COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

Senate

Official Hansard

No. 15, 2011
Monday, 21 November 2011

FORTY-THIRD PARLIAMENT
FIRST SESSION—FOURTH PERIOD
INTERNET

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SITTING DAYS—2011

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FORTY-THIRD PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Senators Judith Anne Adams, Christopher John Back, Thomas Mark Bishop, Suzanne Kay Boyce, Douglas Niven Cameron, Patricia Margaret Crossin, David Julian Fawcett, Mary Jo Fisher, Helen Evelyn Kroger, Scott Ludlam, Gavin Mark Marshall, Claire Mary Moore, Louise Clare Pratt, Ursula Mary Stephens and Mark Lionel Furner
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

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

Printed by authority of the Senate
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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 to be filled (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
GILLARD MINISTRY

Prime Minister
Deputy Prime Minister, Treasurer
Minister for Regional Australia, Regional Development and Local Government
Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate
Minister for School Education, Early Childhood and Youth
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Minister for Foreign Affairs
Minister for Trade
Minister for Defence and Deputy Leader of the House
Minister for Immigration and Citizenship
Minister for Infrastructure and Transport and Leader of the House
Minister for Health and Ageing
Minister for Families, Housing, Community Services and Indigenous Affairs
Minister for Sustainability, Environment, Water, Population and Communities
Minister for Finance and Deregulation
Minister for Innovation, Industry, Science and Research
Attorney-General and Vice President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate
Minister for Resources and Energy and Minister for Tourism
Minister for Climate Change and Energy Efficiency

Hon. Julia Gillard MP
Hon. Wayne Swan MP
Hon. Simon Crean MP
Senator Hon. Chris Evans
Hon. Peter Garrett AM, MP
Senator Hon. Stephen Conroy
Hon. Kevin Rudd MP
Hon. Dr Craig Emerson MP
Hon. Stephen Smith MP
Hon. Chris Bowen MP
Hon. Anthony Albanese MP
Hon. Nicola Roxon MP
Hon. Jenny Macklin MP
Hon. Tony Burke MP
Senator Hon. Penny Wong
Senator Hon. Kim Carr
Hon. Robert McClelland MP
Senator Hon. Joe Ludwig
Hon. Martin Ferguson AM, MP
Hon. Greg Combet AM, MP

