are directed at the ultimate failure of the legislation that is before us.

The deep concern I have and to which I referred at the beginning, and which so many people are acutely conscious of—whether or not government senators do come out and say so publicly remains to be seen—is the effort of this government to try to hive off some $700 million over four years from the most vulnerable and those least able to afford it. Why is that? Why was it that in 2006 the Howard government was able to inject some $3.8 billion into the Welfare to Work initiative, some $400 million specifically to assist parents into work? It was because the economy was in surplus and because there was a surplus budget. That is what we were able to do.

We see a circumstance now where I believe these figures really are terribly
telling. I want to focus on this circumstance. In 2007 this government inherited $70 billion of surplus. In this year's budget, it was estimated that the debt would blow out to $147 billion from a $70 billion surplus. But of course that is now not the case. We learnt only today—I believe Senator Williams said it, through you, Mr Acting Deputy President—that we are now looking at a national debt of some $250 billion. Not the 147—

Senator Williams: 252!

Senator BACK: I am sorry, it is $252 billion—that last $2 billion would certainly have gone to paying this, Senator Williams. So from a $70 billion surplus in 2007 we now have an estimated $147 billion debt this year—in fact, it is already $252 billion.

Let me put that into perspective for you, Mr Acting Deputy President, if I may. The annual interest bill alone is $6.6 billion—that is, $6,600 million each year. Just the $600 million would account for the $700-odd million that the government is trying to save in this exercise. When the Howard government came into office following the Keating period, Peter Costello was able to pay back $96 billion of debt and, in so doing, saved some $5 billion over the remaining period of that government. We are not talking $5 billion over the remaining period of a government; we are talking about $6.6 billion of debt every year at our current debt levels. Here we are arguing—and we listened to what I would certainly agree was an eloquent representation by Senator Siewert—about the impacts on the most vulnerable people in the community in this move to try to save $700 million over four years when we seem to be accepting $6.6 billion worth of interest payments alone on a debt of $252 billion. This is all in the name of trying to protect a budget surplus.

The budget deficit, the annual difference between revenue and expenditure, was estimated by Treasurer Swan to be $22 billion in 2011-12. It doubled and it blew out to $43.7 billion. Since Labor came to government the deficit, the difference each year between revenue and expenditure, when put together over the life of this government has become $170 billion. They are telephone book figures. So any capacity by this government to actually balance a budget when it has a track record to date of accumulating a $173 billion deficit is a nonsense. It has no capacity to do so. There are many other areas in which the government should be looking for savings so as not to put the yoke upon the shoulders of these most vulnerable people and their children. But, of course, that is the circumstance the government finds itself in because of its profligate spending and because of its waste. The burden is now being carried particularly by those who are most vulnerable.

I will finish my contribution on this with the lamentable observation that not only do we have currently $252 billion of debt and $6.6 billion of annual interest payments on that debt but also, to date, we have seen unfunded commitments of some $120 billion further by the government leading into the next election, whenever that is held. The emphasis must be on two areas. Firstly, there must be sufficient funding so that people do not live in that level of poverty to which others have referred, as I have. Secondly, there must be adequate funding to make sure that those who become eligible to return to the workforce have the financial wherewithal to seek employment, to get to interviews, to complete a task and to have their children minded as needed. Just having clothing and being able to present yourself in a physical and psychological way so that you are attractive to an employer or to those who are
interviewing you for employment, as indeed those of us who are participating in these inquiries can, are of themselves critically important. I simply urge that before this bill is given its final concurrence, which, as Senator Sinodinos said, the coalition will not be opposing, we re-examine the circumstances of adequacy and those other incentives, and return the incentives that the Howard government had in place that marked the success of this program so that we can give some dignity to those people.

Senator XENOPHON (South Australia) (13:27): I have some significant concerns in relation to the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012. At the outset, it is important to note that the Senate Education, Employment and Workplace Relations Committee report on this bill raised a number of key issues, and let us put them into perspective. I read from the committee's report, which says:

Schedule 1 of the bill seeks to remove 'grandfathering' provisions established on 1 July 2006 and would supersede transitional amendments passed in 2011 and earlier this year. If the bill is passed, from 1 January 2013—less than three months away—

- eligibility for parenting payment for partnered recipients would cease when the youngest child under their care turns 6 years old, or when the youngest child of a single parent turns 8 years old.
- all grandfathered recipients would have participation requirements when their youngest child turns 6 (currently this is not until that child turns 7).

So this is a further tightening up. This is further penalising of those recipients. I note your contribution in the media, Mr Acting Deputy President Cameron, which I thought expressed in a very measured way concerns about these measures. I thought they were wise comments about proceeding in such haste. I think your comments, Mr Acting Deputy President, reflected widespread community concerns.

The recommendations of the report of the committee were that this bill should not be debated until the Joint Committee on Human Rights had concluded its inquiry and until the Senate Education, Employment and Workplace Relations Committee had completed its references inquiry into the adequacy of the Newstart Allowance and other payments. The Joint Committee on Human Rights also recommended that the bill not be debated until the inquiry into Newstart is complete. That makes a lot of sense. Why are we rushing this? I do not believe it is appropriate to go against the recommendations of these two inquiries to debate and vote on this bill now. It is hasty. It is unwise.

If the government are serious about the intention of this bill, which they have stated is to encourage people to join the workforce, then surely it is worth the time to make sure there will not be any unintended consequences and, furthermore, that these measures will actually work. This bill will have a significant effect on the people it is targeting. This is the second time this group will have an end date put on their parenting payments, and I find it very concerning that this date is continually being brought forward. These kinds of decisions make it hard for people to plan for the future, and the financial uncertainty this has caused for them is nothing short of unfair.

We must also keep in mind that this group represents something like one-third of parenting payment recipients. The other two-thirds of recipients are already living under the harsh conditions this bill seeks to enforce. There are two facets to this problem. Firstly, there is the issue of Newstart. It is a woefully low allowance, and it is very easy to see how it could hinder, rather than help,
job seekers. It grinds people into the ground. If it demoralises them, if it disspirits them, if it means that they are just living from hand to mouth on a week by week basis, I cannot see how that empowers people to look for work, to be job ready. In my view, it is vital that this bill be delayed until the inquiry into this allowance is complete and any recommendations it makes are implemented. Things are bad enough already for the people on this allowance. We do not need to add to their number at this stage.

Secondly, there is the issue of reducing allowances to encourage people into employment. I agree with the government that it is important for people to have a job, and not just for the fiscal argument—being gainfully employed, in whatever field, whether full or part time, plays a vital part in a person's self-esteem. It helps to keep us connected, to know that we and our contributions are valued. I do not see how this bill will encourage people to work. Punitive measures are not the solution. If the government genuinely wants to help people, particularly single parents, transition back into the workforce, then they need to work towards that aim. Everyone here knows it is not as simple as, 'Do it or else!' If higher employment in these areas is genuinely the goal then we need to look at targeted measures to support and encourage people. We need to have a bit of carrot rather than just all stick.

These kinds of programs are not cheap, but just throwing cash at the problem will not solve it either. In fact, if the government were serious about their stated aim, they would not be looking at it as a saving—anything but. Instead they would be setting money aside and working out where to spend it for the best impact. They would be consulting with experts, community groups and people working at the coalface on these issues. But it appears that none of this has happened. Instead, they are insisting on punitive measures, which we know just will not work.

There is another argument here: that all parenting payment recipients should be on an equal footing. I agree with that, but, instead of reducing the allowance to meet the lowest common denominator of Newstart, what if we raised it? What if we just take into account the special circumstances that sole parents are in in so many cases? What if we raised Newstart too? And what if we looked at getting people into work as more than a 'follow the rules and tick the boxes' process? Then maybe we would see the outcomes the government is predicting.

Ultimately, I cannot support this bill. I do not support its intentions in the sense that they appear to be primarily punitive. Of course we want to encourage greater participation in the workforce. Of course we all want people to have meaningful work. But I do not support this bill being rushed through, debated in this place and being voted on against the recommendations of two committees—two committees that have carefully considered the implications of this bill. It is time for the government to take a step back and to take the time to look at the whole issue and how it can be appropriately addressed. This bill is not the solution. It is not even part of the answer. I cannot support this bill.

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (13:33): I rise today to indicate that the Australian Greens, of course, will not be supporting schedule 1 of the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012 that is before us, as my colleague senator Rachel Siewert has indicated earlier in her contribution. This route goes to the heart of what sort of country we want to live in in Australia. It literally goes to the heart of...
what the purpose of a budget is. A budget and an economy are nothing of themselves. Budgets and economic tools are only there to deliver for the community at large. There are only two real things in the world: people and nature. We developed economic tools to govern that relationship so that it would be a sustainable one in the longer term and to govern the relationship between people. At the heart of the relationship between people needs to be equity—equal opportunity for all. Surely that goes to the heart of what is the point of an economic system and its economic set of tools. What we have here is economic tools delivering appalling outcomes for the community. If that is the case then the tools need to be changed. We need to be looking at what the indicators are of what we want to be measuring in Australia to determine whether we are successfully having tools that deliver in the broadest sense—so that we have ecological sustainability and a healthy and happy community into the longer term.

The bill before us impacts 100,000 single parents, 85 per cent of whom are women, who are dropping from the payment they have to a Newstart allowance payment, which puts them at the poverty line. They are going to lose between $60 and $100 a week when you take into account not only the loss in payment but also the tax thresholds. You have a point where you are saying that in order to reach a budget surplus, which is a political surplus, you are prepared to put 100,000 people into poverty. I ask you, Acting Deputy President Cameron: how is that justified on what we hear time and time again from the Prime Minister about Labor values and working families? How is putting people into poverty a Labor value? How is putting into poverty a Labor value when at the same time you see the ongoing areas where we could be raising money, like blocking the loophole in the MRRT—any number of ways we could be raising money. But, no, in order to reach this surplus, the government is prepared to put 100,000 single parents into poverty.

Now let us go to this issue that somehow that will help people get jobs. We know that driving people into poverty will preclude them from employment. It actually costs money to become job ready. In fact, the only increase in employment support that ACOSS have been able to identify in the budget is $3 million to extend a telephone career counselling service. They go on to say that they understand that the increased allocation for JET childcare assistance reflects higher demand for an existing childcare subsidy, not an extension of access to that program. The fact is if you are unemployed and you are going to have even less money to be able to be job ready then you will be less likely to be able to achieve employment.

Let us go back and talk about what will happen to the children who will be affected when the single parents, 85 per cent of whom I have said a moment ago are women, are in these circumstances. I would like the Prime Minister to tell Australians how the children of single parents who are now being forced into poverty are going to have equal opportunity with other children in Australian society. The reality is they will not—and equality of opportunity is not only important in terms of a value. Let me put a monetary figure on it. We know that in countries where the gap between the rich and the poor gets wider and wider there are many increased costs in terms of the level of public safety, for example, and we also know about the health care and other associated costs that go into the mix as a consequence of where you have gated communities of the wealthy and other communities of the very poor. That is where this is headed in Australia and that is what I find so offensive about what the
government is doing. It cannot be justified. I understand that there was a vigorous debate in the Labor Party on this particular issue and I understand that the views were reasonably evenly divided in relation to the matter.

Nevertheless, the test of this will be to see who actually crosses the floor on it. We heard from Senator Back a little while ago about how appalling it is to drive people into poverty—and he was absolutely correct that it is—but, Senator Back, will you vote against schedule 1? That is the point. It is all very well to rail against poverty but when push comes to shove and the vote is called on this, who is going to vote to prevent the 100,000 single parents losing this payment? Who is going to vote to prevent them being pushed into poverty? I think everybody concedes that Newstart is actually driving people into poverty to the point where you have parliamentary committees having met in this place and having said that this will drive people into poverty with, in fact, those committees saying the government should delay this legislation until the committee looking into Newstart, for example, actually reports.

Then you have got the humiliating scenario where the Australian Council of Social Service, the National Welfare Rights Centre, the St Vincent de Paul Society, the National Council for Single Mothers and their Children, Women Everywhere Advocating Violence Elimination, the Council for Single Mothers and their Children Victoria, Women's Legal Services New South Wales and the Human Rights Law Centre have become so desperate that they have all been getting together to send a letter to a United Nations special rapporteur over the federal government's decision to bring on this legislation against the advice of those parliamentary committees. In that letter it is pointed out, of course, that the Joint Parliamentary Committee on Human Rights had already advised the government to delay the bill, citing major reservations. One of them was:

- If Newstart combined with other benefits is not sufficient to provide an adequate standard of living for affected individuals, the measures risk being a violation of human rights under article 9 of the International Covenant on Economic Social and Cultural Rights.

How humiliating is it in a global sense for a rich country like Australia to be risking violation of article 9 of the International Covenant on Economic, Social and Cultural Rights because we are driving people into poverty and the people being driven into poverty are not only single parents but also children? Where does that leave us in terms of global standing in the UN system? We have already embarrassed this nation with violation of human rights when it comes to the treatment of refugees. Now we are going to humiliate ourselves again by being in violation of human rights when it comes to economic, social and cultural rights.

The Joint Parliamentary Committee on Human Rights was also not convinced that the affected single parents would be able to maintain access to appropriate levels of social security support if placed on Newstart and, as a result, it argued it would be premature for the government to introduce these measures prior to the completion of the Newstart inquiry. This is really an extraordinary situation and I think it puts paid to any notion when the Labor Party stand up and say that they stand for Labor values and that the Labor values somehow go to equality of opportunity, a decent life for all, minimising the gap between the rich and the poor, and facilitating people getting into meaningful work, with the human dignity that is associated with that. They cannot claim to be promoting all of these things if they legislate to save $700 million
off the backs of single parents and their children. It is disgraceful that this is being driven through this Senate at a time when parliamentary committees have said quite clearly this is premature and they need to look a bit more at what is going on with Newstart.

Actually, they really do not need to look any further into what is going on with Newstart. We have heard from practically all the social justice agencies in the country, who have submitted that Newstart is actually entrenching poverty and acting as a barrier to people looking for work. We have heard that from Dr Cassandra Goldie, the Chief Executive Officer of the Australian Council of Social Services, we have heard it from the Salvation Army and we have heard it from many others. The Salvation Army submitted that:

Newstart allowance is inequitable and inadequate as it is lower than pensions for retirees, below the poverty line, and has a more restricted earning threshold compared to the Parenting Payment.

That is what this parliament is going to vote on, and I think it has come to the point where people need to put their vote where their values are.

It is no justification to say, ‘I fought this in the caucus’ or ‘I fought that in the party room, but ultimately I am going to vote for what the party line is.’ In the future when we see a single parent with their child and we see the poverty line consequences of actually taking this money from them, every single one of us who votes in support of this legislation has voted for that outcome. That is why the Greens will not be supporting this bill. We think that if the government is so committed to the surplus it should find money elsewhere—for example, by taking away the fossil fuel subsidies, by blocking that loophole in the MRRT. There are any number of ways by which we might raise money. But raising money on the back of single parents and their children is a disgraceful comment on the state of social justice, on the state of generosity and on the state of equity in this country.

I would defy any senator to take a child from your own family and go and live for a week on the amount of money that is going to be allocated, and see how you do trying to clothe and feed a child plus put a roof over their head in the current circumstances. We know that is poverty and we know exactly what we are doing—and there is no excuse for it. And there is no pretence about it either. Let us not have any suggestion that people here do not know what they are doing. Of course, everybody knows what they are doing. You only have to go to any one of those providers of support and welfare in the community who will tell you exactly what this parliament will be doing.

It will be a very sad day for Australia if this legislation gets through. It will also be a line in the sand in terms of the community and what they think political parties stand for. I can tell you that the Greens stand for equity. We want equal opportunity for people in Australia. We want to reduce the gap between the rich and the poor in this country. And we want to make sure that the economic tools that we have actually measure the things that count—that is, the level of education, the level of homelessness, the level of health and happiness in the community and sustainability in terms of our engagement with the environment. They are the sorts of things that are basic to everybody—food, shelter, clothing and being able to live on a planet that is able to sustain us.

If our current economic tools do not deliver those outcomes, there is something wrong with the tools and we should change them. We should not drive people into poverty in order to meet the strictures of
reaching a budget surplus simply because the government cannot withstand the attacks from the coalition by not meeting its political surplus, when every economist in the country would be saying: 'Look at the state of the economy. The Reserve Bank is cutting interest rates. Can't you see things are slowing?' It is inappropriate to continue with this obsession with the surplus and this refusal to raise money from people who can afford to pay and instead take it from children of single parents. It is disgraceful. We will not be supporting this bill and nor will we be listening to the excuses of people who say, 'We voted for it because it was the party line.' This is actually a matter of true and core value. What do you value as a person? What sort of society do you want in this country? That is what this piece of legislation stands for. It goes to the heart of the matter. Stop people on a street corner anywhere in the country and ask, 'Do you think single parent payments should be reduced to the point of Newstart so that we drive people into poverty?' Do you think people on street corners would say that they thought that was a good idea—especially if you put to them that we could raise that $700 million by removing a fossil fuel subsidy or that we could get that $700 million by not repaying to the big miners the royalty increases that states might have made? Just about everybody on a street corner would go for the latter options and say, 'Raise the money elsewhere; don't take it from the backs of children.'

This is really a moral issue. It is a totally moral issue and it is a matter of choice about what sort of country we want to live in. The Greens are very clear about the direction we want to see the country go in—and this is totally the wrong direction.

Senator BOB CARR (New South Wales—Minister for Foreign Affairs)
and Other Measures) Bill 2012 was passed by parliament on 9 May and introduced changes to the existing transitional payments for parenting payment recipients. These changes reduced the age of eligibility of the youngest child from 16 years to 12 years. The current transitional arrangements are available to parenting payment recipients who have been continually receiving payments prior to 1 July 2006. Since 1 July 2011, children born to or coming into the care of parents who have been receiving parenting payments since before July 2006 have not extended these parents’ eligibility for payment.

This bill will continue the reforms to parenting payment so that from 1 January 2013 transitional arrangements will be removed for these parents and they will in the future cease to qualify for parenting payment when their youngest eligible child turns six, for partnered parents, or turns eight, for single parents—the same as other parenting payment recipients. Under these amendments, all parents will have participation requirements when their youngest child turns six, completing the alignment of the parenting payment provisions. There are no other changes to participation requirements. This removes the inequity and inconsistency that currently exists for parenting payment recipients by ensuring that all parents are assessed the same.

To ensure that individuals and families, particularly those affected by the parenting payment changes, are not disadvantaged when making the transition to new parenting payment arrangements, the government has already made amendments to the Social Security Act 1991 to reform the income test. The introduction of a more generous income test, from 1 January 2013, allows these parents to earn over $400 more per fortnight before they lose eligibility for payment. This provides stronger incentives for parents to undertake paid work by allowing parents to retain more of their income support as their employment income rises.

It is not easy for parents to take up or return to work, and the government considers that the range of training, employment services, child care and career advice assistance that we put in place will reduce those barriers and will greatly assist these parents to find and keep a job. In recognition that these parents are likely to have spent significant periods on income support and out of the workforce, the government is also providing additional support for these parents to ease their transition back into the workforce. As well as additional training places and community based support for single parents announced under the Building Australia’s Future Workforce package, the government has provided additional funding in the 2012-13 budget for professional career advisory services.

Additionally, the government is providing additional funding to support increased demand and to better target the Jobs, Education and Training Child Care Fee Assistance Program. The government also understands that parents need to balance their family and caring responsibilities with their participation obligations, and parents will continue to have access to the more flexible arrangements to balance part-time work, study or training. The government believes that, all together, these changes provide parents with the right balance of support and incentives.

The bill amends the liquid assets waiting period to allow newly-unemployed Australians and new students to hold on to more of their savings and better adjust to their new circumstances. From 1 July 2013, the maximum reserve amount for a person who is single will be doubled. A previous
temporary doubling of the liquid assets waiting period threshold ceased on 31 March 2011.

This bill also introduces a technical amendment to the definition of termination payment for the purpose of income maintenance period. To help with some of the cost of living pressures that are affecting low- and middle-income Australians and their families, the government is investing $1.1 billion to create a new income support bonus that will be paid to recipients of Newstart allowance and similar payments.

The changes in this bill form an important part of the income support reforms announced in the budget.

The government is now in a position where it can afford to reinstate those thresholds permanently. The amendments proposed by Senator Siewert in relation to the liquid assets waiting period would not affect the calculation of waiting periods and, on this basis, it is more appropriate and practical for the government to continue to periodically review the thresholds in line with the current economic situation.

The changes in this bill form an important part of the income support reforms announced in the 2012-13 budget. These reforms will support more Australians when they are going through tough times and encourage more Australians to participate in and share in the benefits of paid work. The changes will result in fairer and more consistent treatment of income support recipients. I thank senators for their contributions and I commend the bill to the chamber.

The PRESIDENT: The question is that the second reading amendment moved by Senator Siewert be agreed to.

The Senate divided. [14:02]
QUESTIONS WITHOUT NOTICE
Speaker of the House of Representatives

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (14:07): My question is to the Minister for Foreign Affairs, Senator Bob Carr. I refer the minister to his public comments regarding the James Ashby allegations against the Speaker of the House of Representatives, Mr Peter Slipper. I remind the minister of his tweet of 5 May 2012 which said:
This Ashby seems more rehearsed than a kabuki actor.

I also refer the minister to the recent reports of appalling, derogatory and misogynistic text messages sent by Mr Slipper to Mr Ashby. Given that the Commonwealth has now settled with Mr Ashby for a sum of $50,000, does the minister stand by his previous public comments on this matter and does he believe that Mr Slipper is now an international embarrassment?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:08): The first point to make is that this matter is in the court, where it belongs.

Opposition senators interjecting—

Senator BOB CARR: It is in the court! The second point to make—

Opposition senators interjecting—

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

Senator Abetz: Mr President, I rise on a point of order. The minister was asked two specific questions: does he stand by his previous public comments in this matter, that he was more rehearsed than a kabuki actor—

Senator Bob Carr: Answered that—answered!

Senator Abetz: He stands by that—thank you very much. And whether Mr Slipper—

The PRESIDENT: Order! Just wait a minute: it is improper to debate the matter across the chamber. You are quite entitled to make a point of order, and if someone wishes to take another point of order based on the matter before the chair that is an entitlement that exists. So I discourage people from debating it across the chamber.

Senator ABETZ: If I may: given Senator Carr's interjection, I withdraw my first request because it is now on the record that Senator Carr acknowledges that he stands by his previous public comments.

The PRESIDENT: Order! That is debating the issue!

Senator ABETZ: I therefore move to the second aspect of my point of order, which
was whether or not the minister believes that Mr Slipper is now an international embarrassment.

Senator Chris Evans: Mr President, I would urge you to rule that there is no point of order. Despite the question probably being out of order in the sense that it did not refer to the minister's ministerial responsibilities, he has been giving a comprehensive and fulsome answer. There is no point of order.

The President: There is no point of order. The minister has 31 seconds remaining.

Senator Bob Carr: I want to inform the Senate that mediation was held with all parties last week. I am advised that the government's hope with this was that this process would bring about settlement between all parties. Unfortunately, the mediation was unable to settle the matter between Mr Ashby and Mr Slipper. The terms of the settlement are public, and they include an express provision that the Commonwealth does not accept liability.

As anyone who has been in these matters—(Time expired)

Senator Kroger: (Victoria—Chief Opposition Whip in the Senate) (14:13): Mr President, I ask a supplementary question, although I would like to note that there was not one bit of relevance in the answer to that part of the question.

The President: Order! No! You need to ask a question, Senator.

Senator Kroger: I refer the minister to the fact that Mr Slipper, with the Serbian ambassador, is tonight hosting an evening of traditional Serbian food, wine and dancing in the Speaker's courtyard. Is the foreign minister attending this function? And if not, why not? Does he believe that it is appropriate that Mr Slipper is hosting such events with the representatives of foreign countries while under such a cloud?

Senator Bob Carr (New South Wales—Minister for Foreign Affairs) (14:14): I am not attending this activity. I think it would probably be interesting to look at how Speakers in coalition governments have used their office in similar activities and frolics. I am certain that there is a long record and maybe that information ought to be revealed to put in context what is being raised here. But the short answer is: I am not going to the celebration. I cannot speak for other senators or members of the House of Representatives.

Senator Kroger: (Victoria—Chief Opposition Whip in the Senate) (14:15): I ask a further supplementary question, Mr President. I refer to the fact that since this scandal broke, Mr Slipper has officially visited Israel, Lebanon, Jordan and Cyprus and, according to a report in the Sydney Morning Herald, in the coming months he has booked trips to Italy, Morocco, Malta, Algeria, Tunisia, Qatar and Argentina. Given today's reports of Mr Slipper's disgraceful and misogynistic attitude to women, does the minister believe that Mr Slipper is an appropriate person to represent the Parliament of Australia?

The President: The minister can answer that question insomuch as it applies to the portfolio.

Senator Bob Carr (New South Wales—Minister for Foreign Affairs) (14:15): The Speaker is not subject to directions—and this will be a stunning revelation to the constitutional lawyers over there—from the Minister for Foreign Affairs, nor, I suspect, from any minister. This neat tweaking of constitutional niceties by the opposition is quite irrelevant. Mr President, I am very grateful for the opportunity of assisting Senator Kroger as generously as I
have been able with relevant information to her question. I do not think that I can assist her further.

**Economy**

**Senator BILYK** (Tasmania) (14:16): My question is to the Minister representing the Prime Minister, the Minister for Tertiary Education, Skills, Science and Research, Senator Evans. Can the minister advise the Senate on how the Gillard government's management of the Australian economy is delivering for working people?

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:17): I thank Senator Bilyk for the question. The Australian economy is the envy of much of the developed world. We have an enviable combination of solid growth, low unemployment, contained inflation, sound public finances and a large investment pipeline. All this has been achieved despite the challenge of the global economy.

This morning the latest update from the IMF shows the ongoing challenges facing the global economy. IMF forecasts for global growth from 2012 and 2013 have been downgraded to 3.3 per cent and 3.6 per cent respectively, with recession in Europe and slow growth in the US impacting on global growth. But despite these challenges, the IMF is forecasting that the Australian economy will continue to outperform every single major advanced economy over the next two years—that is right, Mr President, every single major advanced economy. Based on the IMF's report on gross domestic product and market exchange rates, Australia is now the world's 12th largest economy. It has moved up from the 15th largest economy when this government came to office.

This growth in the Australian economy, this tremendous economic performance, is delivering for working people in Australia. An economy that is 11 per cent larger than when this government came to office means that there are more people in work. More than 800,000 jobs have been created in that period. Inflation is at a 13-year low, which gives the RBA room to cut official rates, and lower mortgage rates mean relief for Australian families on their mortgages. These results are delivering more jobs, more job security and a brighter future for working Australians, and it is a very good news story for the future of the Australian economy and Australian people.

**Senator BILYK** (Tasmania) (14:19): Mr President, I have a supplementary question. Following on from that, can the minister advise the Senate on how the government is ensuring that social and community sector workers get their fair share from Australia's strong economy?

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:19): This government recognises that it is not just about creating jobs and economic growth. It is also about the quality of those jobs and about ensuring people are properly rewarded for the work they do. That is particularly important for the professionals in the social and community services sector. They are some of the lowest paid in Australia as a result of their work being dominated by women employees, and they have not been traditionally valued. The historic equal pay case from Fair Work Australia for those 150,000 workers provided a recommendation for increased rates of pay. These people are working in refuges, running support centres and programs for people with disabilities etcetera. They work hard and they deserve to be recognised. That is why the government will introduce legislation to ensure that our $2.8 billion contribution to their pay...
increases can only be used to fund these wage increases.

Senator BILYK (Tasmania) (14:20): I have a second supplementary question, Mr President. Can the minister advise the Senate on how the Gillard government will work with the community sector and the states to ensure that these SACS workers get the wage rises that they deserve?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:20): This announcement by the Prime Minister today to introduce legislation to enable that $2.8 billion contribution will ensure that funding goes to wage increases for the SACS workers. We are looking to work with the states to make sure that we can deliver that historic Fair Work Australia decision. We have held consultations around Australia. We have set up a dedicated website on the implementation process and we are finding education campaigns. We have set aside our contribution in an attempt to support this wage increase. We are legislating that so that money is secure to fund these wage increases and we are looking for the states to contribute to make sure that these workers after such a long period get some wage justice and recognition for the work they do in our community.

Defence Budget

Senator JOHNSTON (Western Australia) (14:21): My question is to the Minister representing the Minister for Defence, Senator Bob Carr. I refer the minister to the comments he made in the Senate on 17 September:

... by deferring Defence acquisitions and adjusting the Defence capital equipment program... There will be no adverse impact on operations—they are all fully funded. There will be no adverse impact on military numbers in the navy, army or air force. There will be no adverse important implications for kit for forces about to be deployed or in deployment. There will be no reductions in conditions or entitlements for servers—

Given that, following the minister's comments, jungle training exercises for the SAS and commandos have been scrapped and training days for the Holsworthy based 2 Commando Regiment have been slashed, how can the minister stand by his statement?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:22): The government is proud that projects to be progressed in 2012-13 adding to this country's defence capability include the replacement of Caribou transport aircraft, consideration of the Growler airborne electronic attack capability, the acquisition of medium and heavy trucks, upgrades—

Senator Johnston: Mr President, I raise a point of order on relevance. I asked specifically about training exercises for the SAS.

Senator Jacinta Collins: Mr President, on the point of order: that summary of the question, which we all found very difficult to keep up with, I think is very unrealistic. Given that the minister has been on his feet for about 15 seconds I think the point of order is not relevant.

The PRESIDENT: The minister has been addressing the question for 16 seconds. I will listen closely to the answer of the minister. At this stage there is no point of order. Minister, you have one minute 44 remaining.

Senator BOB CARR: I repeat—upgrades to Orion maritime patrol aircraft, C130J aircraft and Anzac class ships. I repeat that there is also a planned reduction of 1,000 civilian positions in the defence department and they will be achieved primarily through natural attrition and
tightening of recruitment practices. Most savings are coming from deferring some defence acquisitions and adjusting the defence capital equipment program but also from delivering further operating efficiencies. None of the savings will impede our nation’s defences. The government has made its choices very carefully. There will be no adverse impact on operations at fully funded. There will be no adverse impact on military numbers: Navy, Army, Air Force. There will be no adverse implications for kit for forces about to be deployed or on deployment—

Senator Abetz: Tell us about what you were asked.

Senator BOB CARR: All this has been said before—and no reductions in conditions or entitlements for service personnel. The focus of the budget's capability activities will be on improving airlift, land mobility, submarines, afloat support, communications, interoperability and electronic and cyber warfare. A number of projects will also be progressed to enhance the availability and capability of the current Collins class submarines. The government has also approved $214 million for further detailed studies and analysis to inform the government's decision on the design of Australia's next submarines. (Time expired)

Senator JOHNSTON (Western Australia) (14:25): Mr President, I have a supplementary question. I refer the minister to comments of former Army chief Professor Peter Leahy, who said that he was concerned at the impact of budget cuts across a range of defence areas including special forces training, warning it would impact on morale and readiness in the future. In light of Professor Leahy's statement, will the minister categorically rule out further budgetary vandalism to the Defence Force budget in MYEFO?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:26): Defence's contribution to the government's fiscal strategy will have no adverse impact on the operations that should concern us all in this house without trying to extract party political advantage from them—that is, operations in Afghanistan, East Timor or the Solomon Islands. There are a range of administrative and minor capital equipment savings that are going to be made and a number of lower priority capability projects that will be deferred, with a small number cancelled where they have been superseded by alternative capabilities, and other capability and facility programs will be subjected to rescoping. The reprioritisation of defence expenditure has been designed to have minimum impact on the delivery of core defence capabilities. The provision of equipment to defence personnel on operations will not be adversely affected and there will be no adverse impact on the number of military personnel in the Australian Defence Force. The decisions taken to determine Defence's contribution—

(Time expired)

Senator JOHNSON (Western Australia) (14:27): Mr President, I have a further supplementary question. With highly respected commentators like the Australian Strategic Policy Institute describing the funding of defence as an unsustainable mess, when will the government admit that its trashing of the Australian defence budget is impacting on morale and capability and compromising our national security?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:27): The senator has presented no evidence for any of those three propositions.

Senator Johnston: It's an unsustainable mess.
Senator BOB CARR: Where is his evidence? Where is his evidence for an adverse effect on morale? He has presented no evidence for these allegations—none at all.

Senator Johnston interjecting—

Senator BOB CARR: No, let me remind you what you said. You said morale in the armed forces has collapsed. You are wrong and you have presented no evidence of that—no evidence at all. Put your evidence on the table; present it in the Senate.

Senator Johnston: An unsustainable mess!

Senator BOB CARR: That is just a facile allegation, not supported by any data. It is a matter of public record that next year defence spending as a share of GDP—(Time expired)

Pensions and Benefits

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:28): My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Wong. I refer to comments reported today by the member for Page, Janelle Saffin, that, rather than cutting sole parent payments, the government should be more generous to the unemployed. Does the government concede that there is widespread community support, including within its own party, to increase Newstart and to maintain payments to single parents?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:29): I missed the end of that but I think it was a question about the adequacy of Newstart.

Senator Bernardi: Just say whatever you want!

Senator WONG: Thank you for that advice. It is the case that the government made a decision in the 2012-13 budget in relation to a particular group of parenting payment recipients who had been grandfathered in terms of their entitlement. The senator would be aware that every other person who has entered the parenting payment subsequent to, I think, 1 July 2006 would be on the new arrangements which the government is currently proposing to apply to the cohort which was grandfathered. The government is very aware of the importance of ensuring there are appropriate policy mechanisms to support this cohort. That is why the government has done a range of things both in relation to this group specifically but of course more broadly in relation to supporting people into work.

This government spends more on child care than any government ever has. For example, in addition to our spending through the childcare benefit and childcare rebate, we announced an additional $225 million over five years for the JET program, which the senator I think is aware of, the Jobs, Education and Training Child Care Fee Assistance program which is specifically targeted to people on low incomes and on income support to assist them engaging in the workforce. As the senator would also be aware, the government has provided additional funding for a Schoolkids Bonus which was also announced in the budget, and the government has of course been in office over a period where we have seen some 800,000 jobs created.

We do recognise the issue which has been raised about the adequacy of Newstart and I might come to that in the supplementary question.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:31): Mr President, I ask a supplementary question. I thank the minister but I wanted to ask her particularly, does she concede that there is widespread community support, including
within her own party, to increase Newstart? Can she explain how forcing single parents onto Newstart payments of $35 a day will not drive people deeper into poverty?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:31): On the first point in relation to the discussion about the adequacy of Newstart, that is on the public record and, unsurprisingly, Labor people who do care about fairness put their views on this issue. That is reasonable and that is appropriate. As you would know, Senator, the reason we have such a difference between pensions and the Newstart arrangements are indexation arrangements that well preceded the life of this government. However, obviously you have to look at what is possible and what can be funded, and the government's priority has been to fund measures to assist people into the workforce because fundamentally what we want to see, particularly at a time where we see unemployment where it is, are more people moving into the labour force and more people moving into work. I was going to also make the point in terms of the arrangements for this particular group that one of the changes the government has made is to change the taper rate for Newstart, which will ensure that parents who are on that payment are able to keep more of every dollar they earn, which is a significant change from the previous measures. (Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:32): I ask a further supplementary question, Mr President. I ask the minister to confirm that the government will not increase Newstart for the same reason that it is cutting the single parents payment, and that is to meet its budget surplus. I would like the minister to explain to the Senate why achieving a surplus is a higher priority than helping people on the poverty line and how this cut and failure to increase Newstart provide a brighter future for the people of Australia.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:33): I make this point. First, a budget surplus is about a sound fiscal policy which is good for the economy. Good economic management is good for jobs, which is why we have seen more jobs created in the last years than in many previous periods and certainly when compared to many other advanced economies. The second point I would make is that it is not a recipe for social justice to refuse to run sound fiscal policy. If you are going to fund things as this government has, if you are going to fund things like increases to education, increases to the tertiary sector, increases to child care, increases such as we have in the pay equity space, you have to find the money to do it. Sometimes you do have to make some difficult decisions. But we have found the money to fund these socially progressive Labor things because we do care about these issues. So I reject the proposition that somehow the budget surplus is against fairness. We want to ensure you have a sound budget so you can deliver fairness.

Economy

Senator CORMANN (Western Australia) (14:34): My question is to the Minister representing the Treasurer, Senator Wong. I refer the minister to the latest data on Australia’s financial accounts by the Australian Bureau of Statistics which shows that the total real value of financial assets held by Australian households remains lower than the peak reached in late 2007, just before the election of this Labor government. Given that the growth rate of the real value of household financial assets remains so sluggish, can the minister explain why this Labor government has increased taxes on the
retirement savings of Australians by $7.8 billion in its first four budgets?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:35): In relation to the question about household assets, it is the case that the global financial crisis has affected asset values. That is hardly news. If the senator believes that somehow he could find a way of ensuring that asset values here in Australia and on equity markets would somehow escape the sort of crisis that we saw, and the ongoing uncertainty in the global economy which he is so fond of speaking of, then perhaps he should tell us. But, newsflash: there was a global financial crisis. It has had an effect on asset values across the world. It has had an effect here in Australia as well. It has affected superannuation returns, and also the government revenues for similar reasons. I think the senator knows enough about matters financial to understand that is the case.

On the second point about retirement savings, I would make this point. It is interesting to be lectured about the importance of superannuation by someone from a party which opposed it. The only reason working Australians have superannuation on a widespread basis, as opposed to it simply being the preserve of the wealthy, is that Labor governments and the trade union movement built the system of compulsory superannuation, of occupational superannuation. And who did we have to fight every step of the way to have that system built?

There are people on this side who can give you a bit of a history on it, Mr President, because it preceded me coming into parliament. There are people who are part of that fight to deliver superannuation. Let me tell you, Mr President, those on the other side are no friend of workers when it comes to occupational superannuation. They have always opposed it. They opposed its introduction and now they come in here and try and pretend they are a great friend of—

(Time expired)

Senator CORMANN (Western Australia) (14:37): Mr President, I ask a supplementary question. Can the minister rule out any further new or increased taxes on Australian superannuation savings to help the government pay for its $120 billion budget black hole?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:37): We can rule out ever taxing the economy and the people as much as those opposite did when they were in government. We know that when we came to government tax to GDP ratio was 23.7 per cent. We do not come close to that in the projections over the forward estimates. If the good senator believes that somehow he is from a low-taxing government, he ought to look at the history books, because the statistics clearly show the highest taxing government was in fact the government of Mr Howard and Mr Costello. So I invite the senator. He says he is a fiscal conservative. He can make sure that he can guarantee when he next stands up that the coalition will comply with Peter Costello's Charter of Budget Honesty. Where are your tax hikes, Senator? (Time expired)

Senator CORMANN (Western Australia) (14:38): Mr President, I ask a further supplementary question. Given the minister has again refused to rule out further increases in taxes on people's retirement savings, what will be the impact of any additional tax increase on superannuation on top of the $7.8 billion in Labor Party super taxes so far on the level of voluntary superannuation savings across Australia?

Senator WONG (South Australia—Minister for Finance and Deregulation)
(14:39): This is from the senator who opposes the low-income super contribution. They no longer oppose the increase in the Superannuation Guarantee Charge. This is a government that has been a very strong supporter of superannuation. We are seeking to lift the minimum level of superannuation contributions. Recall that Senator Cormann and others opposed the MRRT, which assists in funding that and, most importantly, the low-income superannuation contribution, which millions of Australians on low incomes will need in order to ensure they can increase their superannuation in order to ensure they can get a similar level of tax break to high-income earners, was opposed by those opposite. And 2.1 million of the people projected to receive that are women workers. These are the sorts of policies you oppose—additional superannuation for low-income Australians. (Time expired)

Syria

Senator URQUHART (Tasmania) (14:40): My question is to the Minister for Foreign Affairs, Senator Bob Carr. Can the minister update the Senate on the Australian government's response to the humanitarian situation in Syria, including the health sector in particular?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:40): Mr President, according to the Syrian Observatory for Human Rights over 170 Syrians were killed yesterday, 160 were killed the day before, more than 30,000 have died and 1.2 million may have been internally displaced. The UN estimates that 44 per cent of primary health facilities, 50 per cent of hospitals, are no longer fully functional. The tragedy is made worse by shelling, mortar attacks and rockets targeting hospitals, patients and medical staff. Half of Syria's doctors and nurses are no longer able to work. Volunteers with no medical training struggle to provide care. There is a shortage of equipment.

I recently put forward a plan to protect access to medical care in Syria. It has three components: first, all sides to the conflict must agree to not target medical personnel or facilities and not block access to doctors and healthcare facilities; second, that third parties such as a non-government organisation could monitor implementation; third, more humanitarian aid. On 30 September, I announced a further $4 million for Syria, bringing our total contribution to $24.5 million and making Australia the third largest national donor. I have discussed this plan with the Joint Special Envoy for Syria and the UN Under-Secretary-General for Humanitarian Affairs. The plan is not without its challenges. Neither the Assad regime nor opposition groups have demonstrated any willingness to abide by previous peace plan commitments. The opposition, as we all know, is seriously divided. There is an opposition within Syria; there is an opposition organisation outside the country. Monitoring will be very difficult. A recent report suggests that monitoring anywhere outside Damascus is currently entirely elusory. I am very proud by the way that Australia is such a significant humanitarian contributor to this terrible humanitarian crisis.

Senator URQUHART (Tasmania) (14:42): Mr President, I ask a supplementary question. Can the minister update the Senate on the Australian government's response to recent reports of Australians joining the uprising in Syria?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:42): Australia has an embargo on military equipment and assistance to Syria. This means it is illegal under Australian law to engage in fighting for either side and to
fund, to train or to recruit someone to fight or to supply or fund weapons for any of the sides in Syria. This is appreciated by Syrian community leaders in Australia. On 13 September, I met with a delegation of community leaders, together with the ministers for home affairs, immigration and citizenship, and environment. These community leaders undertook to communicate this message to members of their communities in Australia: namely, that it is against the law to engage in fighting for either side—that is, Australians—to fund, to train or to recruit someone to fight or to supply or fund weapons for either side in Syria. Since April 2011, of course, the Australian government has advised against travel to Syria.

**Senator URQUHART (Tasmania)** (14:43): Mr President, I ask a further supplementary question. Can the minister please advise the Senate on what more Australia and the international community can do to help end the violence?

**Senator BOB CARR (New South Wales—Minister for Foreign Affairs)** (14:44): Until the United Nations Security Council is able to break its deadlock on Syria, Australia will continue to work with like-minded countries to increase pressure on the Assad regime. We have done this through autonomous sanctions coordinated with the European Union, the Arab League, the United States and others. These sanctions restrict trade in key sectors for the regime, prevent military assistance and target individuals and entities associated with human rights abuses. We also must ensure that the conflict does not escalate any further or spill over into neighbouring countries. We know the alarm felt not only in Lebanon and Turkey but also in Iraq about the implications of this civil war, with all its sectarian overtones for their sovereignty and the safety of their people. I join others in calling for restraint from both Syria and Turkey following recent cross-border shelling, while confirming that we stand in solidarity with the people— *(Time expired)*

**Carbon Pricing**

**Senator BIRMINGHAM (South Australia)** (14:45): Mr President, my question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Ludwig. Miss you, Senator Wong! After 100 days of the carbon tax and with eight major changes to the carbon tax or associated programs during those 100 days, I ask the minister if the government finally believes it has its carbon tax legislation right and if the minister and the government will rule out yet more changes to the carbon tax or the plethora of carbon tax programs it operates?

**Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery)** (14:45): I thank the senator opposite for the opportunity to talk on the carbon price and how, after 100 days, the sky has not fallen in. No; it has not fallen in. Whyalla has not been wiped off the map; it continues. What we do have is a transition for a carbon price into an emissions trading scheme, which I am sure those opposite, or some of them at least, truly believe in, but they have been stifled by those opposite.

We have an opportunity for them now to come clean and admit that they do support the carbon price, they do support the transition to a clean energy future. We have a system which is now going to ensure that we can move to a clean energy future; one where, after 100 days, we have been able to demonstrate to those opposite that the price on carbon will motivate people to change their behaviour, to drive the price down. We have, after 100 days, none of the effects that
those opposite outlined, none of the impacts that they outlined; the scare campaign that those opposite have concentrated on has absolutely fallen flat.