[The above ministers constitute the cabinet]
GILLARD MINISTRY—continued

Minister for the Arts                              Hon. Simon Crean MP  
Minister for Social Inclusion                     Hon. Tanya Plibersek MP  
Minister for Privacy and Freedom of Information  Hon. Brendan O'Connor MP  
Minister for Sport                                Senator Hon. Mark Arbib  
Special Minister of State for the Public Service and Integrity  
Assistant Treasurer and Minister for Financial Services and Superannuation  
Minister for Employment Participation and Childcare  
Minister for Indigenous Employment and Economic Development  
Minister for Veterans' Affairs and Minister for Defence Science and Personnel  
Minister for Defence Materiel                     Hon. Warren Snowdon MP  
Minister for Indigenous Health                     Hon. Warren Snowdon MP  
Minister Assisting the Prime Minister on Mental Health Reform  
Minister for the Status of Women                   Hon. Kate Ellis MP  
Minister for Social Housing and Homelessness      Senator Hon. Mark Arbib  
Special Minister of State                          Hon. Gary Gray AO, MP  
Minister for Small Business                        Senator Hon. Nick Sherry  
Minister for Home Affairs and Minister for Justice  
Minister for Human Services                        Hon. Tanya Plibersek MP  
Cabinet Secretary                                  Hon. Mark Dreyfus QC, MP  
Parliamentary Secretary to the Prime Minister      Senator Hon. Kate Lundy  
Parliamentary Secretary to the Treasurer           Hon. David Bradbury MP  
Parliamentary Secretary for School Education and Workplace Relations  
Minister Assisting the Prime Minister on Digital Productivity  
Parliamentary Secretary for Trade                  Senator Hon. Stephen Conroy  
Parliamentary Secretary for Pacific Island Affairs  
Parliamentary Secretary for Defence                Hon. Justine Elliot MP  
Parliamentary Secretary for Immigration and Multicultural Affairs  
Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing  
Parliamentary Secretary for Disabilities and Carers  
Parliamentary Secretary for Community Services     Senator Hon. Jan McLucas  
Parliamentary Secretary for Sustainability and Urban Water  
Minister Assisting on Deregulation and Public Sector Superannuation  
Minister Assisting the Attorney-General on Queensland Floods Recovery  
Parliamentary Secretary for Agriculture, Fisheries and Forestry  
Minister Assisting the Minister for Tourism         Senator Hon. Nick Sherry  
Parliamentary Secretary for Climate Change and Energy Efficiency  
Senator Hon. Joe Ludwig  
Hon. Dr Mike Kelly AM, MP  
Senator Hon. Nick Sherry  
Hon. Mark Dreyfus QC, MP
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<td>Leader of the Opposition</td>
<td>Hon. Tony Abbott MP</td>
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<td>Deputy Leader of the Opposition and Shadow Minister for Foreign</td>
<td>Hon. Julie Bishop MP</td>
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<td>Affairs and Shadow Minister for Trade</td>
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<td>Leader of the Nationals and Shadow Minister for Infrastructure and</td>
<td>Hon. Warren Truss MP</td>
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<td>Leader of the Opposition in the Senate and Shadow Minister for</td>
<td>Senator Hon. Eric Abetz</td>
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<td>Hon. Joe Hockey MP</td>
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<td>Shadow Minister for Education, Apprenticeships and Training</td>
<td>Hon. Christopher Pyne MP</td>
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<td>and Manager of Opposition Business in the House</td>
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<td>Shadow Minister for Indigenous Affairs and Deputy Leader of the</td>
<td>Senator Hon. Nigel Scullion</td>
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<td>Shadow Minister for Regional Development, Local Government and</td>
<td>Senator Barnaby Joyce</td>
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<td>Water and Leader of the Nationals in the Senate</td>
<td>Hon. Andrew Robb AO, MP</td>
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<td>Shadow Minister for Finance, Deregulation and Debt Reduction and</td>
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<td>Chairman, Coalition Policy Development Committee</td>
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<td>Shadow Minister for Energy and Resources</td>
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<td>Shadow Minister for Defence</td>
<td>Senator Hon. David Johnston</td>
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<td>Shadow Minister for Communications and Broadband</td>
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<td>Shadow Minister for Productivity and Population and Shadow</td>
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<td>Shadow Minister for Innovation, Industry and Science</td>
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<td>Shadow Minister for Agriculture and Food Security</td>
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<td>Shadow Minister for Small Business, Competition Policy and</td>
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[The above constitute the shadow cabinet]
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<td>Shadow Minister for Employment Participation</td>
<td>Hon. Sussan Ley MP</td>
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<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
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<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
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<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
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<td>Senator Hon. Brett Mason</td>
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<td>Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Minister for Indigenous Development and Employment</td>
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<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
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<td>Shadow Minister for Veterans' Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td>Senator Hon. Michael Ronaldson</td>
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<td>Senator Concetta Fierravanti-Wells</td>
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<td>Senator Marise Payne</td>
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<td>Mr Jamie Briggs MP</td>
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<td>Shadow Cabinet Secretary</td>
<td>Hon. Philip Ruddock MP</td>
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<td>Senator Cory Bernardi</td>
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<td>Hon. Tony Smith MP</td>
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<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 10:00, read prayers and made an acknowledgement of country.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee
Meeting
Senator CROSSIN: by leave—I move:
That 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 1.50 pm.
Question agreed to.

Community Affairs References Committee
Meeting
Senator SIEWERT: by leave—I move:
That the Community Affairs References 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 noon.
Question agreed to.

BUSINESS
Rearrangement
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (10:02): Before I start on the motion to vary the hours this week, I advise I will be seeking leave to amend the motion before moving it. I seek leave to make a short statement as well to explain the circumstances.

The DEPUTY PRESIDENT: Do you want to seek leave to speak to your proposed amendment and then seek leave to have it amended?

Senator LUDWIG: I know the Clerk of the Senate will be horrified at what I am doing. To make sure that the week goes forward as planned, I think it would be helpful to explain first.

The DEPUTY PRESIDENT: Minister, you are seeking leave to make a short statement?

Senator LUDWIG: Yes, first.

The DEPUTY PRESIDENT: Is leave granted?

Senator Ian Macdonald: I don't think so. Does Mitch know about this?

Senator Fifield interjecting—

The DEPUTY PRESIDENT: Leave is granted.

Senator LUDWIG: It will be helpful to put this in context. This week we will endeavour, through cooperation from the other side and from the crossbenchers, to complete our legislative program. There are a range of bills that require finalisation this week. In addition, we have an important debate today dealing with Afghanistan. It was to be scheduled between 7.30 and 9.00. However, there is a view around the chamber that it would be better to be held at the end of the urgency motion today, which would put the debate around five o’clock. It will then proceed for an hour and a half. That will allow the debate to receive the proper attention it deserves.