We can rule out that if those opposite were to be in government they would not change it. They would adopt it and continue to have an emissions trading scheme in place. They would not rule it out. That is what I can guarantee. I would hate to see the day that you would have to be put to that—

(Time expired)

Senator BIRMINGHAM (South Australia) (14:48): Mr President, I ask a supplementary question. Does the minister believe the changes to the carbon tax and carbon tax programs, especially the axing of the Contract for Closure program and the linking of the carbon tax to Europe, will result in Australia being more reliant on the purchase of foreign carbon credits under the carbon tax?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:48): Those opposite seem to be pursuing a path of reregulation, a path of stifling commercial opportunity and stifling change. The EU ETS is the largest and most liquid carbon market in the world, and those opposite know that. The Australian government's longstanding policy is that international linking is in our national interest because it will help us to reduce emissions at the lowest cost. The government has secured agreement, as this chamber has been advised, with the European Commission that from 1 July 2015 Australia's emissions trading scheme will be linked with the EU ETS. That means from 1 July 2015, Australia's carbon price will reflect that of our second-largest trading bloc and be consistent with 30 other countries.

Senator BIRMINGHAM: Mr President, I rise on a point of order going to relevance. There was only one question that was asked, and that was whether in fact the linking to Europe—and the minister may be talking about the linking to Europe, but we acknowledge that is happening; that is not under question—will result in the purchase of more international carbon credits. Yes or no, will it?

The PRESIDENT: There is no point of order. The minister was addressing the question.

Senator LUDWIG: I do reject the premise of the question that was put forward. What those opposite fail to appreciate is the EU linking—

(Time expired)

Senator BIRMINGHAM (South Australia) (14:50): Mr President, I ask a further supplementary question. I will try it a different way for the new minister acting in this portfolio. Will the minister confirm that under the government's own modelling, even with the carbon tax, Australia's emissions will increase from 578 million tonnes in 2010 to 621 million tonnes by 2020? Does the minister agree that the panicked changes made to the carbon tax in its first 100 days will result in domestic emissions growth even higher than that forecast?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:50): Again, I reject the premise that is underlying that question. If you look at the headline Treasury modelling results, the government stands by those modelling results. It was one of the most extensive and robust economic modelling exercises ever performed in Australia. Treasury modelling confirms that with a carbon price, growth in the Australian economy will be decoupled from growth in carbon pollution. It projects that under the
carbon price, strong economic growth will continue, gross national income is projected to grow by 1.1 per cent to 2050, income will grow, real income per person is projected to increase by 9,000 per year from today's levels to 2020, and employment will grow with 1.6 million new jobs created by 2020. Pollution will fall by 2050; carbon pricing is expected to reduce Australia's domestic emissions by nearly half of what they would be without a carbon price.

Senator Birmingham: Mr President, I rise on a point of order going to relevance. The minister has again absorbed most of the time. The question was specific to domestic emissions. The minister has prattled on about everything else that might have been contained in the Treasury modelling, but has come nowhere close to talking about domestic emissions. I know that Senator Wong would understand the question were she still answering it, but perhaps you could ask Senator Ludwig, now that he has had time to consult with Senator Wong, to actually answer the question.

The PRESIDENT: There is no point of order. Minister, you have five seconds remaining.

Senator Ludwig: I did say, and I am sure Senator Birmingham was not listening: pollution will fall by 2050. (Time expired)

Environment

Senator WHISH-WILSON (Tasmania) (14:52): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. Minister Burke has indicated that he is waiting for the national heritage council to provide a report on the possible National Heritage listing of the Tarkine. This will mean a ministerial decision as late as the second half of next year. Given that 58 exploration licences have now been issued, seven new mining leases have been granted and three existing mines are operating in the area, is the minister aware that the implication of such a delay could see around 80 per cent of the region opened up to mining and exploration before Minister Burke makes his decision?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:53): I thank the senator for his question. The Gillard government is committed to a thorough environmental assessment under the EPBC Act to ensure that matters of national environmental significance in the Tarkine region are protected. The assessment process under the EPBC Act is rigorous, and there are a number of points at which the public will be invited to comment. Mining and development projects are currently being assessed under the national environmental law in the Tarkine region.

The Australian government has a role in regulating proposals that impact on matters protected by national environmental law, including matters of national environmental significance such as listed threatened species. Only actions which might have a significant impact on matters of national environmental significance are required to be referred for approval under national environmental law. Minister Burke is well aware of the issues in the Tarkine. He has been to the Tarkine region on a number of occasions where he met with mining stakeholders, environment groups and tourist operators to better understand the issues before he makes any decisions.

The AWS's campaign was I think mentioned by Senator Abetz, and consideration is being given to the National Heritage values of the Tarkine. National
Heritage listing of the Tarkine would not mean an automatic lockout for development or other activities; rather, it would ensure that the Tarkine's heritage values are given appropriate consideration in statutory decision making. If there is anything further, I will take it on notice and see whether the minister has anything further to add.

Senator WHISH-WILSON (Tasmania) (14:55): Mr President, I ask a supplementary question. Considering that the current minister allowed the region's emergency heritage listing to lapse after it had been listed by the previous minister, Peter Garrett, what action if any does the government propose to undertake to preserve the region's wilderness values and to prevent further conflict in the region while the assessment process continues? I will put the context of my question very clearly: this is in line with the fact that, as you mentioned, the minister has commented on the public record that he does see significant conservation values in the Tarkine.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:56): I am not sure what I can add to my earlier answer. There is a thorough process being gone through and the minister is very conscious of these issues, as you would probably know. The minister, like many of us, was in Tasmania last week and, again, Minister Burke met with all the stakeholders.

Senator Whish-Wilson: Mr President, I raise a point of order. I am not disputing the thorough process, Minister Conroy. What I am asking is whether there will be anything left by the time the process is finished.

The PRESIDENT: That is not a point of order.

Senator CONROY: I reject utterly the premise of the question. There is a thorough process underway and, as I said in my previous answer, even if the process were successful it would not stop developments that fit within the process. Minister Burke is fully aware of the issues. He was there as recently as last week, consulting with stakeholders. I noted that in answering some questions from the floor in the community cabinet meeting, Minister Burke always—(Time expired)

Senator WHISH-WILSON (Tasmania) (14:57): Mr President, I ask a further supplementary question. Perhaps I could put it a different way, Senator Conroy. Wouldn't bringing forward the decision on National Heritage listing provide economic certainty for businesses invested in the area, such as tourism and existing heavy industry, in addition to addressing environmental considerations and preventing a significant conflict in a state that needs to move forward?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:57): Minister Burke is advised that the Australian Heritage Council has completed its assessment and will recommend that the Tarkine be inscribed on the National Heritage List. The report will include a recommended boundary and place report. Minister Burke does not anticipate that the council will recommend a blanket listing of the Tarkine. Once Minister Burke receives the assessment, he will consider it and the comments received from the council very carefully. Minister Burke may seek further information and advice before making a decision. A National Heritage listing of the Tarkine would not mean an automatic lockout for development or other
activities; rather, it would ensure that the Tarkine's heritage values are given appropriate consideration in statutory decision making. The Tasmanian devil and other listed threatened fauna in the Tarkine area have not been specifically identified as having key National Heritage values in the current public consultation information—(Time expired)

Asylum Seekers

Senator CASH (Western Australia) (14:58): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Lundy. I remind the minister that the 2012-13 budget forecast for the Immigration and Citizenship portfolio is based on 5,645 arrivals for the entire financial year. Given that boat arrivals for the last three months have averaged 2,000 per month, or 4.5 times the government's budgeted expectations, will the minister concede that, as a result of Labor's continued failure to implement the full suite of the Howard government's proven border protection policies, the departmental budget was comprehensively blown within the first three months of this financial year?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:59): I am sure Senator Cash well knows that the figures will be updated in relation to the budget in MYEFO in the usual way. This is the normal practice. This is how it has been done for years, and I think you look forward to the answer. In the meantime, the government is in the process of implementing the 22 recommendations of the expert panel at the moment. It is the approach of a responsible government to take expert advice and to act on that advice. For Senator Cash and the opposition to now imply through their questions that somehow they do not support this approach in fact contradicts the stance they took on the legislation when they supported the government to support those 22 recommendations.

The combination of an increased refugee intake from our offshore program and no advantage for those who arrive by boat removes the attractiveness of attempting the expensive and dangerous boat journey to Australia. Our aim, of course, is to save lives and we are pleased with progress that has been made thus far. We have committed, as the transfers continue, to working with Nauru to ensure that the transfers take place in sync with the building of the appropriate systems in Nauru and we will continue to work with the Nauruan government on that. We have had a number of transfers to Nauru in recent weeks and they will continue in the coming days and weeks.

Senator CASH (Western Australia) (15:01): Mr President, I ask a supplementary question. I remind the minister that as of yesterday there had been 101 illegal boats arrive this financial year alone, carrying 6,436 asylum seekers compared to an average of just 45 people per year over six years under the proven policies of the former Howard government. Given that, by this rationale, we have had more than 50 years of Howard government boat arrivals arrive in September 2012 alone under Labor, can the minister explain why the government abolished the Howard government's policy of offshore processing only to ultimately re-adopt it? (Time expired)

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:02): Isn't it interesting how the opposition likes to have it all ways on this issue. First of all we have members of the opposition standing up
saying, 'Why don't you implement the coalition's policy in relation to turning back the boats?' which we know is not possible, not feasible and not something that Indonesia will ever agree to, and then at the same time they stand up in here and say, 'Why have you adopted the coalition's policy?' I think this approach to asking questions and their stance on this issue shows how disingenuous they are in relation to solving what is a very challenging problem. They do not have an answer; they have a political slogan for every stage of managing this challenging issue. Today we have seen the quite rank contradiction in the position the opposition presents to the government the whole time. Imagine what the public think about you. They can see through the disingenuous approach that you are taking to asylum seekers, and far from supporting the expert panel's advice—(Time expired)

Senator CASH (Western Australia) (15:03): Mr President, I ask a further supplementary question. I remind the minister that 60 boats carrying 3,830 asylum seekers have arrived since the Labor government was dragged kicking and screaming into re-establishing offshore processing on Nauru and Manus Island. Given that less than five per cent of those who have arrived on boats since Nauru was reopened have been sent there, and that the number of boat arrivals since the government backflip on offshore processing exceeds the combined capacity of both Manus Island and Nauru, upon what basis does the government claim that Nauru is working?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:59): We have now completed two charters of voluntary returns to Sri Lanka—the first group of 18 and the second of 28. This shows the disincentive effect is working. It also shows that, as the facilities on Nauru are being constructed, this policy is coming into effect. Again, to stand up in this chamber and somehow say that this approach is not going to work is just a total fabrication on behalf of the opposition. They can see the effect that it is having but they choose now that it is starting to work to shift their story again, to find a new way to present some opposition and to politicise this issue. Labor have made a commitment to solving this problem in the long term—to putting in place a durable solution that is part of regional framework. What we do not get from the opposition is any signal, any interest at all, that they want to solve this problem once and for all. They are happy to play the low politics—(Time expired)

Wheat Industry

Senator STERLE (Western Australia) (15:04): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. Can the minister advise the Senate on the progress of the deregulation of the wheat industry in Australia?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:05): I thank Senator Sterle for his continued interest from the West in the deregulation of the wheat industry in Australia.

Senator STERLE (Western Australia—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:06): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. Can the minister advise the Senate on the progress of the deregulation of the wheat industry in Australia?
and the implementation of voluntary code, the wheat industry will be fully deregulated. This is the position that the Labor government put forward in 2008 and the position that those opposite supported then.

But those opposite seem to have forgotten what they said in 2008. Those opposite are putting forward the view that the WEA needs to remain to continue to perform the functions that it has never had. The coalition has repeatedly suggested that the WEA assess quality of wheat—false. The WEA has never assessed quality of wheat. These are commercial arrangements between commercial entities. Those opposite have declared that the bill cannot pass unless the WEA’s oversight of competition remains. Again, this is false. The WEA has never had oversight of competition. This is and will remain the responsibility of the ACCC.

The coalition has also asked that the WEA remain to provide market information—again, false; the WEA does not provide market information nor has it ever. It is currently provided by commercial arrangements and entities that are in the marketplace. The Liberals who supported deregulation have been led down the garden path—(Time expired)

Senator STERLE (Western Australia) (15:07): Mr President, I have a supplementary. Minister, are you aware of any alternative views to the Productivity Commission recommendations?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:07): I thank Senator Sterle for his second supplementary question. Of course, the biggest risk to deregulation is—shock, horror—those opposite, the Liberal Party. They want to oppose the removal of red tape. They want to oppose the removal of regulation. They want to add costs to industry. So it has been a backflip.

Opposition senators interjecting—

Senator LUDWIG: You have actually joined the Greens, by the sound of it. You want to reregulate the industry. You want to provide more costs and red tape to those exporters across the wheat industry. It is quite surprising, quite frankly, for you to be
arguing this position and, quite frankly, it is all because you opposite lack leadership. Your opposition leader has mismanaged this debate completely. What you have done is allow the doormats from the National Party to roll you over and agree to reregulating the wheat industry.

Senator Wong: Who is running economic policy in the coalition?

Senator Ludwig: You do wonder. You do need to come clean as to what your plans are now, because if you are going to reregulate the wheat industry— *(Time expired)*

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Qantas

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:10): I seek leave to have an answer to a question from Senator McKenzie on 20 September 2012 regarding the regional structural adjustment assistance package incorporated into Hansard.

Leave granted.

Themes read as follows—

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY QUESTION TO SENATOR KATE LUNDY —FRIDAY 21 SEPTEMBER 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

On Friday 21 September Senator Xenophon asked:

Does the government consider it acceptable that an overseas based flight crew works on a domestic flight which is tagged as an international flight but where the overwhelming majority of passengers are; indeed; domestic passengers—that that could be seen as an abuse of either the 457 or the special purpose visa arrangements?

Answer:

If a valid subclass 457 Temporary Long Stay Business visa with appropriate sponsorship was held, international aircrew working on flights tagged international, but carrying domestic passengers, would not be considered an abuse of subclass 457 visa arrangements.

Special purpose visa provisions relating to airline crew were not designed for foreign airline crew to perform identifiably separate tasks from their international airline crew work in Australia.

Special purpose visas are not appropriate for use by international airline crew on domestic sectors that do not have a reasonable connection to an international service. Any work performed in relation to a domestic leg of an international flight should be incidental and in no way separate from the international sector.

A separate issue is the economic regulation of these flights. For example, to whom airlines may sell tickets, specifically in terms of whether they may be allowed to sell passengers domestic tickets. These are questions for the Infrastructure and Transport portfolios.

Carbon Pricing

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:10): I seek leave to have an answer to a question from Senator McKenzie on 20 September 2012 regarding the regional structural adjustment assistance package incorporated into Hansard.

Leave granted.

Themes read as follows—

The Government understands that some regions and communities will face more significant impacts than others from reforms like the carbon price. A central element in the Australian approach to economic reform over the past three decades has been structural adjustment assistance. The Government will maintain this...
approach under the clean energy plan to help to ease the transition for strongly affected regions and communities.

The $200 million Regional Structural Assistance Package will be set aside for structural adjustment assistance for regions and communities, and if required there will be other initiatives which assist strongly affected areas and sectors.

The Department of Regional Australia, Regional Development and Local Government will monitor the impacts of the carbon price on regions to determine areas where structural adjustment assistance may be required.

For identified regions, structural adjustment assistance will be delivered through arrangements that engage state, territory and local governments, community groups and unions, including through place-based investment and service delivery approaches.

Funding will support regional communities on a case-by-case basis. Examples of programs that may be supported include support for displaced workers and their families, support for affected small businesses, community development programs and economic diversification programs.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Carbon Pricing

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (15:10): I move:

That the Senate take note of the answers given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to questions without notice asked by Senators Birmingham and Sterle today relating to the carbon tax and to the wheat industry.

Senator Ludwig: 'And others'—does that include us?

Senator JOYCE: Well, that's exactly right! It is amazing how one day those opposite cast aspersions that apparently the whole National Party is a doormat and then we get accused of running the show. I wish they would make up their mind. I do not know if it is a compliment or an insult, but what is always very interesting is the Labor Party's position on endeavouring to cool the planet, cooling the planet single-handedly from a room in Canberra. This is done by the same people who apparently believe that the way to negotiate on the NBN is to put red underpants on your head, a la Senator Conroy. We always know that if you are starting negotiations it is the first thing that comes into a Labor Party member's mind—where are my grundies, how do I get them on my head, what colour are they?—because unless you do that it just makes no sense at all. We also know that if you treat people vaguely like potato serfs from tsarist Russia you get a lot further! These are the people who are apparently going to cool the planet, so that is what we have had lately, apart from the dismal polls this morning and I wonder, pray tell, how that could have happened and what could be happening now that no-one realises.

Could it possibly be that people's power bills are turning up and they are starting to see them go up not in increments of $10 or $20 but of hundreds of dollars? I say 'hundreds of dollars' because these lunatics think that they can single-handedly cool the planet by making people poorer. This is their mechanism to bring about the refreezing of the northern polar ice caps. They are going to refreeze the northern polar ice caps through moving street by street through the suburbs of Ipswich, Blacktown and Penrith. This is how they are going to do it: make everybody poorer, put it on their bill and somehow the world will get colder.

We all recognise that this works so well! A broad based consumption tax has an immense climatic effect! We can all remember at the time that the GST came in that it got immensely colder overnight. I remember it! You couldn't help yourself
noticing that the GST came in and the place got colder—and of course this is what is going to happen with the broad-based consumption tax, which is the carbon tax, that we will note a difference in the climate. And maybe it is working because it is a bit chilly today! It got remarkably chilly once the Newspoll came out. But what is the purpose of making people poorer? Why is that the fundamental core belief now of the Australian Labor Party, the Australian Greens and the Independents? Why is it that the core policy that they will take to the Australian people at the next election is that they were successful in making you poorer, they were successful in bringing home a tax that is actually going to do nothing to the climate but is going to do everything to that spare cash that is so fundamentally important? And these are the same people with the economic management who are apparently going to cool the planet and one of them is the same one who is currently in excess of a quarter of a trillion dollars in gross debt and has forced debt through the previous debt ceiling—and they are on their way to the $300 billion debt ceiling. So the prognostications that I made a couple of years ago about us getting ourselves into a world of trouble are now being echoed by people such as David Murray, the head of the Future Fund, who has been kept there by the Australian Labor Party so they must believe in his economic credentials.

Why would David Murray mention Australia and Greece in the same interview on The 7.30 Report? That is a peculiar outcome. Could it possibly be that he thinks that your debt is out of control? Could it possibly be that the debt is out of control? How, we wonder, are you going to finance this debt? Where will the money come from? Could it possibly be that a broad based consumption tax, under the guise of a carbon tax for the purpose of cooling of the planet, might be one of the mechanisms which they are desperately looking at now to try to prop up the parlous state of our nation's finances?

I will tell you one thing: making people poorer is not the way to get votes. Making people poorer by connecting them to the Australian Taxation Office through the power points in their houses with a broad based consumption tax that will be delivered through everything they do in their lives—from boiling the billy to making a cup of tea, to putting on the electric blanket, to putting on the welder, to putting on the television—is not going to win you votes. All that is going to do is annoy people, and you are annoying them intensely. You are annoying them intensely with your choice of Speaker in the lower house, you are annoying them intensely with the carbon tax, and you are annoying them intensely with the debt—and it is reflected in your polls.

**Senator STERLE** (Western Australia) (15:16): I also rise to make my contribution. Before I go any further, Mr Deputy President, I have absolutely no idea what Senator Joyce spent the first three minutes babbling on about in relation to putting underpants on heads. I have to be really honest with you, Mr Deputy President: it is quite embarrassing.

Opposition senators interjecting—

**Senator STERLE:** I see there is a bunch of schoolchildren up there. God bless you, but this really is appalling. This is the chamber of legislation but, sadly, over the last few years, Mr Deputy President, the way that the conversations have been conducted in this chamber is becoming very, very embarrassing. I am not the first one to have a good stoush across the chamber, and I welcome the opportunity to have a blue across the chamber. I should not use the word 'blue', sorry, because one of the MPs on the other side might run off to the papers and
say that I am threatening someone. From a knockabout point of view, when I talk about a blue I mean an argument.

As to Senator Joyce's contribution on the questions that were asked of Minister Ludwig about effects on farmers and agriculture of the carbon tax, God help me. You might be able to direct me outside, Senator Joyce, as to what the heck you were talking about. Let us have a fair dinkum conversation. It would be nice to have a political conversation about the future of this great country, where the next generation of kids are going to wallow in the wealth that is being created and not about the nonsense—the one-liners, the ridiculous, childish carry-on that we have seen from leaders in the parliament. I go back to the last election, in 2010, and I think that if you were a visitor to this great country and you clicked on the radio or turned on the TV and heard or saw Mr Abbott and his cohorts from the other side running around, spending six months of an election campaign talking about what they were not going to do—they were not going to have a mining tax, they were not going to let asylum seekers, they were going to turn boats back even if it meant sinking them—it was just a disgraceful conversation.

On a brighter note, let us talk about the Nationals. If they really want to have some conversation about what is best for Australian farmers, why is that we have found ourselves in this situation in 2012 after having bipartisan agreement in 2008—well, not quite bipartisan; we had half of the opposition—where the Liberals were supporting the government's move to deregulate the export wheat market? We had the Greens, who at that time supported the deregulation of the wheat export market. We had the Nationals, and they have never hidden their hatred for Western Australian farmers being able to—

Senator Nash: Oh! Oh!

Opposition senators interjecting—

Senator STERLE: Mr Deputy President, I hear the collective sighs of, 'Oh!'—

Senator Nash: Mr Deputy President, I rise on a point of order. I would ask the senator to withdraw that remark. He is misleading the Senate.

Senator Sterle: I didn't even get it out!

Senator Nash: He did indeed! We have very, very close relationships with Western Australian farmers.

The DEPUTY PRESIDENT: Senator Nash, that is a debating point. There is no point of order. Senator Sterle, you have the call.

Senator STERLE: Thank you, Mr Deputy President. That gives me great heart, because I can now quote Senator Nash saying she has great respect for Western Australian farmers. I take it that the Nationals have now agreed to support the Labor government's motion to deregulate the wheat export market. I am sure the PGA in Western Australia, the Western Australian—

The DEPUTY PRESIDENT: Senator Sterle, I draw your attention to the question before the chair.

Senator STERLE: Thank you, Mr Deputy President. As I go back, I would say quite clearly that this is a bad message being sent to Western Australian farmers. Let's get this out on the record; let's make this very clear: it is Western Australian farmers who export their wheat. I believe it is costing $6 million a year around the country to continue with the wheat export levy, knowing that about $3 million of that is paid by Western Australian farmers. I would really be lifted if I could, in this chamber, hear those on the other side actually support Western Australian rural communities, Western Australian farmers and Western Australian farmers.
agricultural businesses, rather than have Mr Abbott, four years after Mr Nelson allowed the Liberals to vote with their hearts to deregulate the wheat market, being tweaked and pulled around the country by the nose by, what, six or seven Nationals, if there are that many. It has nothing to do with what is best for Western Australian farmers. It is all about saying—and they are my words, not Ms Bishop’s: ‘Shut your mouth. Just be quiet to the Western Australian senators over there. Be quiet to the Western Australian people. Shut up and do what the Nats tell you.’ (Time expired)

Senator BERNARDI (South Australia) (15:21): Mr Deputy President, following Senator Sterle, I am very pleased that you brought him back into line, because what he was talking about had very little resemblance to the response from the minister, which was about the carbon tax. The closest that Senator Sterle got to talking about the carbon tax and the relevance to the people of Australia was harking back to the last election in 2010, when he was condemning us for being opposed to new taxes. Yet his own Prime Minister, the leader of his government, said, ‘There will be no carbon tax under the government I lead.’ It is known as the monumental lie of modern politics in this country.

It is extraordinary that there are defenders of this deception of the Australian people by this Prime Minister, whose credibility is absolutely at rock bottom. We know that over the course of time the government have tried to mask their deception of the Australian people and the hideous consequences which are impacting every family, such as the rising cost of living and increasing electricity prices. We have pensioners who are no longer turning on their heaters or their air conditioners because they cannot afford it. We have heard these stories, and anyone who goes out and talks to people in the community knows it. If they deliver Meals on Wheels they will see firsthand the impact that this government are having on the cost of living for people. It is a shame and it is an indictment of those on the other side that they are in denial about it. Whilst they do not want to talk about the hardship that Australian families are undergoing, they are coming up with diversion after diversion after diversion. They are trying to talk about Peter Slipper; they stand by Peter Slipper despite his misogynistic comments and his text messages that are absolutely appalling. They reel out the handbag hit squad, as it has been described in the press, to beat up on Mr Abbott—simply to mask the failures of this government. And the failures of this government are extensive.

Senator Sterle, in his contribution, went back to the last election. I think we should start there. We should talk about the people’s assembly that was going to reach a consensus on climate change. There is no consensus on climate change, except from this government. And their only consensus is: they will not rein in their spending so they have got to find new taxes with which to burden the Australian people. Mark my words: there are more big taxes on the way. We have had the carbon tax, we have the mining tax, and the super tax is being mooted. The ACTU—the puppet masters of the modern Labor movement—are now saying that we need more super taxes on other profitable industries. Let me tell you, the most profitable industry in this country is being a union boss, because there is no tax payable by the unions. You can get your credit card and swipe it to your heart’s content wherever you like. It is an absolute disgrace. The fact is that this government refuses to confront the demons that reside within their own DNA. It is an appalling
indictment of their approach to the business of governing this country.

It has been 101 days since the carbon tax was inflicted upon the people of Australia. Right from the word go, we have said that this tax is going to impact our country for the negative. We are seeing it with job losses, we are seeing it with industries closing, we are seeing it with a mooted higher carbon tax price. If you want to identify the hypocrisy and the duplicity of this government, this week they are introducing a bill to link our carbon tax to the European carbon tax scheme. The European carbon tax scheme has not even been finalised and will not be finalised until 2013, and yet we are assured that it is going to result in a lower carbon tax price in this country. If it is going to be lower than what the Treasury has forecast, why is it that the carbon tax is expected to go up and up and up in the forward estimates? Why are the Greens saying it should be $50 by 2016? Why should it be up to $100, $200 or $300 by 2050? The lie is in the detail. The devil is always in the detail, and this is an ad hoc policy. It is a policy that was cobbled together in response to a need for money and some grand diversion. The government have cobbled it together, and they have made eight amendments to it already, which indicates that it simply could not pass muster and that it did not have the appropriate scrutiny that it needed.

The fact that there are defenders on the other side speaks volumes about how purchasable their support is for anything. They will buy and sell anything to the Australian people if they think they can get away with it and if they think it will help them cling to power. The Australian people deserve a better government. They deserve a more responsible government. They deserve a government that will act in their interests and in the national interest.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:26): I rise in today's taking note of answers to refute the many wild claims those opposite continue to make about the government's carbon price. After listening to the last contribution, I must say: the more things change the more they seem to stay the same. Senator Bernardi continued with the massive scare campaign that the coalition have been waging across this country since the carbon price began—and indeed 18 months before that.

What have we seen in the 101 days since the carbon tax was introduced? The sky has not fallen in, Senator Bernardi.

Senator Cormann: What a great benchmark for success! The sky hasn't fallen in!

Senator CAROL BROWN: Senator Cormann, it was the coalition's campaign—

The DEPUTY PRESIDENT: Order! Senator Brown, ignore the interjections and address your remarks to the chair.

Senator Cormann interjecting—

The DEPUTY PRESIDENT: Order on my left! Senator Brown, you have the call.

Senator CAROL BROWN: I am quite interested in Senator Cormann's interjection, because of course it was the coalition who were running around the countryside indicating that the sky was going to fall in, that there were going to be towns closing down and jobs lost—and it has not happened. The scare campaign has not worked. We are 101 days in and all we have is Senator Cormann interjecting with a lot of rot.

On 1 July the Labor government's Clean Energy Future package came into effect and I am proud of our achievements in taking action on climate change and introducing the carbon price through our Clean Energy
Future package. A carbon price is the most effective way to reduce greenhouse gas emissions. A carbon price will also drive investment in clean technologies. Under our carbon pricing plan, Australia's biggest polluters will pay the carbon price. That is right: our plan has the big polluters paying the carbon price—not Australian households, as the coalition's plan would.

Whilst those opposite have been conducting the mother of all fear campaigns against the carbon price, it is worth remembering that many of those opposite have indeed stated their belief in climate change and in the need for a carbon price.

And, of course, the Leader of the Opposition, Mr Abbott, stated on *Lateline* on 2 October 2009:

We don't want to play games with the planet. So we are taking this issue seriously and we would like to see an ETS …

I would like to see Mr Abbott take this very serious issue seriously, because at the moment all Mr Abbott and the coalition have been doing is conducting a fear campaign designed to be of a political advantage to them.

Then there is Mr Turnbull, who on *Q&A* in July 2010 said:

You will not find an economist anywhere who will tell you anything other than the most efficient and effective way to cut emissions is by putting a price on carbon.

There are many more Liberal senators in this place who believe in placing a price on carbon and believe an ETS is the most effective way to cut greenhouse gas emissions.

Whilst those opposite will continue to wage their scare campaign against the carbon price, the fact remains that Australia has joined more than three-quarters of the world's advanced economies in tackling climate change with emissions trading schemes. The Department of Climate Change and Energy Efficiency has conducted an analysis showing that from 2013 there will be more than 50 national or subnational emissions trading schemes in place around the world. These schemes will cover a combined population of more than 850 million people and account for around 30 per cent of the global economy—or around 27 times the size of the Australian economy—in 2012. So we see that almost every advanced economy already has a carbon price or is putting one in place. From next year 850 million people will live in cities where polluters have to pay for their pollution.

While I am here I would like to touch on—(*Time expired*)

**Senator BOYCE** (Queensland) (15:32): What a sad day we have come to when the Labor government tries to suggest that plan No. 8—I think that is what we are currently on—which deals with how they are going to go about establishing a carbon price, is a structured and measured way of going about things. It is not. And of course we still have the new legislation to come that will tie us to the European economy.

It is something of a sleight of hand to talk about the fact that 30 other countries have emissions trading schemes, or, to use the figures that Senator Carol Brown just used, to suggest that a third of the world's economy is covered by emissions trading schemes of some kind. The clincher phrase there, of course, is 'of some kind'. No-one else has an economy-wide carbon taxing scheme. No-one else has looked at their strengths, which are their resources and manufacturing and export sectors, and said: 'How can we wreck those? All right, we will come up with a carbon price.'

Even the Reserve Bank has pointed out to the government that there will be more price
rises coming through in the next few months. We have manufacturers telling us now that the increase in their energy costs is going to be the straw that broke the camels back. It is all very well for Glenn Stevens, the chairman of the Reserve Bank, to talk about a glass half full and suggest that we should not be worrying at all about the manufacturing sector of the economy because mining and manufacturing now have the same percentages of our GDP as they had in 1901. That is wonderful—it makes me feel so much better to know that manufacturing is in the same position in respect of mining, a highly undeveloped industry, in 1901! It is ridiculous for this government to be suggesting that there is anything like a glass half full. The glass is more than half empty for manufacturing in Australia, and for families that rely it, because of the incremental creep of this government's impost after impost in every sector, not just in terms of the price rises that have come through on power but in terms of the incremental increases in the areas of workplace health and safety, development of red tape, extra taxes and extra administrative burdens for companies to run the parental leave scheme for the government, in return for nothing. The list goes on and on.

Yet one of the most analysed statements in all of Australian history, and I am pleased to say that it has been very much analysed by the coalition, is that of the now Prime Minister, Ms Julia Gillard, who well over 101 days ago told us that there would be no carbon tax under a government she led. Well, the compensation is not enough and it does not apply across the industries that are hurting most from the imposition of this carbon tax.

I ask listeners and members of this House to consider: if this woman, the current Prime Minister, could say that she would not have a carbon tax under the government she led, what other taxes are we going to be looking at as we go towards the next election?

There are already very strong rumours—they would be more than rumours; they are suggestions—that the government will be looking at the superannuation bounty as a way of getting itself out of debt.

Question agreed to.

Environment

Senator WHISH-WILSON (Tasmania) (15:37): 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 Senator Whish-Wilson today relating to National Heritage listings.

My question is related to part of the assessment process in the Tarkine, not specifically to the depth of investigation or the thoroughness of the EPBC investigation in relation to mines or proposed mines in the Tarkine, and not in relation to a potential national heritage listing or potential future World Heritage Listing. The issue I wanted to raise is that exploration licences have been issued right across the entire region. I do have a background in mines. I have worked in analysis of mining companies over the years, and I am familiar with what companies are looking for in relation to various minerals. It is my understanding that the subsurface mineralisation that these companies are targeting in an area like the Tarkine, which is prospective for minerals such as tin and magnetite, do not relate
The issue I asked Senator Conroy to address was the fact that, while Minister Burke may be doing a thorough investigation of the Tarkine area in relation to those values, a number of exploration licences and consequent mining licences issued from successful exploration strikes are being issued by the Tasmanian state Labor government—some would say rubber-stamped by the Tasmanian state Labor government. So how do we get a proper assessment of the national heritage values of an area like the Tarkine, which is held very dearly by a number of Tasmanians—indeed, a number of Australians—for its conservation values? It has previously had emergency heritage listing, which I mentioned in my question. How do we know that some of those areas, which even Minister Burke has acknowledged have very rare and important conservation values, are not going to be impeded by the current stampede to push through exploration licences and mining licences in the Tarkine?

If it is going to be late next year that we get a decision—if we get a decision—on a potential listing of the Tarkine, what is going to be left? There is no correlation between exploration, prospectivity and these national heritage values. If we look at some of the existing mines that have been granted leases recently we can see Venture Minerals's three mining licences, with one or two applications, and also the Tas Magnesite project. If you look at a map of the Tarkine, they are nowhere near each other; they are situated where the prospectivity is, where the minerals are found. They are also situated in some areas that have very important national and World Heritage values. So how can we actually get a decision on what should be saved and permanently protected—which, as I mentioned, a large number of Australians and Tasmanians wanted—if we cannot do that now and preclude exploration and mining in those areas? It does not make sense to let 58 exploration licences go ahead across the Tarkine where, in some areas, drill rigs are helicoptered into virgin rainforest, and then turn around in a year's time, once those potentially successful exploration licences have been converted to mining licences, and say, 'We're going to save that area; that's an area that is going to be protected.' By then it will be too late. Blind Freddy could see that the Tasmanian state government is trying to rush these through as quickly as possible, and it seems to a lot of observers—and it certainly does to me—that the federal Labor government is turning a blind eye to this. It will be a very big issue if we do get exploration licences converted to mining licences in areas where we know there are significant national and World Heritage values.

So my question to the minister was: what is Labor going to do in the meantime to prevent this stampede going ahead, which could potentially, in terms of looking at the random, geographical spread of where minerals are found across the Tarkine and which has nothing to do with World Heritage values? What are we going to put in place in the meantime to prevent that? Or, why don't we make a decision now that at least allows us to put lines on the map with respect to what will be granted national and World Heritage Listing in the future?

Question agreed to.

**PETITIONS**

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

**Labor Party**

To the Honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned acknowledges the failure of the Labor party to provide stable and competent government in Australia.

Your petitioners ask that the Senate call on the Prime Minister to hold a general election so that the people, and not the feuding individuals of the Labor Party, may decide who governs our country.

by Senator Kroger (from 183 citizens).

Australian Flag

PETITION SUPPORT FOR THE RETENTION OF EXISTING AUSTRALIAN NATIONAL FLAG

To the Honourable the President and Members of the Senate in Parliament assembled: The petition of the undersigned shows:

We believe that the current flag has served Australia well and will continue to do so in the future and represents a true manifestation of the Nation's history.

Your petitioners request that the Senate:

Oppose any change in the design or colour of the AUSTRALIAN NATIONAL FLAG.

by Senator Ronaldson (from 14 citizens).

Petitions received.

NOTICES

Presentation

Chair of the Economics Legislation Committee (Senator Bishop): to move:

That the Economics 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, 11 October 2012, from 3.30 pm.

Senator Bishop: to move:

That the Joint Committee of Public Accounts and Audit be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 28 November 2012, from 11 am, followed by a private briefing.

Senator Gallacher: to move:

That the Joint Standing Committee on the National Broadband Network be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 30 October 2012, from 6 pm.

Senator Cormann: to move:

That there be laid on the table by the Minister representing the Minister for Financial Services and Superannuation, no later than noon on 11 October 2012, a copy of the final report of the Productivity Commission into Default Superannuation Funds in Modern Awards as submitted to the Government on Friday, 5 October 2012.

Senator Xenophon: to move:

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 1 March 2013:

The report of the review of allegations of sexual and other abuse in Defence, conducted by DLA Piper, and the response of the Government to the report, including:

(a) the accessibility and adequacy of current mechanisms to provide support to victims of sexual and other abuse in Defence;
(b) whether an alternative expedited and streamlined system for the resolution of disputes relating to the support, rehabilitation, treatment and compensation of victims in Defence be considered and established, and the constitutionality of such an alternative system;
(c) the effectiveness and timeliness of the Government's processes for assessing, investigating and responding to allegations of sexual or other forms of abuse, including:
   (i) whether a dedicated victims advocacy service ought to be established,
   (ii) systemic and cultural issues in reporting and investigating sexual and other forms of abuse, and
   (iii) whether data and information collection and dissemination of data and information in relation to sexual and other forms of abuse in Defence is adequately maintained and appropriately acted upon and, if not, any alternative mechanisms that could be established; and
   (d) any related matters.
**Senator Rhiannon:** to move:

That the Senate—

(a) notes that:

(i) the Parramatta Female Factory Precinct Association and the Parramatta Female Factory Friends/Action Group are campaigning to include Australia's oldest existing female convict establishment on the National Heritage List,

(ii) in August 2012, the New South Wales Government announced the development of a master plan for the Parramatta Heritage Precinct and proposed a public/private enterprise to enable the 'adaptive reuse' of the heritage sites for commercial and residential purposes, posing a threat to its heritage values,

(iii) the Community Affairs References Committee report *Forgotten Australians* (2004) calls for 'the Commonwealth and State Governments, in conjunction with the Churches and agencies, to provide funding for the erection of suitable memorials commemorating care leavers', and

(iv) the House of Representatives Standing Committee on Legal and Constitutional Affairs report *Half Way to Equal* (1992) recommends the establishment of a 'National Women's Place', recognising women's history and contribution; and

(b) calls on the Government to:

(i) include the National Heritage List nomination relating to the Parramatta Female Factory Precinct in the 2013-14 final Priority Assessment List,

(ii) support the establishment of a statutory authority with the expertise to conserve and interpret the Parramatta Female Factory Precinct for all Australians, in accordance with the Burra Charter guidelines, and

(iii) contribute funding to act on the recommendations of the *Forgotten Australians* report, including to create a memorial garden, plaque and a heritage centre at the Precinct using the buildings and grounds of the former Parramatta Girls Home, which forms part of the Precinct.

**Senator Hanson-Young:** to move:

That the Senate calls on the Gillard Government to rule out a Commonwealth challenge of any state-based marriage equality legislation that is passed into law by any state parliament in Australia.

**Senator Siewert:** to move:

That the Senate—

(a) notes that:

(i) 14 October to 20 October 2012 is Anti-Poverty Week,

(ii) poverty and severe financial hardship affect more than a million Australians and people living in poverty miss out on opportunities and resources such as adequate health and dental care, housing, education, employment opportunities, food and recreation, and

(iii) growing up in poverty represents a risk to children's health and well-being and their prospects for the future; and

(b) calls on the Government to:

(i) take further action to reduce the number of people living in poverty in Australia, particularly the number of children living in poverty, and

(ii) develop a national anti-poverty plan to facilitate coordinated action across all levels of government to meet targets which reduce poverty and its causes.

**Senator Waters:** to move:

That the Senate—

(a) notes the Australian Institute of Marine Sciences study released on 2 October 2012, which found that:

(i) the Great Barrier Reef has lost more than half its coral cover in the past 27 years, and that if current trends continue coral cover could halve again by 2022,

(ii) this loss was due to storm damage (48 per cent), crown of thorns starfish (42 per cent) and bleaching (10 per cent), and

(iii) improving water quality is critical to reducing the huge damage caused by frequent outbreaks of the crown of thorns starfish; and

(b) calls on the Federal Government to finally commit to renewing the Reef Rescue program for another 5 years with at least another $200 million.
in funding, to assist Queensland farmers to continue to reduce agricultural run-off into the Great Barrier Reef.

Senator Moore: to move:
That the Senate—
(a) notes that:
(i) 10 October 2012 is World Mental Health Day, which aims to raise public awareness about mental health issues both here in Australia and worldwide,
(ii) the theme of this year's World Mental Health Day in Australia is "whenever you are and wherever you live, you are not alone",
(iii) one in five Australians will experience a mental illness in any given year, and that mental illness accounts for 13 per cent of the total burden of disease in Australia, and
(iv) Australia and Australians have an opportunity and a responsibility to reduce stigma and remove the discrimination faced by people affected by mental illness;
(b) recognises that:
(i) mental illness is experienced across the lifespan, with many illnesses emerging before the age of 25,
(ii) people affected by mental illness can recover to live a happy and rewarding life with adequate and high quality services, and broad community understanding and support,
(iii) there is a need for a holistic and broad range of services and supports for those with mental illness, including community-based services and services delivered by both the Commonwealth and the states and territories,
(iv) policies and services must recognise and respond to the impact of mental illness on families and carers, and
(v) the Australian Government's record $2.2 billion mental health reform package, which has received support from across the Parliament, is a significant and critical set of reforms focused on early intervention and prevention, improved acute and community services, and better supports for families and carers; and
(c) calls on:
(i) the Australian Government and the states and territories to continue these important reforms, including by working collaboratively on improved health, community, housing, employment and education services for those with mental illness and their families and carers, and
(ii) the Australian community to continue to build a national understanding of the value of good mental health and reduce the stigma attached to mental illness.

Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): to move:
That, in relation to a motion designating the Independent State of Papua New Guinea as a regional processing country, the motion be considered as government business.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:42): I give notice that on the next day of sitting, I shall move:

That, in accordance with subsection 10B(2) of the Health Insurance Act 1973, the Senate approves the Health Insurance (Extended Medicare Safety Net) Amendment Determination 2012 (No. 1) made under subsection 10B(1) of the Act on 28 September 2012. [F2012L01998]
I also table the Health Insurance (Extended Medicare Safety Net) Amendment Determination 2012 and explanatory statement.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:43): Pursuant to section 198AB of Migration Act 1958, I table a legislative instrument designating Papua New Guinea as a regional processing country. I give notice that on the next day of sitting I shall move:

That, for the purposes of section 198AB of the Migration Act 1958, the Senate approves the
designating the Independent State of Papua New Guinea as a regional processing country, by instrument made on 9 October 2012. [F2012L02003]

I also table documents relating to this matter pursuant to section 198AC of the Migration Act.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:44): I give notice that on the next day of sitting I shall move:

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

Australian Charities and Not-for-profits Commission Bill 2012
Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012
Industrial Chemicals (Notification and Assessment) Amendment Bill 2012
National Portrait Gallery of Australia Bill 2012

I also table statements of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statements incorporated in Hansard.

Leave granted.

The statements read as follows—

**Australian Charities and Not-For-Profits Commission Bill**

**Australian Charities and Not-For-Profits Commission (Consequential and Transitional) Bill**

**Purpose of the Bills**

The bills establish the Australian Charities and Not for profits Commission and make consequential amendments relating to the establishment of the Australian Charities and Not for profits Commission.

**Reasons for Urgency**

The Australian Charities and Not for profits Commission was announced to commence operations from 1 October 2012.

It will be important for the bills to be enacted at the beginning of the 2012 Spring sittings to allow time for regulations and appointments to be completed prior to the commencement of the Commission’s operations on 1 October 2012.

**Industrial Chemicals (Notification and Assessment) Amendment Bill - Statement of Reasons**

**Purpose of the Bill**

The bill would amend the Industrial Chemicals (Notification and Assessment) Act 1989 (the ICNA Act) to:

- implement measures arising from the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) Cost Recovery Impact Statement (CRIS) conducted in accordance with the Government’s Cost Recovery Guidelines. These measures include:
- change the current three-tier NICNAS registration structure to a four-tier structure to deliver a more equitable charging arrangement for business;
- introduce an application fee for businesses seeking authorisation from NICNAS to import or export industrial chemicals under the Prior Informed Consent (PIC) procedure of the Rotterdam Convention; and
- remove the obsolete fee for transfer of a chemical from the non confidential section of the Australian Inventory of Chemical Substances (AICS) to the confidential section of the AICS.
- make minor consequential technical amendments arising from the new Model Work Health and Safety Regulations 2011 to both the ICNA Act and the Agricultural and Veterinary Chemicals Code Act 1994 (which cross-references the ICNA Act) to ensure consistent terminology is used in the Model Regulations and these Acts.
Reasons for Urgency

It is important that introduction and passage of the bill take place within the 2012 Spring sitting to enable the Government to deliver on its commitment to implement the measures in the CRIS, particularly the revised tier structure for NICNAS registration, by 1 January 2013. Consequential amendments to the Industrial Chemicals (Notification and Assessment) Regulations 1990 will be required to give effect to new fees and charges in the 2013-14 financial year beginning 1 July 2013. A delay in passage of the bill may result in insufficient time to give effect to the revised NICNAS registration structure and delay the Government’s commitment to lower fees for small business.