I seek the cooperation of the chamber to grant leave to amend the motion to allow that to occur. I thought it would be worthwhile to explain the reason behind this. It is an important debate and I seek the cooperation of the Senate to undertake that endeavour.

In addition, I have ensured that there is an open-ended adjournment on Tuesday night so that if people want to contribute to the
particular debate or raise other matters then that is the opportunity for the Senate to do that. Normally, we would truncate it and have an ordinary 40-minute adjournment. But I think there are a range of issues that people want to raise throughout this week, so that will give an opportunity for senators to do that. Turning to the substantive motion, I seek leave to amend the motion before moving it.

Leave not granted.

Senator LUDWIG: At the request of Senator Arbib, I move:

That—

(1) In the week beginning Monday, 21 November 2011, the following government business orders of the day shall be considered:

- Social Security Legislation Amendment (Family Participation Measures) Bill 2011
- Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2011
- Business Names Registration (Application of Consequential Amendments) Bill 2011
- Social Security and Other Legislation Amendment Bill 2011
- Social Security Amendment (Student Income Support Reforms) Bill 2011
- National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011
- Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011
- Crimes Legislation Amendment Bill (No. 2) 2011
- Parliamentary Service Amendment (Parliamentary Budget Officer) Bill 2011
- Higher Education Support Amendment Bill (No. 2) 2011

Corporations (Fees) Amendment Bill 2011
- Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011
- Auditor-General Amendment Bill 2011
- Tax Laws Amendment (2011 Measures No. 7) Bill 2011
- Navigation Amendment Bill 2011
- Maritime Legislation Amendment Bill 2011
- Aviation Transport Security Amendment (Air Cargo) Bill 2011
- Veterans' Affairs Legislation Amendment (Participants in British Nuclear Tests) Bill 2011
- Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oils in the Antarctic Area) Bill 2011
- National Residue Survey (Excise) Levy Amendment (Deer) Bill 2011
- Indigenous Affairs Legislation Amendment Bill (No. 2) 2011
- Defence Legislation Amendment Bill 2011
- Personal Property Securities Amendment (Registration Commencement) Bill 2011
- Competition and Consumer Amendment Bill (No. 1) 2011
- Broadcasting Services Amendment (Review of Future Uses of Broadcasting Services Bands Spectrum) Bill 2011
- Competition and Consumer Legislation Amendment Bill 2011
- Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2011.

(1A) On Monday, 21 November 2011, the routine of business from 7.30 pm to 9 pm, shall be debate relating to a ministerial statement concerning Afghanistan.

(2) On Wednesday, 23 November 2011 and Thursday, 24 November 2011, any proposal
pursuant to standing order 75 shall not be proceeded with.

(3) On Tuesday, 22 November 2011:
   (a) the hours of meeting shall be 2 pm to 6.30 pm and 7.30 pm to adjournment;
   (b) the routine of business from 7.30 pm shall be government business only; and
   (c) the question for the adjournment of the Senate shall be proposed at 10 pm.

(4) On Wednesday, 23 November 2011:
   (a) consideration of the business before the Senate be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Sinodinos to make his first speech without any question before the chair; and
   (b) consideration of government documents shall not be proceeded with.

(5) On Thursday, 24 November 2011:
   (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 10.40 pm;
   (b) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
   (c) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 3.45 pm, shall be government business only;
   (d) divisions may take place after 4.30 pm; and
   (e) the question for the adjournment of the Senate shall be proposed at 10 pm.

(6) The Senate shall sit on Friday, 25 November 2011 and that:
   (a) the hours of meeting shall be 9.30 am to adjournment;
   (b) the routine of business shall be:
      (i) notices of motion, and
      (ii) government business only; and
   (c) the question for the adjournment of the Senate shall not be proposed until a motion for the adjournment is moved by a minister.

(7) The bills listed in paragraph (1) be considered under a limitation of debate and the allotment of time for consideration of the bills be as follows:

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<td>Crimes Legislation Amendment Bill (No. 2) 2011</td>
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<td>National Residue Survey (Excise) Levy Amendment (Deer) Bill 2011</td>
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(8) Paragraph (7) operates as a limitation of debate under standing order 142. This motion will allow the Senate to operate in a focused and effective manner for the next five sitting days, and it will ensure that we complete the consideration of the government's legislative program for this year. There is some disappointment in having to move this motion, because the government has very few options available to it.