National Portrait Gallery of Australia Bill 2012
National Portrait Gallery of Australia (consequential and transitional provisions) Bill 2012

Purpose of the Bills

The purpose of the National Portrait Gallery of Australia Bill 2012 is to establish the National Portrait Gallery of Australia as a Commonwealth statutory authority subject to the Commonwealth Authorities and Companies Act 1997 from 1 July 2013.

The companion Bill, the National Portrait Gallery of Australia (Consequential and Transitional Provisions) Bill 2012 contains consequential amendments and transitional arrangements related to the establishment of the National Portrait Gallery of Australia.

Reasons for Urgency

The National Portrait Gallery currently operates as a Branch within the Department of Regional Australia, Local Government, Arts and Sport (the Department). These Bills need to be dealt with in one sitting period in order to ensure arrangements to transition the Gallery to a statutory authority are effective on 1 July 2013.

A range of administrative arrangements must be finalised following the passage of the Bills to ensure that the National Portrait Gallery of Australia is fully functional from 1 July 2013. These include: the required Regulations; the recruitment of a Director and the appointment of a governing Board; transfer of assets and liabilities; transitioning of the Gallery building, collection, property and staff from the Department; and processes and procedures in relation to financial and other systems.

The passage of these Bills in the 2012 Spring sittings will enable all administrative arrangements to be completed and ensure the operation of the National Portrait Gallery of Australia is not affected and the transition is seamless for visitors and staff.

BUSINESS
Withdrawal

Senator HANSON-YOUNG (South Australia) (15:44): Mr Deputy President, I would like to withdraw notice of motion No. 930 standing in my name for today. I have given notice in writing of a replacement motion.

The DEPUTY PRESIDENT: Thank you; it is so withdrawn.

Consideration of Legislation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:45): I move:

That general business order of the day no. 95 (Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012) be considered on Thursday, 11 October 2012 under the temporary order relating to the consideration of private senators’ bills.

Question agreed to.

Leave of Absence

Senator McEWEN (South Australia—Government Whip in the Senate) (15:45): by leave—I move:

That leave of absence be granted to Senator Singh from 9 October to 11 October 2012, on account of parliamentary business.

Question agreed to.
COMMITTEES

National Broadband Network Committee
Meeting

Senator McEwen (South Australia—Government Whip in the Senate) (15:46): by leave—At the request of Senator Gallacher, I move:

That the Joint Standing Committee on the National Broadband Network be authorised to hold a public meeting during the sitting of the Senate today, from 6pm.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notices of motion nos 1 to 5 standing in the name of Senator Siewert for today, proposing the disallowance of certain instruments made under the Social Security (Administration) Act 1999, postponed till 29 October 2012.

General business notice of motion no. 963 standing in the name of Senator Whish-Wilson for today, proposing the introduction of the Environment Protection (Beverage Container Recovery Reward Scheme) Bill 2012, postponed till 29 October 2012.

COMMITTEES

Economics References Committee
Meeting

Senator McEwen (South Australia—Government Whip in the Senate) (15:47): by leave—At the request of Senator Bushby, Chair of the Economics References Committee, I move:

That the Economics References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 10 October 2012, from 6 pm, to take evidence for the committee’s inquiry into the effects of the global financial crisis on the Australian banking sector.

Question agreed to.

MOTIONS

Burma

Senator Ludlam (Western Australia) (15:47): by leave—I seek leave to amend general business notice of motion No. 962 standing in my name, relating to political prisoners in Burma, before asking that it be taken as a formal motion.

Leave granted.

Senator Ludlam: Thank you. I move the motion as amended:

That the Senate—

(a) notes that:

(i) important steps have been taken towards political reform in Burma,

(ii) on 19 September 2012 Burmese authorities released several dozen political prisoners, and

(iii) on 29 August and 30 August 2012, the Burmese Government removed the names of 147 foreign citizens, including ex-citizens, as well as 935 political dissidents from the Blacklist; and

(b) calls on the Government to:

(i) call on the Burmese Government to release all remaining political prisoners, to lift any restrictions imposed on already freed political prisoners and repeal laws that allow for the detention of political prisoners,

(ii) call on the Burmese Government and all other parties to immediately cease hostilities and implement a ceasefire in remaining conflict areas,

(iii) encourage both the Burmese Government and all other parties to take further steps beyond the current ceasefire agreements and enter into a comprehensive, inclusive and time-bound political dialogue that fully engages the democratic opposition, genuine representatives of all ethnic opposition groups, and civil society actors, and

(iv) support the inclusion of language into the 2012 United Nations General Assembly Resolution on Burma that reflects developments on the ground there.

Question agreed to.
WikiLeaks

Senator LUDLAM (Western Australia) (15:48): by leave—I move:

That the Senate calls:

(a) the attention of the Prime Minister (Ms Gillard) to a resolution of the Senate of 21 June 2012; and

(b) on the Prime Minister to indicate whether or not she intends to retract prejudicial statements regarding the illegality of Wikileaks publishing endeavours and, if so, when.

Question agreed to.

Vocational Education and Training

Senator RHIANNON (New South Wales) (15:48): I move:

That the Senate—

(a) notes that:

(i) on 20 September 2012 thousands of students, parents, teachers, staff and friends of Technical and Further Education (TAFE) rallied in Victoria, and in other states, to support TAFE students and staff who are bearing the brunt of state government budget cuts such as the Baillieu Government’s devastating $300 million TAFE cuts, which will lead to campus closures, job losses, more course cuts, further increases to students’ fees and charges, and will damage the economy,

(ii) the Baillieu Government’s $300 million vocational education and training (VET) budget cuts result from a drastic shift in VET market share, where private VET courses have overtaken TAFE courses for the first time, coupled with a 310 per cent growth in enrolments in private Registered Training Organisations (RTOs), a failure of state and federal VET policy that TAFE should not be punished for,

(iii) the New South Wales Government in the week beginning 9 September 2012 delivered a $1.7 billion education budget cut that includes 800 job losses at TAFE NSW and will result in a 9.5 per cent increase in TAFE NSW course fees, and

(iv) the market-based student-entitlement model that is failing in Victoria and being adopted in other states poses a risk to the viability of the TAFE system and to the economy as it is unlikely to deliver the skilled workforce mix that Australia needs; and

(b) calls on the Government to:

(i) urgently introduce measures to curtail the growth in enrolments in private VET providers and RTOs which is draining state government VET budgets, and

(ii) revise the National Partnership Agreement to phase out entitlement-based funding and fee help, and instead focus on funding and developing public providers.

Question put.

The Senate divided. [15:53]

The Deputy President—Senator Parry

Ayes ...................... 10
Noes ...................... 28
Majority.................. 18

AYES

Di Natale, R
Ludlam, S
Rhiannon, L
Waters, LJ
Wright, PL

NOES

Back, CJ
Bilyk, CL
Cameron, DN
Colbeck, R
Cormann, M
Fawcett, DJ
Gallacher, AM
Lundy, KA
McEwen, A
McLucas, J
Nash, F
Pratt, LC
Smith, D
Thorp, LE

Question negatived
MATTERS OF PUBLIC IMPORTANCE

Attorney-General

The ACTING DEPUTY PRESIDENT (Senator Parry) (15:55): A letter has been received from Senator Brandis:

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

The failure of the Attorney-General, the Honourable Nicola Roxon MP, to uphold the standards expected of the First Law Officer of the Commonwealth, by her undermining of public confidence in the courts and inappropriate interference in litigation.

Is the proposal supported?

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

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

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:56): I was not in question time today because I was at the High Court representing the Leader of the Opposition at the swearing in of the 49th justice of the High Court of Australia, Justice Gageler. The swearing in was attended by all of the members of the High Court, by three former chief justices and four other retired justices, and by the chief justices of almost every Australian jurisdiction.

Mr Gageler, or Justice Gageler, as he now is, had until his appointment to the High Court—an appointment, I interpolate to say, welcomed by the opposition—occupied the office of Commonwealth Solicitor-General, known colloquially as the second law officer of the Commonwealth. The welcoming speech for Mr Gageler was given by the Attorney-General, Ms Roxon, the first law officer of the Commonwealth. The majesty of that ceremony, when the second law officer of the Commonwealth was welcomed to the High Court by the first law officer of the Commonwealth, reminded me of just how important it is that those who occupy positions of custodianship of our legal system—the chief justices, the justices of our superior courts, the first law officer of the Commonwealth and the second law officer of the Commonwealth—discharge their duties so as to enhance the dignity of and protect the public respect for those institutions.

Of the various officers I have mentioned, the office of the Attorney-General is of course a little different, because under our Constitution it must be occupied by a member of parliament. It is in that limited sense a political office. But it is not an office like that of any other cabinet minister. Because, unlike any other cabinet minister, the Commonwealth Attorney-General shares with the Chief Justice and shares with the Solicitor-General—shares with those who are the pillars of our legal system—an obligation to protect the reputation of that legal system, to enhance public respect for it, and to defend it when it is attacked; to show by his or her conduct that he or she can be trusted in the discharge of that most important constitutional function.

That is a task which great Liberal attorneys-general—such as, for instance, Bob Ellicott, Tom Hughes, Sir Garfield Barwick, Daryl Williams, Philip Ruddock or Sir Nigel Bowen—have never failed to understand. But I am sorry to say that it is a task which the current occupant of that office entirely fails to grasp.
I like Nicola Roxon personally. I had a perfectly pleasant exchange with her in the High Court not an hour ago. But the fact is—I say this with regret—that, unlike her predecessor the Hon. Robert McClelland, who never embarrassed himself in the office, the behaviour of the current Attorney-General, in relation to proceedings brought by Mr James Ashby against the Commonwealth and against the Speaker of the House of Representatives, has fallen below the high standards demanded by that office.

And if you do not believe me, Madam Acting Deputy President Crossin, then believe the judge, Justice Rares, of the Federal Court of Australia, who has the conduct of those proceedings, who was moved to say last Thursday something that I am sure has never before been said by any judge against any Commonwealth Attorney-General. Referring to the fact that Ms Roxon had facilitated favourable treatment of Mr Slipper by protecting him from media attention upon his arrival at court last week Justice Rares said, 'This undermines public confidence in the courts.'

What a terrible, terrible indictment, for a Commonwealth Attorney-General to be reprimanded by a justice of the Federal Court that her conduct ran the risk of undermining public confidence in the courts. Throughout the history of the Ashby and Slipper litigation I am afraid to say that Ms Roxon has been guilty of a litany of improper conduct and errors of judgement which show that she just does not understand her constitutional obligation to be a custodian—a pillar, a safeguard—of the impartiality and integrity of the courts.

First of all, when Mr Ashby commenced his proceedings, on 15 June Ms Roxon attacked him personally. She attacked his motives. She suggested that the litigation were Liberal and National Party shenanigans. Meanwhile, she stood idly by when her senior ministerial colleagues made claims as absurd as those of Senator Bob Carr, that Mr Ashby was more rehearsed than a kabuki actor, when Mr Craig Emerson attacked Mr Ashby and when Mr Anthony Albanese, never known for his common sense, said that this was the Australian Watergate. And what did the Commonwealth Attorney-General do? She fell silent while those attacks on a gay man claiming to have been sexually harassed, were allowed to be made.

She was asked about this by Barry Cassidy on *Insiders* on Sunday, by the way, now that the case has settled, and this was what she had to say:

... there is still a live matter before the court between Mr Slipper and Mr Ashby. So we do have to be careful in commentary that we want to provide about any detail of that case that's still before the court.

It is all very well to have been alive to those principles on 7 October, but she was not alive to them on 15 June, when she had said the very things that, on Sunday morning, she said it was improper to say.

Then the case against the Commonwealth was settled, and Ms Roxon issued a press release on 28 September. She said that it was settled because it would have been a lawyers' picnic and that one had to be mindful of the Commonwealth's obligations to taxpayers to achieve the most cost-effective outcomes for legal proceedings, heedless of the fact that the Commonwealth Legal Services' directions, which she administers, prescribe in unambiguous terms that merely to save costs is not, of itself, a proper reason for the Commonwealth to settle a case. So Ms Roxon either misapplied her own guidelines or she misrepresented the Commonwealth's motive in settling the case.
She continued, by the way, to maintain that it was vexatious. And then, as I mentioned before, it was revealed, to give her credit where it is due, Ms Roxon apologised to the court—she was forced, I daresay to apologise to the court—for she facilitated preferential treatment to Mr Slipper so as to convey the court the idea that Mr Slipper was being looked after by the Commonwealth of Australia, given special, privileged access to the private entrance to the court when poor Mr Ashby, the individual litigant with the courage to take on the entire political establishment of the country, was left to fend for himself in a forest of journalists at the front door. What sort of message does that send to litigants—particularly proceedings against powerful institutions like governments or big corporations—that if you have a big institution standing behind you on this Attorney-General's watch you will get favourable treatment?

Finally, as is revealed by Dennis and Leo Shanahan in their stories in the Australian this morning, there remains an unresolved question about Ms Roxon's interference in the conduct of the case by the Commonwealth's counsel, Mr Julian Burnside QC. The opposition takes the unusual step of putting down an MPI notice like this for one simple reason: to make the point that whoever the occupant of the office of Commonwealth Attorney-General is must be impartial, must not undermine the courts. I am sad to say that the current occupant of that office does not conduct herself by those—(Time expired)

Senator FAULKNER (New South Wales) (16:06): It does appear as if the MPI has been put down by the opposition for one simple reason, as Senator Brandis said. It does appear that that simple reason is to give an opportunity for Senator Brandis to grandstand in the Senate for 10 minutes. Senator Brandis has spoken in the debate. He has almost exploded with indignation, pomposity and outrage. But I think it might be helpful to have a close look at the facts and how the Attorney-General has dealt with the issues that have been raised this afternoon by Senator Brandis.

It is commonplace and entirely appropriate for the Attorney-General, as the first law officer of the Commonwealth, to be regularly briefed and consulted by Commonwealth legal teams on legal cases to which the Commonwealth is a party. There are any number of cases—as Senator Brandis would know—where this has occurred. In fact, the Attorney-General of the Commonwealth chairs a significant legal issue meeting that is held quarterly which focuses on legal matters to which the Commonwealth is a party. I am sure even Senator Brandis, were he to become Attorney-General, would also engage in such processes. It makes sense, as happens in so many other matters, that in the Mr Ashby and Mr Slipper matter, for the Attorney-General to have discussions with the government's legal team. I would have thought that it would be more remarkable, frankly, if she did not.

You would appreciate, Madam Acting Deputy President, as I know Senator Brandis and members of the opposition do, that I am not a lawyer. But I am aware that the government has entered into a deed with Mr Ashby and has settled his case with the Commonwealth. There remains an outstanding legal proceeding between Mr Ashby and Mr Slipper. While mediation was held last week, that mediation was unable to settle the matter between those two parties. But as far as the matter between Mr Ashby and the Commonwealth is concerned, that
matter was settled and the terms of the settlement are public. Those terms include:
an express provision that the Commonwealth does not accept liability; a $50,000 payment
to Mr Ashby; and an agreement to offer training and information to parliamentarians
and parliamentarians' staff about sexual harassment and associated complaints. If I
can find that information out, so can Senator Brandis. This settlement certainly appears to
be consistent with all Commonwealth obligations, responsibilities and legal advice.
And it is a fact that the settlement was made in accordance with legal advice from senior
counsel. It is a fact that the settlement, as I understand it, was made on the basis of advice from the Australian Government Solicitor. Like Senator Brandis, I did read
closely the Attorney-General's statement of 28 September. The Attorney-General said:
The Commonwealth has been mindful of its obligations to taxpayers to achieve the most cost-effective outcomes for legal proceedings amongst
other considerations.
The Attorney-General also made it clear—and Senator Brandis quoted these words—that the case was 'a lawyer's picnic that could have extended well into the year' That does
seem pretty accurate to me given again that it has been reported that the costs of the litigation to date are $730,000 with, as we are told, more bills to come. I think that in
my time as a Senator I have tried to be quite meticulous and consistent about not raising
matters, of course I do. But, as I said, in my time in the Senate I have tried to adopt a consistent approach on this and do not intend to change the habits of a lifetime today.

I do note, of course, that some have criticised the Attorney-General for public comments that she has made. We have heard that. But it seems to me that it would be more remarkable if the Attorney-General did not provide information about the approach that the Commonwealth has taken before the court. This is a matter where the Commonwealth was being sued by Mr Ashby and, in defending the complaint, the Commonwealth filed an application and made submissions that the proceedings were vexatious and an abuse of process. The Attorney-General explained the application that the Commonwealth made in the court. It is true that the matter was settled last week—both Mr Ashby's complaint against the Commonwealth and the Commonwealth's complaint against the process. But there is a remaining matter, as we all know. That is between Mr Ashby and Mr Slipper. As I have said before, it would be prudent and proper not to canvass that matter while it is before the court.

The Attorney-General has been, as you have heard in this debate, criticised in relation to access to the court by Mr Slipper's Comcar for which the Attorney-General's office made a request on one occasion. That is true. The Attorney-General's office was informed, as I understand it, by the building management that this should not have occurred, so the Attorney-General apologised to the building manager. So a mistake was made. In the scheme of things I think it was a comparatively minor mistake but, appropriately, an apology was made. Surely Senator Brandis knows that we all make mistakes. Even someone as eminent as Senator Brandis makes mistakes—one or two of them perhaps of a more serious nature.
than what car goes into what car park. Did, for example, Senator Brandis apologise when he made a phone call to the New South Wales Minister for Police and Emergency Services, Mr Gallacher, regarding investigations into the member for Dobell? It was reported at the time—I do not know whether it is accurate or not; it has never been corrected by Senator Brandis or anyone else—that, as a result of Senator Brandis's call, the New South Wales police minister relayed the matter onto the New South Wales Police Commissioner. I personally believe—

Senator Brandis: Madam Acting Deputy President, on a point of order: what was said at the time was by the New South Wales Police Commissioner. That statement that has just been made by Senator Faulkner was incorrect. Senator Faulkner should withdraw that false claim.

The ACTING DEPUTY PRESIDENT: It is not a point of order, Senator Brandis.

Senator Faulkner: I believe that what Senator Brandis did in relation to that matter was a mistake. So did many other people. I thought personally that a shadow Attorney-General should know better. But I did not come into the Senate chamber, puff myself up with all the righteous indignation in the world and excoriate Senator Brandis—far from it. I did not open the door of my glass house and proceed to hurl stones at my opponents. I just say to Senator Brandis: you have to be careful about these things, because I think you have to be careful not to diminish yourself. I have said before that Senator Brandis likes Nicola Roxon. Well, I like Senator Brandis, and I also acknowledge and have acknowledged in the past that he is an able parliamentarian. But, just like attorneys-general, shadow attorneys-general need to adopt high standards.

As you know, Madam Acting Deputy President, there is also an ongoing court proceeding, and not only the one between Mr Ashby and Mr Slipper. The Australian Federal Police announced on 19 July—and I read from its press release—that it had received and accepted a referral to investigate allegations of fraud against Mr Slipper and that it had forwarded certain material to the Office of the Commonwealth Director of Public Prosecutions for consultation and possible further action. So there is more than one issue and more than one matter about which judgements will be made in the future, and that is as it should be.

Let me make one final point in the short amount of time I have available to me. Many years ago in this chamber I was one who used all the mechanisms that the Senate had available to me to hold a Senate Presiding Officer—the then Deputy President of the Senate, Senator Colston—to account. At no stage did I seek or receive the views of my colleagues in the House of Representatives about the Senator Colston matter. Mr Slipper is the Speaker of the House of Representatives. When I came down to the chamber to hear Senator Brandis's contribution on this debate, there was a debate taking place in the House of Representatives about whether Mr Slipper should remain as the Speaker of the House of Representatives. But Mr Slipper is the Speaker of the House of Representatives, and his future is a matter for the House of Representatives. It is not a matter for the Senate.

Senator CASH (Western Australia) (16:22): The position of Attorney-General is as the first officer of the Commonwealth. It is effectively the highest law office in Australia. As quoted by Ross Ray QC, president of the Law Council of Australia, to the International Bar Association conference in 2008:

... the Attorney-General has traditionally been seen as having a special independent public
interest responsibility within government; that is, as distinct from a responsibility to protect the Government's interests.

Tasked with these responsibilities, the person appointed by the government to this role must conduct themselves with the utmost decency and be beyond reproach.

Successive attorneys-general, regardless of their political affiliation, have recognised that although frequently involved in the rough and tumble of politics, the integrity of the role of Attorney-General should never be compromised. Why? Because they recognised that as the Attorney-General they were the chief defender of the integrity of the Australian court system.

Nicola Roxon is currently Australia's Attorney-General. Attorney-General Roxon's behaviour in relation to what has now become known as the Slipper case and, in particular, given her political interference in the case following the recent disclosure of the raft of crude and disgusting text messages sent by Mr Slipper, confirms for all Australians that Ms Roxon is fundamentally failing in the discharge of her role as the Commonwealth's No. 1 law officer.

Her behaviour also highlights the gross hypocrisy of the Labor Left when it comes to accusations of alleged misogynist behaviour. The position now conveniently taken by Attorney-General Roxon in relation to the Slipper case that she cannot comment on it because it is still before the courts—even though when it suited her political purpose she was more than happy to do that—highlights the sheer hypocrisy of the Labor Party and the double standards that it applies when measuring its own members' behaviour against alleged behaviour by members of the coalition and others.

But as Labor frontbencher, Jason Clare, has said:

Politicians are going to be judged on what they say and do …

And as Attorney-General Roxon has also confirmed, 'This judgement is merely part of politics'.

I say this to Ms Roxon, who is very good at handing out judgement when the political situation suits her: judge not lest ye be judged yourself. This is, of course, the woman who as far back as 2002 said in relation to the then Deputy Speaker, Ian Causley, after he made an allegedly offensive remark to her:

Women in many workplaces around Australia have to put up with this sort of behaviour, I'm in a position to do something about it by publicising it - I don't think it is right to just let it go all the time.

And yet when confronted in black and white, as she has been, with the crude and grotesque text messages sent by Mr Slipper to Mr Ashby commenting disparagingly on women, Attorney-General Roxon's silence is deafening.

This is despite saying at a press conference on 15 June 2012 that in relation to the Slipper case:

I think it's unrealistic given the public interest in this matter that there will not be commentary. And the art, if you like, from my perspective, is that we do that in an appropriate way.

Attorney-General Roxon set her own standard in relation to commenting on these matters:

Australians are now reading some of the most vulgar and demeaning utterances when it comes to women that I have ever seen. And again the silence from those on the Left of politics is utterly deafening, as is the silence now coming from Australia's Attorney-General. Attorney-General Roxon needs to understand that you cannot have it both ways: you are either appalled by this type of behaviour or you are not. As
Attorney-General you do not get to pick the comments that you comment on when it suits you politically. As Attorney-General, Ms Roxon chose in the Ashby case to attack Mr Ashby when the matter was before the courts; and yet in relation to the revelation of the text messages sent by Mr Slipper, which are now on the public record, she now chooses in her role as Attorney-General to be silent. Australia's Attorney-General has no position.

As evidence of Attorney-General Roxon's failure to discharge properly the role of Commonwealth Attorney-General, she has now been forced to apologise to the Federal Court and to the Australian people for giving special treatment to Mr Slipper—treatment that no other Australian is afforded—by allowing him to enter the Federal Court through a back door to avoid media scrutiny. This was a move confirmed by Attorney-General Roxon's office and criticised by the Federal Court judge, Steven Rares, as undermining public confidence in the Australian court system. Justice Rares, according to a newspaper report, said that it was important that:

… justice should not only be done, but be seen to be done.

Attorney-General Roxon's decision to give preferential treatment to Mr Slipper shows a complete contempt for her role as the Commonwealth Attorney-General, and a failure to appreciate that the role has a special independent public interest responsibility within government—that is, as distinct from a responsibility to protect the government's interests.

What was Attorney-General Roxon's response to the criticism of Federal Court Judge Rares? The response was this: 'My decision was inadvertent'. How does the Commonwealth Attorney-General make a decision that is 'inadvertent'? The fact is that the Attorney-General does not. In this case the Attorney-General made a very deliberate decision, and it was made for nothing more and nothing less than political purposes. Clearly, Ms Roxon, despite her role as Attorney-General, is more interested in protecting the government's interests in this case than in discharging her independent public interest responsibility.

Perhaps, however, the most offensive part of what has occurred in relation to Ms Roxon's role in the Slipper case is what is set out in the Australian newspaper today: that Attorney-General Nicola Roxon herself personally intervened in the sexual harassment case against Peter Slipper by briefing lawyers defending the Speaker whose misogynist and degrading attitudes to women have been exposed in the trove of sexually explicit texts. Based on these actions, whether Attorney-General Roxon understands the responsibilities of her role and is fit to hold the role of the first law officer of the Commonwealth must surely now come into question.

Ms Roxon has recently said in relation to opposition leader Mr Abbott:

It is fair game for me or any other minister … to hold him to account for his public behaviour and his public comments.

But despite these words, as a leading woman on the Labor Left side of politics, Ms Roxon fails to hold Mr Slipper to account. Again, we all know why: because of the double standards that those on the Left side of politics apply when it comes to judging their own. Mr Slipper, as we know, is a creature of the Labor Party. The Labor Party owns Mr Slipper. Attorney-General Roxon and the Prime Minister—who, I note in the motion before the other place, has again failed to condemn the actions of Mr Slipper—should now come out and admit that Mr Slipper's
views on women make his position as Speaker untenable.

This is something that the coalition has done. We have unequivocally condemned Mr Slipper's views on women and it is time for both Attorney-General Roxon and Prime Minister Gillard, and all other Labor women, to condemn them as well. The Australian public has the right to ask from Labor consistency on issues of principle. You cannot be ambidextrous. You cannot on one hand allege misogynist behaviour based on the flimsiest and most cooked-up premise, whilst at the same time refuse to condemn the vile and wholly repulsive texts that have been sent by the Speaker. Labor is merely political point-scoring and Attorney-General Roxon is using her role as the Attorney-General of the Commonwealth of Australia to score political points when it suits her. She is an embarrassment to the role of Attorney-General.

Senator CROSSIN (Northern Territory) (16:32): I rise this afternoon to provide some input into this matter of public importance as well, and in my brief contribution just make two points here. Firstly, I think that the coalition wants to conveniently forget the facts surrounding Minister Roxon's involvement in the statements last week and the settlement with Mr Ashby. Senator Faulkner outlined a number of those but I think what we need to also add is that the Commonwealth in this matter was being sued and was in fact defending that complaint. It filed an application and had made submissions that the proceedings were vexatious and that there was an abuse of process. So the Commonwealth was actually involved in this matter.

It is not unusual that from time to time the Attorney-General would be seeking briefings about the Commonwealth's involvement in legal matters and cases. We have got the internationally famous tobacco litigation case and we have of course the chaplains case. There is also international whaling and the Malaysia agreement—the list goes on—where the Commonwealth is party to the action, and the Commonwealth and the minister involved, that is the Attorney-General, would receive briefings about that. That is her involvement. The Commonwealth was party to this matter before the court because they were being sued. The counterclaim was that we believed that it was an abuse of process.

There is one thing here that we sought to then do: to negotiate a settlement and resolve the area in which the Commonwealth was involved, and that is what was done. Already, as we know—and it is public knowledge—$750,000 in taxpayers' costs have been racked up in the pursuit of this matter and so at the end of the day and in the interests of a settlement, and the interests of the taxpayers' dollar, a settlement with Mr Ashby was made. That settlement, as agreed between the parties, was public. That settlement and the outcomes of the settlement have been made public and have been out there for the last week.

There is still another aspect of the matter that is ensuing between Mr Slipper and Mr Ashby and, as Senator Carr said today in question time, it is not a matter for debate in this chamber. It has never been a matter of debate before the parties because it is a matter before the court and therefore no further comment should be made about it.

Senator Brandis: It's only a matter of debate on Lateline!

Senator CROSSIN: If we want to go to the integrity of the position of the Attorney-General and if we want to go to the role that the Attorney-General plays when it comes to matters that may or may not potentially go
before the courts, then what I need to say to the coalition is: you currently have a shadow minister in the role of the Attorney-General who also needs to look at his behaviour in the last 12 months. As Senator Faulkner said, if you want to sit inside your glasshouse and throw a stone, then you want to make sure it does not come back to hit you in the head.

This is a shadow Attorney-General who on 25 August last year according to the *Daily Telegraph*, the *Sydney Morning Herald* and the *Australian*, picked up the phone to his mate in New South Wales and said that he was going to write a letter because he had some information that ought to be used in the case with the member for Dobell. So last year we had Senator Brandis seeking to influence independent investigations by the New South Wales Police, by the New South Wales DPP.

**Senator Brandis**: There are no proceedings underway!

**Senator CROSSIN**: He picked up the phone to his mate, the New South Wales Attorney-General, and said, 'I am going to write the New South Wales Police minister a letter. And not only that, I have actually got documents that you might be interested in. Not only am I not going to get involved in this, I am actually going to furnish evidence and you might want to have a look at it.'

And so on one hand you cannot stand here and condemn Nicola Roxon for being involved in settling a case, which is the right and proper role to undertake when the Commonwealth is before the courts, while you, as a shadow Attorney-General with the potential to be an Attorney-General, hand over documents, encouraging your mates—

**Senator Brandis**: No, handing documents to the police.

**Senator CROSSIN**: your Liberal mates in New South Wales, to get involved in a case that was due to go before the courts.

That is the peak of hypocrisy, Senator Brandis.

**Senator HUMPHRIES** (Australian Capital Territory) (16:37): There has been considerable misunderstanding, even ignorance, of proper process exhibited by those who have contributed to this debate from that side of the chamber and I want to touch a number of those matters. First of all, it is important to remember that the Attorney-General, not just of the Commonwealth but of any jurisdiction, holds a particular place within the legal system. The Attorney-General holds a place which is not akin to any other role played by any other minister in a government. The Attorney-General is described as the first law officer of a jurisdiction and has special responsibilities, usually as an officer of the chief court of a jurisdiction, towards the good functioning of the court system of that particular jurisdiction.

No doubt Ms Roxon is a registered or enrolled legal practitioner of the High Court of Australia, as indeed many other legal practitioners in this chamber would be, notwithstanding that they are now politicians, and as such they have obligations towards the good functioning of the legal system. Particularly as Attorney-General, Ms Roxon has responsibilities towards the functioning of that system, but in what she had to say on litigation involving the Commonwealth she went far beyond and outside the role that she has as a protector of that system. The comments she has made about the litigation initiated by Mr Ashby were quite inappropriate, given the circumstances of that litigation and her obligation towards the court system. She described his case as 'vexatious' and an 'abuse of process' which had an 'ulterior motive'. She said:

The Commonwealth strongly believes that this process has been one which is really for an
ulterior purpose, not for the purposes of an ordinary workplace complaint.

And, as Senator Brandis has pointed out, when other members of the government made even more injudicious remarks about this litigation—such as the remarks of Senator Carr that have been referred to—as chief officer responsible for defending the court within the parliament Ms Roxon fell silent and refused to defend the proper processes and to ask her colleagues to refrain from commenting on these matters.

Putting to one side for the moment the fact that these are matters involving allegations of sexual harassment—and we have had a lot of lecturing from those opposite about the importance of respecting people's right to pursue matters of sexual harassment in appropriate circumstances—I want to contrast those comments by the Attorney-General with the obligations of the government and particularly the Attorney-General under the government's own guidelines for litigation. These are the Legal Services Directions, which govern the way in which the Commonwealth acts as a party to litigation. Those obligations are quite clear. They indicate, for example, that in the case of major claims—that is, claims above $25,000—in which the Commonwealth is involved, they are to be settled only if:

… written advice is received from the Australian Government Solicitor or other legal adviser external to the agency that the settlement is in accordance with legal principle and practice.

What is legal principle and practice? It is set out in the same Legal Services Directions, in appendix C, item 2, where it says:

Monetary claims covered by this policy are to be settled in accordance with legal principle and practice, whatever the amount of the claim or proposed settlement. A settlement on the basis of legal principle and practice requires the existence of at least a meaningful prospect of liability being established.

And it goes on to say:

In particular, settlement is not to be effected merely because of the cost of defending what is clearly a spurious claim.

How is that obligation on Ms Roxon, as the Attorney-General, not to settle matters which are spurious in nature consistent with her claims made earlier in the litigation that the claim brought by Mr Ashby was 'vexatious', an 'abuse of process', had an 'ulterior motive' and was executed with the 'clear intent of publicising it before it was filed'? You cannot have it both ways: a matter which is so flawed and so unworthy of consideration and then the government proceeds to put $50,000 of taxpayers' money into ending the litigation against the Commonwealth. Under the Legal Services Directions that govern the actions of the Commonwealth as a litigant, it was not open to Ms Roxon to settle this matter if it was indeed without merit. It clearly must have had merit for the claim to be settled in that way. There is no other interpretation of what has been done consistent with the Legal Services Directions.

If the government maintain otherwise, let them table the advice of respect to this matter. Why don't we see the advice? The matter has been settled; we do not need to worry about interfering with litigation. Let us see what the advice actually has to say. We have meetings of the estimates committees next week where I am sure that opportunity could be furnished by the government if they wished to do so.

The fact is this has been politicised from day one. This has been handled in a way most designed to defend this government's shaky hold on power by defending its special relationship with the Speaker of the House of Representatives, Mr Slipper, even to the point of allowing the judgement of individual members of the government to be clouded to the extent that a judge of the
Federal Court had to say the other day that the behaviour of the Attorney-General, the first law officer of the Commonwealth, 'undermines public confidence in the courts'. I repeat: 'undermines public confidence in the courts'.

This has been yet another indication of how this Attorney-General has failed to understand her obligations towards the administration of justice in this country. She was quite prepared to make public prejudicial comment repeatedly when this litigation was at an early stage. But now when she has been humiliatingly forced to acknowledge that a settlement of $50,000 has been made towards Mr Ashby on that part of the litigation that she was directly involved with, she says that she does not wish to make further comment because the matter is before the courts. It was before the courts before when she said it was vexatious and an abuse of process and had an ulterior motive. It was before the courts then but there was nothing that the Attorney-General saw fit to do to prevent that kind of prejudicial comment going forward.

The comment of Senator Carr that 'this Ashby seems more rehearsed than a kabuki actor' is highly prejudicial, is highly inappropriate. Senator Carr went on to say: 'In Australia and around the world there are a lot more serious cases of infringement of human rights than this.'

Senator Brandis: What a thing to say about sexual harassment.

Senator HUMPHRIES: Indeed. How often has this government come into this place and lectured us about the importance of protecting people in workplaces from exposure to sexual harassment? How often has that been a theme hit by this government? Apparently a person's right to be free of sexual harassment in a workplace does not extend to people who try to enforce that right who might at the same time be undermining the Labor government's hold on power. That is what it amounts to: the right is compromised if you happen to be an enemy of the state or an enemy of the Labor government. That is extremely unfortunate.

When the Attorney-General entered the parliament in 1998, in her maiden speech she said:

We must not weaken the system.

By that she meant the legal system.

We must not weaken the system to the extent that we leave the powerful to run roughshod over others or, worse, resort to violence and intimidation to get their way. I am committed in the next 26 years to further strengthening our country's institutions.

This week and last week she has not strengthened them, she has weakened them. That is the sort of thing than anyone would be held to account for but particularly the Attorney-General of Australia.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (16:47): I rise to make a contribution to this MPI debate. Senator Brandis has stood here today claiming that the Attorney-General has undermined public confidence in the courts and has inappropriately interfered in litigation. This is a constant complaint from Senator Brandis. He has even complained that the Attorney-General successfully defended plain-packaging legislation when various tobacco companies took the Commonwealth to the High Court. How outrageous that the Attorney-General would defend the Commonwealth against big tobacco giants and their litigation strategy!

Senator Brandis continues to berate the Attorney-General for successfully defending this country's laws. These incredible claims come from the shadow Attorney-General, who has proven again and again that he
cannot stop himself from inappropriately interfering in legislative matters in states other than those he has been elected to represent. What he does not mention in his MPI is that he tried to intervene in independent police matters earlier this year when he called the New South Wales Liberal police minister to try and force a police investigation. Senator Brandis sought to influence independent investigations by the New South Wales Police and the New South Wales DPP.

Senator Scullion: That is completely fallacious.

Senator FEENEY: I take that interjection because the facts are well known. He made phone calls to the New South Wales Attorney-General and the New South Wales police minister regarding investigations. The then New South Wales police minister went on to relay that call to the New South Wales Police Commissioner. He did not allow independent police investigations to proceed and in fact sought to influence those investigations because they involved a political opponent.

This year he sought again to interfere in the police investigation process, on this occasion referring matters relating to Australia Day to the Federal Police. He provided this letter to the media and alleged a cover-up. The Federal Police later concluded: 'The available evidence does not support the existence of any criminal offences.'

Senator Humphries: Madam Acting Deputy President, I raise a point of order. The matter of public importance before the Senate is about the conduct of the Attorney-General, Ms Roxon. Much as Senator Feeney might want to turn this around to make it a commentary on Senator Brandis, it is not the subject matter of the matter of public importance and he should confine his remarks to Ms Roxon's behaviour.

The ACTING DEPUTY PRESIDENT (Senator McKenzie): Continue, Senator Feeney, and please ensure that your comments refer to the question.

Senator FEENEY: If I may address you on the point of order, Madam Acting Deputy President, I make the point that in these debates it is customary that the Senate allows a reasonable amount of latitude so that it can engender the political discourse that these debates are designed to engender. Above and beyond that, I have been speaking now for some 2½ minutes and in those 2½ minutes I have been directly relevant to the question, which is the debate around the conduct of the Attorney-General and the person who calls that conduct into account.

The ACTING DEPUTY PRESIDENT: There was no point of order and I look forward to you continuing to make reference to the question before us.

Senator FEENEY: Thank you. The Federal Police later concluded that the available evidence did not support the evidence of any criminal offences. And all of this from someone who aspires to be Attorney-General. Can you imagine an Attorney-General as reckless as this senator? Think of when he compared the Greens and the Nazi party. On 29 October 2003 he said:

I intend to continue to call to the attention of the Australian people the extremely alarming, frightening similarities between the methods employed by contemporary green politics and the methods and the values of the Nazis.

And he made outrageous comments regarding the Prime Minister on 27 January 2010 when he said:

I think Julia Gillard who … has chosen not to be a parent … shows that she just doesn't understand the way parents think about their children when they reach a particular age.
The actions of this would-be Attorney-General I am afraid speak far louder than words.

Today we see that the shadow Attorney-General does not believe that the Attorney-General should be involved—

Senator Scullion: What about the Attorney-General?

Senator FEENEY: Your interjection was magnificently timed, Senator. Thank you.

Senator Scullion interjecting—

Senator FEENEY: Madam Acting Deputy President McKenzie, I urge you to deal with this disorderly conduct. Today we see that the shadow Attorney-General does not believe that the Attorney-General should be involved in being briefed on legal proceedings. That is right. We have heard from Senator Brandis that the Attorney-General should not speak to government engaged solicitors. What errant nonsense! It is therefore clear that he would not want to undertake a large part of the Attorney-General's workload should he ever be successfully appointed to that position. As the first law officer, it is perfectly normal for the Attorney-General to be regularly briefed and consulted by government legal teams on significant cases to which the Commonwealth is a party. Of course, when one sets it out in that way it seems blindingly obvious; but, alas, not to those opposite. Briefings have occurred in the past on everything from whaling to the chaplains case through to immigration matters, the Federal Magistrates case and, of course, in more recent times, the tobacco litigation.

The Attorney-General also personally chairs a quarterly significant legal issues meeting, which discusses the legal matters to which the Commonwealth is a party. All of this is natural and all of this is, of course, longstanding custom and practice. Is Senator Brandis really saying today that, if he were Attorney-General, he would not regularly receive briefings and want to be consulted on significant legal matters to which the Commonwealth is a party? Is he saying that he would not perform one of the key roles of the job to which he aspires?

In considering the remarks that have been made earlier in this debate concerning the Slipper-Ashby settlement, I will be short. I will be short in relation to the issue of the legal case of Mr Slipper and Mr Ashby for obvious reasons. This government has been mindful of its obligations to the court to use judicial resources appropriately and its obligations to taxpayers to minimise costs by trying to achieve settlement. Settlements are not about who is right and who is wrong; they are about bringing matters to a speedy conclusion, which is what the Commonwealth has now achieved. This is something that I believe is well understood by the shadow Attorney-General. But, of course, nonetheless he does not resist the temptation to try and score a political point.

The matter between Mr Ashby and Mr Slipper continues before the Federal Court. The judge has reserved his decision in the matter of Mr Slipper's application alleging that the matter is an abuse of process. In considering the text messages that have received so much coverage today and in recent days, let it simply be said that I and, I believe, all of us would condemn these comments. We condemn sexism wherever it resides. But, again, I should note that these matters are currently before the courts. I do not believe it is appropriate—and those opposite should support me in this—for a political debate to be conducted while this matter is currently before the Federal Court of Australia. This Commonwealth takes sexual harassment very seriously. While our settlement does not admit liability, the government has agreed to establish specific
training for members and senators in relation to issues of sexual harassment as well as to staff on how to deal with any such issues.

Senator Brandis has said that it is inappropriate for the Attorney-General to provide an explanation about the approach the Commonwealth has taken before the court. It is actually completely appropriate for the Attorney-General to provide a description of the approach the Commonwealth has taken before the court—for example, which applications are being made and heard. Remember, it was the Commonwealth that was being sued and, in defending that complaint, filed an objection and made submissions that the proceedings were vexatious and an abuse of process. Those documents and the arguments are public documents on the court file. This is a particularly important point—public documents on the court file.

As of last Thursday, the Commonwealth had settled its dispute with Mr Ashby, both his complaint against the Commonwealth and the Commonwealth's complaint about the process. It is therefore not the intention of the government to make further comments about the proceedings between the remaining two parties. What is fascinating about the MPI today is that the Attorney-General, who has been attacked for her involvement as part of the so-called handbag hit squad and attacked for not talking about policy, is in fact getting on with her job in an appropriate and conscientious way. Meanwhile, Senator Brandis wants to attack her for doing what her job requires. The coalition's position flip-flops between the Attorney-General talking about personality, not action.

Today in the Punch the Attorney-General talked about what the government has and will deliver for women and has contrasted that with what the Liberals failed to do in their 11 years in office. In doing this, the Attorney-General has been assuring that the debate goes past personality and rather looks at the policies and actions of politicians. Senator Brandis has clearly failed the action test when it comes to being an appropriate Attorney-General, and the only way he can deal with his failure is to try and finger-point. Let us not forget that it is a constant complaint from Senator Brandis that the Attorney-General is doing her job. Think again to when he complained about the Attorney's role in successfully defending plain-packaging legislation. He aspires to one day take up the position of Attorney-General, but I ask: what will he do if he does? We know he will not defend the Commonwealth against multinational companies trying to dictate our laws. We know he will not take briefings about legal matters the Commonwealth is engaged in. But what he will do, as he has demonstrated, is intervene in independent police matters and try and force police investigations when they might pertain to those he judges to be his political opponents. The call for politicians to be judged not on personality but rather on actions is one that should be ringing in the ears of the shadow Attorney-General today.

The ACTING DEPUTY PRESIDENT: The time for the debate has now expired.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator McKenzie) (16:51): I present documents listed on today's order of business at item 13, which were presented to the President, Deputy President and Temporary Chairs of Committees after the Senate adjourned on 20 September 2012.

Documents presented out of sitting

(a) Committee reports

Interim (received 21 September 2012)

Final, together with the Hansard record of proceedings and documents presented to the committee (received 26 September 2012)

2. Legal and Constitutional Affairs Legislation Committee—Privacy Amendment (Enhancing Privacy Protection) Bill 2012 [Provisions]—Report, together with the Hansard record of proceedings and documents presented to the committee (received 25 September 2012)

Correction (received 2 October 2012)

3. Rural and Regional Affairs and Transport References Committee—Management of the Murray-Darling Basin; Second interim report: the Basin Plan (received 3 October 2012)

4. Legal and Constitutional Affairs References Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Detention of Indonesian minors in Australia (received 4 October 2012)

Ordered that the committee reports be printed.