Senator Ian Macdonald: You don't want any legislation scrutinised.

Senator LUDWIG: I listen to you in silence when you contribute to these debates in Senate and you should return the favour one day—

Senator Ian Macdonald: When you are destroying what parliament is about, you can put up with my interjections.

Senator LUDWIG: although I will not hold my breath waiting for you to return that favour.

Senator Ian Macdonald interjecting—

The DEPUTY PRESIDENT: Order! Senator Macdonald, interjections are disorderly and, Minister, could you direct your remarks through the chair.

Senator LUDWIG: I apologise, Mr Deputy President. In the past two weeks, the Senate spent almost 30 hours debating the clean energy package. Without doubt this is significant legislation deserving scrutiny. Unfortunately, the Senate has also spent far too many hours on procedural motions—MPI debates—that are, quite frankly, simply variations of a tired theme. Senator Macdonald has been one of those who has contributed significantly to that tired theme, debating bills that all senators recognise are noncontroversial. By convention, as agreed by all parties and Independent senators, noncontroversial bills are put through at a particular time on Thursdays. Why? Because they are, by their nature, noncontroversial.

However, we now have some 13 noncontroversial bills carrying over from the last three sitting periods. This has led to the government seeking, in this motion, to have them dealt with at the end of this week. Why? Because they are non-controversial bills. Those on the other side have sought to debate those non-controversial bills at length, ad nauseam.

Senator Ian Macdonald: How outrageous for the Senate to debate bills!

Senator LUDWIG: In usual times, when the opposition and the government—and when we were in opposition—treated them as non-controversial bills, senators spoke to
them in a way which would ensure their passage during the period usually set. However, there has been a lack of cooperation in that regard. We even have one non-controversial bill that has been held over from July. It highlights what has happened—those opposite treating non-controversial bills as full debating bills when we have agreement that they are noncontroversial. It seems that that convention has worn quite thin of late.

There are also 20 or so bills listed on the draft program for the week. The majority of these bills have commencement dates on or before 1 January 2012. These bills need to be completed this week to ensure that they can commence by their start-up date of 1 January 2012. It is not unusual for the Senate to deal with about this number of bills in its final sitting week. It is not unusual for the Senate, with a level of cooperation, to organise its business so that we can sit a few extra hours this week and organise its business with a motion which provides certainty for those in the chamber that we will progress through the bills this week.

Senator Ian Macdonald: But we won't be able to debate them.

Senator LUDWIG: Unfortunately—and I think the interjection highlights this fact—the government is not able to rely on the informal and constructive cooperation that it has had in the past. I note as well that, when we were in opposition, we offered informal and constructive assistance to ensure that the Senate completed a number of bills at the end of sitting periods. However, again, that position seems to have worn quite thin of late. In the spring sittings we have seen, quite frankly, self-indulgence, repetition and debate with, usually, only tenuous connections to the substantive matters contained in the bill. This is an opposition which has become ill-disciplined and does not use the Senate's time in an effective and constructive way to deal with bills. We find instead interjections and debate with only tenuous connection to the substance of the topic. Instead, the opposition has been hell-bent on thwarting the ability of this Senate to scrutinise legislation effectively.

We have a motion today that lists the bills to be debated and completed each day. That allows senators to take the appropriate time to debate a bill and finalise their contribution to it so that the bill can be finalised in the evening.

Senator Ian Macdonald: Why can't we sit next week and debate these bills?

Senator LUDWIG: The motion allows for some 30 hours of debate on legislation this week, assuming that the opposition does not continue to use its time to debate procedural motions. This motion provides additional sitting hours on Tuesday night and Thursday this week, and a sitting day on Friday. It is the government's intention not to sit on 28, 29 and 30 November. I foreshadow that at this point and will inform the Senate through the usual processes in due course.

The House of Representatives has decided likewise not to sit next week. While it is not unusual for the Senate to sit without the House also sitting, if the Senate were to set in path legislation which requires consideration of the House before it is finalised, this would mean that the House would have to come back before the end of the year to finalise any amendments that were passed through the Senate. It would require an additional cost. In those circumstances, it is the government's view that it is better to structure the sitting this week so that the whole program can be completed this week. There are hours available to allow this to occur—to ensure that government business is finalised.
I note that the last time this type of motion was used to structure Senate business was in 1999, when the current opposition was in government. It is not the typical motion that I would usually have used. A motion that would allow the opposition to continue until a bill was finalised is another approach that could have been adopted. However, given the opposition's position that I outlined earlier, speaking on procedural motions and speaking on a range of bills that are non-controversial—without the cooperation and constructive approach that the opposition has displayed in the past—the type of motion that is now constructed will, in the government's view, ensure that the legislative program is finalised this week.