(b) Government responses to parliamentary committee reports

Foreign Affairs, Defence and Trade References Committee—Report—Held Hostage: Government’s response to kidnappings of Australian citizens overseas (received 26 September 2012)

(c) Government documents


Statement of corporate intent 2012-13 (received 27 September 2012)

2. Department of Finance and Deregulation—Campaign advertising by Australian government departments and agencies—Report for 2011-12 (received 28 September 2012)

3. Final budget outcome 2011-12—Report by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Senator Wong) (received 28 September 2012)

4. Department of Agriculture, Fisheries and Forestry—Report for 2011-12 (received 5 October 2012)

(d) Reports of the Auditor-General

1. No. 5 of 2012-13—Performance audit—Management of Australia’s air combat capability—F/A-18 Hornet and Super Hornet fleet upgrades and sustainment: Department of Defence; Defence Materiel Organisation (received 27 September 2012)


(e) Returns to order

1. Immigration—Nauru—Service provisions—Order for the production of documents (motion of Senator Hanson-Young agreed to 17 September 2012) (received 21 September 2012)


(f) Letters of advice relating to Senate orders

1. Letters of advice relating to lists of contracts:

   Education, Employment and Workplace Relations portfolio (received 5 October 2012)

2. Letters of advice relating to lists of departmental and agency appointments and vacancies:
Australian Government Response to the Report: 
Held Hostage: Government’s response to the kidnapping of Australian citizens overseas

Australian Government Response to the Report of the Foreign Affairs, Defence and Trade References Committee

This is the Australian Government’s response to the report of the Foreign Affairs, Defence and Trade References Committee entitled: Held Hostage. Government’s response to the kidnapping of Australian citizens overseas, as tabled on 25 November 2011.

The government welcomes the committee’s acknowledgement of the extremely difficult work undertaken by government officials in response to kidnapping events. Recognition that the situation where an Australian may be held captive limits the government’s ability to work towards the victim’s release, and that a hostage situation involving an Australian citizen overseas presents many challenges for the government, is also welcomed.

The committee’s agreement with the Australian Government’s no ransom policy, and that any involvement of the Australian Government in the payment of a ransom would increase the risk of kidnapping for Australians abroad, is welcomed.

The attached response to the committee’s recommendation reflects the government’s commitment to reduce the risk of Australian citizens abroad becoming the victims of kidnapping, and when it does occur, to provide effective support and assistance to the victim and their family.

Recommendation 1 paragraph 5.38
The committee recommends that:
- DFAT ensures that the next of kin of any future kidnap victim are made aware of the option of engaging a private kidnap and ransom consultant; and
- if the next of kin decide to proceed with a private consultant, DFAT ensures that any advice or information it then provides to the family is given in a non-judgemental way; that it is willing to cooperate and to share relevant
information with the consultant as appropriate (given national security concerns); and that it alerts the family to possible legal complications to paying a ransom.

**Responsible Agency:** DFAT

**Response:** Agreed

DFAT has committed to providing clear advice to families that they can to consult private companies on their options regarding paying a ransom, given the Government cannot. In providing this advice, DFAT shall also provide families with a list of companies that they could consider engaging on a non-endorsement basis. It is for the family to decide whether to enter into arrangements and/or contracts with the company directly.

If a family chooses to engage a kidnap and ransom specialist, DFAT will continue to provide the family and their representatives with as much information as possible bearing in mind national security and privacy concerns.

**Recommendation 2 paragraph 6.42**

The committee supports the establishment of the regular, whole of government coordinating group and recommends that DFAT give close consideration as to how it can maintain the high level of skills that members of an interdepartmental emergency task force require to respond effectively to a kidnapping incident overseas.

**Responsible Agency:** DFAT

**Response:** Agreed

On 28 June 2011, DFAT led an interdepartmental roundtable to discuss the outcomes of the McCarthy Review. At this meeting, relevant agencies agreed to establish a regular, whole of government coordinating group. This group would meet regularly to stay abreast of kidnapping issues and best practice.

**Recommendation 3 paragraph 6.43**

In particular, the committee recommends that the coordinating group:

- commits to regular meetings and keeping up-to-date with global developments in kidnapping and hostage taking;
- assumes responsibility for ensuring that there is a pool of specially trained personnel across all relevant agencies ready to respond to an incident such as a kidnapping abroad;
- oversees the training regime of this pool of specialists that places a high priority on continuous improvement in interagency coordination and cooperation through joint training programs and workshops;
- in consultation with other countries and organisations involved in resolving hostage situations, explores and develops strategies for dealing with protracted hostage episodes; and
- gives special attention to developing a pool of personnel ready to take on the functions of family liaison and ensures that this sub group is seen as an integral part of any interdepartmental emergency task force. (See following recommendation.)

**Responsible Agency:** DFAT

**Response:** Agreed

The group will consider all of the above mentioned issues.

**Recommendation 4 paragraph 7.52**

The committee recommends that any interdepartmental emergency response task force include a sub group dedicated to supporting families of a victim of kidnapping. This group should be made up of personnel specially trained for this liaison role and able to provide the family with ongoing and accurate information. Agencies should strive to maintain the continuity of the personnel assigned to act in this role.

**Responsible Agency:** DFAT

**Response:** Agreed

Consular staff form part of any emergency response task force and support the families of kidnap victims. Consular staff are trained to assist families in difficult situations and will provide a high level of consular support consistent with DFAT’s consular charter. Consistent with reviews of the Government’s kidnapping policy, a dedicated unit of consular and other specialists has been established to support families related to the most recent kidnapping. This will be standard practice for all future cases. DFAT will strive to maintain
continuity of consular staff in this role, dependant on operational requirements.

Recommendation 5 paragraph 8.39
The committee recommends that the family liaison sub group within the emergency response task force assumes responsibility for ensuring that a victim of kidnapping has access to appropriate counselling services once released and is active in helping to facilitate a smooth transition from medical and counselling services provided overseas to the appropriate domestic providers once the victim returns home. This recommendation also applies to people who are released before an emergency task force is mobilised or can take any substantial action such as in the Martinkus case.

Responsible Agency: DFAT
Response: Agreed

While a victim is overseas, DFAT will facilitate access to counselling services for family. Upon return to Australia, DFAT can provide recommendations to kidnap victims to access counselling services but currently cannot formally facilitate access to these services as they are governed by State and Territory service providers. DFAT will work to establish a mechanism whereby DFAT can alert appropriate service providers to the case and arrange for clear information on the services to be made available to the victim at an early date.

Recommendation 6 paragraph 9.29
The committee recommends that DFAT examine ways to improve its relationship with the media when dealing with a kidnapping situation and how it explains its media strategy to media organisations and family members at the outset of a crisis.

Responsible Agency: DFAT
Response: Agreed

DFAT strives to maintain an open and strong relationship with the news media, and to provide accurate and timely responses to media inquiries. In kidnapping cases, DFAT’s firm view is that it is not helpful to provide a detailed commentary on developments in the public domain, as this is often monitored by the kidnappers and can increase their expectations, and the perceived value in cases of kidnap-for-ransom, potentially placing the victim in greater danger. This strategy was endorsed in both the McCarthy Review and the DFAT internal review on the Nigel Brennan kidnapping.

In communicating this strategy, DFAT will engage as closely as possible with major media outlets, explaining the situation and requesting their cooperation. DFAT will also provide on-the-record comments, where possible, in response to individual media inquiries, but these comments are unlikely to touch on operational details. DFAT has done this – providing on the record comments and background briefing media outlets by a senior official on the overall strategy -- for the current kidnapping case.

DFAT will also explain the media strategy to the family and be open in discussing the advantages and disadvantages of engaging the media. DFAT will involve the family in the decision making on this issue. Ultimately, it is up to the family whether they would like to speak to the media. If so, DFAT will offer to facilitate this contact, where appropriate. Again, DFAT has implemented this in the current kidnapping case.

DFAT notes that if a private contractor is engaged, the family and contractor would need to assume primary responsibility for media management.

Recommendation 7 paragraphs 10.52–10.53
In light of the difficulties experienced by both the Wood and Brennan families, the committee recommends that the government investigate thoroughly the options for making special allowance for people seeking to transmit money overseas in order to save the life of another Australian citizen being held hostage.

The committee recommends particularly that the government consider changes to the relevant sections of the Criminal Code and the United Nations Charter Act that would allow the minister at his or her discretion to grant exemptions in exceptional circumstances.

Responsible Agency: DFAT / Attorney-General’s Department
Response: Rejected

The Government has considered possible legislative amendments as described in
Recommendation 7. The Government does not support such legislative changes. Changing the relevant legislation would undermine Australia's no ransom policy, and indirectly result in Australians overseas being targeted. Providing a legislative exemption could result in opportunities for manipulation of Australia's laws by terrorist organisations. Australian laws imposing targeted financial sanctions against terrorist-related entities to give effect to obligations under United Nations Security Council (UNSC) decisions already provide for strictly limited exemptions in accordance with the relevant UNSC decisions themselves. The UNSC decisions do not provide an exception for the payment of ransoms, and in respect of certain designated groups and individuals, expressly prohibits the payment of ransoms. Therefore, legislative amendments of this type are likely to raise issues of consistency with Australia's international legal obligations.

Recommendation 8 paragraph 11.18
The committee believes that, after every major incident overseas, an internal review should be undertaken (the committee notes that DFAT indicated that it does so as a matter of course). This internal review should provide all agencies that formed part of the response team with necessary feedback on their performance and also on the performance of the team as a whole. The committee noted, however, that often the victim and his or her family would like to be part of a debriefing. In light of this finding, the committee recommends that:

- the government ensure that DFAT as the lead agency invites the victim and his/her family and friends to a debriefing from the whole-of-government emergency response task force including the sub unit responsible for providing support to the family. Further that:
- if accepted, this offer of a debriefing is to be a two way exchange of information providing the family with the opportunity to have their questions answered; and
- DFAT to offer to cover the costs for the victim, family and friends to attend the debriefing.

Responsible Agency: DFAT
Response: Partially agreed
DFAT, as a matter of course, conducts an internal review in the event of every major consular case. We will continue to do so. Where warranted, DFAT may also request an independent review of its handling of the case, as occurred with the McCarthy Review following the Nigel Brennan kidnapping.

DFAT also conducts a debrief session with the victim and their immediate family and will arrange a suitable time for all parties and cover the costs of attending the debrief for those immediately involved. We will continue with this practice.

DOCUMENTS
Dementia Awareness Week
Tabling
The ACTING DEPUTY PRESIDENT (Senator McKenzie) (16:59): I table a response from the President, Alzheimer’s Australia (Ms Butrose, AO, OBE) to a resolution of the Senate of 19 September concerning Dementia Awareness Week.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:00): by leave—I move:

That the Senate take note of the document.

I sought leave to discuss this document because I was very pleased that the Senate supported the passing of this motion, which was moved by Senator Polley and Senator Brown, on this particular issue. I thought it was important to note a couple of things, including that the report released by the Australian Institute of Health and Welfare on 27 September contains some of the latest research on dementia. It also notes the increasing importance and need for urgency to deal with this particular issue. The report, Dementia in Australia, launched by the AIHW, shows that in the less than 10 years, by 2020, the number of people who will suffer from dementia is going to increase by...
at least one-third. That is a significant number. We are going to have numbers around 400,000 by 2020, and that will increase to around 900,000 by 2050.

Although the motion was relying on the current information of the time—that is, it is expected that almost 280,000 people are with dementia—the AIHW report indicates that an estimated 298,000 people were living with dementia in 2011. That is a significant number of people and, as I have articulated, the report says the number of people is going to increase significantly in the next 10 years. This highlights the need for research, which is one of the points that Ms Buttrose, the President of Alzheimer's Australia, makes in the report. That is one of the issues that Ms Buttrose points to in her letter back to the Senate about this particular motion. She said:

The missing element for the future is an investment in research that will give Australians confidence of being able to identify those at risk of dementia and to develop new treatments to modify the progression of the disease.

Alzheimer's Australia is advocating for an increase in investment in dementia research in the 2013 budget of $200 million over five years to build capacity in dementia research, fund new research projects, invest in dementia research infrastructure and promote knowledge translation. That is one of the key points that also came up the week before last when that report was released—that is, the urgent need for increased research given the increasing number of people who are going to be affected by dementia by the year 2020.

Alzheimer's Australia is continuing to do a lot of work on this issue of raising awareness. Alzheimer's Australia WA is also doing a lot of work, and on that point I would like to note that they are doing a memory walk on 21 October. They are hoping it will give the community an opportunity to get together and take a stand against dementia; to remember loved ones who have been lost to dementia as well as those who continue to suffer; and in particular to honour, help and acknowledge carers, both paid and unpaid, who are providing essential support to those living with dementia in our community. Without those carers, paid and particularly unpaid, we would not be able to deal with the growing burden of dementia in Australia.

Alzheimer's Australia WA is hoping to get at least 1,600 people at that walk, because that is the number of people diagnosed with dementia each week. Of course that number is going to grow weekly as the number of people who have dementia grow. So I certainly urge people in Western Australia to take part in that memory walk, and when they are walking—and not just those who are there, but also those who cannot make it—I urge them to think about this particular issue.

Alzheimer's Awareness Week was in September, it has to be Alzheimer's awareness week every week. We need to be increasing awareness of Alzheimer's every week. So I urge people to keep thinking about it, to work out how they can help address the issues around Alzheimer's and, if you are in Western Australia, I urge people to get along to the walk so that they can participate in increasing awareness in their communities, with their own loved ones, family and friends because everyone needs to become aware of this particular issue.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:05): by leave—I move:

That the Senate take note of the document.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.
BILLS

Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012

National Portrait Gallery of Australia Bill 2012

Explanatory Memorandum

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (17:05): I table the addenda to explanatory memoranda relating to the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 and the National Portrait Gallery of Australia Bill 2012. These take into account recommendations made by a committee and concerns raised by the Scrutiny of Bills Committee.

COMMITTEES

National Broadband Network Committee

Government Response to Report

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (17:06): Madam Acting Deputy President, I noticed you on the sports field yesterday distinguishing yourself.

The ACTING DEPUTY PRESIDENT (Senator McKenzie): And the Senate.

Senator FARRELL: And the Senate, yes. I present the government’s response to the third report of the Joint Committee on the National Broadband Network on its reviews of the rollout of the National Broadband Network, and I seek leave to incorporate the documents in Hansard.

Leave granted.

The documents read as follows—

Review of the Rollout of the National Broadband Network


Introduction

In March 2011 the Parliament established the Joint Committee on the National Broadband Network (the Committee) to enable the ongoing parliamentary scrutiny of all aspects relating to the rollout of the National Broadband Network (NBN). The Committee is required to report to the Parliament on the rollout of the NBN on a six monthly basis until the completion of the project.

The Committee has been asked to provide progress reports on:

- the rollout of the NBN;
- the achievement of take-up targets as set out in NBN Co Limited’s (NBN Co) Corporate Plan;
- network rollout performance including service levels and faults;
- the effectiveness of NBN Co in meeting its obligations as set out in its Stakeholder Charter;
- NBN Co’s strategy for engaging with consumers and handling complaints;
- NBN Co’s risk management processes; and
- any other matter pertaining to the NBN rollout that the Committee considers relevant.

The Committee tabled its first report on the Review of the Rollout of the National Broadband Network on 31 August 2011 and its second report on 24 November 2011. The government’s responses to the Committee’s first and second reports were tabled in the Parliament on 1 March 2012 and 16 April 2012 respectively.

On 25 June 2012, the Committee tabled its third report, entitled Review of the Rollout of the National Broadband Network: Third Report. The Committee’s third report was informed by two public hearings, one site inspection and public consultation which attracted 22 submissions and two exhibits. The report made fifteen recommendations ranging across: clearance processes for responding to questions on notice; the provision of information on the
NBN including key performance data on targets and actual results; communications around voice services to communities in fixed wireless and satellite areas; publishing details of NBN Co’s procurement processes; NBN Co’s policy position for the provision of costing extensions to its NBN fibre footprint, especially for regional and remote Australia; private equity funding and Telstra workforce issues.

**Background**

The NBN is a telecommunications network that will provide access to high-speed broadband to 100 per cent of Australian premises using a combination of fibre to the premises, fixed-wireless and satellite technologies. NBN Co’s objective is to provide 93 per cent of premises with access to a high-speed fibre network capable of providing broadband speeds of up to one gigabit per second (Gbps). Seven per cent of premises will be served by a combination of next-generation fixed-wireless and satellite technologies providing peak speeds of 12 megabits per second (Mbps).1

The NBN will be Australia’s first national wholesale, open access broadband network offering equivalent terms and conditions to all access seekers or service providers. The Australian Government has established NBN Co to design, build and operate a new high-speed NBN. NBN Co will roll out the network and sell wholesale services to retail service providers. In turn retail service providers will offer retail services to consumers. This is a significant structural change to Australia’s telecommunications industry, aimed at encouraging vibrant retail competition.

On 7 March 2012 the Definitive Agreements between NBN Co and Telstra came into force. The Agreements pave the way for a faster, cheaper and more efficient rollout of the NBN. They include the reuse of suitable Telstra infrastructure, avoiding infrastructure duplication and for Telstra to progressively structurally separate by decommissioning its copper network during the NBN rollout. The Definitive Agreements will mean less disruption to communities, less use of overhead cables and faster access to the NBN for Australians.

Planning and construction of the NBN is well underway. On 29 March 2012 NBN Co released its first 3 year fibre rollout plan, which has an objective of construction commenced or completed for approximately 3.5 million fibre premises by 30 June 2015, in every state and territory in Australia.2

At the public launch of the three year fibre rollout plan NBN Co CEO, Mr Mike Quigley, set out the principles which govern the planning of the rollout and the locations to receive fibre under the first three year plan, including:

- completing rollout sites that had already been announced in the first and second release announcements and the 12 month rollout plan;

1 NBN Co is designing the NBN to be capable of delivering these speeds to NBN Co’s Retail Service Providers (RSPs) and Wholesale Service Providers (WSPs) via Fibre, Fixed Wireless and Satellite. Speeds actually achieved by End Users will depend on a number of factors including the quality of their equipment and in-premises connection, the broadband plans offered by their service provider and how their service provider designs its network to cater for multiple End Users.

2 The terms ‘construction commences’ and ‘construction completed’ throughout this document have the meaning given in NBN Co’s 2012-15 Corporate Plan dated 6 August 2012.

- incorporating the instructions given by the government in its capacity as the shareholder of NBN Co, such as an even rollout distribution between regional and metropolitan areas and across states and territories; completing the rollout in Tasmania by 2015; and prioritising locations likely to contain a high number of new estates in order to meet the objectives in the government’s greenfields policy;

- utilising available Telstra infrastructure, including exchanges and the transit links that connect the fibre nodes back to the points of interconnect;

- prioritising the links needed to provide high speed broadband to rural Australia as quickly as possible through NBN Co’s next-generation fixed wireless and satellite networks;
• sequencing the rollout to ensure that costs were minimised and operations were conducted as efficiently as possible; and
• ensuring the construction load was balanced for the contractors and make necessary adjustments if unacceptable congestion levels in local communities were forecast.

On 8 August 2012, the Shareholder Ministers released NBN Co’s 2012-15 Corporate Plan, which confirms that the NBN is on track to be delivered to all Australians. The NBN Co 2012-15 Corporate Plan confirms:
• the NBN is a sound investment that will pay its own way and generate a 7 per cent return for the taxpayer;
• the government is on track to meet its target of having work for 758,000 fibre premises commenced or completed by the end of 2012;
• wholesale broadband prices are projected to fall over time in both real and nominal terms;
• the government’s equity contribution is forecast at $30.4 billion over the life of the project; and
• the construction time for the NBN has only been extended by six months, despite a nine month delay in the completion of the Telstra deal.

The key elements of the rollout are now in place, with NBN Co making the transition from planning and initial implementation towards a full-scale rollout.

AUSTRALIAN GOVERNMENT RESPONSE

The Australian Government has considered the Committee’s Third Report and provides the following response to the recommendations.

Performance Reporting

Recommendation 1

The Committee recommends that the NBN Co and the Department of Broadband, Communications and the Digital Economy review the efficiency of their current clearance processes for providing answers to questions on notice so that:
• Responses to the majority of questions placed on notice by the Joint Committee on the National Broadband Network can be received by the due date;
• Its answers to parliamentary committees are consistent, thorough and complete, so that ambiguities are minimised in public debate.

The government notes this recommendation.

The government recognises the importance of providing information to the Committee, noting that time is required to prepare accurate responses to requests for information on the NBN rollout, and for necessary due diligence processes of NBN Co and the government.

The level of interest in the rollout of the NBN attracts considerable inquiries from a range of parliamentary committees. It is worth noting that NBN Co responded to more than 320 Questions on Notice arising from Senate Estimates hearings in 2011-12 and 80 Questions on Notice from the Joint Committee on the National Broadband Network since its establishment. Many questions asked by Members of Parliament or Senators have multiple sub-parts and a level of complexity around the information sought that requires significant investment of resources and time to prepare comprehensive responses.

The government and NBN Co are committed to publishing as much information as possible on the rollout, the company and the benefits of the NBN.

Shareholder departments and NBN Co continue to prioritise clearance processes for responding to questions on notice from Parliamentary Committees.

Recommendation 2

The Committee recommends the government include key performance information in its six-monthly National Broadband Network performance report, listing and detailing: (1) established Business Plan targets and (2) actual results for:
• Homes passed;
• Homes connected; and
• Services in operation.

The government supports this recommendation.
The government and NBN Co are committed to publishing as much information as possible on the NBN rollout.

The government’s six-monthly report to the Committee is based on information from NBN Co and provides:

- a summary of the key milestones achieved by the Company, including construction commenced, premises passed, and premises activated for brownfields, greenfields and satellite/fixed wireless;
- year to date financial reports, comprising profit and loss statements, balance sheets and a consolidated statement of cash flows; and
- measurement against agreed Key Performance Indicators for the Company.

The initial performance reports reflect the early stages of the rollout and as such, contain in addition to financial reports, a growing range of performance indicators as the rollout proceeds.

Key Performance Indicators to date have included information on actual results for occupational health and safety, complaint handling, and network deployment (including the number of premises under construction, passed, and activated).

The indicators included in future reports will be expanded so that, over time, the reports will include further detail as the company and its reporting systems mature and the rollout ramps up.

NBN Co’s 2012-15 Corporate Plan, released on 8 August 2012, includes annual targets for premises passed and premises activated for brownfields, greenfields and satellite/fixed wireless.

NBN Co’s rollout forecasts in the 2012-15 Corporate Plan are consistent with the objective of construction commenced or completed for approximately 758,000 fibre premises by 31 December 2012, in line with NBN Co’s ‘12 month Fibre Rollout Schedule’ and an objective of construction commenced or completed for approximately 3.5 million fibre premises by 30 June 2015, in line with NBN Co’s ‘3 year Fibre Rollout Plan’.

Recommendation 3

The Committee recommends that the NBN Co as soon as possible, provide further key information on its website in a user-friendly format, and also include this information in the six monthly Shareholder Ministers’ Performance Report. This information should include:

- The date of the commencement of work in individual service areas;
- The progress of the rollout in each service area (expressed as a percentage);
- The exact date of completion of the National Broadband Network rollout in each service area;
- Information about how to connect to the network; and
- A list of retail service providers active in each service area.

The government supports this recommendation.

The government and NBN Co are committed to publishing as much information as possible on the NBN rollout including its progress in each service area and connection advice relevant to end-users.

On 29 March 2012 NBN Co released its first 3 year fibre rollout plan, which has an objective of construction commenced or completed for approximately 3.5 million fibre premises by 30 June 2015, in every state and territory in Australia. On average it will take 12 months from the start of the fibre network rollout in a given area until services are available.

NBN Co’s three year national fibre rollout plan is updated annually with new rollout information. The plan and updates are published on NBN Co’s website www.nbnco.com.au and include advice on progress with construction, as well as listing new rollout sites where construction activity will begin.

Expected timings around the commencement and completion of work in areas within the fibre footprint area are provided in NBN Co’s Monthly Ready for Service Rollout Plan, published on NBN Co’s website http://www.nbnco.com.au/getting-
connected/service-providers/network-rollout.html and includes advice on the:

- approximate number of premises within the Fibre Serving Area (FSA);
- expected date for the commencement of work within an FSA; and
- expected date that services will become available.

NBN Co has also published information on its website about connecting to the NBN including a step-by-step guide for individuals and businesses, a brochure on Getting Connected and a guide on Preparing for the NBN.

As of 20 August 2012, 43 service providers were listed on NBN Co’s website as active certified service providers of fibre, satellite or wireless services. The list of service providers is further divided into the following categories to assist members of the public in identifying an appropriate service:

- Inland Australia - fibre service
- Mainland Australia - new housing developments
- Tasmania
- Fixed wireless service area
- Satellite service area

The decision to provide services to a specific location is a commercial matter for retail service providers.

Further information on NBN service providers is available from NBN Co’s website at http://www.nbnco.com.au/getting-connected/certified-service-providers.html. NBN Co is also exploring the possibility of including additional information on its website to enable the identification of retail service providers in service areas within each state and territory.

**Recommendation 4**

The Committee recommends that the Department of Broadband, Communications and the Digital Economy, in the development of future public education activities, undertake a study of similar international networks, with a view to adoption of:

- International best practice;
- Strategies employed by governments and companies building these networks; and
- Concrete examples of how this technology is being used and maximised by individuals, business and governments.

The government broadly supports this recommendation.

The government notes that a range of reviews and inquiries – including the House of Representatives Inquiry on role and potential of the NBN, reports by the Joint Committee on the NBN and submissions to the Regional Telecommunications Independent Review Committee, together with a range of other surveys and research – encourage the Australian Government to provide further education and information about the NBN to promote greater awareness and understanding of the NBN and the value and benefits of being connected to, and participating, in the digital economy.

NBN Co is already undertaking a range of comprehensive public education activities at the local level and continues to engage with state-based NBN taskforces, local government and regional interest groups.

NBN Co has provided a call centre 1800 number and public website (www.nbnco.com.au) where the community and stakeholders can contact NBN Co directly with questions, queries, and problems.

To further support its public education activity, NBN Co has established two demonstration facilities; the Discovery Centre in Docklands, Melbourne and the NBN Co Discovery Truck travelling across Australia.

The government’s information-based NBN regional advertising campaign was conducted earlier this year and aimed to improve perceptions and understanding of the NBN in regional and rural Australia, including that the NBN will deliver high-speed reliable and affordable broadband to all of Australia and will have a positive impact on regional businesses.

Public information on migration activities will be undertaken by NBN Co, in consultation with government, Telstra (as the existing infrastructure provider) and the wider industry, to support the migration of consumer services during the
transition from the copper network to the new fibre optic NBN.

The objective of the public information on migration activities will be to ensure to the maximum extent practicable that end users receive advance notice of the planned migration and are familiar with the action required to be taken by them to migrate to the NBN.

Further to this NBN Co, in consultation with the department, has developed a framework for engaging key stakeholders to assist with the development of public information on migration. This framework includes consulting government, relevant industry regulators, retail service providers, industry and peak bodies, and consumer groups such as ACCAN.

**Regulatory and Pricing Issues**

**Recommendation 5**

The Committee recommends that NBN Co include the consumer protection components of the Customer Service Guarantee in its Wholesale Broadband Agreement.

The government notes this recommendation.

The Customer Service Guarantee (CSG) sets minimum standards, such as connection and repair timeframes that apply to the supply of standard telephone services by retail service providers to retail customers (i.e. residential/small business end-users). NBN Co is a wholesale company that does not supply services directly to retail customers. As such it is not appropriate to include service levels directly relating to retail customers in its Wholesale Broadband Agreement (WBA).

Notwithstanding this, the current WBA acknowledges the role of NBN Co in enabling its customers to meet their retail level obligations. To this end NBN Co’s Product Catalogue, which is part of its WBA, includes a Service Level Schedule which sets out a full range of connection and service assurance timeframes. NBN Co is working with its customers through its Contract Development Process (CDP) to further refine these service level commitments. NBN Co has also indicated that its revised Special Access Undertaking will address service levels and commit to an ongoing Product Development Forum.

Prior to executing the interim WBA in February 2012, Telstra negotiated an amendment that acknowledged that nothing in the WBA amends, limits or negates the rights and obligations of the parties under section 118A of the Telecommunications (Consumer Protection and Service Standards Act) 1999 (TCPSS Act). Relevantly, this provision imposes an obligation on a carriage service provider (here, NBN Co) to contribute to a retail service provider’s CSG liability to a retail customer as a result of a contravention of the CSG, where the contravention is wholly or partially attributable to acts or omissions by the first-mentioned carriage service provider. NBN Co subsequently offered the benefit of this amended clause to its other customers (through a variation to the WBA they had previously signed up to).

**Recommendation 6**

The Committee recommends the Government more effectively deliver its Digital Enterprise Program to small and medium sized enterprises (SMEs) with the aim of improving SME access to online resources and enabling interested SMEs to achieve an online presence.

The government recognises that small businesses need to be digitally literate in order to maximise opportunities and productivity benefits offered by the digital economy.

NBN Co has released the first of a series of enhancements to the fibre optic network to help enable Australian businesses to make the most of high-speed broadband. NBN For Business is available to telephone and internet service providers and is designed to meet the needs of SMEs.

These enhancements include business grade service levels, higher internet speeds than the existing residential offering and multi-line telephony capabilities.

NBN Co’s business offering is also designed to provide higher reliability, guaranteed bandwidth and faster upstream speeds to end-users. However, it is important to note that NBN Co, WBA Product Catalogue, 26 June 2012.
while these services are still under development, businesses in areas where the fibre rollout has been completed are still able to obtain a standard NBN service.

The government has already provided $10 million in grant funding over three years to establish the Digital Enterprise program. The program is helping SMEs and not-for-profit organisations in 40 communities that benefit from the NBN, where work on the rollout has already commenced. The program will help these communities to better understand how they can maximise the opportunities from greater digital engagement, enabled by the NBN.

The Digital Enterprise program services are now available in the communities of Townsville in Queensland, Kiama and Armidale in New South Wales, Midway Point, Smithton and Scottsdale in Tasmania, and Willunga in South Australia.

The establishment of another 34 Digital Enterprise services are proposed for the 2012-13 financial year in the communities of St Helens, George Town, Triabunna, South Hobart, Deloraine, Launceston and Kingston Beach in Tasmania; Prospect, Adelaide City, Adelaide Hills, Salisbury and Modbury in South Australia; South Morang, Bacchus Marsh, Brunswick, Ballarat, Golden Plains Shire, Hepburn Shire and Pyrenees Shire in Victoria; Toowoomba, Goodna, Lockyer Valley and Brisbane in Queensland; Victoria Park, Geraldton and Melville in Western Australia; Richmond, Riverstone, Auburn, Penrith, Tamworth and Liverpool Plains in New South Wales; Darwin in the Northern Territory; and, the Australian Capital Territory.

Funding for the program is available until June 2014. Any extension to the program will require further consideration by the government.

The government is providing practical guidance to Australian SMEs and community organisations about how to get online and maximise the opportunities of the digital economy through its Digital Business website (digitalbusiness.gov.au). Launched in December 2010, the website is specifically designed for people who want to get the most out of the internet for their organisation, but may have limited experience, modest budgets or be busy running their business. It contains easy to understand information on establishing and enhancing an online presence, using online productivity tools to increase business efficiencies, and protecting business data. The Digital Business website contains video case studies that share real examples of Australian businesses and community organisations that are engaging in online activities, as well as a blog that provides updates on the latest trends and advice from industry experts. The website is one of the resources being used by Digital Enterprise service providers.

To give some context to the online engagement by businesses, Australian Bureau of Statistics data shows that in 2010-11, while 90 per cent of businesses had broadband Internet access, only 43 per cent had a web presence5. Australian Communications and Media Authority

5 ABS, Summary of IT Use and Innovation in Australian Business 20010‐11, Cat. No. 8166.0, 26 June 2012 research found that 35 percent of people had bought, sold or shopped online in the month of June 20116.

The department commissioned a study7 on the potential for small business and community organisations to take advantage of the NBN. This study identifies key opportunities presented by the NBN, in addition to outlining a number of challenges to SMEs realising the NBN’s full potential. The government is taking these challenges into consideration in relation to the delivery of its Digital Enterprise Program. They include:

- cost and time constraints - costs and time associated with services resulting from the NBN and developing Internet capabilities;
- information gaps - potential for information gaps to exist among NBN stakeholders
regarding the NBN, its technical aspects, and the network set-up currently in progress;

- technical issues - focus groups expressed concern around a number of technical aspects of the NBN (such as wireless internet speeds and international bandwidth capacity); and

- behavioural issues - a continuing tendency for SMEs to more willingly commit to traditional industry practices. Some existing SMEs are still in the process of embracing existing internet technologies, and will take more time to fully realise the capabilities of the NBN. Focus groups recognised the difficulty for SMEs to conceptualise the benefits of products and practices without first experiencing them.

**Contracting**

**Recommendation 7**

The Committee recommends the Department of Broadband, Communications and the Digital Economy review its internal processes where the public interest test is used to assess whether material is commercial-in-confidence, and provide details of this review to the Committee.

The government notes this recommendation.

The department considers and responds to requests for information from the Committee in a transparent and accountable manner. Where requests involve the potential disclosure or provision of information that is considered commercially confidential, an assessment is made.

6


7 The Allen Consulting Group, Opportunities for small business and community organisation in NBN first release areas, Feb 2011.http://www.dbcde.gov.au/data/assets/pdf_file/0020/135506/OpportunitiesformallsbusinessandcommunityorganisatnINBNFirstreleaseareas.PDF regarding the potential commercial harm that disclosure may cause including to third parties such as suppliers and contractors, and to NBN Co. The assessment takes account of the particular facts of the matter and:

- the public interest in accountability (i.e. the interest in disclosing the information); and

- the public interest in protecting commercial interests (i.e. the interest in the information remaining confidential). In formulating an assessment of this interest, the department consults with any relevant third party to which the confidential information relates. The assessment considers the particular detriment that would flow from the release of the information in the particular case.

Each of the interests is weighed up to determine, on balance, whether it is in the public interest to disclose the information.

Requests for the release of information that the Committee may make in relation to the rollout of the NBN are considered on a case-by-case basis as set out above and includes an analysis, for example, as to whether potential disclosure or provision of information may cause adverse effects on commercial relationships and NBN Co’s ability to achieve its business, financial or commercial objectives and hence negatively impact upon Australian taxpayers’ investment in NBN Co.

Matters relating to departmental or NBN Co claims for non-disclosure of information to the Committee are ultimately referred to the Minister for consideration.

**Recommendation 8**

The Committee recommends that, as a matter of urgency, for all future contracts the NBN Co update, and regularly maintain, its tender registry to include the following basic information:

- A list of works included in the original request for tenders;
- The dates at which the tender opened, closed and was awarded;
- The name of the awarded company or companies;
- The length of time the services or goods are expected to be completed;
- The value of the contract, or where commercial sensitivities prohibit disclosure, the aggregate value of the contracts;
• The details of any extensions and variations to contracts as well as the value of an extended contract;
• The value and percentage of local content in the awarded contract; and
• Any other relevant accompanying information.

The government is supportive of NBN Co being subject to a high level of transparency and accountability regarding its tendering activities.

NBN Co’s overall corporate governance framework is set out in the Commonwealth Authorities and Companies Act 1997 (CAC Act) complemented by Commonwealth Government Business Enterprise Governance and Oversight Guidelines of October 2011 (GBE Guidelines), its constitution and the Corporations Act 2001. Under the CAC Act and GBE Guidelines, NBN Co is required to notify responsible Ministers of significant events and the operations of the company and its subsidiaries, including major procurement activities.

While there are no formal requirements for tender outcomes to be published by GBEs, NBN Co publishes the details of current, closed and awarded tenders on its website at http://www.nbnco.com.au/working-for-us/tenders.html. The Company also regularly publishes announcements on its website detailing major procurement outcomes. Further, the government’s six-monthly report to the Committee includes commentary regarding major procurements, the percentage of local content in NBN Co’s contracts and a schedule of commitments detailing the aggregate value of commitments payable by type and maturity.

While contract negotiations are a matter for NBN Co, the government is confident that NBN Co has a comprehensive and documented approach to achieving value for money in procurement and undertakes the appropriate levels of due diligence in its approach to tender processes, recognising its responsibilities to demonstrate alignment with the principles of probity, transparency and value.

Services in regional and remote Australia

Recommendation 9

The Committee recommends that the NBN Co revise its terminology and language to clarify community understanding of what the three National Broadband Network services can and cannot support, to enable the community to prepare for the network’s services appropriately and become fully informed.

The government supports this recommendation.

NBN Co has developed and published material on its website (www.nbnco.com.au) that demonstrates the opportunities created by the NBN and explains the capabilities of the three technology platforms; fibre, fixed wireless and satellite. This material includes case studies, fact sheets, videos, presentations, brochures and a range of other web content.

NBN Co has provisioned additional resources for the marketing and execution of public education activities over the deployment period and this will support the delivery of more information about the NBN in regional communities. Public education activities will be aimed at addressing consumer needs including highlighting the benefits of the different NBN technologies and ensuring information is available on how to prepare for the transition to the NBN.

Over the longer term it is expected that NBN Co will play a primary role in this activity as it aligns with the Company’s current communications plans.

Recommendation 10

The Committee recommends that the NBN Co include in its web-based interactive rollout map specific information on the provision of voice services for communities in fixed wireless and satellite access areas.

The government supports the provision of further information for consumers of voice services in fixed wireless and satellite areas.

The government is committed to the continued provision of voice services to residents and businesses in NBN fixed wireless and satellite areas. Under an agreement reached between
Telstra and the Commonwealth, as administered by the Telecommunications Universal Service Management Agency (TUSMA), Telstra has a contractual obligation to maintain the copper network in non-fibre areas, and provide voice-only services nationally (including locations outside the fibre footprint) for a period of 20 years from 1 July 2012. TUSMA’s agreement with Telstra to deliver key services such as standard telephone services and public payphones ensures continuity of basic safeguards for all Australians and in particular, strengthens the safety net for rural and regional Australia.

For premises in NBN fixed wireless and satellite areas, residents that have existing telephone services will have the choice to maintain those services or access a voice service provided over the NBN’s fixed wireless or satellite network.

Further, the 2012 Regional Telecommunications Independent Review Committee recently examined telecommunications services in regional, rural and remote parts of Australia (‘the Sinclair Review’). The Committee's report ‘Regional Communications: Empowering digital communities’, was tabled in the Parliament on 23 May 2012. Recommendation 2.3 of the Sinclair Review was that “the government should develop and implement a comprehensive communication strategy to raise awareness of consumer safeguards for people in regional Australia.”

The Australian Government responded to the recommendations of the Sinclair Review on 23 August 2012. In response to recommendation 2.3, the government has stated that the Department of Broadband, Communications and the Digital Economy will work with the Department of Regional Australia, Local Government, Arts and Sport to develop and implement a strategy to disseminate information on consumer safeguards to people living in regional Australia, for example through Regional Development Australia committees and the ‘myregion’ website. This will include providing information on TUSMA and associated arrangements for ongoing availability of voice services, including for communities in fixed wireless and satellite access areas.

**Recommendation 11**

The Committee recommends that the NBN Co finalise its policy for the provision of costing extensions to its planned National Broadband Network fibre footprint:

- And publicise the policy and its process for communities in the fixed wireless and satellite service areas; and
- At the point of announcing new areas within these footprints, ensure that the policy is attached to media releases and known to the relevant local government associations.

The government supports this recommendation.


The government is supportive of NBN Co publicising its Network Extension Policy and committed to making this information widely available in fixed wireless and satellite service areas.

The policy outlines NBN Co’s process for individuals, businesses and governments to apply for a Network Extension to build an alternate technology to that which was planned as part of NBN Co’s national rollout.

The company conducted a network extension trial process in Tasmania, which informed development of the final policy. The trial’s most important finding was the need for effective community consultation activities at the commencement of the rollout process in relevant areas. As such, the company has now published its Network Extension policy, and provides significant information to interested parties at NBN Community Information Sessions which are generally held at the commencement of the rollout in a particular area.

Further, to support the rollout in any one area, NBN Co undertakes extensive engagement with the relevant local council and information about Network Extension options is provided as part of these discussions.
There are three types of Network Extensions categorised by the size and complexity of the extension.

1. Adjacent Fibre Network Extensions – covering premises located on the edge of a fibre serving area module. These premises can be individual (e.g. a house) or a group of premises (e.g. a group of houses or a group of businesses in an industrial area);

2. Large Fibre Network Extensions – covering small communities or towns that are not planned to be serviced by fibre or individual premises or multiple premises that cannot be considered for an Adjacent Fibre Network Extension; and

3. Fixed Wireless Network Extensions – covering small communities or towns that are planned to be serviced by satellite services.

A key objective behind the Network Extension Program is to give Australian households, businesses and other premises the ability to choose, where possible, an alternative technology through which they can access the NBN.


The fact sheet explains what the Network Extension Program is and outlines the process which is to be followed to apply for a network extension. The fact sheet and application form will be available at NBN Co’s Community Information Sessions held in towns where there is a potential for Network Extension projects.

NBN Co has established a dedicated group whose task is to engage with communities and stakeholders throughout the project rollout. A structured program of community and stakeholder activities has been designed and promoted.

Community engagement activities are designed to ensure that landowners, tenants, businesses and end-users are kept informed of activities and rollout progress. They include:

- direct marketing;
- community information sessions and forums;
- key stakeholder briefings and meetings;
- media and advertising; and
- a range of detailed information on NBN Co’s website.

**Private Equity Funding and Telstra Workforce Issues**

**Recommendation 12**

While noting possible revisions in this area in NBN Co’s next corporate plan, the Committee recommends that NBN Co progress its consideration of debt financing arrangements as a priority.

The government supports this recommendation.

In its Statement of Expectations to NBN Co dated 17 December 2010, the government noted that during the NBN rollout period, private sector debt raised by the Company will complement government equity to fund rollout activities.

NBN Co’s 2012-15 Corporate Plan includes external funding assumptions and estimates that the total debt funding to be raised from banks and financial markets is forecast at $13.7 billion from 2014-15 to 2020-21.

By the time of raising private sector finance, NBN Co will have demonstrated a strong track record in the delivery of its key objectives, established investor confidence in both the rollout and take up of this critical infrastructure, with clear visibility of positive earnings and cashflows.

The government notes, however, that debt arrangements are subject to market conditions outside of NBN Co and the government’s control and will need to be assessed closer to the point that debt is required.

Following completion of the rollout, the government will consider the optimum capital structure for the Company, noting that NBN Co is required to operate within the ownership and investment settings determined through the National Broadband Network Companies Act 2011.

**Recommendation 13**

The Committee recommends that the Department of Broadband, Communications and the Digital Economy publicly disseminate a reporting document on annual progress under the Telstra Retraining Funding Deed.
The government broadly supports this recommendation and considers that information about the progress of the Telstra Retraining Funding Deed could be included in the annual statement outlining the direct and indirect employment benefits of the National Broadband Network in response to Recommendation 15.

Under the Telstra Retraining Funding Deed, the Commonwealth provided Telstra with $100 million in funding to assist it to retrain its eligible staff to operate in an NBN environment. The retraining funding will be spread over an eight year period in which Telstra will develop courses and train staff focusing primarily on retraining staff who currently work on the copper and Hybrid Fibre Coaxial (HFC) networks, and staff whose roles are linked to supporting the copper and HFC networks including the wholesale copper workforce and the direct field support workforce. Telstra will also give priority to retraining Telstra employees in NBN related technical, process and system activities.

The provision of funding followed the government’s acceptance of Telstra’s comprehensive Training Plan which formed a key requirement of the Deed. Telstra must provide a Training Plan covering three years which sets out the training needs, courses to be developed, training methodology, and training targets. Six months prior to the cessation of the then current Training Plan, Telstra will submit the next Training Plan to the department for review. Under the Deed, not less than 70 per cent of funds spent in any three years of a Training Plan must go towards the development and delivery of Accredited Training Courses by a Registered Training Organisation.

The Deed includes a comprehensive reporting regime, covering both financial and training activities. Telstra must create and maintain full and accurate accounts and records of the conduct of the retraining, the use of funds, progress against the training targets and plan and the creation, acquisition and disposal of assets. Telstra is required to provide a half yearly report to government on progress against the Training Plan and a more detailed annual report to government on the Training Plan. Telstra will also meet with the department every six months and, unless agreed otherwise, hold quarterly meetings with its Unions which the department will attend as an observer.

Recommendation 14

The Committee recommends that NBN Co publicly communicate major areas of emerging training need and workforce demand with regard to the rollout of the National Broadband Network, to assist with future Australian workforce planning in this sector.

The government supports this recommendation.

NBN Co is focused on growing a pool of skilled labour within Australia and maximising local industry participation in the rollout of the NBN.