I do not intend to take up any additional time because the more I talk the more I eat into the time available for the opposition to constructively contribute to the bills that are on the program. I just add, in relation to the matter that I was denied leave for—and that does not prevent another senator moving to amend the motion in this regard—that it is the government's view that it would be more appropriate to deal with the Afghanistan debate at the end of the urgency motions.

**Senator IAN MACDONALD:** Why?

**Senator LUDWIG:** That would allow the urgency motions from the opposition to be completed. It is a government time that is being chosen.

**Senator Ian Macdonald interjecting—**

**Senator LUDWIG:** The government should, notwithstanding Senator Macdonald's interjections, be able to organise its time as it sees fit to be able to debate the program as stipulated by government. There has been a convention in this place for a very long time that governments can determine what happens in government time. It would be disappointing to find that the opposition are now breaking that longstanding convention to allow the government to organise its time the way it sees fit. With those short words, I ask the Senate to agree to the motion.

**Senator FIFIELD** (Victoria—Manager of Opposition Business in the Senate) (10:15): The motion before the chamber is quite extraordinary. This motion proposes that no fewer than 33 bills go through this chamber this week. If senators were not particularly inclined to speak on many of the 33 bills, that might be okay, but that is not what this motion provides for. This motion institutes a rolling guillotine. If this motion is successful, at the end of each day every single bill listed for debate will be put through the voting on all stages—even if the Senate chamber is still at the second reading stage of the first bill listed, even if not a single senator has got to their feet and even if not a single senator has had the opportunity to ask one question in a committee stage. This motion seeks to deny senators their basic and fundamental rights, but, worse than that, this motion seeks to deny this chamber the ability to perform its duty and its obligation to scrutinise legislation, to debate legislation, to critique legislation and to ask questions of government ministers about legislation.

This motion goes to the very core of why this chamber is here. We are a house of review. Our purpose is to scrutinise. Our purpose is to hold the government to account. Our purpose is to ask questions about the detail of legislation and this motion seeks to deny that very opportunity. Even if this motion were not before us, I would think that it is a pretty extraordinary ask of the chamber to consider adequately and properly 33 bills in the course of a week. But there is no need for this motion. The Senate has already passed a motion that the chamber will sit next week on Monday, Tuesday and Wednesday. They are scheduled sitting days
for the Australian Senate. They are not simply pencilled in on a draft parliamentary program as days which might be required, as days when senators should not book too many things in their diary in case they are called upon. No. Those sitting days—Monday, Tuesday and Wednesday next week, 28, 29 and 30 November—were listed, were scheduled and were agreed upon by this chamber at the time the rest of the sitting schedule for this year was decided. Those dates are there for a reason—to facilitate proper and adequate debate of the bills which come before this chamber. So there is absolutely no need for a guillotine at the end of each day. This is the first time I have seen that procedure in the time I have been in this place. The guillotine which was put in place for the carbon tax legislation was bad enough, but to have a guillotine at the end of each and every day, regardless of the stages which multiple bills have reached, is extraordinary.

What absolutely flabbergasts me in this matter is the Australian Greens, who have held themselves out as paragons of parliamentary virtue, who have held themselves out as the great defenders of the rights, duties and obligations of the Australian Senate, who have held themselves out as being better and purer than what they refer to as 'the old parties' or 'the big parties'. The Australian Greens, who have always presented themselves as an entirely different parliamentary beast, have shown their true colours today. They are no better than the Australian Labor Party—and that is the most damning thing I can say of any other parliamentary party—because they are complicit in this act to seek to deny the chamber the opportunity to consider this legislation.