NBN Co has forecast direct employment demand for total employment in the construction phase of 16,000 to 18,000 jobs at the peak of construction. There are five key roles which make up around 80 per cent of forecast workforce demand:

- Labourer (5,500)
- Earthmoving Plant Operator (2,300)
- Road Traffic Controller (900)
- Cabler (3,000)
- Telecommunications Lineworker (1,100)

NBN Co is working with all levels of government, its principal construction contractors, the industry skills boards and training organisations to facilitate partnerships and support an appropriately skilled workforce to support the rollout.

To date NBN Co has:

- established a working group on skills and workforce issues involving the principal contractors;
- established a workforce development group which has undertaken a detailed assessment of the tasks involved in the rollout, the skills required and the corresponding demand and supply for employment during the rollout construction;
- sought expressions of interest from Registered Training Organisations (RTOs) who can
deliver training courses in a range of nominated occupations in civil construction, fibre network construction and wireless network construction. The expression of interest received from RTO’s indicated these firms are looking to hire more trainers to meet the expected demand for training places so that people can gain the skills they need to participate in the rollout; and

- developed a workforce development strategy that involves:
  - identifying the gap between supply and demand of appropriately skilled resources;
  - determining relevant training programs and qualifications, providers, and funding to support skills development; and
  - developing assurance that the NBN rollout workforce is skilled and qualified.

The workforce development strategy also recognises the dispersed nature of the rollout which will enable it to leverage workers from both regional and metropolitan areas.

As part of the strategy, NBN Co undertakes workforce modelling using the national rollout schedules to:

- identify where and when NBN construction activities will take place and the type of network architecture to be built;
- identify the rollout schedule data which is then overlaid with assumptions built upon construction activities, including; crew composition, productivity rates, occupations and installation guidelines; and
- provide a forecast of demand for workers, by region, occupation and time.

The modelling is currently being reviewed against the three year rollout plan announced in March 2012. The review will also consider the impact of the Telstra agreement which was finalised in March 2012.

Information on this strategy is publicly available on the NBN Co website at www.nbnco.com.au.

NBN Co is also:

- exploring an umbrella approach to funding proposals which would facilitate principal contractors/delivery partners and their subcontractors being engaged with large federally funded programs. This approach will also assist their understanding of how to access government funding and how to connect with apprentices, local job seekers and Indigenous Australians; and

- starting to engage with employment services providers, Registered Training Organisations (RTOs) and Australian Apprenticeships Centres (AACs), through relevant government agencies, to build their understanding of the NBN and the associated rollout while also building connections of relevant stakeholders at a regional level.

Traineeships will play an important role in the development of the NBN workforce, and to date construction companies appointed by NBN Co have already taken on more than 45 trainees with plans for a further 50 to be engaged in the coming months.

The NBN Co website features information on preferred qualifications to provide clear advice to both the vocational education and training (VET) system, and individuals’ training for NBN Co’s preferred qualifications. This will assist in influencing decisions on delivery and participation in telecommunications training courses.

Other than the construction task, jobs will be created through direct NBN Co employment; through NBN Co’s purchase of inputs for the rollout and related companies; industries gearing up to deliver applications and services over the NBN infrastructure; and the flow-on effects to the businesses these firms interact with. Initial estimates prepared by the Australian Government in April 2009 indicated that the NBN would support up to 25,000 local jobs every year, on average, over the life of the project, with up to 37,000 jobs at the peak of the rollout.

NBN Co seeks local content and sourcing arrangements in its major contracts particularly where there is known local supply capacity or the potential to promote additional local production through NBN Co contracts.

Certain contracts are inherently local such as construction of the fibre network. NBN Co has
awarded over $1.1 billion in construction contracts, including:

- $300 million over four years to Visionstream Australia for the construction of the fibre network in Tasmania;
- $19 million to Visionstream Australia to build the first stage on the transit network;
- $141 million over two years to Syntheo for the construction of the fibre network in South Australia and the Northern Territory;
- $133 million over two years to Transfield for the construction of the fibre network in Victoria;
- $174 million over two years to Syntheo for the construction of the fibre network in Western Australia; and
- $380 million over two years to Silcar for the construction of the fibre network in Queensland, New South Wales and the Australian Capital Territory.

The contract for construction in Tasmania is an example of where the NBN is not only expected to see the creation of 800 new jobs at the peak of the rollout, but it will also create a permanent workforce based in Tasmania to undertake ongoing maintenance and future upgrades.

NBN Co anticipates that between 250-300 Australian jobs will be generated by the rollout of the Long Term Satellite Service. This includes approximately 200-250 equivalent full-time positions (likely to be contractors) who will install satellite dishes and modems on the roofs and inside the homes of up to 200,000 homes and businesses across Australia from 2015.

In January 2011, NBN Co awarded three contracts worth over $1.6 billion to Australian located companies—Warren & Brown, Corning and Prysmian—to supply equipment for the NBN, including optical distribution frames, fibre optic cabling and other passive network equipment. As a direct result of being awarded an NBN contract:

- Warren & Brown has advised they have so far employed an additional 40 people and anticipate another 20 will be added over the next 12 months;
- Corning expects to create an additional 400 jobs at its Melbourne facility; and
- 50 direct new jobs were created in Prysmian’s Dee Why manufacturing facility and it is estimated that in addition to this, jobs will be created in transport, logistics, training, administration and other support roles.

**Recommendation 15**

The Committee recommends that the Minister for Broadband, Communications and the Digital Economy publish, on an annual basis, a detailed statement outlining the direct and indirect employment benefits of the National Broadband Network (NBN) rollout, including in terms of local/regional employment and major areas of emerging NBN workforce demand.

The government broadly supports this recommendation.

The government established NBN Co to design, build and operate the NBN, a project that will create jobs in upstream industries as new applications are developed to utilise the network, as well as create new jobs in related sectors supplying to NBN Co and its subcontractors in the construction, manufacturing, IT and telecommunications industries. The rollout of the NBN will also assist in developing new and wider workforce opportunities in regional areas in the sectors of health and education, and with the greater use of new online markets.

NBN Co projects that between 16,000 and 18,000 construction jobs alone will be created at the peak of the rollout. To ensure a suitably qualified and skilled workforce is available to support the rollout of the NBN, NBN Co has developed a workforce development strategy which recognizes the dispersed nature of the rollout, enabling NBN Co to leverage workers from both regional and metropolitan areas.

Other than the construction task, jobs will be created through direct NBN Co employment, through NBN Co’s purchase of inputs for the rollout and related companies, and industries gearing up to deliver applications and services over the NBN infrastructure and the flow-on effects to the businesses these firms interact with.
As at 30 June 2012, NBN Co had 1,674 employees, including contractors and labour hire.

The initial estimates prepared in April 2009 by the government on the local jobs that would be supported by the NBN relate to the broad economic impact of the government’s decision to invest in the NBN policy and include the jobs created in related sectors that have started gearing up to support or deliver services over the NBN.

NBN Co seeks local content and sourcing arrangements in its major contracts particularly where there is known local supply capacity or the potential to promote additional local production through NBN Co contracts. During 2011, NBN Co awarded a range of contracts with a total value of almost $4 billion, the majority of which was for Australian-based manufacturing and services, leading to direct new employment of approximately 700 to 1,000 new jobs.

On 20 December 2010, the government publicly released its Statement of Expectations to NBN Co. The document highlighted the government’s expectation that NBN Co will actively promote opportunities for small and medium enterprises to participate fully in this project in meaningful and continuing ways. To assist NBN Co, the Department of Industry, Innovation, Science, Research and Tertiary Education funds an NBN National Sector Manager through the Supplier Access to Major Projects program to liaise with Industry Capability Network Consultants, suppliers, industry associations and NBN Co, to facilitate links between Australian companies and supply opportunities. The NBN National Sector Manager is working with NBN Co to identify Australian companies for tenders, verify tenders and substantiate capability statements from Australian companies including those from regional areas.

The government has also outlined the jobs benefits created by the NBN in its response to the Committee’s first report on the Review of the Rollout of the National Broadband Network and will provide future updates on an annual basis, including information about the progress of the Telstra Retraining Funding Deed.

**BILLS**

**Superannuation Legislation Amendment (Further MySuper and Transparency Measures) Bill 2012**

**Report of Legislation Committee**

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:07): On behalf of the Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services, I present the report of the Parliamentary Joint Committee on Corporations and Financial Services on the Superannuation Legislation Amendment (Further MySuper and Transparency Measures) Bill 2012, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

**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. Documents are tabled in accordance with continuing orders on departmental and agency files and on departmental and agency appointments, vacancies and grants.

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

**COMMITTEES**

**Treaties Committee**

**Membership**

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Standing Committee on Treaties, as follows:

Message no. 511, dated 20 September 2012—Mr McClelland in place of Mr LDT Ferguson.
BILLS
Greenhouse and Energy Minimum Standards Bill 2012
Greenhouse and Energy Minimum Standards (Registration Fees) Bill 2012
Transport Safety Investigation Amendment Bill 2012
Legislative Instruments Amendment (Sunsetting Measures) Bill 2012
Statute Law Revision Bill 2012
Customs Tariff Amendment (2012 Measures No. 1) Bill 2012
Customs Tariff Amendment (Schedule 4) Bill 2012
International Monetary Agreements Amendment (Loans) Bill 2012
Maritime Legislation Amendment Bill 2012
Statute Stocktake (Appropriations) Bill (No. 1) 2012
Tax Laws Amendment (2012 Measures No. 4) Bill 2012

Assent
Messages from the Governor-General reported informing the Senate of assent to the bills.

Military Court of Australia Bill 2012
Report of Legislation Committee

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:08): On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present the report on the provisions of the Military Court of Australia Bill 2012 and a related bill, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012
In Committee

Bill—by leave—taken as a whole.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:10): I flag that I will be moving Greens amendment (3) on sheet 7271, because the other amendments that I have are dependent upon the way the vote goes on that amendment. I would like to speak to this issue before I move amendment (3). I am going to play a little guessing game. Guess who said this in 2005 during the debate on the welfare to work bills of 2005:

… because Australia needs real welfare reform. After nine long years of talking about welfare reform, all we have here today is the Howard government legislating to import the worst of the American social security system. All the Howard government is doing today is creating a new army of working poor, vulnerable Australians who have no choices and very few chances to share in our nation’s wealth. This is the Americanisation of our social security system. It is not welfare reform. It is a fraud on the most vulnerable in our society.

The speech goes on to say:

All this bill will do is dump people from one welfare payment to a lower welfare payment. This is not the Australian way. Australians look out for each other when they are down on their luck. We give people a hand so that they can get back on their feet. That will not happen any more in Australia, as a result of these changes.

The speech went on to talk about breaching and penalty provisions, saying:

… amongst other things, an eight-week non-payment period for failing the activity test or the activity agreement three times in 12 months,

…… …

… the Howard government just repeating a mantra. It is the Howard government in a public policy rain dance. It cannot just say that it is
moving people from welfare to work. It cannot just repeat its mantra over and over again. It cannot just do a rain dance and expect employment opportunities to shower down on people. It certainly cannot expect people’s job opportunities to improve when it is doing only one thing—and that is cutting people’s income support. Australia cannot have a government plagiarising America’s social failures. Australia needs real welfare reform.

… … …

Labor does believe that people who can work should work, but for those who cannot work we should provide care and respect. That certainly is not what is demonstrated in this legislation.

What Labor wants is real welfare reform that tackles the reasons why people are not working and delivers practical solutions. We support welfare reform that goes far beyond moving people from one welfare queue to another—the dole. That is what this bill will do. It will move people from one welfare queue to the dole. Real welfare reform would give people the chance to get the skills an employer needs and then get a job. Real welfare reform would make sure people get a fair reward for effort. When someone gets paid for working, their pay should not be eaten up by tax and the loss of welfare payments.

… … …

Real welfare reform understands that being a parent is an important job in itself and that work makes families more secure. Real welfare reform helps parents find the balance between supporting their family and raising their kids … But instead of real welfare reform, these welfare changes will just shuffle people from one Centrelink database to another. These changes will cut income support for the most vulnerable Australians and reduce the rewards from work. That is the real result of the legislation we are debating today. This legislation will cut income support to vulnerable Australians and reduce the rewards from work.

The government consistently ignores the impact of putting people on lower welfare payments. There is the immediate loss of money, but it also has a disastrous effect on people’s ability to work their way out of poverty.

And then the speech goes on to say how much will be cut from weekly payments, which is in 2005 figures. The speech goes on:

This means in plain and ordinary language that when this government dumps these people on the dole, they will get to keep less of every dollar they earn. What sort of welfare reform is it that says to people, ‘We’ll cut your payment and, when you get a job, you will keep less of what you are earning than you can keep now’?

The speech goes on for quite a bit talking about the Howard government's Welfare to Work legislation.

That speech was made by the now Minister for Families, Community Services and Indigenous Affairs, Minister Macklin. You probably thought that was me giving a speech in 2005. It wasn't; it was one of the ministers overseeing the further implementation of Welfare to Work. What a difference seven years makes. So did she not mean the words that she said then or does she not believe in what this government is doing now? Because exactly the same things apply seven years later—in fact, the figures are bigger. The impact on single parents has now grown. They are closer to living in poverty and are living in poverty even more than they were. This is talking about that cohort of people that further in the speech they talk about at least having been grandfathered. Now they are applying the same thing to these grandfathered people.

The Greens continue to oppose these measures, just as we did in 2005. It is a shame Minister Macklin no longer believes what she said in this speech, because everything she said here is still true—sending people into poverty is another barrier to employment. It is not fair for people to lose money when they are working and trying to balance supporting their family and their children. Those very same things apply, the same as they will apply next year.
and in 10 years time. We are talking about parents that are caring for future generations. We hear a lot about ending the cycle of poverty and breaking the poverty cycle. What this does is entrench it. That is why we will be opposing this schedule.

The amendment that I am about to move opposes the whole of schedule 1, which implements these parenting payment transition arrangements. What the government has done with this particular bill is a cute little trick: they have put in cutting parenting payments to single parents and to parenting payment partnered, but along with that have put the positive in there, which is, obviously, changing the liquid assets test, which is something that we all support. In other words, they are making it much more difficult and complicated for people to understand that you cannot just oppose this bill outright. We do not want to, obviously, oppose the changes to the liquid assets test. But the government will turn around and say, 'They don't even want to support the liquid assets test,' when it is something that we got them to put in the GFC package. We advocated for it. I stood up in this very chamber, asked questions about it and spoke about the need to maintain the new levels for the liquid assets test. We are moving to oppose this particular schedule so that the chamber can vote on this and express its opinion and then it can vote on the changes to the liquid assets test and express its opinion.

This is not good legislation. It is not the way to support and care for the most vulnerable in our community. I am sure that many of you in this chamber and a lot of people listening would have seen the Four Corners report a couple of weeks ago about the impact of poverty and about children growing up in poverty. I am sure many people actually shed a tear watching that. This bill is condemning children to further poverty and restricting their options for the future, because children growing up in poverty and parents trying to struggle to support their children in poverty helps entrench intergenerational poverty. It will not encourage parents into work because it will be another barrier. In fact, it acts as a disincentive because the income-free area decreases. You make it harder to cope when you are struggling to raise children on little money. I have not had a parent yet who does not want to give their children the best advantages they can.

It is actually even further demonising and denigrating single parents to imply that they need these sorts of incentives to try to find work, because they want to support their kids. Single parents have spoken to me about feeling despair and isolation, and being demonised because they think the government thinks they need to do this to encourage them into work when they are trying their hardest—cycling in and out of employment, not being able to look after their kids on holidays because they are subject to child unfriendly workplaces. You have one last chance, senators. I beg you to think again about this legislation. Vote with the Greens to oppose this schedule. Support the liquid assets test but vote with us to remove this schedule. I move Greens amendment (3) on sheet 7271:

(3) Schedule 1, page 3 (lines 1 to 22), TO BE OPPOSED.

The TEMPORARY CHAIRMAN (Senator Waters): Thank you, Senator Siewert. The question is that schedule 1 stand as printed.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (17:21): On behalf of the government I should indicate that we will
be opposing the Greens amendments. It would come as no surprise, since the nature of those amendments essentially would make the provisions in this bill—other than the liquid assets limit—null and void, but there are a few matters I think I should highlight. Senator Siewert characterises matters in a way which I do not believe accurately depict the situation.

She indicates, in referring back to Ms Macklin's speech in 2005, that the circumstances are now exactly the same. I would not accept that claim in many respects. I could occupy the Senate's time now by going into the detail of quite a variety of matters that have changed, not only the ones has she highlighted in this bill itself with the more favourable provisions around liquid assets but a range of other measures that would affect sole parents and indeed low-income families that mean employment participation has been fostered far better today than it was back in 2005. But I would like to highlight at this stage, in indicating the government's position, that we are dealing with provisions that have been described and are still being described as transitional. I quipped a moment ago to Senator Sinodinos that the grandfathering provisions that were introduced in 2005 were perhaps not well designed because they have now left us in a situation where we have the majority of families under these arrangements not covered by grandfathering provisions and indeed we have some who remain so whilst they continue to have children. Perhaps back in 2005 had the grandfathering provisions been designed in such a way as to preserve circumstances for the parents rather than any future children, we would not be in the situation that we are in today. I do not believe that fostering arrangements that maintain incentives to remain welfare dependent in the long term without more genuine transitional arrangements is appropriate. As I have indicated, the government's position is not to support the amendments.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:23): I cannot let some of those comments go without commenting. I take the minister's point: things are not exactly the same—I got that wrong. Do you know why? Because the gap between Newstart and parenting payment single has in fact increased. So, yes, the minister is right: things have not remained the same. But things have actually got worse for people living on Newstart, hence the Senate committee of inquiry into Newstart and other allowances because the gap is getting worse, because the indexation between pensions such as parenting payment single and aged care has continued to be indexed at MTAWE—very fair—and in fact the age pension has gone up. Newstart, as we know, is only indexed against the CPI. So the gap between parenting payment single and Newstart—in other words, the difference between the two—has increased, so the difference in what people will receive when they are transferred from parenting payment single to Newstart will be increased. So, yes, you are right, I am wrong and things have in fact changed. But they have got worse.

In terms of parents being able to find employment, it is arguable whether the situation of employment opportunities has improved. If you go out and talk—as I have done on many occasions—to single parents, you find they express a lot of concern about the support they do or do not get from job service providers. Some say some of them are quite good. Others tell you stories of despair. This morning, when I was outside this place on the lawns out the front, where single parents were having a meeting and a rally around this particular piece of legislation, people were articulating to me the concerns that they continue to suffer with
Centrelink: poor administration, referrals to employment providers who do not support people and do not provide a service, difficulties in getting appointments, inability to find work, inability to find ongoing work, being on and off in and out of casual work and temporary work. So those things really have not changed too much. When people are being put onto Newstart they will be subject to the same activity requirements and, of course, then the same provisions that apply to Newstart in terms of non-payment weeks for noncompliance, meeting Employment Pathway plans and all sorts of bureaucratic processes that also take time away from parents looking after families. So some things have changed—and some things have not—and I would maintain that things will get harder under these particular provisions for those transferring onto Newstart.

In terms of incentives, and I have been through this argument several times, they are the same incentives and I note what the government runs about not increasing Newstart, that you need to keep payments really low so you incentivise people to find work. If you have got children growing up in poverty, that is the incentive! These children are already growing up in poverty and it is really hard yakka trying to raise children on a low income. People's incentive is a better future for their children, not living in poverty and not being condemned to poverty and being provided with more barriers. They want a better future for their children. That is their incentive. That is why we will oppose this. We will continue to oppose poor reform to income support. We want genuine reform, like Minister Macklin said in 2005. We want real welfare reform. Real welfare reform is not condemning people to poverty and making their lives even harder.

**Senator JACINTA COLLINS**
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (17:28): I should briefly address a couple of the issues raised by Senator Siewert. I do not think the government has any argument with her at all in relation to the gap between Newstart and parenting payment growing over time—and this is one of the concerns that is being addressed with respect to Newstart. It is quite a separate issue from what is being addressed here. But I do think it is unarguable that employment opportunities, particularly for the people who would find themselves receiving parenting payment, have improved considerably since 2005.

I should also add to that the list of measures that I indicated I could go to. Since Senator Siewert has encouraged me with the suggestion that things have unquestionably gotten worse, perhaps I should. The government has already made amendments to the Social Security Act 1991 to reform the income test that applies to single principal carer parents on Newstart allowance from 1 January 2013, allowing these parents to earn about $400 more per fortnight before they lose eligibility for payment. This provides stronger incentives for parents to undertake paid work by allowing parents to retain more of their income as their employment income rises.

To ease the transition to work and overcome the barriers parents face, from 2011-12 the government has invested in training, with additional funding of $100 million for skills development for single and teen parents and more than $7 million in career advice assistance, as well as supporting parents through employment services and child care. Single parents who are studying an approved course and are receiving the pensioner education supplement when they transfer from parenting payment to Newstart allowance.
will remain eligible for the pensioner education supplement until they complete the course that they are studying. The government is providing additional funding to support increased demand and better target the Jobs, Education and Training Child Care Fee Assistance program.

The more generous taper rate for single principal carers on Newstart allowance put forward in the 2011-12 budget will lessen some of the impact of the earlier cessation of grandfathered status for parenting payment single recipients. For new and existing Newstart allowance single principal carers—this is a benefit for existing single principal carers who were not grandfathered—the change to the taper rate will reduce the effective marginal tax rate for these parents, provide greater incentives and rewards to engage within the workforce, and alleviate poverty in that respect. I should also highlight the changes to the tax-free threshold, a significant improvement in income for people in these circumstances.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:31): Parliamentary Secretary, I find the comments about the Newstart increase being a separate issue strange. What we are talking about is dropping these single parents onto Newstart, which is now nearly $140 less than parenting payment single, so maybe the cut is not as bad as it would have been. In terms of access to child care, it is a moot point when you live in regional Australia, you cannot get access to child care and when child care, if it is available, is usually only available during business hours and is not available during shifts. In terms of the education supplement, I note that the term used was 'for existing'—if you have got it now it will continue: 'We will not rip it off you if you are getting it now and you transfer onto Newstart'. But it is not available for new entrants. It is the same as in education, in the same way that the Welfare to Work provisions ripped it off those who were transferring onto to Newstart as well.

I have heard talk about issues around JET as well. Remember that debate we had years ago, when the Howard government changed to JET one year? Single parents could study for one year! If they are trying to do university, as far as I am aware, there is no first-degree university education available that goes for a year. Some TAFE courses do, so it is really useful for that, but I know a lot of my constituents—and I did a lot of work on this particular issue at the time—had to drop out of university because it was no longer available. There is strong concern that those sorts of supports are not there for the full course of people's study.

Not only that, but changing people's income—and that is why the government is
doing it; it is to change people's income, and it is trying to disguise this by saying it is not a revenue measure—and their income support makes it harder for people to study. This is bad for single parents. People out there who are going to be affected by this are devastated and are very concerned about it. I have had people ringing, visiting and emailing my office and telling me their stories. These are people who are already subject to the Welfare to Work provisions. They are not from the grandfathered group. They are saying, 'Don't do this! Don't inflict this on that group that do not have to be inflicted with it.' They know what it is like.

Again, I urge senators not to support this legislation.

The TEMPORARY CHAIRMAN (Senator Stephens): The question is that schedule 1 stand as printed.

The committee divided. [17:40]

(The Temporary Chairman—Senator Stephens)

Ayes....................27
Noes.....................11
Majority................16

AYES

Back, CJ
Birmingham, SJ
Cameron, DN
Cormann, M
Farrell, D
Feeney, D
Gallacher, AM
Marshall, GM
McKenzie, B
Moore, CM
Polley, H (teller)
Ruston, A
Smith, D
Thorp, LE

Bernardi, C
Bushby, DC
Collins, JMA
Crossin, P
Fawcett, DJ
Fifield, MP
Lundy, KA
McEwen, A
McLucas, J
Nash, F
Pratt, LC
Sinodinos, A
Stephens, U

NOES

Di Natale, R
Ludlam, S
Milne, C

Hanson-Young, SC
Madigan, JJ
Rhiannon, L

Waters, LJ
Whish-Wilson, PS
Wright, PL
Xenophon, N

Question agreed to.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:42): by leave—I move Greens amendments (1) and (2) on sheet 7271 together:

(1) Clause 2, page 2 (table item 2), omit the table item.

(2) Clause 2, page 2 (table item 2), omit the table item, substitute:

2. Schedule 1 1 July 2013. 1 July 2013

One of the concerns that many people have expressed to me, and during the Senate committee inquiry into this bill, is the commencement date of 1 January 2013. This is a particularly bad time of year. It is a week after Christmas when all families feel financial strain but in particular those on low incomes feel the strain. More often than not, when they are trying to give their children a Christmas on a very low income, they end up with some debt—hopefully temporary debt—and it is also, of course, when children are at home on school holidays. If a parent does not work in a child-friendly workplace or if they have not been able to get leave during the holidays, they may well have to leave their casual employment to look after their children or they may have to pay for fairly expensive child care. So there are added expenses during that holiday period. I am sure every parent knows that when children are on holiday there is always added expense in terms of their activities. If a parent is on a very low income, more often than not they cannot afford to send them very often to the pictures, and there is always additional expense during school holidays.

So this is the worst time of the year that the government could bring in this change
and start dropping people's income. It is rubbing salt in the wound. Not only is the government taking this most extraordinary step of dropping people to a much lower payment when they are trying to support their children, but it is doing it at the most expensive time of the year for families and also the time of the year when there is a bit of festivity around and people are enjoying the summer holidays. They have a lot of expenses, and what does the government do? How do you celebrate the new year? Take a drop in your income by $60 to $100 a week. That is a very significant impact. Not only do you have those holiday period expenses and those Christmas expenses, but you are also preparing for the new school year. You are preparing school uniforms, books, a schoolbag and various other pieces of equipment. So it is at a very expensive time of the year, and proportionally more expensive for families on low incomes. For families that are struggling, the burden and the percentage of the impact is far higher than for families that are not struggling to survive on a low income. So, as I said, this is rubbing salt into the wound.

These two amendments seek to change the commencement date from 1 January to 1 July 2013 so that it is not at the peak expense time for single-income families. We believe this is at least one way you can help single-income families who are now going to be subject to this. I am predicting that the Senate will support the third reading and that therefore this will go through, so what I am seeking to do is to change the commencement date so it is not quite so severe—just a small bit less severe—on those families that are struggling to survive on this low income.

I commend the amendment and again urge senators to consider this and think about the impact. Imagine if you were sitting around on New Year's Day or at Christmas thinking, 'In a week's time I'm going to have less income.' What would you feel like when this very significant proportion of your income is going to disappear and life is going to get that much harder? You are not going to have a very good Christmas, I can tell you, and you are not going to have very good school holidays when this regime comes in.

The TEMPORARY CHAIRMAN (Senator Stephens): The question is that amendment (2) on sheet 7271 be agreed to.

Senator SIEWERT: Madam Temporary Chairman, are you moving (1) and (2)? I moved them together.

The TEMPORARY CHAIRMAN: To clarify your situation, Senator Siewert, I understand that amendment (1) becomes null and void because it was contingent upon amendment (3) getting up, so we are moving amendment (2). The question is that amendment (2) on sheet 7271 be agreed to.

The committee divided. [17:48]

(The Temporary Chairman—Senator Stephens)

Ayes ...................... 10
Noes ...................... 26
Majority ................. 16

AYES

Di Natale, R
Ludlam, S
Milne, C
Siewert, R (teller)
Whish-Wilson, PS

Hanson-Young, SC
Madigan, JJ
Rhiannon, L
Waters, LJ
Wright, PL

NOES

Back, CJ
Bilyk, CL
Bushby, DC
Collins, JMA
Cormann, M
Farrell, D
Fifield, MP
Lundy, KA
McKenzie, B
Moore, CM

Bernardi, C
Birmingham, SJ
Cameron, DN
Conroy, SM
Crossin, P
Feeney, D
Gallacher, AM
Marshall, GM
McLucas, J
Nash, F

CHAMBER
Question negatived.
Bill agreed to.
Bill reported without amendments; report adopted.

Third Reading

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (17:51): I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012

Consideration of House of Representatives Message

Message 505 received from the House of Representatives on amendments to this bill.
Ordered that the message be considered in Committee of the Whole immediately.

The amendments read as follows—

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES HAS DISAGREED

1. Schedule 1, item 2, page 3 (line 29), after "resources", insert "and/or land and its use".
2. Schedule 1, item 4, page 5 (line 17), after "resources", insert "and/or land and its use".
3. Schedule 1, item 4, page 5 (line 23), after "resources", insert "and/or land and its use".
4. Schedule 1, item 4, page 6 (line 2), after "resources", insert "and/or land and its use".
5. Schedule 1, item 4, page 6 (line 5), after "resources", insert "and/or land and its use".
6. Schedule 1, item 4, page 6 (line 9), after "resources", insert "and/or land and its use".
7. Schedule 1, item 4, page 6 (line 11), after "resources", insert "and/or land and its use".
8. Schedule 1, item 4, page 6 (line 17), after "resources", insert "and/or land and its use".
9. Schedule 1, item 6, page 7 (line 15), after "resources", insert ", and/or land and its use,".
10. Schedule 1, item 7, page 7 (line 20), after "resources", insert ", and/or land and its use".
11. Schedule 1, item 10, page 8 (line 8), after "resources", insert ", and/or land and its use".
12. Schedule 1, item 4, page 5 (line 23), after "water resources", insert "including any impacts of associated salt production and/or salinity".
13. Schedule 1, item 4, page 5 (line 23), after "water resources", insert "including any impacts of associated salt production and/or salinity".
14. Schedule 1, item 4, page 5 (line 23), after "water resources", insert "including any impacts of associated salt production and/or salinity".
15. Schedule 1, item 4, page 5 (line 23), after "water resources", insert "including any impacts of associated salt production and/or salinity".
16. Schedule 1, item 4, page 5 (line 23), after "water resources", insert "including any impacts of associated salt production and/or salinity".
(9) Schedule 1, item 6, page 7 (line 15), after "area", insert ", including any impacts of associated salt production and/or salinity".

(10) Schedule 1, item 7, page 7 (line 20), after "water resources", insert "(including any impacts of associated salt production and/or salinity)".

(11) Schedule 1, item 10, page 8 (line 8), after "resources", insert "(including any impacts of associated salt production and/or salinity)".

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (17:52): I move:

That the committee does not insist on amendments to which the House of Representatives has disagreed and agrees to the amendments made by the House in the place of those amendments.

Senator Nash: We can't hear you; the mic is not on.

Senator CONROY: My apologies—sorry—

Senator Nash: It's okay, it sounds better that way!

Senator CONROY: That is what people usually say, Senator Nash! I move:

That the committee does not insist on amendments to which the House of Representatives has disagreed and agrees to the amendments made by the House in the place of those amendments.

This has a colourful history. The independent—

Senator Birmingham interjecting—

Senator CONROY: Indeed, Senator Birmingham, you are about to eat some humble pie so I would just shut up!

Senator Birmingham interjecting—

Senator CONROY: It is always safer to do it that way; you just pretend it has hundreds and thousands on it when you chew down on this one.

The independent scientific committee was always designed to focus on the protection of water resources consistent with the Commonwealth's responsibilities. The coalition contributions in the House of Representatives celebrated the bipartisan approach to the investigation of CSG on water resources. Celebrated it, Senator Birmingham, celebrated it!

The member for Flinders in fact said on 23 May:

… the opposition 'is delighted to provide its support,

………

This is a good bill.

The coalition contributions in the other place did not focus on the consequent impacts on land of salinated water resources. Rather, the coalition talked mainly about the physical impact of coal seam gas extraction on the sites of that extraction activity, and issues of access to land for gas exploration and exploitation.

Senator Joyce, when we started the debate in this chamber, celebrated the bipartisan approach to the legislation. He said:

I think it is important that an issue such as coal seam gas rise above a partisan political position and become something that represents a joint concern.

Senator Joyce's words in this place.

Senator Brandis: Very wise!

Senator CONROY: They were wise words, it is just that then he did not vote in the same way as he spoke. Unfortunately, all of those opposite decided to let Senator Heffernan and a few others take charge. Some could say that the lunatics were in charge of the chamber for a while. When the division came, even after Minister Burke had provided clarification and even after he provided additional words outside this chamber to reassure people that the bill was
designed to do exactly what we said it was
designed to do, Senator Heffernan and some
others—hello, Senator Xenophon! The good
news, Senator Xenophon, is that I know you
will vote the same way today as you voted
last time. There are going to be some people
who are not going to be joining in this time
though.

This is what happens when you let the
lunatics run the asylum.

_Senator Xenophon interjecting—_

**Senator CONROY:** In the Liberal Party! There is no-one over there taking the
objection so I think that you are on your
own. When you let the lunatics take charge
of the asylum in the Liberal and National
parties, this is what—oh, please!

_Senator Xenophon:** Madam Temporary
Chair, I rise on a point of order.

_Senator Conroy interjecting—_

_Senator XENOPHON:** There you go;
there you have the minister! No wonder we
are held in such low regard! He has accused
the opposition of being lunatics for an
amendment that I co-sponsored with the
Greens, the Liberal Party, the National
Party and the DLP in relation to this bill. I ask
the minister to withdraw his accusing members
of this chamber of being lunatics in the
context of this debate.

_Senator CONROY:** I would not want to
offend anyone in the chamber—

_The TEMPORARY CHAIRMAN:_

Minister, we will have some civility.

_Senator CONROY:** I unreservedly
withdraw. I did not realise that we had such
sensitive souls.

I know that Senator Heffernan could
take—

_Senator Heffernan:** Madam Temporary
Chair, I rise on a point of order. Could
Senator Conroy take the red underpants off
his head?

_Senator CONROY:** Senator Heffernan,
the image of you standing over there with
them on your head will live with me.

_Senator Cormann:** They are calling you
underpants, are they?

_Senator CONROY:** They would not be
red. I have some of that Collingwood, I do.

_Senator Birmingham:** Too much
information, Steve!

_The TEMPORARY CHAIRMAN:_

Minister!

_Senator CONROY:** Then, unfortunately,
despite the bipartisan talk from those
opposite, Senator Heffernan decided that he
knew more than everybody else in the
coalition put together.

_Senator Heffernan interjecting—_

_Senator CONROY:** There are days,
Senator Heffernan, where that is true. But
this was not one of them, I am afraid.
Senator Heffernan suddenly decided that the
bill is silent on salt. The legislation is
dodgy—that is what Senator Heffernan said.
The lower house passed this bill without
having discovered that there is a serious hole
in it, and on the weight of that and others—
like looking at the problem of salt as it
affects water without looking at the impact
of salt as it affects land and its use—is a
serious oversight for which we should
forgive ourselves and move the amendment
and get on with it.

He went on to say:
I am sorry, but you will not find land or its use
anywhere in the statement you have just read, and
without that this parliament would look
ridiculous.

So the weight of Senator Heffernan's
contribution in the chamber moved the entire
Liberal-National Party coalition from
bipartisan support to supporting Senator Heffernan's amendments.

Senator Heffernan: On a point of order, what Senator Conroy has just read out has no mention of salt and the impact on the land etcetera that is in this legislation. This legislation is designed to be seen to be doing something when you are doing nothing, because this committee is going to have no power to compel at all.

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

Senator HEFFERNAN: I am just trying to inform you, Senator Conroy, because you know that you know nothing about it. It is a legitimate concern, Madam Temporary Chair Stephens. What he has read out is actually true and even though he is rubbishing it, it is actually true.

The TEMPORARY CHAIRMAN: Senator Heffernan, you will get the call to make a speech.

Senator CONROY: I am not rubbing it, Senator Heffernan. Your parliamentary spokesman in charge of this bill says that you are not supporting this amendment anymore. Those in the other place who run this bill for you are saying, 'No, Senator Heffernan, you are wrong.' When we went back to the chamber, Mr Burke moved an amendment to clarify the existing meaning that impacts on water resources to include any impact of associated salt production and/or salinity. Minister Burke went on to say, 'I do not view these amendments as producing anything significantly different from what the government already had.' The shadow minister, Mr Macfarlane, supports the additional amendments.

Now we are back here again today. Let me make it very clear: the scientific review process is to investigate the impact of CSG on water resources including the salinity that may be produced by this resource activity. Why are we worried about the salinity: because it provides a risk for downstream land uses. That is a given. The proper focus of this investigative process is to identify the scope for the salt and other containments to enter our precious water resources. We cannot mandate an extension of the investigation into the impact on land use as that is the constitutional province of the states.

Over my nearly 17 years in the chamber, there have been a number of occasions when those opposite—and Senator Heffernan, if you have a legitimate point of order, please make it, but if you want to give a speech, wait until I am finished—

Senator Heffernan: On a point of order, Madam Temporary Chair, this legislation can do what it needs to do on salt without interfering with the states, and I understand the state guys got a bit exercised. Senator Conroy, this legislation does not compel the states to do anything other than ignore the science review committee's work if they choose to, and my old mate over in the corner knows that.

The TEMPORARY CHAIRMAN: Senator Heffernan, that is not a point of order. You will get an opportunity to contribute to the debate.

Senator CONROY: In the 17 years I have been in this chamber, I have been involved in the odd states' rights debate and usually those over on the opposite side refuse—though to be fair, they have broken that along the way—though their general philosophical principle is states' rights. On this one they all decided on the advice of Senator Heffernan to decamp from the shadow minister and come and sit over with the Greens, your new allies—Senator Xenophon, Senator Madigan, and I do not think that Senator Williams gets out of this either, and I hope that you are listening
Senator Williams—and, yes, the Swans did win the premiership; you are right and you have sent me enough texts to remind me. Senator Williams was quite vocal on this.

Senator Heffernan: Madam Temporary Chair, on a point of order, Senator Conroy, you would not be in government if you were not in coalition with the Greens in government.

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

Senator CONROY: Just interject from your seat. That way you cannot pretend you are taking a point of order. Senator Heffernan convinced all those geniuses over there to sit with the Greens. This was a very, very entertaining debate.

Senator Heffernan: You know nothing about it.

Senator CONROY: Let us be very clear. The states have rolled Senator Heffernan and they have made sure that the Liberal Party stick to the states' rights debate. The states have said, 'No, no, Senator Heffernan, you are not impinging on our constitutional rights.'

Senator Heffernan interjecting—

The TEMPORARY CHAIRMAN: Order, Senator Heffernan!

Senator CONROY: I am looking forward to Senator Birmingham's contribution and I am looking forward to any senator's contribution, especially Senator Heffernan's. Senator Heffernan is talking up a big storm over there, but when the bells ring again he is coming to sit with his shadow minister this time. You can try to pretend that the position you are taking today is the same as the position you took a few weeks ago, Senator Heffernan, and you might convince yourself about that, but there is nobody else in this chamber who is going to agree. They are all a little bit embarrassed about what you did last time and they are now in a position where they have brought you back to heel. I am looking forward to your usual colourful contribution, but the bottom line is: those opposite led by Senator Heffernan, who decided to vote with the Greens and every other minor party, are now coming in here to vote the opposite way.

Senator HEFFERNAN (New South Wales) (18:05): I have got to say, Senator Conroy, for someone who knows nothing about it, you do bluff your way through well. My sincere congratulations on that. But you know nothing about what this bill is all about. To put it into plain language, as your minister said to me, 'Bill, we have got to be seen to be doing something when we are doing nothing, and this bill achieves that.' This Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012 compels the government to set up a committee because of a deal done with Mr Windsor for $150 million worth of expenditure on we are not too sure what, to get advice from an expert panel made up of we do not know really who or what qualifications they have. The advice does not have to be used by anyone; it just has to be provided. So for you to say that somehow this puts the states in a difficult position because of recommendations on the impact of agriculture's most toxic substance, which is salt, should not be in the legislation because in some way it endangers the states is, I am afraid, flawed, because as you know—you probably do not know because you do not know anything about the bill, but somebody's got to do the job—the advice of this committee does not have to be taken by anyone. It can be absolutely ignored or it can be taken up if they want to, but there is no compulsion at all. But at least that way the government of the day is seen to be doing
something about coal seam gas extraction and some of the environmental issues associated with it. Some of these environmental issues have come back to haunt parts of the world to the point where in Bakersfield County in the United States, for example, they are suing a miner for $2 billion for water contamination, and do not ask me how you decontaminate a water aquifer with a cheque in the mail.

I have to say, Senator Conroy, though you have probably heard me say this before, that the average extraction for the coal seam gas industry in the known tenements with the known three major licences in Queensland, in the Surat and Bowen basins, are going to develop between 600,000 and 700,000 tonnes of granulated medium-grain salt per annum. As you would know, Senator Conroy, salt stacks in coarse grain form—please note I am not using any notes—at 806 kilograms per cubic metre and it has a gravity stack at 32 degrees. That means if you stack the per annum extraction of granulated salt for the three main tenements in Queensland, you will have a stack that is 10 metres high, 32 metres wide and a little over five kilometres long. The industry have said, 'We are going to store that salt in an approved storage.' The salt that results from the processing of salty water that is extracted was originally stored in evaporation storages, but they did not like the sound of the name 'evaporation storages' so they have changed them to 'storages'—they still evaporate. The outcome is 700,000 tonnes of salt per annum, for which at the present time there is no known commercial use and no known safe storage.

The report from the committee that I chaired said there is no safe storage for that salt—and Senator Conroy, for your information, the government members unanimously signed up to the report. They got into a bit of trouble, I think, for signing up to that, but they had a bit of guts because on the evidence we received you could not come to any other conclusion. The industry has said, 'Maybe we could pipe it to the sea.' We do know, Senator Conroy, that there are approximately—in the scientific vagaries of estimation—200 TCFs in Central Australia. You probably do not know what a TCF is, but it is a trillion cubic feet measurement in gas, in the scientific vagary of estimation. The North West Shelf has one-fifth of that capacity, so about 40 TCFs. The difficulty with coal seam gas extraction is that the industry considers that too far from the market and the port so they are going to ignore that, take it up in all the prime agricultural land and store the 700,000 tonnes per annum or 20 million tonnes over the 35-year life of the mining from the known tenements. Somehow, that is going to be safely stored. You've got to be pulling my leg!

I talked to the government, on background. I asked what we are going to do about it. 'Well, Bill, the thing that you've got to understand is that we don't want to own the problem, we want the states to own the problem.' The reference committee reported on the risks that have not been assessed by the Queensland government—Premier Bligh was the premier at the time. Their own scientific advice said, 'Do not proceed with these mining licences till you have come to an environmental solution.' They have now got environmental tick-offs without an environmental solution. There is no solution on the salt. There is no known reliable information on the low geological fault lines in the aquifers. As I have said many times, Senator Conroy, if you put the two big fat blokes up against a thin wall and one walks away, the other bloke falls through the wall. The same thing happens when you depressurise Mother Nature's naturally balanced aquifers under the ground. If you
depressurise one aquifer you absolutely alter the behaviour of other aquifers, which have fine, low geological fault lines which are naturally pressure balanced so they do not leak from one to the other. That is the proposition that has been put by the scientists as to why the Walloon Coal Measures and the Springbok aquifer have contaminated one another, and that is also precisely what happened in the United States. But in terms of the legal obligation on liability, under the rush to get the employment and investment and the royalties for a financially stressed Queensland government—and the New South Wales government is in the same position—they decided to proceed without an environmental solution. Anna Bligh, to her credit, rang me up and said, 'Bill, what the hell do you think you're doing?'—or words to that effect. I said, 'We are just putting the facts on the record, because what you have not done, Premier, is read your own scientific precautionary advice, which also talked about the cumulative impact of coal seam gas.'

I have to say that Santos have been a pretty responsible in their response to it. James Baulderstone did tell the inquiry, putting his own job on the line, that they would not go where they were not invited; he did actually say, 'If we're told where we can't go we won't go there.' But Senator Conroy—through you, Madam Acting Chair; I am not too sure of the right title there—Senator Conroy suggested the precautionary principle first and consider the cumulative impact. Some of these areas like Roma have had a few hundred wells for 20 or 30 years and are about to have 8,000 or 9,000 wells. We already have a bore drain, south of Mount Isa, from the Great Artesian Basin that is running blue water through contamination, though not from coal seam gas but from another contamination. So how in God's name can we have a scientific committee on which we are going to spend $150 million, because the political imperative at the time was to be seen to be doing something even though it was not known what they were going to do, and the let-out clause is that, whatever they do, no-one has to take any notice of it? And that is a fact, that the advice they give no-one has to give a rat's about. Maybe it will be that stunning that they will feel compelled to do something about some of it.

But, Senator Conroy, the reason I originally put the land in is that is where the salt does the damage. Salt water is salt water. You would know through your great knowledge of agriculture, where you go to Woolies or Coles and get a loaf of bread and that is the end of it, that salt is the most toxic substance to agriculture. While there are some scientists and commercialists looking to find a commercial use for the salt, at the present time they do not have one, so they are going to have to store it. Twenty million tonnes of salt is something like 100 metres wide, 50 metres high and 25 kilometres long; it is a bloody big stack of salt. I am damned if I know why any responsible government or minister of a government would think that it is a fair thing for Australia's agriculturists and farmers to store that salt in the Murray-Darling Basin. A lot of that country up there can get six or eight inches of rain overnight and all of a sudden you have a salt surge which absolutely sterilises the land for hundreds of years. We have seen an example just in the cowboy attitude of Eastern Star Gas in the Pilliga Scrub up there where they thought that in test bores they would get away with just a few ponds of a few hundred metres, which overflowed in a storm event and then for the next few hundred yards all around every living plant and tree was killed. The committee I was on and I think Senator Nash was on—

**Senator Nash:** I was.
Senator HEFFERNAN: We travelled around and we saw illegal low-point drainage from the pumping of the gas where they were bleeding the salt water into the local creeks. And you do not think Australia's taxpayers should be interested in this and the federal government should take some responsibility, and you imagine that we can just come in here and joke about the politics of Senator Bill Heffernan doing something and senator someone else doing something else. This is us worrying about where we are going to be in 50 or 100 years time and not looking back and saying, 'Why did we do what they have done in Bakersfield in the United States or in a lot of the western river systems there, which have stopped running because of the poor administration of the extraction of bore water? Why in God's name did those politicians back in 2012 let that happen; because they wanted to play politics with one another?'

The referee of the Earth is Mother Nature and Mother Nature is more powerful than anyone in any parliament anywhere. We need to absolutely work in conjunction with and assist Mother Nature to assist the human race to feed itself. I repeat that barring a human catastrophe, Senator Conroy, by 2050—Senator Nash is sick of hearing me say this—with nine billion people on the planet, 50 per cent of the people on the planet will be poor for water. The world's freshwater is three per cent of the world's water and two-thirds of that water is permanently tied up in snow and ice. There is more water in the clouds and the ice than there is in the rivers and lakes. And the world is losing one per cent of its agricultural productive area of land per annum due to a number of reasons. By 2050, with nine billion people on the planet, 50 per cent of the people will be poor for water. All science has value, all human endeavour has failure, and it might only be 50 per cent right, but even if it is 40 per cent or 30 per cent right it is a big problem. Two-thirds of the world's population will be living in Asia and 30 per cent of the productive land of Asia will have gone out of production, the food task will have doubled and possibly 1.6 billion people on the planet will have been displaced. By 2070 with 12 billion people in a place like China that country will have to feed half its population from someone else's resource. At the present time we spend $40 billion on agriculture research and $1.5 trillion on defence. The world's food task for the future does not have a solution; the world's energy task has umpteen. In the future what is in your fridge is going to be far more important than what is in your garage.

So we need to take this legislation seriously, and to not have included the impact of salt upon the land is irresponsible. Senator Conroy, we did agree to an amendment and I have spoken to the minister's office on this. It is a sensible amendment because it includes salinity. (Time expired)

Senator WATERS (Queensland) (18:20): I rise to speak again on coal seam gas and I am pleased to have the opportunity to do so in this place because it is an issue of huge importance that communities right across the country continue to be incredibly concerned about. I will run through some of the reasons for that concern before turning to my concern at the changing position we have seen from the coalition on this issue. We have been banging on about coal seam gas and its problems ad nauseam for quite a long time now. The reason for that is that it is not just a risk to our groundwater and hence our food growing ability but it is also a risk to the climate, it is a risk to those regional communities and it is a risk to the Reef with most of it destined for export, requiring huge
dredging for new ports to get all that liquefied natural gas out of port.

I remain concerned that when we have bodies like CSIRO and the National Water Commission who speak to us loudly and clearly and regularly review their advice and reiterate it, we still do not understand the long-term impacts of coal seam gas mining on groundwater resources because we do not know enough about the connectivity of aquifers and therefore we are potentially gambling with the long-term water supply for some of our food growing regions. Why on earth are we still steaming ahead giving this industry approvals? When we have unanswered questions that go fundamentally to where we get our water and food from in this country, surely that is an issue that everyone is concerned about. Why on earth are we still racing ahead and giving it approvals?

I now want to raise the litany of disasters that we have seen with coal seam gas—and these are not just concerns about long-term impacts; there have already been impacts. A few months back we saw gas bubbling up through the Condamine River close to a CSG mining operation. Of course, the company says it is not their fault, but the EPA, Queensland’s environment department, were very slow to investigate. So it is hard to know what the real incidence is, but locals say this has never happened before. So one has to have suspicions. There was also the contamination of the Springbok aquifer with CSG mining operations back in 2009. The list goes on. There was the release of polluted waste water during the 2011 floods. There was a gas well blow-out and a drilling fluid leak near Chinchilla and there was the spill in the Pilliga Forest that I was privileged as a member of the Senate committee that Senator Heffernan chaired to go and inspect and see the damage that that CSG fluid had done to the local vegetation and the water in the creek that was flowing nearby. So despite this potential for damage and this potential for long-term damage and impact on our groundwater resources, Australian farmers still do not have the right to say no to coal seam gas. We think that is wrong, and we would like to give them that right. I have a bill to do that; but, unfortunately, it still remains lacking in support from either of the big parties. But, never mind; we shall persist.

I have three times now moved for a moratorium on coal seam gas until we understand better those risks that we are taking and those long-term impacts that we may have—potentially irreversible long-term impacts. Once again, unfortunately, the Greens have received no support from the coalition or the government for that moratorium. I also moved a motion which included an extract from the National’s coal seam gas policy. Sadly, they did not come into the chamber to vote for their own policy—something which I find found very disappointing. I have also proposed an inquiry into coal seam gas—a national inquiry. It is not just one that will look at Murray-Darling Basin impacts, which this place has examined, but one that will actually look across the country, including shale gas in WA, which has the similar problems with hydraulic fracturing. It is one which will also look at those specific marine impacts from all of that dredging to dig new ports in order to get this gas out for export. And it is one which should consider the impact on household gas prices, given that much of that gas is now headed for the export market, which is putting pressure on domestic prices. Again, the Greens had no support on that, despite the fact that 68 per cent of the community are worried about the long-term impacts of coal seam gas and despite the fact that we all like to eat on a daily basis.
Senator Fifield: Nothing escapes you.

Senator WATERS: Well, food is a very important part of my life and I am proud of that. I would like to eat locally grown food and support our regional communities, as I am sure you would, Senator. That brings me to this bill. It is a very small improvement and, of course, that is why the Greens will be backing it. But, frankly, it is too little, too late. I am particularly concerned that there is not going to be a pause on coal seam gas approvals while this research committee does its research work. It seems to me to be patently ridiculous to charge a body with looking at the impacts of coal seam gas bioregionally, as we should be doing, yet not wait for its advice before more approvals are issued. I do not know whether anybody else thinks that is ridiculous. I think it is ridiculous. It flies in the face of the precautionary principle and it adds insult to injury that you bother setting up a committee and then not wait for its advice.

Senator Heffernan made the point—which is correct—that nobody actually has to listen to this committee. I wish that were not the case. I wish that were wrong. But, as we can see clearly from the National Partnerships Agreement, the state governments will only have to consider the advice of this committee. It will just be one of a list of considerations, and I am afraid as an environmental lawyer 'consider' is very weak. They can consider it and then they can decide to do something completely different. Effectively, they can ignore the advice of this committee, and they are getting paid $50 million each to boot. That is a very sweet deal for the states and, frankly, it is a very sweet deal for the government, who can now appear like they are doing something on coal seam gas when in reality this research body will have no impact at all on any of the approval decisions.

That brings me to the point about the limitations of our federal environmental laws and the fact that it is great that we have this science body who will now give the federal environment minister some advice on the water impacts of both coal seam gas and large coalmining but the environment minister will not have the power to act to protect our water resources. He only has the power given to him in that environment act for species, wetlands, World Heritage areas, Commonwealth waters, nuclear actions and the Great Barrier Reef—there is a list of about eight of them. Water is not on that list. So what good is this committee going to do to be providing advice to the federal minister that he cannot act on? I mean, for God's sake! Excuse my language, Chair. We need to give the environment minister power to act on the advice of this committee. If the committee says there are going to be long-term impacts on groundwater, our environment minister needs to be able to do something about that. This is why I have another bill on this matter before this place to give the minister the power to add that water trigger to our laws. If the committee says there are going to be long-term impacts on groundwater, our environment minister needs to be able to do something about that. This is why I have another bill on this matter before this place to give the minister the power to add that water trigger to our laws. I would urge all senators to reconsider their previous opposition to that bill, because it would certainly improve decision making.

I want to talk now about my disappointment in the backflip that we have seen from the coalition. We saw an amendment co-sponsored by Senator Xenophon, Senator Madigan, some coalition MPs and me to expand the purview of this research body to include land and its uses—that is, the impacts of coal and coal seam gas on land and its uses. It was quite a broad amendment and I was incredibly supportive of it. I had had a similar amendment which I had moved, but unfortunately it did not get support. So I was pleased to see that this slightly modified wording was then able to pass this place. I am very disappointed that
the House saw fit to reject it. And I am dismayed that the coalition backflipped, changed their mind, and agreed with government on a much smaller amendment which was solely focused on the impacts of salt production and salinity.

Of course, salt is a huge problem and I do not for a moment claim that it is not. It is one of the largest problems with coal seam gas as well as those general groundwater contamination and depletion impacts. But my concern about limiting the scope of the committee to just salt production and salinity rather than the broader land and its uses, as this place originally insisted on and as the Greens will insist on again today, is that it excludes a whole lot of other impacts. It means this research body will now not be able to look at, for example, whether coal seam gas and farming can really co-exist, as the industry likes to claim at every opportunity but as producers say, 'No. In fact, that is an impossibility.'

It also means that this committee won't now look at the real impacts of subsidence from coal seam gas wells being sunk or from pipelines being laid for that matter, which is a massive problem both for farming operations and for the topography as it will lead to run-off problems.

Another issue that this committee will now be precluded from considering because of the unfortunate backflip by the coalition is a related issue: erosion from collapsing pipelines. I am sad to say that I have seen a few of those collapsed coal seam gas pipelines already—again on that Senate inquiry that I was privileged to participate in last year. Likewise, the impacts of land clearing for the roads, the pipelines and the wells themselves will now not be considered by this research committee. Interference with farming operations from coal seam gas will now not be considered. Fire safety and chemical storage, that now will not be considered. And, lastly, impacts from the actual infrastructure footprint of coal seam gas operations, which are significant—pipelines, roads, power lines, generators—will now not be considered.

We took evidence in that same Senate inquiry from some Darling Downs farmers who said that in fact the grid that was proposed for coal seam gas operations would inhibit their farming practices. They also said they had purchased some equipment that would have enabled more efficient and directed application of various fertilisers and pesticides, but they were now not able to use these because of the grid of the coal seam gas pipelines that would now be laid on their land. This is a direct example of where the surface impacts on farming from coal seam gas are going to be huge, and of course costly, for those farmers, not to mention costly for the environment.

All of this could have been considered by the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining; it could have been considered by that committee under the amendments that this place insisted on. And yet the House, and the backflip of the coalition in agreeing now with the government to constrain the breadth of that research back to just salt production and salinity, means that all of those impacts are now not going to be examined. I think it is a great shame that we have seen senators in this place speak out on those important issues, only to get rolled by their colleagues in the House. I am sure Senator Joyce in particular is dismayed that he has been rolled by Mr Abbott.

I want to conclude by saying that I was really pleased that as a result of that Senate inquiry there were some strong recommendations made. They were multiparty recommendations; everybody
signed off on that report. In fact, there were recommendations for action on all of those land-use impacts that I just listed: recommendation 8, which talks about subsidence; recommendation 16, which talks about erosion from collapsing pipelines; recommendation 17, which talks about protecting strategic agricultural land from coal seam gas and having no-go zones; recommendation 20, which talks about fire safety and storage of chemicals on farmland; and recommendation 24, which talks about buffer zones for small communities subject to interference from coal seam gas. When this place and the House had the opportunity to put into action those recommendations, they squibbed it. They folded. They have been rolled. I think that is to the great disservice of all of the regional and urban communities out there who are really concerned about coal seam gas and who want to know that our groundwater, our land and our regional communities—and our reefs and our climate for that matter—are going to be properly considered in this absolutely unseemly rush to dig as many coal seam gas wells in this country as possible.

We will be insisting on those amendments. I would like to think we would have some company, but I suspect the two old parties will again remain with the coal seam gas and large coal mining industries and vote against proper scrutiny of all of those land-use impacts that this committee would otherwise have had the purview to look at.

Senator XENOPHON (South Australia) (18:34): I indicate that I too believe that these investments ought to be insisted upon, notwithstanding that Senator Conroy said that these amendments were an 'act of lunacy'. Let us put this in perspective. The points raised by Senator Heffernan, which were the trigger for these amendments and which were supported by a rainbow coalition, if you like, of the Greens, the DLP, the Liberal Party, the National Party and an Independent, indicate that there were some genuine concerns here that what was being proposed was simply not good enough. What the government has come up with is a compromise. That compromise is still an improvement on what was initially proposed, and I think it is an acknowledgement that the legislation needed greater clarity.

I want to make reference to an advice that I received from the Deputy Clerk of the Senate in relation to these amendments. I will seek leave to table it in due course, but I do want to read from that advice because I think it is important to put it in perspective because an issue has been raised about the constitutionality of what has been proposed. This is advice from the Deputy Clerk of the Senate, Mr Richard Pye, dated 12 September 2012. I will read that into the Hansard. I see the deputy clerk is in the chamber, and I am sure he will not mind because his advice is as transparent as always. The advice says:

You have asked for advice regarding amendments proposed by you (also on behalf of a number of other senators) and made by the Senate to the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coat Seam Gas and Large Coal Mining Development) Bill 2012. As you know, the bill amends the Environment Protection and Biodiversity Act 1999 (the EPBC Act) to establish an Independent Expert Scientific Committee on Coat Seam Gas and Large Coal Mining Development. Under the bill, this committee is an independent statutory committee set up under a new Division under Part 19 of the EPBC Act. The amendments provide that the committee may advise on "land and its use", in addition to "water resources" in the context of its research and advice to the Minister in relation to particular coal seam gas issues.

In my view, these amendments do not raise constitutional issues, for a range of reasons.
First, the amendments are within the existing constitutional authority of the Commonwealth in this area, as reflected in the EPBC Act. Under the EPBC Act, the Commonwealth Minister for Environment is responsible for assessing and making decisions on coal seam gas proposals, if those proposals are likely to impact on matters protected under Commonwealth environmental Law. Although the states have primary responsibility for environmental protection, the Commonwealth has authority over defined matters of national environmental significance (of which approval of coal seam gas projects, in certain circumstances, is one). Neither these amendments - nor the bill for that matter - disrupt the existing responsibilities of states in respect of environmental matters. The amendments are solely limited to conferring an additional ability on the Committee to look at "land and its use" (in addition to "water resources") in the course of its advice to the Minister and do not expand the Minister's powers in any way.

Secondly, the committee is established to provide advice, primarily to the Commonwealth Minister for the Environment, on a range of matters to do with coal seam gas and large coal mining developments. The committee does not exercise any power, and its advice is provided to inform the Minister prior to him or her deciding whether or not to approve a project. The Minister is not bound by the committee's advice, and any decision that the Minister took would of course need to be within the bounds of the Minister's constitutional power, and that of the Commonwealth (through the EPBC Act, and other relevant Acts).

Thirdly, section 13 of the EPBC Act confirms that the Act is not intended to exclude or limit, in any way, the operation of a law of a State or Territory. These amendments, having amended a bill which seeks to insert new provisions into the EPBC Act, will be subject to section 13.

Essentially, that is the advice of the Deputy Clerk in relation to this. I thought it was best to read it because his advice articulates it much better than I could ever have set it out. I seek leave to table that advice from the Deputy Clerk.

Leave granted.

Senator XENOPHON: I believe these amendments ought to be insisted upon. I understand that, as a result of negotiations between the government and the opposition, there is a different position in respect of salinity. I will not criticise the coalition for going down that path. I regret it but I understand that there were a number of constraints upon them and that this is a compromise that they have reached based on the initial amendment, which I still believe is a worthy amendment and I will be voting with my colleagues in the Australian Greens in respect of that amendment.

It is clear that this committee is only an advisory committee, as the advice from the Deputy Clerk points out. This committee is there to give advice to the minister and, by including 'land and/or its use', it is simply making the work of the committee clearer. It is simply making this piece of legislation more functional and more effective to deal with coal seam gas and the impact it can have on communities. Simply to narrow its use to 'water resources' is too narrow. Including 'salinity', of course, impacts on land use, and that is a welcome development. So the compromise position is an improvement, but I still maintain that including 'land and/or its use' would not only not be unconstitutional—in other words, its constitutionality is not in question; it would have been a sensible amendment to the legislation.

I am grateful to Senator Heffernan, who I think ought to be acknowledged in this place by all sides of politics as having enormous knowledge of the land and the use of land, of farming and its practices and of water resources, for raising this issue. What we will end up with is disappointing, but it is still better than the original bill. Therefore the exercise has been a useful and productive
one in terms of making this piece of legislation more effective and, in a sense, more transparent, but, above all, hopefully it will lead to an outcome of providing the appropriate scrutiny of coal seam gas developments and, therefore, we should maintain that these amendments be insisted upon. I am a realist and a pragmatist, and I know that what we will end up with will be less than perfect, but it will still be an improvement on the original bill.

Senator BIRMINGHAM (South Australia) (18:41): I note the time of the Senate and the eagerness to see this matter dealt with so I will try not to take up the time of the Senate for too long.

Senator Conroy interjecting—

Senator BIRMINGHAM: I do want to address a few matters, including some of your comments, Senator Conroy, but I want to pick up Senator Xenophon’s comments, in particular on the constitutional issues, and the comments of Senator Waters on some of the more general themes, and to highlight the challenge when it comes to this legislation and the issue of coal seam gas more generally. Senator Xenophon, I am sure, is correct in the advice he is relying upon from our esteemed Deputy Clerk.

Senator Conroy: Esteemed.

Senator BIRMINGHAM: Indeed. We get unanimous agreement around the chamber on that for Mr Pye. The advice may indicate that certain changes to this bill may be constitutional; however, what I hear when I listen to Senator Waters and other contributors to this debate, and indeed to many commentators in this space, is that people do want to see an exercise of power by the Commonwealth that goes far beyond what was intended in the drafting of our Constitution. I think that is a concern. We do need to appreciate that the challenge we have in this debate is that there are many passionate contributors. We have heard from Senator Heffernan, and most undoubtedly he is one. Senator Nash is another on this side. There are those who are passionate about this topic, and I know that Senator Xenophon, Senator Madigan and Senator Waters are equally as passionate about this topic. But we do have a clash where we have land use powers that are traditionally the domain of the states and that many are seeking to have legislated or dealt with at a federal level. That is a challenge.

However, there has been a lot of concern particular to water, and it is the concern about groundwater that has seen this legislation brought forward. When I listened to the rant from Senator Conroy before—unfortunately, I was not here for the two sitting weeks prior to this week.

Senator Conroy: You missed it.

Senator BIRMINGHAM: I unfortunately missed the opportunity to have carriage of this legislation at that time but here I am now, getting to deal with it. If you listened to the rant from Senator Conroy, though, you would think that the legislation that has come back to us is in exactly the form that the government first presented it. That is not the case.

I acknowledge that, notwithstanding Senator Conroy’s theatrics, Minister Burke has worked cooperatively with coalition members in the other place to get amendments—initially amendments to this legislation that we believed improved the bill and the credibility of the committee in terms of the qualifications and expertise of the members of the committee; and then following the changes that were made in the Senate there are further amendments, particularly in relation to salinity. I will quote from Minister Burke in his contributions to make clear that in fact we are accepting and the Senate will accept not
the exact amendments that the Senate had agreed upon last time but some important changes that do in particular reflect the concerns Senator Heffernan had about salinity issues and that he spoke on so passionately before. Quoting Minister Burke:

The amendments I am proposing now clarify a few things. First of all, they clarify that I must obtain advice from the committee when I believe a coal seam gas or large coalmining development will have a significant impact on water resources, including but not limited to the impacts of associated salt production and/or salinity.

Salt production and consequent salinity impacts are major issues in considering coal seam gas and large-scale coalmining proposals. Salt and related salinity impacts may arise from co-produced water during coal seam gas development, including aquifer interactions and groundwater and surface water diversions from large coalmining developments. They are therefore relevant considerations in working out whether these developments will have a significant impact on water resources. The amendments make it clear that the coal seam gas Committee will have to consider the impact of salt production and/or salinity.

So there are some changes and they are important changes. I think what I can say is that, inelegant though perhaps the law-making process in this regard has been at times, the process has provided and produced a better outcome as a result—a better outcome that sees a stronger committee, a more credible committee, and indeed a committee that will now also ensure the minister must consider and be advised not just on groundwater factors but specifically on salinity factors overall.

With that, can I indicate that the coalition is happy with the amendments that have been brought back by the government and that we will support the passage of this legislation. We have always wanted to see the passage of this legislation. We know that this at least will provide a basis to develop, hopefully, a credible expert platform of information about groundwater and the impact on groundwater by coal seam gas operations. We hope that it will provide the community with greater certainty and greater confidence in this important industry that is important for Australia's export industries, for our energy needs and for our future but does need to enjoy a level of confidence in the community that its environmental impacts are not adverse and that they have all, of course, been considered. We welcome the strengthening of this legislation that the parliamentary process has provided for.

Senator MADIGAN (Victoria) (18:47):

Listening to the debate on this issue this evening, for every action there is a reaction—in this case there is an impact. The fact is that the majority of the land in Australia is not usable for agriculture. Yet we continue to put what good land we have at risk, the communities that use that land at risk and our ability to grow our food at risk. Anybody can go to the urban sprawls around our major capital cities and see the amount of market gardens et cetera that have been built on—good farmland. We should be building on our worst land, not on our best land. I hear the figure that was raised tonight—the $150 million—that was for advice or research that nobody has to pay any attention to. And then we wonder in this place why the public have become so apathetic as to the state of the parliament and why we have such a high informal vote. It is because people have lost faith in the political process and the fact that we do not seem to learn from past mistakes. We have the benefit of hindsight and how future generations will judge us. We have limited resources that can be used for the benefit of Australians and for feeding the rest of the world. In this place often we hear people say A, B, C and they do X, Y and Z. That is how the public judges us. That is how rural
communities judge us. We expect them to feed us; we expect them to give us food that is good, clean and affordable. Yet we continue to destroy the very thing that provides us with that very food.

We also hear 'sovereign risk' thrown up continually in this place to talk people down. The Australian people are sick to the death of the bickering and the quarrelling instead of us sitting down and working out what is in the best interests of our nation. We continue to do that in this place. As such, I will not be voting for this bill.

Progress reported.

The ACTING DEPUTY PRESIDENT (Senator Crossin) (18:50): Order! It being 6:50 pm, the Senate will proceed to the consideration of government documents.

DOCUMENTS

Air Passenger Ticket Levy (Collection) Act 2001

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (18:51): I move:

That the Senate take note of the document.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Broadcasting Services Act 1992

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (18:52): I move:

That the Senate take note of the document.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

National Rural Advisory Council

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (18:52): I move:

That the Senate take note of the document.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Crossin) (18:56): Order! I propose the question:

That the Senate do now adjourn.

Digital Local Government Program

Senator BILYK (Tasmania) (18:56): I rise tonight to speak on the Digital Local Government program, and other government programs that form part of the National Digital Economy Strategy. We are moving into an increasingly interconnected future. It is a future whereby people expect to be able to conduct their business with governments when it is most convenient to them, whether this is from the comfort and convenience of their own home, while at work or on a mobile or tablet device. It is a future whereby we can harness new technologies to make the operations of government more efficient. It is a future whereby we save time and money by dealing with local government digitally.

The Australian government's $17.1 million Digital Local Government program provides funding to local governments in communities that are among the first to benefit from the National Broadband Network, or the NBN. The program encourages local government to develop online services that other local governments across Australia can adapt and use. Like the Digital Hubs program and the Digital Enterprise program, the Digital Local Government program is a key element of the National Digital Economy Strategy to realise the Australian government's vision for Australia to become a leading digital economy by 2020. It is assisting to deliver significant improvements in the quality, availability and speed of local government services. It will provide significant benefits to the members of these communities by
improving the ways that they interact with their local government.

Tasmanian communities are at the forefront of the Digital Local Government program, as they are with the NBN itself, with 11 Tasmanian local governments having been announced as either being eligible for funding or having received funding under the Digital Local Government program. These local councils cover all parts of Tasmania: Circular Head, Sorell, Dorset, Glamorgan Spring Bay, George Town, Break O’Day, Launceston, Clarence, Kingborough, Meander Valley and Hobart. The projects are diverse and interesting, and highlight how different local councils can find solutions to meet their own needs.

For example, the Circular Head Council has been provided with project funding of $375,000 to transform its building and development application process using a web based videoconferencing platform. This should allow people to retain the face-to-face service they traditionally receive from council while at the same time avoid the need to travel to Smithton, which to a lot of people in the area is a fair distance to travel, to discuss their building and development plans.

Similarly, both the Glamorgan Spring Bay Council and the George Town Council have also each received project funding of $375,000 to develop online planning and development application services. This should streamline the development process, making it easier and cheaper for members of these communities to undertake the business they need to undertake with their local council by late 2012. The Sorell Council has received project funding of $292,000 to develop an online emergency management system using videoconferencing technology. This project will allow better coordination in emergency management situations for the community and may lead to a reduction in the loss of property and may also save lives. This service begins in late 2012.

It is a project that we can see has the ability to improve emergency management coordination across Australia, improving the safety of Australians during emergency events.

The Dorset Council has received project funding of $225,000, and the Council for the Break O’Day $373,000, to develop online platforms to facilitate enhanced community engagement, including planning and development application services. This will allow members of these communities to better participate in local government from late 2012 or early 2013.

The department is currently working with Kingborough Council to develop a project business case to deliver enhanced online engagement with the community, including ways of delivering interactive online training in topics such as food handling. This project will provide a unique way for council to deliver training services, and it will allow training to be delivered more flexibly and to occur at a time that is mutually suitable for the employer, employee and the council. It will result in lower costs for businesses in training, and the flexibility provided will allow greater productivity, as time taken off for training will be less. The Launceston City Council and the Clarence City Council are also eligible to apply for Digital Local Government program funding of up to $375,000, and the department is currently working with them to develop project business cases.

Another component in the National Digital Economy Strategy is the Digital Hubs program. Digital Hubs offers services to assist local residents to better understand how they benefit from the NBN and to improve their digital literacy skills. The
The training provided includes basic computer operations; performing everyday online activities; online safety and security, which, of course, is very important; connectivity options to the internet; and benefits of the NBN to households. I have seen the Midway Point digital hub in action, when the Joint Select Committee on Cyber-Safety was invited to see its operations on 7 August.

The Midway Point digital hub, housed at the Pittwater community centre, provides a number of functions for the community of Sorell, Pittwater and Midway Point. Training services began in February 2012, and the digital hub has received $145,000 in funding under the Digital Hubs program. One of the services provided is a regular Tuesday afternoon computer class run by Mr Martin Holloway. Martin's class allows members of these communities to learn introductory computer skills in a friendly environment, including using email, the internet, Google and desktop publishing. Learning is conducted in a very hands-on manner at a speed which suits the individual student.

When the committee visited, one of the participants in the class was over 90 years of age and about to buy her first computer—which just shows that you are never too old to get online.

The Midway Point digital hub is allowing hundreds of people who would otherwise have not gone online to take their first steps into the online world. The government is supporting digital hubs in a number of other Tasmanian communities as well. I had the opportunity last Wednesday to visit the digital hub under construction at Kingston Beach, near my electorate office, with the Minister for Broadband, Communications, and the Digital Economy, Senator Stephen Conroy. Along with us came the Kingborough mayor, Dr Graham Bury.

The Kingborough council has signed a funding agreement to receive $338,000, with training services due to commence in late October or November 2012. The funding has already transformed the look of the back of the old Kingston Beach hall into a modern, flexible learning environment. High-speed wireless internet will be available throughout the hall, delivered to the hall via the NBN optic fibre that is installed throughout Kingston Beach. I look forward to visiting the facility again when classes begin in the next few weeks.

Since March 2012, members of the Scottsdale community have also benefited from a digital hub, with the Dorset Council receiving $345,000. The communities of George Town, Triabunna, St Helens and Smithton will soon also have the benefit of digital hubs, due to begin in October 2012, with the federal government providing funds of $394,000, $197,000 and $379,000 respectively.

Through the Digital Enterprise program, services are being offered to assist small-to-medium enterprises and not-for-profit organisations to better understand how to take advantage of the NBN to improve the efficiency and reach of their operations.

The training provided for SMEs includes improving their online presence and marketing, increasing their competitiveness and internal efficiencies, and expanding their national and international markets. Training provided to NFPs includes how to deliver their services online, undertaking online fundraising and awareness activities, and achieving administrative efficiencies using online tools. In Tasmania, the NFPs and SMEs in the communities of Smithton, Midway Point and Scottsdale have received training services from 3p Consulting that started in February 2012. Training for NFPs and SMEs in St Helens, Deloraine and
George Town has just begun, commencing in August 2012.

A large number of organisations in these communities have received this training, in either a group setting or on a one-to-one basis. They are using the training to leverage the power of the NBN to promote their unique enterprises and the unique parts of Tasmania that they originate from. Minister Conroy and I had the pleasure of visiting a small business last week, Wafu Works, located next to the Kingston Beach Digital hub. It is just one of many businesses across Tasmania already enjoying the benefits of having reliable, fast internet. Training has also just started being provided in Triabunna, through the Orford Triabunna Chamber of Commerce, and in Launceston, South Hobart and Kingborough, through Community Potential Foundation Ltd.

The Gillard Labor government is acting to improve the way that local governments, individuals, and not-for-profits utilise the NBN. The Digital Local Government program is contributing to the Australian government's vision that Australia will become a leading global digital economy by 2020. In particular, the program contributes to the digital economy goal that, by 2020, four out of five Australians will choose to engage with government through online services.

The programs being funded are diverse and allow individual councils to find unique solutions to the issues they face in their own local government areas. They also allow these solutions, once trialled, to be adopted and adapted by councils across the country. The Digital Local Government program, the Digital Hubs program, and the Digital Enterprises program are helping local councils, individuals, and small-to-medium enterprises to maximise the benefits of the very important NBN. (Time expired)

Aboriginal and Torres Strait Islander Healing Foundation

Senator SIEWERT (Western Australia—Australian Greens Whip) (19:06): Today I would like to talk to the Senate about the Healing Foundation. There is overwhelming evidence that Aboriginal and Torres Strait Islander peoples' mental health and social and emotional wellbeing is well behind that of other Australians and is a key contributor to the health gap between Indigenous and non-Indigenous Australians. The cumulative effect of intergenerational trauma and what the foundation and others term 'malignant grief', combined with social and economic disadvantage, has resulted in high rates of psychological distress, substance abuse and self-harm.

Suicide rates among Aboriginal and Torres Strait Islander people are, I think everyone would agree, a national tragedy. In my home state of Western Australia, the number of Aboriginal suicides between 2004 and 2008 was triple that of other Western Australians. That really is appalling. The Healing Foundation is now playing an important role in addressing issues of intergenerational trauma, particularly the trauma of the stolen generations.

While the apology to Australia's Indigenous peoples and its acknowledgment of the legacy of colonisation, forced removals and other past government practices was an important first step on the road to healing, it was quite rightly followed by concrete policy responses and funding measures. I would maintain that those policy responses have not yet gone far enough. One of those responses was to set up the Healing Foundation. As people will be aware, the Greens and many others were calling for financial reparations to the stolen generations and we continue to make that call. We also said that there needed to be services like
those now being provided by the Healing Foundation. The policy responses need to include action to address the trauma of past practises and also adequate reparations. We remain firmly committed to this issue and we will continue to pursue it with government. We are disappointed that the government has not pursued this option, because we believe, as the Bringing them home report said, that there is a need for financial reparations and other forms of reparations.

However, it is pleasing that there has been a significant commitment to providing culturally appropriate healing services to assist Aboriginal and Torres Strait Islander people to begin the process of recovering from the trauma that has been inflicted on many generations. A lot of that work is now being done by the Healing Foundation. It is hitting its straps now in the work that it is doing. The Healing Foundation was established on the first anniversary of the apology to the stolen generations, and it is an independent Indigenous organisation engaging and empowering Aboriginal and Torres Strait Islander communities. The Healing Foundation promotes increased wellbeing and resilience among Aboriginal and Torres Strait Islander peoples and helps to address unresolved trauma, grief and loss, particularly among members of the stolen generations. The Healing Foundation achieves this through culturally strong, locally-run healing programs and by funding education and research on Indigenous healing. In line with the Healing Foundation's vision of locally delivered programs, 93 per cent of the organisations selected are Aboriginal and Torres Strait Islander non-government organisations.

The foundation grew out of some significant consultation with Aboriginal and Torres Strait Islander people. Participants in the consultation process agreed that healing is a spiritual journey that requires initiatives to assist in recovery from trauma and addiction and reconnection with family, community and culture. Healing services must be culturally appropriate and take a capacity-building approach. They need to be multidisciplinary and mix modern therapeutic practices with traditional methods. Healing services must be available to all Aboriginal and Torres Strait Islander people who are experiencing, or have experienced, trauma and its effects—particularly members of the stolen generations and their families. The initial agreement was that the Healing Foundation should have three broad roles: supporting grassroots healing initiatives by providing funding and workforce development; health promotion, education and skills training in the prevention and treatment of trauma; and evaluating and documenting best practise in healing.

So far the Healing Foundation has done an excellent job of delivering on these goals. Throughout Australia Aboriginal and Torres Strait Islander people are creating their own healing through programs they are designing, developing and running. The Healing Foundation is currently funding 97 successful projects, but there is much more to do. Projects and organisations include the Link-Up healing camp in Queensland, Tangentyere Council Men's Place project in the Northern Territory, the Yothu Yindi Foundation and Halo. I was at a conference on Friday and Saturday in Western Australia and we heard from the Halo Foundation. What they are doing is truly inspiring. They are working with young people as they grow. The people who were initially going through the program are now helping other people as they come into the program. In other words, they are becoming mentors. These are the sorts of things that are so important.

Some of the new projects that are about to be funded are a conference involving
participants from the east and west Kimberly districts as well as neighbouring Northern Territory communities on the topic of preventing and healing from violence. A film is being created about life under the Aboriginal Protection Act in Cherbourg, which will then be used as a tool for healing and reconciliation and to enhance understanding of the Cherbourg experience among the broader community. There are training programs on the Western Cape York Peninsula and a locally based program is being developed to address trauma in Western Australia. There are school holiday camps and a range of very worthy programs are being funded.

One of the projects that I am particularly excited about is a new intergenerational trauma program in Darwin, Kununurra and Brisbane, which aims to build resilience in children, families and communities in dealing with loss and grief, using the strength of culture to address the trauma passed down from generation to generation among people who are affected by the stolen generations policies.

The Healing Foundation has a very focused commitment to research. I was fortunate enough to attend a forum where we heard from Professor Pat Dudgeon, from the University of Western Australia, and Professor Michael Chandler, a Canadian expert who is looking at what is best practice for healing in communities.

Overwhelmingly, the finding from both professors is that programs need to be developed, driven and implemented by the community, and they have to be culturally appropriate. Helen Milroy was also there, as was Tom Calma. All of the speakers spoke about the need for culturally appropriate, community owned programs. That is where the strengths are.

Research from Canada, which Professor Chandler pointed out and shared with us, showed the striking differences involving communities where culture is strong and programs are owned and run by the community. They are closing the gap. They are not getting the appalling suicide rates, they are finding employment and people are healing. This is as opposed to communities where programs are top-down ones that are foisted on them. This is not where we are seeing success and healing. Culture is absolutely critical.

The projects the Healing Foundation supports are all about those community driven programs. Overwhelmingly, the participants want it to be independent of government. They want it to focus on empowering Aboriginal people and having them take control of their healing. The funding for this program runs out in June next year. They are very keen to get an early indication from government that it is committed to further funding of the project. I understand that there is a requirement for around $26 million for this very important ongoing work. They have just started this work. It would be a tragedy if funding ceased just as they are finding their straps, just as these programs are getting off the ground. There is an urgent need to keep this foundation funded and doing this vital work.

Senator MOORE (Queensland) (19:16): I would like to associate myself with the remarks just made by Senator Siewert. It is an extraordinary program and needs to be congratulated and maintained. So, thank you very much.

Acting Deputy President Ludlam, you know that this week is Mental Health Awareness Week and tomorrow is Mental Health Awareness Day. Everyone in this place knows that just having a day with lots of celebrations, talks and media releases does
not in itself raise community awareness or make changes in our community. Senator Siewert talked about the need to have local communities making their own decisions and owning the issues. This is certainly more important in mental health than just about any other area.

I want to talk about three separate events I was lucky enough to share in over the last couple of days. They were owned by the local communities, who developed and responded to their own needs to talk about the issues of mental health in their own areas. The first one was the inaugural—and I am very proud to be able to say that—Social Work Student Conference, which was entitled ‘Let's chat about mental health’, at James Cook University last week. This program came out of a decision made by a group of final year social work students that they needed to talk more about the issues of mental health in the community so that they could effectively take their very important role in the essential multidisciplinary team approach to mental health in our communities. I really want to congratulate the team, led by Louise Masters, and also the group of students, Catherine, Shinila, Simoane, Kathleen, Vicki, Alice, Michelle and Micaiah, Nickie and Erleice, who all worked together in their final year of study to ensure that at the local level we could find out more about the issues of mental health and then be able to respond—most effectively looking at the issue of stigma and isolation in the community. We had an awesome group of speakers who all focused around what we could do together.

I particularly want to acknowledge the contribution of one of the students, who had the terrible bravery to talk about her own experience. She lost a child several years ago to leukaemia and suffered extreme trauma from the loss. This was not just what we see as reasonable grieving. This was the terrible impact of mental illness, which caused trauma to her and her family over many years, almost to the extent of her losing custody of her other children. It also impacted on her family and her local community. With a great deal of help, not always in the appropriate ways for her, she was able to work with people around her to make decisions about how she would own her own health, get the support she needed and make decisions about her future, in this case looking at adult study and working through her illness. Now, she will be able to bring her skills into play in working with other people to look at where they can find support.

There was a range of other speakers, but I will not go into all of them, although I will on future occasions. I want to congratulate these students and celebrate here the role of social workers, sometimes forgotten, in their extraordinary job of bringing people together, creating networks and making sure that people have voices in their discussions—most importantly in this case—around issues of mental health.

So, first we had the first mental health conference for social workers in Townsville. On the next day I came back to Brisbane and took part in the second annual Walk for Awareness. It dealt with the issue of mental health and, in particular, the issue of suicide. This walk is auspiced by the Mental Awareness Foundation. This is a local foundation formed by people who have suffered the loss of friends or family by suicide. I want to congratulate the Mental Awareness Foundation, because they did not sit back and wait for somebody else to do it. They saw a need and they wanted to work together—and I keep stressing that we consistently hear the words ‘working together’—to ensure that people know more about what causes suicide, the stresses and, again, the issue of isolation.
They decided to have this walk very close to an iconic part of Brisbane, the Story Bridge. People in Queensland, and certainly those in Brisbane, all know the bridge. However, the bridge has a tragic element. Almost from the day it was constructed, the bridge has been the scene of numerous suicides. We know this and as a community we are speaking out to say that we need to make sure that some construction is done on this black spot so that people are not able to leap off the bridge. We have indications from other cities that face the same issue of ensuring that there is no capacity to jump off a bridge to end your life.

We have had a number of awful— in the true sense of the word—issues in Brisbane recently, but we know that almost every week there is a loss in this area. So they chose to have this walk around the Story Bridge to raise awareness of the general issues but, in particular, to raise awareness of the need to protect our bridge and to protect our community. The local city councillor Helen Abrahams, my friend, is arranging an e-petition so we can work together to make sure people know that there is a need to make this change and that we have the power to do so.

The funds that came out of this Walk for Awareness went to two wonderful organisations that we all know in this place: the GROW Foundation, which has been around for 50 years, looking at the issues of mental health in community and in families, and also a particular favourite of mine, the Mates in Construction project, which I have talked about in this place before. Mates in Construction is funded through the building industry and through the unions. With the support of industry partners, they are able to serve so many people across Queensland, and now they have expanded their services interstate. They have received considerable federal funding because of the quality of their services. Recently they have lost state funding, but they will be able to move beyond that in terms of identifying need, feeding into education and awareness and, again, looking at the issues in the local community of stigma and isolation.

So, congratulations to the people from the Mental Awareness Foundation and all the walkers who gathered on the hottest day we have had so far this summer to walk together to show Brisbane that we are concerned about suicide. Again, we want to stop the opportunity for people to end their lives through suicide from the Story Bridge, and we need to keep that campaign strong and maintain that rage at our local level.

The third event— again, local community looking at the issues of mental health together. We have gone from the first one to the second one, and now this is the 10th Breaking Free concert in Toowoomba, which is my home town. I have been lucky enough to visit there many times on Breaking Free Day, which was developed 10 years ago to make sure people in the local community of Toowoomba understand that people with mental illness are citizens—members of the community like everybody else—and should not be isolated or labelled or unable to feel welcome and safe in the community. The Breaking Free concert pulls people together to send this message. I want to congratulate Michael Burge, the organiser of this event over the last 10 years. There was spontaneous support for Michael on the day—from people working in the field, from consumers, from family members—to thank him for the work he has done to ensure that this event happens. It is a fun day, because we need to celebrate our wellness and ensure that we share this experience and give the message to people that they are safe and welcome in the community.
One of the things that pulled all of these things together was joy and community activity. At both the inaugural Social Work Student Conference and the Breaking Free concert, one of the key aspects was music. I will talk again about music in the community, but first I want to congratulate the Seniors Creating Change group in Townsville. This group, made up of volunteers, has gathered together to highlight the issues of senior and elder abuse and also to ensure that, once again, people are not labelled and isolated in the community. I want to mention—and I know you would accept this, Madam Acting Deputy President Pratt—that they take well-known songs and put their own words together. One of the songs they were singing was 'I am senior, hear me roar'. It is pretty confronting, when I grew up singing 'I am woman, hear me roar', that now I have to identify with 'I am senior, hear me roar'! But now you can roar in both ways: as senior and as woman! So congratulations to them, and I will be talking about them again later.

I also want to commend the wonderful Rainbow Choir in Toowoomba, gathered together by people who have a range of disabilities but want to sing and stand proud. I particularly want to congratulate the people who work together on that choir. They make a real difference, and they join together to make us all strong—but, in particular, in this Mental Health Awareness Week, to make us aware of genuine mental health: our rights, our pride. We are not talking about illness; we are talking about health.

Afghanistan: Hazara People

Senator BOYCE (Queensland) (19:26): In the world of refugees there are many deserving causes, but perhaps none more than that of the Hazara people of Afghanistan, who, through no fault of their own, survive persecution to become refugees. It is hard in Australia to imagine the plight of many displaced and persecuted peoples, but the plight of the Hazara people is one of the worst. The Hazaras are perhaps the best educated of all Afghan tribes, and they are—for their sins!—marked people. They have the distinctive Mongolian facial features that mean they are easily made a target of hatred.

I am aware of the dire situation facing the Hazara people through two cases that have been brought to me: a young Hazara asylum seeker, Sayed Hussain Balkhi, who is presently in community detention in Brisbane and who is 17, and also the family of Zaher Alawi, refugees who arrived here in 2007, who are now permanent residents and who are now seeking to sponsor other family members to come to Australia. I will be talking soon about the stories of Sayed Hussain Balkhi and the Alawi family. But first I want to set the scene, for people who are unaware of the terrible crimes that have been committed against the Hazara people. Thousands of Hazaras have fled their homelands in western Afghanistan in the last two decades—and even more have died in Afghanistan and Pakistan, killed by their neighbours and by fellow Muslims. As an educated elite in Afghanistan, they have often found themselves the victims of discrimination and persecution—even of ethnically and religiously targeted assassinations.

As Shiite Muslims they have been especially targeted by the Sunni Taliban. They have been accused of being collaborators in the service of the so-called NATO invaders, been denied the right to education—mosque burnings, bombings, targeted assassinations and beheadings have been commonplace. I want especially to come to Hussein Balkhi's story shortly, because I am both shocked and hurt by the
fact that our Department of Immigration and Citizenship believe he has nothing to fear by being returned to Afghanistan, despite the picture that I have just painted.

In August 1998 in Mazar-e Sharif the Taliban massacred more than 2,000 Hazara in just three days. Many were simply shot in the streets or in their homes; 30 were shot in their hospital beds; some were boiled to death in sealed steel containers. Other residents were told not to touch the bodies lying in the street or they too would be killed. These are horrible stories that must be told, as it seems this government and its Department of Immigration and Citizenship think that many Hazara are not legitimate refugees fleeing death and discrimination and that somehow Afghanistan and the west of Pakistan are safe and secure places for the Hazara people to be.

It was claimed by this government in a media release on 9 April 2010 that, after the fall of the Taliban, 'durable security and constitutional and legal reform were serving to protect minority rights in Afghanistan.' Such claims were wrong then, and they are wrong now. Thousands of Hazara Shiites have been persecuted and murdered. The Department of Immigration and Citizenship, quite reasonably, asks our embassy in Kabul for reports on security and sectarian strife. But the reports I have had from people who spend time on the ground in Afghanistan helping refugees are that the embassy staff in fact have little opportunity to get into rural, remote and far-flung Afghanistan and that they do not know all the facts. Human Rights Watch says that the killing of Hazara Shiites is 'significantly under-reported'. The government and their officers have also seemingly accepted the advice of an unnamed representative of the United Nations Human Rights Commission, who claimed that since the fall of the Taliban the Hazara were experiencing a 'golden age'. Decapitation is hardly 'golden', nor is becoming a homeless refugee.

The majority of Afghani refugees reaching our shores are Hazara. Why are they at our door begging for help if they are so secure and safe in their homelands or the wild west of western Pakistan? Professor Bill Maley, from the ANU, today passed onto me another person's quote, which was: 'You wonder why we get on the boats. If we drown we'll die once, but at home we die every day.'

Many Hazara who have sought sanctuary here come from the Ghazni province, 120 kilometres south-west of Kabul. In June 2011 The International Crisis group described the province as the third-most volatile in all Afghanistan, just behind Helmand and Kandahar. Hazara in Ghazni have been killed, disappeared, forced to flee and had their ancestral lands confiscated. But they are not safe anywhere in Afghanistan. As I said before, they have been accused of being collaborators with NATO; they are denied the right to education. Even outside of Afghanistan, in Quetta, in West Pakistan, there is no refugee for them. Over half a million Hazara have sought refuge in and around the city of Quetta, in Western Pakistan. There, they are being attacked with increasing frequency. Their businesses have been bombed, their cars attacked and, in April this year, a bus carrying Hazara returning from a pilgrimage was bombed, killing 50 people. The bus service that links the two Hazara enclaves in Quetta, Brewry and the Hazara Society enclave, has now been stopped after it was regularly attacked, Hazara taken off the bus and killed on the spot. It is a 20-minute drive between the enclaves of Brewry and the Hazara Society enclave.

People have told me today about the problems faced by Hazara, who joke about a
'bribe or bullet' system—you pay the bribe or you get killed. Those still in Quetta are even too afraid to even drive to the airport, where the office of the UNHCR lies, because they fear being recognised and butchered. I am told that the UNHCR office has a sign warning Hazara not to come there as it is too dangerous. Where do you go when the United Nations High Commission for Refugees is too dangerous? Hazara students come from a people who are proud to be well-educated, but the bus service that took Hazara students to university studies in Quetta has been terminated also after young Hazara students were hauled off the bus and killed.

I would now like to speak briefly about Hussein Balkhi's family and why he is here. Hussein is 17; he is now in community detention in Brisbane—he is basically alone. His uncle and grandfather were killed by the Taliban in Ghanzi. His father was shot dead in the street as he went to work, and yet we continue to be told by the Department of Immigration and Citizenship that it is safe for people to return to Afghanistan. In September the Director of the Asia-Pacific College of Diplomacy at the ANU, William Maley, said 'there is little reason to be confident the general situation in Afghanistan will take a turn for the better in the foreseeable future.

Hussein came here because his mother sold her entire dowry to get enough money for him to make that very perilous boat trip. What are you thinking when you put your eldest son on a boat because it is a better option than what is being provided at home? How bad do things have to be? Hussein was told he could not go back to Afghanistan or Uruzgan because his family name is on a Taliban death list. And yet, amazingly enough, this government in three days managed to refuse his application for citizenship. I am appalled. Thank you.
from an industry that is contaminating, obsolete, toxic, extremely dangerous for the people who come into contact with it. It is in fact in the process of phasing out, although to read some industry press releases you would not think so.

Fifteen years on, the alliance has brought together Aboriginal people, environment groups, health groups, trade union representatives and other supporters of the Aboriginal people who are leading this campaign to strategise, to plan and to campaign. The alliance this year met at a pivotal time, as the Prime Minister is due to appear in India, as soon as next week, to progress a uranium sales deal with India, which is a nuclear weapons state. We have seen senior Indian nuclear officials openly state that they want to lock in external sources of uranium supply so that they can free up their dwindling domestic sources for nuclear weapons programs. This is the country that has stayed outside the only multilateral disarmament and non-proliferation framework that the international community has. Australia is proposing to sell uranium for a fleet of nuclear reactors that has been slowly under construction for a number of years.

I want to acknowledge—and I put this on the record last time we were here—the extraordinary work done by tens of thousands of Indian campaigners, villagers and people in fishing communities down the Tamil Nadu coast and elsewhere, for putting up a spirited fight which cost five of them their lives and put large numbers of people into hospital. Their struggle was acknowledged at the Australian Nuclear Free Alliance.

Australian uranium was in all four of the reactors at the Fukushima Daiichi nuclear plant. Three full meltdowns, one reactor that is still in an extremely risky state, all of the caesium now littering that part of Tohoku and the pollution and the poison that has spread further, all originated with Australia. It is pretty heartbreaking to hear from the ANFA people from whose country that uranium came. They have been telling Australians in the south for decades that the stories and the songs of that country are of protection, sickness, death and non-disturbance, that under no circumstances do you disturb or distress that country because it will hurt people on the ground but it will also harm people much further away. It is pretty heartbreaking for them to be told, as we discovered late last year, that uranium from all four of those plants came from their country. The news that Australian uranium was present I think simply underscores what they have been telling us all along.

But the meeting noted that numerous uranium mining proposals have been stalled in recent years partly because of the work of groups like ANFA, and partly because of the sheer contradictions inherent in the industry and what it has done to itself: the Olympic Dam expansion; Mt Gee, or the Arkaroola wilderness sanctuary, which attracted people from right across the political spectrum, taking the lead again from Aboriginal people from the area; Myponga in South Australia; Koongara in the Northern Territory; and the proposed heap leach operation in the Northern Territory. Kintyre and Yeelirrie in Western Australia have both been shelved while the price remains depressed—partly as a result, as I say, of the fact that the market is sick and the industry is terminal, but partly because of the tireless and enduring work of campaigners around the country who have led campaigns based on very few financial resources, campaigns held together effectively with love and determination. It is certainly not money that keeps them going.

I wanted to note the fact this week the uranium spot price hit a new two-year low of
$45.75 a pound. In February 2011, right before the meltdowns at Fukushima Daiichi, the average spot price was $69, and in mid-2007, in the middle of a uranium bubble, it reached a height of $135 per pound. By the sound of some of the boosters in the Australian uranium industry, people who still do not get the state of terminal decline that this industry has entered, you would imagine that they still imagine the price is that high. Of course, the industry has begun its collapse. It has begun its long, slow decline. I feel like my job as an anti-nuclear campaigner supporting these people out on country is to just win this a day at a time while the industry gradually folds under its convictions. Our job is to make sure that on the way out it harms as few people as possible, that it is not allowed to devastate places the way it has devastated Japan's Pacific coast and the way it devastated hundreds of square kilometres around the Chernobyl reactor in the Ukraine.

ANFA called for Australia's existing radioactive waste to remain at designated federal storage sites at Woomera in South Australia and at Lucas Heights in New South Wales, pending an independent public commission of radioactive waste management in Australia. That is a call that I made. I put an amendment to this chamber when the Muckaty bills, the radioactive waste bills were debated in here in March. It is something that the government and opposition used their combined numbers to vote down. I invite the government and opposition to reconsider that position. It is something that I think we are going to need to do sooner or later, so that we are not having continued inquiries and campaigns into which remote Aboriginal community should host this toxic waste, but instead hold an honest, open, deliberative inquiry for the first time in this country's history to work out the most appropriate way to deal with this material.

ANFA also called for justice and acknowledgement for communities and people suffering the intergenerational health impacts from British atomic weapons-testing at Maralinga and Emu Field in the north-west of Western Australia. We have been unsuccessful here, through a campaign by me, my colleague Senator Penny Wright and by Senator Nick Xenophon from South Australia in getting a gold card for service personnel whose lives were damaged and in some cases destroyed—or for their successors, their widows and their partners. We have not even been able to get a gold card health standard for those personnel, and nothing for the traditional owners whose homelands were bombed. As though they were still considered flora and fauna they were left there to be turned blind or to die on country. And they have been left to rebuild their lives and their children's lives. There has been nothing—silence—from this place.

I wish—I really do—that we could give Uncle Kevin Buzzacott 20 minutes on the mic in here, and then maybe give him leave for another 20, so that he could tell the stories directly about what he has seen happen on his land. He has shown leadership as have others—people like Mitch, who is Aranda and has led the campaign in central Australia against the radioactive waste dump; Barb Shaw, whose name I am sure is familiar to many in here; Peter Watts, from South Australia; Kado Muir and other elders and leaders from my home state of Western Australia, and their supporters like Mia Pepper—who are taking the fight up against Toro Energy. I cannot go on without noting Nat Wasley, the tireless campaigner, who has done so much work over so many years to keep bringing us together so that these stories can be told and heard.
This industry is on the way out—not simply because of its internal contradictions and the disastrous toll it inflicts on host communities everywhere it touches down, but because of the extraordinary, selfless and tireless work of the campaigners that I was privileged to spend a few brief days with in Alice Springs. I hope that we have some better news by the time ANFA reconvenes this time next year.

**Public Services**

Senator PRATT (Western Australia) (19:47): I seek leave to speak for 20 minutes.

Leave granted.

Senator PRATT: Over the last few months we have heard much about the savage cuts that conservative governments are making to public services across Australia. We have heard how necessary it is for Campbell Newman to cut 14,000 jobs from the Queensland public sector—'necessary' was his word—including almost 3,000 jobs from health services. We have heard how 'tough' it is for Barry O'Farrell to rip $1.3 billion out of education in New South Wales. And, in an extraordinary display of one-upmanship, we have heard Isobel Redmond muse that she might cut up to 35,000 jobs from the South Australian public. The story, right across the country, is the same: Liberal governments are slashing jobs and community services.

They say they need to cut spending but what they are really cutting is investment in our children's future. They are cutting investment in the high-skilled workforce of tomorrow. They are cutting investment in our community's health and in our workplaces' productivity. They are cutting investment today in what is crucial for growth and savings tomorrow.

These cuts store up future losses in exchange for illusory short-term savings. And my own state of Western Australia is suffering too, as the Liberal government is cutting into essential services like policing and health in an attempt to paper over their own financial mismanagement. Western Australia is not immune to the Liberals' obsession with public sector cuts. Nowhere is immune, and there will be worse to come, I think, under an Abbott government. I will be fighting, tooth and nail, to make sure that we do not live to see that day.

While the Queensland and New South Wales governments have recklessly cut funding in large, sweeping blows, the situation in WA has been death by a thousand cuts. They have made smaller but far more numerous cuts to the public sector over the last four years. The WA Liberals have peeled back funding for community services like health, and they have done this by stealth. It might be easier for the WA government to get away with it, but it is not any easier for Western Australia's police stations, hospitals, or for our nurses, doctors, or police officers, to keep delivering the health and community services that we rely on so very much.

Just a few weeks ago, WA Liberal Treasurer Troy Buswell announced $330 million of cuts to public services, which are on top of the two per cent so-called efficiency dividend that the Liberals are trying to bleed out of government departments. What I find most incredible is that the first areas that the WA Liberals seem to look at for cuts are in vital services like health and community safety. The $330 million in cuts includes $10 million from the WA police budget in addition to the $21 million efficiency dividend that the police have already been expected to pay. That is $31 million that will no longer be available to the Commissioner, reducing his ability to keep frontline officers on the beat, and Western Australian communities safe.
I know, in an effort to head off this criticism, Mr Buswell ruled out Queensland style job cuts when he announced these cuts yet the Western Australia Police Commissioner has already confirmed that 104 positions will have to be, for want of a better word, cancelled or lost from Western Australia Police in order to achieve these cuts. As a result of these losses, according to the commissioner, there will obviously be a reduction in the quality of services. Western Australian Liberals simply have their heads in the sand if they think that slashing the police force's budget will not have an effect on police jobs and the services that they deliver, not have an effect on the number of police officers nor on them being where they are needed when they are needed.

In the Department of Health the situation is the same. Officials estimate that 130 positions will be lost as the Liberals rip $12 million out of the health services budget. That move has provoked outrage not only from the health sector unions in Western Australia but also from the Australian Medical Association. They have rightly pointed out that Western Australia cannot afford a reduction in the quality of its health services with a population that is booming and also ageing. In fact, in the news this week we saw that Western Australia is behind other states in important things like emergency service waiting times. But the Western Australian Liberals appear to be unmoved. I can only conclude from this that they just do not care about the quality of services available to Western Australians. They simply do not care.

Mr Buswell has refused point blank to rule out further cuts. That on its own is, I think, unacceptable. But what is even more outrageous is the Liberal's financial mismanagement that created the need for these cuts. There is no doubt that the Western Australian Liberal government has a problem with revenue that they are busy trying to paper over. The budget papers have consistently forecast a drop in the Australian dollar even though all other forecasts tell us it is going to stay at around its current level. That has had massive ongoing impact on Western Australia's bottom line and that is the one thing that the Western Australian Liberals still refuse to acknowledge in the budget papers. They, in their budget papers, have the Australian dollar tracking at about 76c. We all know it is on par with the US dollar. That has a substantial impact on forecasts of real revenue that we get from things like mining royalties. So they are simply papering over the real state of the budget.

Rather than planning for this fall in revenue and saving appropriately or working through an intelligent process—as we have been trying to do in the federal government—the Western Australian Liberals have been busily splashing money on pet projects like Colin Barnett's lavish new offices and the Perth waterfront development. They have left people in Perth suburbs adrift with soaring electricity prices—thanks to the Barnett state government—as well as soaring water and gas bills, without any compensation as we provided through the Carbon Pollution Reduction Scheme and without access to quality local services.

The Western Australian Liberals have abandoned things like the much needed train line to Ellenbrook and they are also very busily privatising services at the new Fiona Stanley Hospital. They have also put forward that the new Swan Hospital should also be a private model. These are things I object to. But the savings they have made by breaking election promises and outsourcing public services have quickly been eaten up by spending on themselves and their boutique projects. That is because the Western
Australian Liberals are focused on governing for a privileged few rather than for all Western Australians. At the same time, they run the risk of putting the Western Australian budget into deficit. They have, I say, their priorities wrong and the people of Western Australia are paying the price.

I suppose while the financial mismanagement and skewed priorities in Western Australia are horrifying, I fear they are nothing compared to what would happen under a potential Abbott federal government. Indeed, the federal coalition has responded with nothing but applause for the public service cuts carried out by their state colleagues. shadow Treasurer, Joe Hockey, seems to believe that Campbell Newman has not gone far enough in throwing 14,000 Queenslanders out of work—wishing all strength to his right arm. We have good reason to think that the federal coalition will brutally slash community services. But just how far would they go? Coalition MPs have promised to deliver Australia back into a $15-billion surplus. I think this is a staggeringly unrealistic surplus in the wake of the biggest financial crisis since the Great Depression. A $15-billion surplus is roughly equivalent to the savings that could be made by abolishing Medicare. Are the coalition really prepared to cut that deep? Are they? Let us not forget that to even get to the point of delivering that surplus Tony Abbott has to first find $70 billion worth of savings.

The ACTING DEPUTY PRESIDENT (Senator Moore): I remind you to call Mr Abbott by his name.

Senator PRATT: Thank you Madam Acting Deputy President, you are indeed right to draw my attention to me needing to refer to Mr Abbott by his correct title. Mr Abbott has to find some $70 billion worth of savings to fill that black hole in his budget. Just as with his state Liberal colleagues, that black hole exists in Mr Abbott's budget not because the world faces the biggest financial crisis in our lifetime but because the coalition have made reckless, unfunded promises to the electorate. That irresponsibility, that planned financial mismanagement, will force them to cut jobs and services if they are elected. So the coalition must explain which services they will cut to deliver their budget surplus. Will it be Medicare? Will it be schools funding? Will it be infrastructure? Australian families deserve to know where the coalition will get their $70 billion worth of savings from so they can know just how much Mr Abbott's government would cost them. The massive cuts to education, health and community safety that we have seen under state Liberal governments are, I think, just a warm-up act for what Australia would see under a Mr Abbott government.

Labor, on the other hand, will move to protect jobs and services. We know that budgets sometimes take hard decisions, and we have made many of those hard decisions, but there is a very clear difference between the way Labor and Liberal governments approach these decisions, and that is because there is a very clear difference in values between Labor and those on the other side of the chamber. Labor values a fair go for all Australians, including those doing it tough. Labor values a strong community and the services that support it. If you want to know what those opposite value, just take a look at what their state colleagues choose to cut and choose to fund: nurses and police officers gone to pay for fancy offices for Liberal premiers.

This Labor government has made hard decisions, but we have found efficiencies rather than cut services. Finance Minister Penny Wong only recently said that she and Special Minister of State Gary Gray had
found new savings in the Public Service of $550 million over the forward estimates by doing things like reducing allowances, travel and external consultants. Similarly, the WA Labor opposition have announced their plan to increase secure employment in the WA public service and cut recruitment costs. The plan will also, I think, make public service jobs more attractive, helping to recruit and retain higher quality, more experienced public servants. That, in turn, will boost public service productivity and create savings.

So Labor's plans show how savings should be made in government: by becoming more efficient. In contrast, the coalition at both state and federal levels is simply focused on slashing jobs and vital community services. We are a government focused on delivering in accordance with Labor values. This means making sure that people get the support that they need when they need it. It also means that, when Labor puts together a budget, we do it with fairness and with the wellbeing of local communities in mind, making hard decisions like funding the trial phase of the National Disability Insurance Scheme. Labor is putting the budget back into surplus, but we are not going to do it at the expense of people with disabilities.

To Premiers Newman, O'Farrell and Barnett, who have complained about how tough public service cuts were to make, I say this: no matter how tough these cuts were for you, they will make life much tougher for millions of ordinary Australians. Every dollar ripped out of our schools is a dollar ripped from the future of young Australians, every dollar ripped out of our hospitals is a dollar ripped out of a person's life when their life hangs in the balance, and every dollar ripped out of infrastructure is a dollar ripped out of a more competitive and sustainable economy. So I am proud to be a member of a federal Labor government that stands against these kinds of cuts to jobs and community services, I am proud to come from a state where the Labor opposition has a plan to keep our public services strong, and I am proud to say that I will fight every day alongside my Labor colleagues to make sure that the people of Western Australia have the quality public services that they need and deserve.

Mental Health

Senator FIERRAVANTI-WELLS (New South Wales) (20:04): Mr President, I seek leave to speak for up to 20 minutes.

Leave granted.

Senator FIERRAVANTI-WELLS: The month of October is a very significant and important month for the mental health sector, for people suffering with a mental illness, for their families, friends and carers, and for our community as a whole. The World Health Organization defines mental health as follows:

... a broad array of activities directly or indirectly related to the mental well-being component included in the WHO's definition of health: "A state of complete physical, mental and social well-being, and not merely the absence of disease". It is related to the promotion of well-being, the prevention of mental disorders, and the treatment and rehabilitation of people affected by mental disorders.

Let me begin by once again putting on the record just a few of the stark mental health statistics in Australia, and let us not forget that we do so, as I said, in the month of October, bearing in mind that tomorrow is World Mental Health Day. In recent weeks we have seen this Senate mark R U OK? Day, World Suicide Prevention Day and a range of other important days when mental health, mental illness and those suffering have been at the forefront of our thoughts.
I turn to some very important statistics. In 2007, almost half—45 per cent, or 7.3 million—of Australians aged from 16 to 85 years reported that they would have met the criteria for a diagnosis of a mental disorder at some point in their life. One in five Australians will experience a mental illness this year. In 2007 anxiety disorders, affecting 14 per cent of all people aged from 16 to 85 years, were the most common mental disorders reported in the 12 months prior to interview. The most common anxiety disorder for both men and women was post-traumatic stress disorder, but women were almost twice as likely as men to experience this disorder. Females were more likely than males to have experienced anxiety disorders both in the 12 months prior to interview—18 per cent and 11 per cent respectively—and in their lifetime—32 per cent compared to 20 per cent for men.

Affective disorders, also known as mood disorders, such as depression and bipolar affective disorder, affected six per cent of people aged 65 to 85 years in the 12 months prior to interview. A higher proportion of females recorded affective disorders than males, both in the 12 months prior to interview—seven per cent compared to five per cent—and in their lifetime—18 per cent compared to 12 per cent.

The harmful use of alcohol and other drugs is an issue that has many negative effects for individuals, their families and friends and the wider community. Substance use disorders involving the harmful use of or dependence on alcohol or other drugs were less prevalent than other types of mental disorders, affecting five per cent of people aged 16 to 85 years in the 12 months prior to interview. Males were more than twice as likely as females to have had a substance use disorder both in the 12 months prior to interview—that is, seven per cent of males and three per cent of females—and over their lifetime—35 per cent of males and 14 per cent of females.

Alarmingly, suicide is the 15th most common cause of death in Australia, although many academics and experts believe that suicide is significantly underreported and state that the actual figures are higher than those reported.

Mental health accounts for about 13 per cent of the total burden of disease in Australia, but only about six per cent of the health budget goes to mental healthcare services. People with a mental health disorder also may not be able to participate fully in the labour force. This has individual impacts in terms of the person's income, social participation and self-esteem, and also has wider economic impacts. The annual cost of mental illness in Australia has been estimated at $20 billion, which includes the cost of loss of productivity and labour force participation.

As I said, tomorrow, Wednesday 10 October, is the United Nations World Health Organization's World Mental Health Day, designed to raise public awareness about mental health issues. The day promotes open discussion of mental disorders and investments in prevention, promotion and treatment services. This year, the theme for the day is 'Depression: A Global Crisis'.

Depression affects more than 350 million people of all ages worldwide in all communities, and is a significant contributor to the global burden of disease. Locally, there are 160,000 young Australians between the ages of 16 and 24 who live with depression every day. Affective disorders such as depression and bipolar affect six per cent of the Australian population. The Mental Health Council of Australia's theme for 2012 is 'Whoever you are or wherever you live, you are not alone'. Furthermore, October is Mental Health Month in New
South Wales and also when every state and territory holds their mental health weeks. The theme this year for the New South Wales Mental Health Month for those who suffer or have suffered a mental illness is Celebrate, Connect, Grow.

The month of October is a time not only to raise awareness of these issues but also to celebrate people's recovery. It is also a time when the sector and the lawmakers must look collectively to the immediate and long-term future to see how we can deal with and resource every facet of this complex challenge: from early intervention and prevention in our youth; from research to clinical trials; and from mental health nurses, social workers and occupational therapists to carers and community support groups. These are serious issues that require serious solutions. In mental health, the coalition has a demonstrable, reliable track record of delivery, listening to the sector and acting decisively to provide these real solutions.

I would just like to take a few moments to highlight some of these significant achievements. In 2006 the coalition made a $1.9 billion investment over five years in mental health. It was the single biggest commitment to mental health by any government in Australia's history at that time. Many, including me, would argue that it is still the biggest ever real investment in mental health in Australia—a point I will come to in a moment.

In 2010 the coalition's election policy for mental health was $1.5 billion and comprised the establishment of 20 early psychosis prevention intervention centres in major metropolitan and regional areas, providing health care aimed at recovery and prevention of relapse; provision of 800 beds for acute and subacute care, specifically to support the early psychosis prevention intervention centres; and funding of an additional 60 headspace sites, providing one-stop shops for young people, with information and services relating to general health and wellbeing, mental health and alcohol and drug services.

Leading mental health practitioners, including former Australian of the Year Professor Patrick McGorry, and Professor John Mendoza, publicly endorsed this policy. In fact, on 1 July the Australian quoted Professor Mendoza as describing the coalition's policy as:

… the most significant announcement by any political party in relation to a targeted, evidence-based investment in mental health.

In an extraordinary set of circumstances following the 2010 federal election, both the Senate and the House of Representatives passed motions calling on the government to implement this policy in October and November 2010 respectively. However, both Labor and the Greens voted against these motions in both the Senate and the House of Representatives. They therefore not only ignored the will of both houses but they stifled much-needed real action in the mental health sector.

We then had the 2011 federal budget—the so-called 'mental health budget'—in the 'year of decision and delivery'. To begin with, the government had to be shamed into making any substantive announcement in mental health after sustained pressure from the coalition and the mental health sector, which was crying out for help. The budget announcement, with much fanfare, included the headline figure of $2.2 billion. The spin from Labor was that it was impressive; but like most things that this government does, the devil was in the detail.

What we soon uncovered was that there was only $583 million of net spend over the forward estimates. The bulk of new money in this headline figure fell outside the forward estimates in the fifth year or, as most
people in the sector suspect, in the nevernever. It was certainly a deceptive figure.

In fact, in the 2011-12 financial year there was only $47 million allocated—yes, that is right, $47 million from this so-called $2.2 billion figure. This Labor government actually cut mental health spending by ripping $580 million from GP mental health services and the allied health treatment sessions from the Better Access program. Dr Lesley Russell, former policy adviser to Julia Gillard in her then role as federal shadow minister for health, who prior to this had been part of the policy unit in the office of the Hon. Simon Crean when he was Leader of the Opposition with responsibilities for health and ageing, stated in the Canberra Times on 22 February 2011:

The funding response to date from the Government has been a paltry $112 million for four years, which hardly makes up for the $354 million cut from mental health services since Labor came to federal power.

Dr Lesley Russell, this highly regarded stakeholder who has worked in the inner sanctum of the Labor Party's health policy department, has clearly belled the cat and confirmed what the coalition and mental health experts have been saying.

So how much of the so-called 'big spend' on mental health has actually been rolled out? Take, for example, the suicide prevention money. Remember the 2010 election promise of $277 million for Taking Action to Tackle Suicide? In the first year the government was supposed to spend $9 5 million to roll out important programs. How much was actually spent? I understand that only $7.3 million was spent. It has taken Labor almost two years to spend some money to start addressing suicide issues in the Kimberley. This was after a long and laborious process of committees and consideration. Meanwhile, on the ground in the Kimberley the problems continue.

The coalition has also been taking the fight for a better deal for the mental health sector to the government on another front. We were successful in initiating a wide-ranging Senate inquiry into the funding and administration of mental health services in Australia. The inquiry was conducted by the Senate Community Affairs References Committee and follows from the 2011-12 budget changes relating to mental health. The committee received a record 1,500 submissions with many of these addressing the adverse effects of the changes—or, should I say, the cuts—to Better Access. These changes caused a lot of stress to patients, their families and those practitioners treating them. It is typical of a government that cannot get anything right. The government was once again shamed into a backflip to reinstate, albeit temporarily, some of the sessions that had been cut in order to find some savings. This debacle was created as a direct consequence of not consulting with the sector, as we did when we were in government. These cuts to Better Access were made with scant consultation with key stakeholders and practitioners, the very people in a position to know what these cuts would mean to the community.

Further, these cuts were not based on any evidence based data but were simply, as I just mentioned, a cost-cutting exercise with the sole objective of meeting a political objective, to the detriment of the community. Having squandered billions of dollars on pink batts and Julia Gillard memorial halls, it is now the most vulnerable that will pay the price of Labor's irresponsible and wasteful mismanagement.

But backflips in mental health under this government are unfortunately not new. On 19 May 2010, the then health minister, Nicola Roxon, was forced to perform the first budget backflip of 2010, less than a week after it was delivered, to defer changes
that would have prevented social workers and occupational therapists providing much-needed mental health services. This was another instance of Rudd-Gillard government incompetence—no consultation, no heeding of the expert advice, and little consideration for the impact on those suffering from serious mental conditions, their family, their friends or their carers—with essentially no consideration given to the welfare of the community which they were elected to protect.

The coalition senators' dissenting report also highlighted another concern with these ill-conceived cuts to the Better Access program. We believe the consequences of the shift from Better Access to ATAPS have not been fully considered. This is particularly worrying given the challenges facing ATAPS which are highlighted in the ANAO report. Fundamentally, there is a real question as to whether the ATAPS structure is sufficient to meet this new demand that has now been created through the Better Access cuts. This is especially concerning given the estimates provided at the hearing that there are potentially 87,000 people who were moving from Better Access to ATAPS. This is also complicated by the uncertainty of the move from the current system of Divisions of General Practice Network to Medicare Locals and how these changes will exacerbate already strained financial and structural issues and the provision of health services.

When Tony Abbott was minister for health, he announced the Mental Health Nurse Incentive Program would receive $191.6 million over five years. At the time of its introduction, this program was expected to provide services to 36,000 people annually at a cost of $72.7 million by 2010-2011. However, the Department of Health and Ageing confirmed during Senate estimates that more than 40,000 patients had used the program at a cost of $28 million. This program appears to have been cost-efficient and beneficial and it is unclear why the government is capping it. There appears to be no clear basis for it and no evaluation of the program to justify the cap. One can only surmise that the sole objective is purely cost cutting.

There is also a question as to the additional moneys that the government did not spend in the earlier years of this program but which were allocated in the forward estimates. Unfortunately, this is another typical Labor tactic which we have previously witnessed in mental health, where programs are cut with no consultation and little consideration that the impact will have on those suffering from mental health conditions. Like many other changes, Labor has failed to adequately assess the impact on key stakeholders and, most importantly, on patients.

Which brings me to the government's so-called 10-year road map. Call it a blueprint, a white paper or however else you wish to describe it, for an issue as complex, for an issue as serious, for an issue that directly and adversely affects the day-to-day lives of millions of Australians, one would think it would be undertaken with the requisite professionalism and respect that such a noble enterprise demands. However, this was far from the case. The Gillard government released its draft 42-page Ten Year Roadmap for National Mental Health Reform and then only gave people two weeks over the last Christmas vacation period to consider it. Was this a real consultation period or merely a political gesture in order to make the claim that the sector was 'consulted'?

The road map appears to be nothing more than a wish list with very little detail. Therefore, it is not surprising that this so-called road map has been heavily criticised.
by a variety of mental health experts who have gone on the public record. They included eminent people such as Professor John Mendoza, Professor Alan Rosen and Dr Sebastian Rosenberg. Professor Rosen correctly stated that you do not put out a road map if you do not have a destination. Professor Mendoza has called it a 10-year road map to nowhere, stating that it achieves nothing and contains little of value worth publishing, and suggested it should be torn up. I would remind the Senate that Professor Mendoza, in a major embarrassment to the government, resigned on 21 June 2010 from his position as head of the government's National Advisory Council on Mental Health, stating that 'after two years ... it was pretty clear we were getting nowhere'.

Therefore, sadly for those suffering from mental illness, for their family, friends and carers, all we are seeing is another hallmark smoke-and-mirrors trick by this Labor government. The reality is that one in five Australians needs help now, not a 10-year timetable to nowhere. It is time for the Gillard Labor government to get serious about delivering real outcomes in mental health and to stop paying lip service to the sector. We are dealing with some of the most vulnerable people in our community.

I conclude by saying to those opposite: events in our lives are unpredictable and mental illness can strike anyone at any time. One day, it could be any one of us. Stop playing politics with mental health and get on with helping those one in five Australians who need help now.

**Senate adjourned at 20:24**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

- Appropriation Act (No. 1) 2009-2010 and Appropriation Act (No. 1) 2010-2011—Determination to Reduce Appropriations Upon Request (No. 11 of 2011-2012) [F2012L01927].
- Australian Bureau of Statistics Act—Proposals Nos—
  14 of 2012—Australian Health Survey.
  15 of 2012—Retail Business Survey.
- Australian Film, Television and Radio School Act—Determination of Degrees, Diplomas and Certificates No. 2012/3 [F2012L01903].
- Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determinations Nos—
  16 of 2012—Information provided by Authorised Deposit-taking Institutions under Reporting Standard ARS 231.1a, ARS 231.1b, ARS 231.2, ARS 231.3a and ARS 231.3b [F2012L01992].
  17 of 2012—Information provided by Registered Financial Corporations under Reporting Standard RRS 231.1a, RRS 231.1b, RRS 231.2, RRS 231.3a and RRS 231.3b [F2012L01994].
  18 of 2012—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2012L01921].
19 of 2012—Information provided by general insurers and Lloyd's underwriters for the purposes of the National Claims and Policies Database under Reporting Standard GRS 800.1, GRS 800.2, GRS 800.3, LOLRS 800.1, LOLRS 800.2 and LOLS 800.3 [F2012L01977].

Broadcasting Services Act—

Broadcasting Services (Digital-Only Local Market Areas for Tasmania TV1) Determination (No. 2) 2012 [F2012L01897].

Broadcasting Services (Digital-Only Local Market Areas for the Remote and Regional WA TV1, Western Zone TV1 and Geraldton TV1 Licence Areas) Determination (No. 1) 2012 [F2012L01896].


Broadcasting Services (Regional Commercial Radio – Material of Local Significance) Licence Condition 2012 [F2012L01985].

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA 309/12—Instructions – for approved use of P-RNAV procedures – Qantas A330-200/300 [F2012L01892].

Civil Aviation Safety Regulations—

Airworthiness Directive—AD/GA200/1 Amdt 1—Wing Strut Bolt [F2012L01926].

Instruments Nos CASA—

326/12—Approval of area of operation – unmanned aerial vehicles (UAVs) participating in the 2012 UAV Outback Challenge; Exemption – requirement for UAV operator's certificate [F2012L01973].


EX148/12—Exemption – solo flight training at Rockhampton Aerodrome using ultralight aeroplanes registered with the RAA [F2012L01983].

EX149/12—Exemption – solo flight training using ultralight aeroplanes registered with Recreational Aviation Australia Incorporated at Launceston Aerodrome [F2012L01899].

EX150/12—Exemption – from standard take-off and landing minima – British Airways [F2012L01999].

Revocation of Airworthiness Directives—

Instrument No. CASA ADCX 022/12 [F2012L01929].

Classification (Publications, Films and Computer Games) Act—

Guidelines for the Classification of Computer Games 2012 [F2012L01934].

National Classification Code Amendment Notice 2012 (No. 1) [F2012L01933].

Clean Energy Act—Select Legislative Instrument 2012 No. 226—Clean Energy Amendment Regulation 2012 (No. 6) [F2012L01957].


Commissioner of Taxation—Public Rulings—

Class Rulings—


Notice of Withdrawal—CR 2004/86.

Excise Ruling—ER 2012/1.

Miscellaneous Taxation Ruling—

Addendum—MT 2010/1.

Product Grant and Benefit Ruling—PGBR 2012/1.

Product Rulings—

Notices of Withdrawal—PR 2012/1 and PR 2012/23.

Taxation Determinations—

Addendum—TD 2012/17.


TD 2012/20.

Corporations Act—

Accounting Standards—
AASB 2012-6—Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures [F2012L01935].

AASB 2012-7—Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [F2012L01937].

ASIC Class Orders—
[CO 12/1266] [F2012L01918].
[CO 12/1267] [F2012L01919].
[CO 12/1295] [F2012L01975].
[CO 12/1301] [F2012L01965].

Ministerial Determination made under paragraph 601WBD(1)(b), dated 6 August 2012 [F2012L01904].

Select Legislative Instruments 2012 Nos—
233—Corporations Amendment Regulation 2012 (No. 7) [F2012L01981].
234—Corporations Amendment Regulation 2012 (No. 8) [F2012L01989].

Customs Act—Select Legislative Instruments 2012 Nos—
224—Customs Amendment Regulation 2012 (No. 7) [F2012L01956].
225—Customs Legislation Amendment Regulation 2012 (No. 1) [F2012L01990].

Defence Act—Determination under section 58H—Defence Force Remuneration Tribunal Determination No. 6 of 2012—Special Operations Engineer Regiment – Amendment.

Environment Protection and Biodiversity Conservation Act—
Amendments of lists of—
CITES species, dated 12 September 2012 [F2012L01924].
Exempt native specimens—
EPBC303DC/SFS/2012/47 [F2012L01910].
EPBC303DC/SFS/2012/50 [F2012L01908].
EPBC303DC/SFS/2012/51 [F2012L01909].
EPBC303DC/SFS/2012/53 [F2012L01911].
EPBC303DC/SFS/2012/54 [F2012L01913].
Migratory species, dated 20 September 2012 [F2012L01950].
Specimens taken to be suitable for live import—EPBC/s.303EC/SSLI/Amend/054 [F2012L01984].

Threatened species, dated 17 September 2012 [F2012L01915].

Interim (Small Pelagic Fishery) Declaration 2012 [F2012L01901].

Federal Financial Relations Act—
Federal Financial Relations (General purpose financial assistance) Determinations—
No. 41 (August 2012) [F2012L01902].
No. 42 (September 2012) [F2012L01912].

Federal Financial Relations (National Partnership payments) Determination No. 54 (September 2012) [F2012L01898].

Financial Management and Accountability Act—
Financial Management and Accountability Determination 2012/27 – Section 32 (Transfer of Functions from DIAC to MRTRRT) [F2012L01928].

Select Legislative Instrument 2012 No. 229—
Financial Management and Accountability Amendment Regulation 2012 (No. 7) [F2012L01988].

Fisheries Management Act—Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 5 2012 [F2012L01906].

Health Insurance Act—
Amendment Declaration of Quality Assurance Activity—QAA No. 4/2012 [F2012L01917].
Declaration of Quality Assurance Activity—QAA No. 3/2012 [F2012L01922].

Health Insurance (Allied Health Services) Amendment Determination 2012 (No. 3) [F2012L02001].

Higher Education Support Act—VET Provider Approvals Nos—
20 of 2012—Design Schools Australia Pty Ltd [F2012L01895].
21 of 2012—Raffles College Pty Ltd [F2012L02000].

Legislative Instruments Act—List of instruments due for sunsetting [relating to the following instrument: F2011L02666].

Migration Act—

Migration Agents Regulations—Instrument IMMI 12/097—Prescribed courses and exams for applicants for registration as a migration agent [F2012L01932].

Migration Regulations—Instruments IMMI—

12/095—Regional certifying bodies and regional postcodes [F2012L01946].
12/096—Specification of occupations and assessing authorities [F2012L01949].
12/105—Institutions and Disciplines for Subclass 476 (Skilled – Recognised Graduate) Visas [F2012L01948].

Select Legislative Instrument 2012 No. 230—Migration Amendment Regulation 2012 (No. 5) [F2012L01961].

Statements for period 1 January to 30 June 2012 under sections 195A [7].

Military Rehabilitation and Compensation Act—


Military Rehabilitation and Compensation (Non-warlike Service) Determination 2012 (No. 3) [F2012L01914].

National Health Act—

Instruments Nos PB—

70 of 2012—National Health (Weighted average disclosed price – interim supplementary disclosure cycle) Amendment Determination 2012 [F2012L01907].
72 of 2012—National Health (Price and Special Patient Contribution) Amendment Determination 2012 (No. 6) [F2012L01952].
75 of 2012—Amendment determination under paragraph 98C(1)(b) of the National Health Act 1953 [F2012L01969].
76 of 2012—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2012 (No. 8) [F2012L01971].
77 of 2012—National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2012 (No. 8) [F2012L01966].
78 of 2012—National Health (IVF/GIFT Program) Special Arrangement Amendment Instrument 2012 (No. 2) [F2012L01968].
79 of 2012—National Health (Claims and under co-payment data) Amendment Rules 2012 (No. 2) [F2012L01951].
80 of 2012—National Health (Pharmaceutical Benefits – Therapeutic Groups) Amendment Determination 2012 (No. 2) [F2012L01930].
81 of 2012—National Health (Listed drugs on F1 or F2) Amendment Determination 2012 (No. 7) [F2012L01938].
82 of 2012—Commonwealth price (Pharmaceutical benefits supplied by approved pharmacists) Amendment Determination 2012 (No. 2) [F2012L01940].
83 of 2012—National Health (Pharmaceutical benefits supplied by private hospitals) Amendment Determination 2012 (No. 1) [F2012L01954].
84 of 2012—National Health (Pharmaceutical benefits supplied by public hospitals) Amendment Determination 2012 (No. 1) [F2012L01953].
85 of 2012—National Health (Subsection 84C(7)) Amendment Determination 2012 (No. 2) [F2012L01958].
87 of 2012—National Health (Remote Aboriginal Health Services Program) Special...
Arrangements Amendment Instrument 2012 (No. 2) [F2012L01976].

88 of 2012—National Health (Supplies of outpatient medication) Amendment Determination 2012 (No. 1) [F2012L01972].

89 of 2012—National Health (Indigenous Chronic Disease – PBS Co-payment Measure) Special Arrangement Amendment Instrument 2012 (No. 2) [F2012L01970].

91 of 2012—National Health (Paraplegic and Quadriplegic Program) Special Arrangements Amendment Instrument 2012 (No. 2) [F2012L01974].

National Health (Immunisation Program – Designated Vaccines) Determination 2012 (No. 1) [F2012L01945].

National Health (Immunisation Program – Designated Vaccines) Variation Determination 2012 (No. 1) [F2012L02002].

National Health (Pharmaceutical Benefits) Regulations—Instruments NosPB—

90 of 2012—National Health (Pharmaceutical benefits supplied under subsection 93A(4)) Amendment Determination 2012 (No. 1) [F2012L01964].


Parliamentary Entitlements Act—
Parliamentary Entitlements Regulations—Advice of decision to pay assistance under Part 3, dated—

12 September 2012.

24 September 2012.


Radiocommunications Act—
Radiocommunications (Spectrum Access Charges – 800 MHz Band) Determination 2012 (No. 1) [F2012L01947].

Remuneration Tribunal Act—
Determinations—

2012/20—Remuneration and Allowances for Holders of Public Office, Principal Executive Office – Classification Structure and Terms and Conditions and Judicial and Related Offices [F2012L01996].


Social Security (Administration) Act—
Select Legislative Instrument 2012 No. 228—Social Security Regulation 2012 [F2012L01978].

Social Security (Administration) (Declared income management area – Anangu Pitjantjatjara Yankunytjatjara lands) Determination 2012 [F2012L01943].

Social Security (Administration) (Recognised State or Territory – Northern Territory) Determination 2012 [F2012L01979].

Social Security (Administration) (Recognised State/Territory Authority – NT Alcohol and Drugs Tribunal) Determination 2012 [F2012L01980].

Telecommunications Act—


Tertiary Education Quality and Standards Agency Act—Determination of Fees No. 3 of 2012 [F2012L01905].


Veterans’ Entitlements Act—
Instruments Nos—
Water Act—Select Legislative Instrument 2012 No. 232—Water Amendment Regulation 2012 (No. 2) [F2012L01991].
Governor-General’s Proclamations—Commencement of provisions of Acts
Parliamentary Counsel and Other Legislation Amendment Act 2012—Schedules 1 and 2—1 October 2012 [F2012L01963].

Tabling
The following government documents were tabled:
Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Australian Customs and Border Protection Service—Report for 2011 12.
Customs Act 1901—Conduct of Customs officers [Managed deliveries]—Report 2011-12.
Defence Housing Australia (DHA)—Statement of corporate intent 2012 to 2013.
Department of Immigration and Citizenship—Report—Implementation of the recommendations of the independent review of the incidents at the Christmas Island Immigration Detention Centre and Villawood Immigration Detention Centre, dated September 2012.
National Rural Advisory Council (NRAC)—Report for 2011-12
Reserve Bank of Australia—Reports for 2011-12—Annual report.
Equity and diversity.
Payments System Board.

Indexed List of Files
The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:
Indexed lists of departmental and agency files for the period 1 January to 30 June 2012—Statement of compliance—Department of Education, Employment and Workplace Relations.

Departmental and Agency Appointments
The following documents were tabled pursuant to the order of the Senate of 24 June 2008, as amended:
Departmental and agency appointments and vacancies—Budget estimates—Letters of advice—
Department of Sustainability, Environment, Water, Population and Communities.
Health and Ageing portfolio.
Prime Minister and Cabinet portfolio [2].

Departmental and Agency Grants
The following documents were tabled pursuant to the order of the Senate of 24 June 2008:
Departmental and agency grants—Budget estimates—Letters of advice—
Cancer Australia.
Department of Agriculture, Fisheries and Forestry.
Sustainability, Environment, Water, Population and Communities portfolio.
Prime Minister and Cabinet portfolio [2].
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Employment and Workplace Relations**
*(Question No. 1901)*

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012:

Can a list be provided detailing all payments and grants made to unions or employee organisations, listed per year since 1 January 2008.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

Attachment 'A' lists all grants and payments made to unions or employee organisations per year, since 1 January 2008.

Attachment A

The listing is based on organisations registered under the Fair Work (Registered Organisations) Act 2009 (the RO Act) but also includes the Australian Council of Trade Unions and The Union Education Foundation.

<table>
<thead>
<tr>
<th>Recipient Name</th>
<th>Purpose</th>
<th>Date of Effect / Date Paid</th>
<th>Value</th>
<th>Grant / Payment</th>
<th>Grant publication details</th>
</tr>
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<tbody>
<tr>
<td><strong>2008</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Australian Workers Union (Victorian Branch)</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>22-Sep-08</td>
<td>$2,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>Australian Workers Union (Victorian Branch)</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>15-Oct-08</td>
<td>$2,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>Finance Sector Union of Australia</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>04-Jun-08</td>
<td>$1,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>Finance Sector Union of Australia</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>17-Sep-08</td>
<td>$2,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>Recipient Name</td>
<td>Purpose</td>
<td>Date of Effect / Date Paid</td>
<td>Value</td>
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</tr>
<tr>
<td>Health Services Union of Australia (Victorian Branch)</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>22-Oct-08</td>
<td>$2,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>Transport Workers Union of Australia Federal Council</td>
<td>Funding provided through the Workplace English Language and Literacy Program.</td>
<td>01-Oct-08</td>
<td>$5,048.78</td>
<td>Payment</td>
<td>N/A</td>
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<tr>
<td><strong>2009</strong></td>
<td></td>
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<tr>
<td>Australian Council of Trade Unions</td>
<td>Funding for activities contributing to the making of a modern safety award net. ACTU received a grant of $2.36m in 2009 as part of the Award Modernisation Funding. Grants were also made to two employer organisations, Australian Industry Group ($714,300) and Australian Chamber of Commerce and Industry ($272,900).</td>
<td>15-Dec-09</td>
<td>$2,365,000.00</td>
<td>Grant</td>
<td>Tabled for Senate Order 192 on 9/3/10 Published on DEEWR Website</td>
</tr>
<tr>
<td>Australian Municipal Administrative and Clerical Services Union</td>
<td>Assistance for the employment services sector.</td>
<td>18-Aug-09</td>
<td>$132,000.00</td>
<td>Grant</td>
<td>Tabled for Senate order 95 on 26/10/09 Published on DEEWR Website</td>
</tr>
<tr>
<td>Australian Municipal Administrative and Clerical Services Union Trading as Australian Services Union</td>
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<tr>
<td>Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia</td>
<td>This project will engage 10 Indigenous Australians into Plumbing Apprenticeships and continue to support 4 Indigenous Australians in existing Plumbing Apprenticeships over a 24 month period.</td>
<td>29-Jan-09</td>
<td>$340,000.00</td>
<td>Grant</td>
<td>Tabled for Senate Order 192 on 9/3/10 Published on DEEWR Website</td>
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<tr>
<td>Recipient Name</td>
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<tr>
<td>Textile Clothing and Footwear Union of Australia</td>
<td>Community based Workplace English Language and Literacy classes for groups of Vietnamese, Chinese and Khmer home based clothing outworkers. Classes will be located in local communities close to where outworkers live. Delivery will be face-to-face and based on the Outworker Delivery System developed against the core modules of the TCF Training Package. As the clothing industry is facing further restructuring, this project includes LL and N activities for job searching and general English.</td>
<td>15-Feb-09</td>
<td>$117,590.00</td>
<td>Grant</td>
<td>Tabled for Senate Order 192 on 9/3/10 Published on DEEWR Website</td>
</tr>
<tr>
<td>Textile Clothing and Footwear Union of Australia</td>
<td>The project will provide competency-based training integrating language literacy and numeracy (LLN) for TCF workers in sweatshops in various regions of Melbourne namely: Preston, Fitzroy and Footscray.</td>
<td>16-Mar-09</td>
<td>$63,605.30</td>
<td>Grant</td>
<td>Published on DEEWR Website</td>
</tr>
<tr>
<td>Textile Clothing and Footwear Union of Australia</td>
<td>The project will provide competency-based training integrating language literacy and numeracy (LLN) for TCF workers in sweatshops in various regions of Melbourne. While integrating LLN the training is based around units of competency in the Clothing Production.</td>
<td>16-Mar-09</td>
<td>$97,011.20</td>
<td>Grant</td>
<td>Published on DEEWR Website</td>
</tr>
<tr>
<td>Recipient Name</td>
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</tr>
<tr>
<td>Textile Clothing and Footwear Union of Australia</td>
<td>The project will provide competency-based training integrating language literacy and numeracy (LLN) for TCF home-based workers in various regions of Melbourne namely: St Albans, Footscray, and Springvale. While integrating LLN the training is based around units of competency in the Clothing Production.</td>
<td>16-Mar-09</td>
<td>$87,706.30</td>
<td>Grant</td>
<td>Published on DEEWR Website</td>
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<tr>
<td>Textile Clothing and Footwear Union of Australia</td>
<td>2008/2009 Workplace English Language and Literacy (WELL) Resource Funding.</td>
<td>22-Jun-09</td>
<td>$80,993.00</td>
<td>Grant</td>
<td>Tabled for Senate Order 95 on 26/10/09 Published on DEEWR Website</td>
</tr>
<tr>
<td>The Union Education Foundation</td>
<td>To provide grants to organisations to enable them to provide education and information services to assist employees, employers and small business in understanding the new workplace relations system.</td>
<td>03-Aug-09</td>
<td>$2,549,023.00</td>
<td>Grant</td>
<td>Tabled for Senate Order 95 on 26/10/09 Tabled for Senate Order 192 on 9/3/10 Published on DEEWR Website</td>
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<tr>
<td>Australian Workers Union</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>07-Dec-09</td>
<td>$1,500.00</td>
<td>Payment</td>
<td>N/A</td>
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<tr>
<td>Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>18-Mar-09</td>
<td>$1,500.00</td>
<td>Payment</td>
<td>N/A</td>
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<tr>
<td>Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>18-Mar-09</td>
<td>$1,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>06-Apr-09</td>
<td>$1,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>Transport Workers Union of Australia NSW Branch</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>06-Oct-09</td>
<td>$2,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>2010 Australian Council of Trade Unions</td>
<td>To assist the ACTU to fulfil its obligations as a member of Safe Work Australia. ACTU received a grant of $2.25m in 2010 to assist their obligations as a member of Safe Work Australia. This was part of a $4.5m package of funding to the Australian Council of Trade Unions ($2.25m) and two employer organisations, Australian Industry Group ($1.125M) and Australian Chamber of Commerce and Industry ($1.125m).</td>
<td>19-Jan-10</td>
<td>$2,250,000</td>
<td>Grant</td>
<td>Tabled for Senate Order 95 on 15/6/10 Tabled for Senate Order 192 on 14/6/11 Published on DEEWR Website</td>
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**QUESTIONS ON NOTICE**
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<tbody>
<tr>
<td>Australian Manufacturing Workers' Union</td>
<td>Grant to assist labour market adjustment in the automotive manufacturing industry.</td>
<td>06-Apr-10</td>
<td>$199,982.00</td>
<td>Grant</td>
<td>Tabled for Senate Order 95 on 15/6/10 Tabled for Senate Order 192 on 14/6/11 Published on DEEWR Website</td>
</tr>
<tr>
<td>Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia</td>
<td>This project will use Voluntary Mobility Assistance to support the Communication, Electrical &amp; Plumbing Union Apprenticeship Program in Melbourne.</td>
<td>23-Jun-10</td>
<td>$47,500.00</td>
<td>Grant</td>
<td>Published on DEEWR Website</td>
</tr>
<tr>
<td>Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia</td>
<td>To provide 20 employment opportunities to Indigenous Australians in Melbourne.</td>
<td>15-Dec-10</td>
<td>$424,000.00</td>
<td>Grant</td>
<td>Tabled for Senate Order 192 on 14/6/11 Published on DEEWR Website</td>
</tr>
<tr>
<td>Construction Forestry Mining and Energy Union</td>
<td>To improve knowledge and awareness of regulatory frameworks that cover employees and contractors.</td>
<td>01-Jul-10</td>
<td>$165,000.00</td>
<td>Grant</td>
<td>Tabled for Senate Order 95 on 25/10/10 Tabled for Senate Order 192 on 14/6/11 Published on DEEWR Website</td>
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<tr>
<td>Recipient Name</td>
<td>Purpose</td>
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<tr>
<td>Textile Clothing and Footwear Union of Australia</td>
<td>Project to train Textile, Clothing and Footwear outworkers in the Certificate in Clothing Production, incorporating language, literacy and numeracy training.</td>
<td>30-Mar-10</td>
<td>$99,053.90</td>
<td>Grant</td>
<td>Tabled for Senate Order 95 on 15/6/10 Published on the DEEWR Website</td>
</tr>
<tr>
<td>Textile Clothing and Footwear Union of Australia</td>
<td>Providing competency based training, teaching units of Certificates in Clothing and Production while integrating language, literacy and numeracy in various regions around Melbourne.</td>
<td>30-Mar-10</td>
<td>$112,017.40</td>
<td>Grant</td>
<td>Tabled for Senate Order 95 on 15/6/10 Tabled for Senate Order 192 on 14/6/11 Published on DEEWR Website</td>
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<tr>
<td>The Union Education Foundation</td>
<td>Grant funds to develop National Workplace Relations Education Programs for employee representatives from 1 July 2010 to 30 June 2015.</td>
<td>27-May-10</td>
<td>$10,000,000</td>
<td>Grant</td>
<td>Tabled for Senate Order 95 on 25/10/10 Tabled for Senate Order 192 on 14/6/11 Published on DEEWR Website</td>
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<tr>
<td>Association of Professional Engineers, Scientists and Managers, Australia (The)</td>
<td>Funding for the Australian National Engineering Taskforce—Engineering Workforce Project.</td>
<td>21-Jul-10</td>
<td>$315,000.00</td>
<td>Payment</td>
<td>N/A</td>
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<td>Australian Workers Union</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>09-Jun-10</td>
<td>$2,500.00</td>
<td>Payment</td>
<td>N/A</td>
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<td>Recipient Name</td>
<td>Purpose</td>
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<tr>
<td>Australian Workers Union—Newcastle</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>28-Jul-10</td>
<td>$1,250.00</td>
<td>Payment</td>
<td>N/A</td>
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<tr>
<td>Australian Workers Union—Newcastle</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>12-Aug-10</td>
<td>$1,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>Australian Workers Union—Newcastle</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>12-Aug-10</td>
<td>$1,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>Australian Workers Union (Victorian Branch)</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>03-Feb-10</td>
<td>$1,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>Australian Workers Union (Victorian Branch)</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>21-Apr-10</td>
<td>$2,500.00</td>
<td>Payment</td>
<td>N/A</td>
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<tr>
<td>Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia</td>
<td>Sponsorship for Indigenous Graduation Event.</td>
<td>15-Jan-10</td>
<td>$11,800.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>National Union of Workers Central Branch</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>15-Dec-10</td>
<td>$1,500.00</td>
<td>Payment</td>
<td>N/A</td>
</tr>
<tr>
<td>Transport Workers Union of Australia Federal Council</td>
<td>Funding provided through the Workplace English Language and Literacy Program.</td>
<td>30-Jun-10</td>
<td>$46,471.70</td>
<td>Payment</td>
<td>N/A</td>
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<td>Transport Workers Union of Australia Sa Branch</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>10-Feb-10</td>
<td>$1,500.00</td>
<td>Payment</td>
<td>N/A</td>
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<td>Association of Professional Engineers, Scientists and Managers, Australia (The)</td>
<td>Funding to run workshops with key industry providers and stakeholders to disseminate, validate and respond to the recommendations arising from recent research into engineering skills capacity in the Road and Rail industries and building engineering capacity through education and training.</td>
<td>30-Nov-11</td>
<td>$25,000.00</td>
<td>Grant</td>
<td>Tabled for Senate Order 95 on 9/2/12 Published on the DEEWR Website</td>
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<td>Australian Manufacturing Workers’ Union</td>
<td>Project Officer grant to assist labour market adjustment in the automotive manufacturing industry.</td>
<td>25-Jul-11</td>
<td>$199,982.00</td>
<td>Grant</td>
<td>Tabled for Senate Order 192 on 10/5/12 Published on the DEEWR Website</td>
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<tr>
<td>Construction Forestry Mining and Energy Union Construction and General Division Victorian Branch</td>
<td>Assistance to provide Victorian building and construction workers training in language, literacy and numeracy integrated with units of competency from Construction and Business Services training packages for Workcover licences and accredited First Aid courses.</td>
<td>14-Apr-11</td>
<td>$458,034.50</td>
<td>Grant</td>
<td>Tabled for Senate Order 192 on 12/9/11 Published on the DEEWR Website</td>
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<td>Textile Clothing and Footwear Union of Australia</td>
<td>Assistance to deliver English language and literacy training to 50 participants from the Textile, Clothing and Footwear Industry.</td>
<td>23-May-11</td>
<td>$108,020.00</td>
<td>Grant</td>
<td>Tabled for Senate Order 192 on 12/9/11 Published on the DEEWR Website</td>
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<td>Funding for the Australian National Engineering Taskforce (ANET)—Engineering Workforce Project.</td>
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<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
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<td>Health Services Union (NSW Branch)</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
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<td>28-Apr-11</td>
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<td>Payment</td>
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<td>Transport Workers Union of New South Wales</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>01-Aug-11</td>
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### QUESTIONS ON NOTICE

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<td>Aust Municipal Admin Clerical &amp; Servs Union (Aust Servs Union—Nat Office)</td>
<td>The Social and Community Sector Education and Information Program (SACSEIP) funds peak employer and employee organisations to provide information and education services to employers and employees in the social and community sector about the impact of the Equal Remuneration Order (ERO) and the Social, Community Home Care and Disability Services Industry Award 2010 (SACS Modern Award).</td>
<td>07-Jun-12</td>
<td>$660,000.00</td>
<td>Grant</td>
<td>Published on the DEEWR Website</td>
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<tr>
<td>Association of Professional Engineers, Scientists and Managers, Australia (The)</td>
<td>To provide a better understanding of and recommend strategies to address key engineering workforce issues. In particular preparation for the study of engineering provided by schools; the lack of diversity in the engineering workforce including issues limiting participation by women (fewer than 10% of the current workforce) and migrant engineers; and ensure the adoption of best practice workforce development, with particular focus on government funded infrastructure projects.</td>
<td>24-Jan-12</td>
<td>$85,000.00</td>
<td>Grant</td>
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</tbody>
</table>
| The Union Education Foundation       | To provide funds to establish a long term program of education and skills development to support cooperative and productive workplace relations that promotes national economic prosperity and social inclusion for all Australians.  
TUEF received a grant of $11m in 2012 to establish a long term program of education and skills development to support cooperative and productive workplace relations that promotes national economic prosperity and social inclusion for all Australians. This was part of a $22m package of funding to The Union Education Foundation ($11m) and two employer organisations, Australian Industry Group ($5.5m) and Australian Chamber of Commerce and Industry ($5.5m). This is a sub component of the larger $3 billion Building Australia's Future Workforce package of funding as part of the May 2011 Budget. To date the recipients have received half of their grant entitlement—TUEF $5.5m, ACCI $2.75m and AIG $2.75m. | 29-Jun-12                     | $11,000,000.00               | Grant            | Published on the DEEWR Website |
| Australian Workers Union—Newcastle   | Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.                                                                                                   | 23-Jan-12                    | $2,500.00            | Payment         | N/A                      |
Tuesday, 9 October 2012

SENLATE

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<th>Recipient Name</th>
<th>Purpose</th>
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<td>National Union of Workers</td>
<td>Incentive payment for eligible employers through the Australian Apprenticeships Incentives Program.</td>
<td>03-Jan-12</td>
<td>$1,500.00</td>
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<td>National Union of Workers</td>
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<td>06-Mar-12</td>
<td>$2,500.00</td>
<td>Payment</td>
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Minerals Resource Rent Tax Bill 2012
(Question No. 1929)

Senator Abetz asked the Minister representing the Treasurer, upon notice, on 26 June 2012:

With reference to the answer to question on notice no. 1792 (Senate Hansard, 20 June 2012, proof p.103), is this to be interpreted to mean that all the investments and jobs referred to have been created as a result of the Minerals Resource Rent Tax; if not, can an answer relevant to the question be provided.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

The employment growth in the mining sector is a function of investment and growth in the sector. As a profits-based tax, unlike royalties the Minerals Resource Rent Tax is not expected to impact on investment and production decisions of the industry.

Sustainability, Environment, Water, Population and Communities
(Question No. 1965)

Senator Birmingham asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 16 July 2012:

With reference to the May 2010 Consultation Regulation Impact Statement on reducing emissions from non road spark ignition engines and equipment:

(1) What action regarding the regulation of emissions from non-road spark ignition engines and equipment has occurred since the regulation impact statement (RIS) consultation period closed in July 2010.

(2) Was there to have been a ‘decision RIS’; if so, has this been completed and what has happened since; if not, why not.

(3) Based on a cost benefit analysis of options to manage emissions from selected non road engines which was completed by McLennan Magasanik Associates in August 2008, is it reasonable to conclude that the delay: (a) to date has cost the health budget approximately $394 million; if not, can an estimate be provided; and (b) is costing the economy $67 million a year in fuel costs and producing more than 170 000 tonnes in carbon emissions every year.

QUESTIONS ON NOTICE
(4) Is it correct that industry peak bodies, representing manufacturers of outdoor power equipment such as lawn mowers and marine outboard engines, have approached the Minister’s office on a number of occasions since 2009 seeking early implementation of small engine emissions standards that would bring Australia into line with standards already in place for up to 13 years in the United States of America, Europe, Japan, Canada, China and India.

Senator Conroy The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

1. Emissions from non-road spark ignition engines are currently not regulated in Australia. Further work on this matter, since the completion of the Consultation RIS, has included additional consultation with stakeholders, especially those who did not make submissions as part of the RIS process. Consideration of this matter is continuing in the context of the development of the National Plan for Clean Air which is a strategic priority agreed to by the Council of Australian Governments (COAG) for the work program of the Standing Council for Environment and Water.

2. A decision regulation impact statement has not been completed. Consideration of regulation of emissions from non-road spark ignition engines and equipment is continuing under the National Plan for Clean Air, and progression of this matter has yet to be considered by the Standing Council for Environment and Water.

3. Under COAG guidelines a robust assessment of the impacts of proposed regulations is required. The time required to complete a regulatory impact assessment process varies and is subject to a number of factors including the degree of analysis required and the complexity of the problem. The cost benefit analysis prepared in 2008 by McLennan Magasanik Associates provides economic modelling of net social benefits. These costs and benefits are expressed in money terms for the purpose of comparing policy options and cannot be directly compared to the current health budget. Analysis of the policy options has continued, taking into account submissions received on the consultation RIS.

4. Industry organisations representing sections of the market have sought the introduction of emission standards. Key stakeholders have had the opportunity to informed this process, including through engagement with Ministers and their offices.

**Murray-Darling Basin Authority**

*(Question No. 1969)*

Senator Birmingham asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 31 July 2012:

For each of the following financial years 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16, can details be provided of the overall budget for the Murray Darling Basin Authority, including a breakdown of funding provided, or expected to be provided, by federal and individual state jurisdictions.

**Senator Conroy:** The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

**Murray-Darling Basin Authority (MDBA)**

The MDBA expenditure and revenue budget by financial years, including a breakdown of funding provided, or expected to be provided, by federal and state jurisdictions is as follows:

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**QUESTIONS ON NOTICE**
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<td>298</td>
<td>310</td>
<td>323</td>
<td>335</td>
</tr>
<tr>
<td>State Jurisdictions share of</td>
<td>83,616</td>
<td>85,599</td>
<td>87,925</td>
<td>70,866</td>
<td>69,674</td>
<td>72,105</td>
<td>74,633</td>
</tr>
<tr>
<td>contributions - MDB Agreement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Functions^d</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jurisdictions Contribution</td>
<td>-</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- restoration of Hume Dam</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total funding from state</td>
<td>83,616</td>
<td>95,599</td>
<td>97,925</td>
<td>80,866</td>
<td>69,674</td>
<td>72,105</td>
<td>74,633</td>
</tr>
<tr>
<td>jurisdictions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hydro Generation</td>
<td>1,397</td>
<td>857</td>
<td>587</td>
<td>798</td>
<td>809</td>
<td>822</td>
<td>834</td>
</tr>
<tr>
<td>Rent from Jurisdictional Partners</td>
<td>673</td>
<td>707</td>
<td>714</td>
<td>745</td>
<td>769</td>
<td>792</td>
<td>815</td>
</tr>
<tr>
<td>Recovery of Salinity Costs</td>
<td>605</td>
<td>2,410</td>
<td>2,880</td>
<td>2,372</td>
<td>1,739</td>
<td>2,887</td>
<td>2,817</td>
</tr>
<tr>
<td>Other Sundry Revenue</td>
<td>131</td>
<td>594</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Senator Milne asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 1 August 2012:

With reference to the May 2010 Consultation Regulation Impact Statement on reducing emissions from non road spark ignition engines and equipment:

(1) What action regarding the regulation of emissions from non-road spark ignition engines and equipment has occurred since the regulation impact statement (RIS) consultation period closed in July 2010.

(2) Was there to have been a 'decision RIS'; if so, has this been completed and what has happened since; if not, why not.

(3) Based on a cost benefit analysis of options to manage emissions from selected non road engines which was completed by McLennan Magasanik Associates in August 2008, is it reasonable to conclude that the delay: (a) to date has cost the health budget more than $400 million; if not, can an estimate be provided; and (b) is costing the economy $67 million a year in fuel costs and producing more than 170,000 tonnes in carbon emissions every year.

(4) Is it correct that industry peak bodies, representing manufacturers of outdoor power equipment such as lawn mowers and marine outboard engines, have approached the Minister’s office on a number of occasions since 2009 seeking early implementation of small engine emissions standards that would bring Australia into line with standards already in place for up to 13 years in the United States of America, Europe, Japan, Canada, China and India.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:
QUESTIONS ON NOTICE

1. Emissions from non-road spark ignition engines are currently not regulated in Australia. Further work on this matter, since the completion of the Consultation RIS, has included additional consultation with stakeholders, especially those who did not make submissions as part of the RIS process. Consideration of this matter is continuing in the context of the development of the National Plan for Clean Air which is a strategic priority agreed to by the Council of Australian Governments (COAG) for the work program of the Standing Council for Environment and Water.

2. A decision regulation impact statement has not been completed. Consideration of regulation of emissions from non-road spark ignition engines and equipment is continuing under the National Plan for Clean Air, and progression of this matter has yet to be considered by the Standing Council for Environment and Water.

3. Under COAG guidelines a robust assessment of the impacts of proposed regulations is required. The time required to complete a regulatory impact assessment process varies and is subject to a number of factors including the degree of analysis required and the complexity of the problem. The cost benefit analysis prepared in 2008 by McLennan Magasanik Associates provides economic modelling of net social benefits. These costs and benefits are expressed in money terms for the purpose of comparing policy options and cannot be directly compared to the current health budget. Analysis of the policy options has continued, taking into account submissions received on the consultation RIS.

4. Industry organisations representing sections of the market have sought the introduction of emission standards. Key stakeholders have had the opportunity to inform this process, including through engagement with Ministers and their offices.

Treasury
(Question Nos 1993 and 1994)

Senator Abetz asked the Minister representing the Treasurer, upon notice, on 6 August 2012:

(1) Is it the case, according to the Government’s Competitive Neutrality Policy Statement, released in June 1996, that ‘within 90 days of receipt of a report the Treasurer, in consultation with the relevant portfolio Minister, will make a determination on whether competitive neutrality will be applied by the business entity or other remedial action to be taken’.

(2) Was the Productivity Commission’s report PETNET Australia: Australian Government Competitive Neutrality Complaints Office: Investigation no. 15 sent to the Assistant Treasurer on 20 March 2012 and publicly released on 4 April 2012.

(3) Has a determination been issued on the report; if so: when and what was the determination; if not, why not.

Senator Wong: The Treasurer has provided the following answer to the honourable senator’s question:

(1) Yes.
(2) Yes.
(3) It is customary for the question of appropriate remedial action to be dealt with by the relevant portfolio minister, as these ministers are responsible for implementing the Government’s policy objectives and applying competitive neutrality (CN) policy to the agencies for which they bear responsibility.

In mid-April 2012, the Assistant Treasurer, the Hon David Bradbury MP, wrote to the Minister for Tertiary Education, Skills, Science and Research, Senator the Hon Chris Evans, drawing his attention to the report PETNET Australia: Australian Government Competitive Neutrality Complaints Office (AGCNCO): Investigation no. 15, and asking him to consider the AGCNCO’s recommendations and the
need to implement arrangements to ensure that PETNET is compliant with the Government’s competitive neutrality policy.

I understand that the Australian Nuclear Science and Technology Organisation (ANSTO), of which PETNET is a subsidiary, has met with the AGCNCO to discuss the recommendations in the report and to obtain guidance to ensure that steps taken by ANSTO in relation to PETNET’s business model will satisfy the Government’s competitive neutrality requirements.

**Defence Force Posture Review**

(Question No. 2003)

**Senator Ludlam** asked the Minister representing the Minister for Defence, upon notice, on 9 August 2012:

(1) Is the Department considering the Defence Force Posture Review suggestion that the Cocos Islands airfield be upgraded to support the new P 8 Poseidon maritime patrol aircraft likely to be acquired by the Royal Australian Air Force?

(2) Are talks underway at an official level regarding military use by the United States of America (US) of the Cocos Islands; if so: (a) what are the dates and location of such talks; and (b) at what level are the attendees?

(3) Does the scope of discussion with the US include the stationing and training of US personnel, drones, surveillance planes and ships through the Cocos Islands?

(4) When spokespersons for the Minister indicate that the Cocos Islands is a longer-term option for closer Australian US engagement, what time frame is considered longer-term?

(5) Did Australia’s Ambassador to the United Nations (UN) in 1984 give verbal undertakings to UN member states that the Cocos Islands would not be used for military purposes; if so; what were the nature of these undertakings?

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) Yes. As stated by the Prime Minister and the Minister for Defence on 3 May 2012, the ADF Posture Review forms part of the security and strategic considerations feeding into the 2013 Defence White Paper. Decisions on Australian Defence Force Posture Review recommendations (including the recommendation that Defence upgrade the Cocos (Keeling) Islands airfield facilities to support unrestricted P-8 operations) will be made as part of the 2013 Defence White Paper process.

(2)

(a & b) No.

(3) No

(4) United States use of the Cocos (Keeling) Islands for military purposes is not currently under active consideration.

(5) The Australian Government’s publicly stated position at the time of the Cocos’ association with Australia and the position conveyed by Australia’s diplomatic representatives was that it had no intention of making the Cocos Island a strategic military base.

**Employment and Workplace Relations**

(Question No. 2005)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 9 August 2012:
Further to the answer to question on notice no. 1923 and given that the Treasurer promised in the 2011-12 Budget that the Government would create half a million jobs, how many jobs have been created to date.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Government's employment forecasts were updated in the 2012–13 Budget released on 8 May 2012. Employment is forecast to grow 1¼ per cent through the year to the June quarter of 2013 and 1½ per cent through the year to the June quarter of 2014. In comparison, employment has grown by 75,000 persons or around 0.7 per cent over the four quarters to the June quarter 2012.

**Carbon Pricing**
*(Question No. 2010)*

**Senator Abetz** asked the Minister representing the Treasurer, upon notice, on 15 August 2012:

With reference to the:
(a) Carbon Price Claims Hotline; and
(b) online complaints form announced by the Australian Competition and Consumer Commission, how many complaints have there been from:
(i) consumers,
(ii) small businesses, and
(iii) other sources.

**Senator Wong:** The Treasurer has provided the following answer to the honourable senator's question:

The Australian Competition and Consumer Commission (ACCC) launched the Carbon Price Claims Hotline and online carbon price claims complaints form on 18 June 2012. Between 18 June 2012 and 16 August 2012, the ACCC received 2,621 contacts. Contacts include both complaints and inquiries to the ACCC.

Of the 2,612 contacts received, 463 indentified as small businesses and 83 identified from other sources, including industry associations, government, large business, non-government organisations and media.

The remaining 2,075 contacts include contacts from consumers and those who have not identified themselves as part of another category.

**Employment and Workplace Relations**
*(Question No. 2016)*

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 15 August 2012:

With reference to the illegal picket line at the Coles Distribution Centre in Melbourne, managed by Toll, that was subject to a Federal Court injunction:

(1) Did the Minister or Minister’s office speak to any of the union bosses involved in the picket line in relation to the unprotected action; if so:
(a) which union bosses;
(b) when; and
(c) what was the content of the conversations.

(2) Has the Minister expressed any:
(a) concerns and/or;
(b) support, publically or directly to union bosses, in regard to the unprotected action; if so, when.
(3) Did the Minister support the unprotected action.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) The Minister discussed the dispute privately with representatives of both sides and encouraged them to seek the assistance of Fair Work Australia to resolve the dispute.

(2) The Minister does not support contraventions of the Fair Work legislation, or the law more generally, by unions, employers or any other parties.

(3) No.

**Defence: Staffing**

**(Question No. 2029)**

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

As at 30 June 2012, how many (a) permanent uniformed staff, both part-time and full-time; and (b) civilian staff, both part-time and full-time, were in each of the service areas (i.e Army, Navy and Air Force)?

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

(a) As at 30 June 2012 there were 56,722 permanent ADF personnel (not including Gap Year or Reserves on Continuous Full-Time Service), consisting of the following:

<table>
<thead>
<tr>
<th>Service</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navy</td>
<td>13,669</td>
</tr>
<tr>
<td>Army</td>
<td>28,833</td>
</tr>
<tr>
<td>Air Force</td>
<td>14,220</td>
</tr>
</tbody>
</table>

(b) As at 30 June 2012 there were 3,042 permanent civilian staff, both part-time and full-time in each of the three Service areas:

<table>
<thead>
<tr>
<th>Service</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navy</td>
<td>20</td>
</tr>
<tr>
<td>Army</td>
<td>1,291</td>
</tr>
<tr>
<td>Air Force</td>
<td>931</td>
</tr>
</tbody>
</table>

**Defence: Staffing**

**(Question No. 2030)**

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

For the period 1 January to 30 June 2012, how many uniformed full-time, permanent personnel were recruited to each of the service areas (i.e Army, Navy and Air Force)?

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

From the period 1 January to 30 June 2012 there were 2,627 permanent ADF personnel recruited into the services, consisting of the following:
Navy 512
Army 1,680
Air Force 435

**Defence: Staffing**

(Question No. 2031)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

(1) For the period 1 January to 30 June 2012 how many:
   (a) uniformed staff; and
   (b) civilian staff, resigned from each of the services (i.e. Army, Navy and Air Force)?

(2) For the period 1 January to 30 June 2012 how many:
   (a) uniformed staff; and
   (b) civilian staff, were made redundant or accepted severance packages in each of the service areas?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) For the period 1 January to 30 June 2012 the number of ADF permanent personnel and civilian staff who resigned are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Navy</th>
<th>Army</th>
<th>Air Force</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADF</td>
<td>369</td>
<td>1201</td>
<td>404</td>
<td>1974</td>
</tr>
<tr>
<td>Civilian</td>
<td>24</td>
<td>35</td>
<td>19</td>
<td>78</td>
</tr>
</tbody>
</table>

(2) For the period 1 January to 30 June 2012 the number of ADF permanent personnel and civilian staff that were made redundant or accepted severance packages are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Navy</th>
<th>Army</th>
<th>Air Force</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADF</td>
<td>1</td>
<td>83</td>
<td>69</td>
<td>153</td>
</tr>
<tr>
<td>Civilian</td>
<td>1</td>
<td>13</td>
<td>2</td>
<td>16</td>
</tr>
</tbody>
</table>

Note: (ADF permanent personnel does not include Gap Year participants or Reserves on Continuous Full-time Service.)

**Defence: Staffing**

(Question No. 2032)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

For the period 1 January to 30 June 2012, how many temporary civilian positions, both full-time and part-time, were created in the department, in the Defence Materiel Organisation and in the Defence Science and Technology Organisation?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

For the period 1 January to 30 June 2012 there were 1542 civilian positions, both full-time and part-time, created in Defence. Of these 639 were created in the Defence Materiel Organisation and 41 in the Defence Science and Technology Organisation.
Defence: Staffing  
(Question No. 2033)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

For the period 1 January to 30 June 2012, how many temporary civilian positions, including part-time, existed in the department, in the Defence Materiel Organisation and in the Defence Science and Technology Organisation?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

For the period 1 January to 30 June 2012 there was an average of 326 temporary civilian positions, both full-time and part-time, existing in Defence. Of these an average of 138 existed in the Defence Materiel Organisation and 11 in the Defence Science and Technology Organisation.

Defence: Staffing  
(Question No. 2034)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

For the period 1 January to 30 June 2012, how many civilian employees, including full-time and part-time, were employed on contract and at what levels of remuneration?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

For the period 1 January to 30 June 2012, the following non-ongoing civilians were employed in Defence on contract with the associated levels of remuneration:

<table>
<thead>
<tr>
<th>Classification</th>
<th>No.</th>
<th>Remuneration</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>APS 1</td>
<td>16</td>
<td>$42,250.00</td>
<td>$47,427.00</td>
<td></td>
</tr>
<tr>
<td>APS 2</td>
<td>116</td>
<td>$47,814.00</td>
<td>$53,752.00</td>
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<tr>
<td>APS 3</td>
<td>111</td>
<td>$54,463.00</td>
<td>$59,512.00</td>
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</tr>
<tr>
<td>APS 4</td>
<td>69</td>
<td>$61,694.00</td>
<td>$67,354.00</td>
<td></td>
</tr>
<tr>
<td>APS 5</td>
<td>89</td>
<td>$67,702.00</td>
<td>$72,518.00</td>
<td></td>
</tr>
<tr>
<td>APS 6</td>
<td>60</td>
<td>$74,169.00</td>
<td>$84,726.00</td>
<td></td>
</tr>
<tr>
<td>EL 1</td>
<td>40</td>
<td>$93,740.00</td>
<td>$105,739.00</td>
<td></td>
</tr>
<tr>
<td>EL 2</td>
<td>17</td>
<td>$108,118.00</td>
<td>$174,903.00</td>
<td></td>
</tr>
<tr>
<td>SES 1</td>
<td>1</td>
<td>$136,142.00</td>
<td>$162,863.00</td>
<td></td>
</tr>
<tr>
<td>SES 2</td>
<td>4</td>
<td>$164,584.00</td>
<td>$201,377.00</td>
<td></td>
</tr>
<tr>
<td>SES 3</td>
<td>4</td>
<td>$202,356.00</td>
<td>$257,008.00</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>527</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Defence: Staffing  
(Question No. 2035)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

For the period 1 January to 30 June 2012, what was the average cost in recruiting each new uniformed person into each of the service areas (i.e Army, Navy and Air Force)?

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

The simple average cost per recruit across the Navy, Army and Air Force for the period 1 January to 30 June 2012 was $28,241.

Defence: Staffing  
(Question No. 2036)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

What was the total expenditure on recruiting for the period 1 January to 30 June 2012?

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

The total direct expenditure by Defence Force Recruiting on recruitment into the Australian Defence Force for the period 1 January to 31 June 2012 was $90.372 million.

Strategic Reform Program  
(Question No. 2038)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

As at 30 June 2012, what specific savings have been made in the Strategic Reform Program 'Provisional Savings and Costs – Gross SRP Stream Savings' for:

(a) information and communications technology;
(b) inventory;
(c) logistics;
(d) non-equipment procurement;
(e) Reserves;
(f) shared services; and
(g) workforce?

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

Cost reductions under the Strategic Reform Program (SRP) are based on annual budgets. In 2011-12 the cost reduction target under the SRP is $1284 million. This will be achieved through initiatives under seven SRP streams distributed as follows:

(a) Information and Communication Technologies - $147 million;
(b) Smart Sustainment (including Inventory) - $370 million;
(c) Logistics - $8 million;
(d) Non-equipment Procurement - $207 million;
(e) Reserves - $28 million;
(f) Workforce and Shared Services - $238 million; and
(g) Other cost reductions - $286 million.
*Summation variances are due to rounding
These figures have been updated since their publication in "Strategic Reform Program: Delivering Force 2030".
Defence will publish the stream cost reductions achieved for the full financial year in the Defence Annual Report 2011-12 which will be released in late 2012.

Strategic Reform Program
(Question No. 2040)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:
As at 30 June 2012, what specific savings have been made in the Strategic Reform Program (SRP) 'Provisional Savings and Costs – SRP Stream Net Savings' for:
(a) information and communications technology;
(b) inventory;
(c) smart maintenance;
(d) logistic;
(e) non-equipment procurement;
(f) preparedness and personnel and operating costs;
(g) reserves;
(h) shared services; and
(i) workforce.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
Please refer to the response to Senate Question on Notice 1583 tabled on 10 May 2012.
Defence will publish the stream cost reductions achieved for the full financial year in the Defence Annual Report 2011-12 which will be released in late 2012.

Strategic Reform Program
(Question No. 2041)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:
For the period 1 January to 30 June 2012, what specific savings have been made in the Strategic Reform Program 'Other Savings' for the following areas:
(a) zero based budgeting review;
(b) minor capital program;
(c) facilities program;
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The annual budgets for activities targeted through streams have been reduced by amounts that reflect cost reductions agreed by the Government.

Defence will publish the stream cost reductions achieved for the full financial year in the Defence Annual Report 2011-12 which will be released in late 2012.

**Strategic Reform Program**
**(Question No. 2042)**

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

With reference to the White Paper and Strategic Reform Program 'Indicative Workplace Implications':

(1) As at 30 June 2012, how many uniformed personnel, full-time and part-time were employed?

(2) As at 30 June 2011 and 1 January 2012, how many uniformed personnel were employed on the projects?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) As at 30 June 2012, there were 57,285 full-time and part-time permanent uniformed personnel employed. This number, like the workforce data detailed in the Strategic Reform Program Indicative Workforce Implications, reflects full-time equivalent average numbers, known as Average Funded Strength (AFS) for military personnel. Using the AFS approach, Defence counts full-time and part-time service as one overall average quantity.

(2) The Government provisioned an additional 1,201 full-time equivalent uniformed personnel for 2010-11 (covering the date 30 June 2011) and 1,375 for 2011-12 (covering the date 1 January 2012) under the White Paper, as reflected in the Strategic Reform Program: Making It Happen booklet and updated at Table 2.14 of the Defence Annual Report 2010-11.

This workforce was allocated to the Services to implement a range of White Paper initiatives including the Defence Capability Plan. The personnel ranged from sailors, soldiers and airmen/women to senior officers on an as needed basis according to the particular White Paper projects and initiatives being actioned, including through the Strategic Reform Program.

**Strategic Reform Program**
**(Question No. 2043)**

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications':

(1) As at 30 June 2012, how many civilian personnel, full-time and part-time, were employed in implementing the White Paper initiatives?

(2) As at 1 January and 30 June 2012: (a) how many civilian personnel were employed: and (b) in what programs?

Senator Bob Carr: The Minister for Defence has provided the following answer to the Honourable Senator's question:
(1) and (2) (a) and (b) The Government provisioned an additional 1,556 civilian personnel (in Defence and the Defence Materiel Organisation, including Australian Public Service staff and contractors) for 2011-12 under the White Paper, as reflected in the publication The Strategic Reform Program: Making It Happen and updated at Table 2.14 of the Defence Annual Report 2010-11. This provision applied on both 1 January and 30 June 2012.

The workforce data detailed in both publications are based on approved allocations at the time of publication and reflect full-time equivalent average numbers. Using the full-time equivalent (FTE) approach, Defence counts full-time and part-time service as one overall average quantity.

This workforce has been allocated across all Defence Groups to implement a range of White Paper initiatives including the Defence Capability Plan.

These Australian Public Service personnel ranged from junior to senior officers on an as needed basis according to the particular White Paper initiatives being actioned.

Because of the breadth and depth of the White Paper initiatives, the number of personnel varied throughout the specified period and it is not possible to provide a specific total referenced to each White Paper initiative.

**Strategic Reform Program**

(Question No. 2046)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on Monday, 20 August 2012:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications – Military Workforce': as at 30 June 2012, what increase or reduction has there been in civilian personnel, full-time and part-time, employed in the department and in the Defence Materiel Organisation since 1 July 2008?

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

The workforce data detailed in the White Paper and the Strategic Reform Program 'Indicative Workforce Implications' are based on approved allocations at the time of publication and reflect full-time equivalent average numbers for each financial year.

On 30 July 2008 Defence (including DMO) employed 20,439 full-time equivalent Australian Public Service (APS) personnel and approximately 704 contractors (noting that contractor reporting mechanisms were not mature in July 2008). As at 30 June 2012, Defence (including DMO) was employing 22,284 full-time equivalent APS personnel and 493 contractors.

This represents an increase in APS personnel of +1,845 (+9.0%), and a reduction in contractors of approximately -211 (-30.0%) since 1 July 2008. Of these overall changes, the APS increase in Defence was +1,153 (+7.7%) while in DMO it was +692 (+12.7%). The number of contractors in Defence decreased by -48 (-9.6%) while in DMO they decreased by -163 (-79.1%).

**Strategic Reform Program**

(Question No. 2047)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications – Civilian Workforce': for the period 1 January to 30 June 2012, how many personnel, including full-time and part-time, were employed as Australian Public Service staff or contractors?
**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

The workforce data detailed in the White Paper and the Strategic Reform Program 'Indicative Workforce Implications' are based on approved allocations at the time of publication and reflect full-time equivalent average numbers. Using the full-time equivalent (FTE) approach, Defence counts full-time and part-time service as one overall average quantity.

Over the period 1 January to 30 June 2012, the Defence civilian workforce increased from 21,891 full-time equivalent APS personnel and 422 contractors, to 22,284 full-time equivalent average APS personnel and 493 contractors. The overall averages over the period were 22,117 APS and 524 contractors.

Note that the large average for contractors is due to fluctuations in contractor numbers over the period, peaking at 586 in March 2012.

The number of contractors employed on 1 January 2012 was reported previously as 416 but has subsequently been found to be 422 upon further review. The variation is due to one Division reviewing its reporting procedures in March 2012 and discovering that it had inadvertently missed a small number of contractors.

**Strategic Reform Program**

(Question No. 2048)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications – Civilian Workforce': for the period 1 January to 30 June 2012, how many Australian Public Service staff or contractors, including full-time and part-time, were employed on White Paper/SRP initiatives?

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

The Government provisioned an additional 1,556 civilian personnel (in Defence and the Defence Materiel Organisation, including Australian Public Service staff and contractors) for 2011-12 under the White Paper, as reflected in the publication The Strategic Reform Program: Making It Happen and updated at Table 2.14 of the Defence Annual Report 2010-11.

When staff savings resulting from the Strategic Reform Program (SRP) are accounted for, the net White Paper/SRP total reflected in the Defence Annual Report 2010-11 reduces to 1,261.

The workforce data detailed in The Strategic Reform Program: Making It Happen and the Defence Annual Report 2010-11 are based on approved allocations at the time of publication and reflect full-time equivalent average numbers. Using the full-time equivalent (FTE) approach, Defence counts full-time and part-time service as one overall quantity.

**Strategic Reform Program**

(Question No. 2049)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications - Civilian Workforce': For the period 1 January to 30 June 2012, what reduction has there been in the number of Australian Public Service staff or contractors employed in implementing: (a)
efficiency improvements; (b) civilianisation; (c) support productivity improvements; and (d) contractor conversion (reduction to contractors)?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(a) With regards to implementing the efficiency improvements component of the Strategic Reform Program, there was a reduction of 59 in the number of full-time equivalent personnel employed.

(b) With regards to implementing the civilianisation component of the Strategic Reform Program, there was no reduction in the number of full-time equivalent personnel employed. The civilianisation program has seen growth to the Australian Public Service (APS) to equalise the reduction to military personnel.

(c) With regards to implementing the support productivity improvements component of the Strategic Reform Program, there was no reduction in the number of full-time equivalent personnel employed. The support productivity improvements program is scheduled to commence in financial year 2014-15, following on from the completed implementation of other workforce and shared services components of the Strategic Reform Program.

(d) With regards to implementing the contractor conversion component of the Strategic Reform Program, there was a reduction of 5 contractor positions in the period 1 January to 30 June 2012 and an increase of 6 APS full-time equivalent, noting there was a lag in filling a position previously vacated by contractors.