There is a very simple solution. We would not expect the government to change their mind. We know what they are made of. We saw that in the carbon tax debate. The simple solution is for the Australian Greens to recognise that what they are doing is abominable, that what they are proposing to do goes against every speech on accountability they have given in this place. It goes against every one of the group doorstops which they do in the courtyard outside this chamber, where they bemoan the trashing of parliamentary democracy, where they bemoan the denial of opportunity to scrutinise legislation. They do still have an opportunity to reconsider their position. Mr Deputy President, it was bad enough that the government and the Greens conspired to deny this chamber the opportunity to address the carbon tax legislation in proper detail. It is in your recent memory, I know, so you will recall that barely seven sitting days were dedicated to the scrutiny of the 17 or 18 bills in the carbon tax legislation package. Compare that with the five months of scrutiny that the GST: A New Tax System legislation received. That was bad enough. Worse than that of course was the government lying to the Australian people that they would not introduce a carbon tax. That was bad enough. Not worse than that but approaching it was the denial of the opportunity in this place to properly scrutinise the carbon tax legislation. But you would have thought at the very least—putting aside the fact that the government lied about not introducing a carbon tax and putting aside the fact that they denied this chamber the opportunity to properly scrutinise that legislation—that with legislation of a more routine nature they would allow just a modicum of parliamentary scrutiny. But no.

We recognised, though we did not agree, that with the carbon tax legislation the government had a political imperative they were determined to see through. We recognised that they set up the false deadline of the Durban conference by which they had
to get the carbon tax legislation through. We thought it was atrocious but we knew what they were doing. But here we have an entirely different crime against the Australian Senate, which is to deny it consideration of more routine legislation. I would have thought the Australian Labor Party would be looking for the opportunity to redeem themselves after the carbon tax outrage; that they would have been looking for the opportunity to say, over the balance of this parliamentary term: 'Sure, we did the wrong thing with the carbon tax legislation. We completely disregarded the rights and prerogatives of the Senate. But look at these other 100-plus bills where we allowed proper and decent debate.' You would have thought that at the very least, in seeking to regain a bit of decency, the Australian Labor Party would have afforded this chamber that opportunity. But no. Even on bills of the nature of those before us today they seek to deny us that opportunity.

As I said, the Australian Greens should think again, but if they are not prepared to think again the government should honour the parliamentary program and sit the parliament on the 28th, 29th and 30th. They should do that so this legislation is not forced through this chamber without due and proper consideration. But there is another reason the parliament should sit on 28, 29 and 30 November, and that is the rapidly deteriorating budget position. The government, we know, are going to release a midyear economic update in a week or so, maybe in a matter of days. It will in effect be a minibudget. The government have been trawling for savings because they have been spending so much that they will be unable to achieve their commitment to have the budget back in surplus by 2012-13. Because of that, they are in effect producing a minibudget, though it is dressed up as a midyear economic review. That no doubt will be delivered on Monday, Tuesday or Wednesday next week, and an economic document of that significance should be considered by the Australian parliament. So not just the Australian Senate should sit on the 28th, 29th and 30th, next week, as is scheduled, but the House of Representatives should also sit on those dates to provide the opportunity for the parliament to examine that economic update, to examine the nation's finances.

The other thing the government should do is get Treasury to re-examine the carbon tax legislation, to re-run their numbers. As we found out from President Obama's visit last week, the United States is not going to have a carbon tax any time soon and it is not going to have an emissions trading scheme any time soon. As we found out from the Canadian foreign minister when CHOGM was on, the Canadian government is never going to introduce a price on carbon. So Treasury's assumptions that by 2016 there will be a full-blooded global carbon trading system and that the United States will have put a price on carbon are completely wrong, which means that all of the revenue assumptions on which the carbon tax is based are wrong, the pricing assumptions for the carbon tax itself are wrong and the assumptions on which the proposed compensation package is based are wrong.

So we have a number of reasons that the parliament should be sitting next week: it should be sitting because it should be doing its job in examining legislation—it should be examining these 33 bills which the government proposes to ram through this place—but it should also be examining the midyear economic statement, the crisis minibudget, which the government will be handing down next week. We in the Senate should sit on the days scheduled and so should the Australian House of Representatives.
On this side of the chamber we have, I think, been genuinely surprised over the last few months. As I said, it was bad enough that the government lied to the Australian people about the carbon tax, but even we, with our deep and well-founded cynicism about the Australian Labor Party, did not think they would seek to deny this chamber its right, its privilege and its duty to properly examine legislation. On this side of the chamber we were genuinely surprised that the government denied us the opportunity to examine the carbon tax, that the government denied the Senate's own committees the opportunity to examine the carbon tax. We are pretty cynical, but I thought, and a number of my colleagues thought, that even the Australian Labor Party would not be so cynical, would not be so craven, would not show such contempt for this chamber. We were proved wrong. What we on this side of the chamber learnt was that, yes, our cynicism was well founded but it actually should have run deeper than it did. I can assure the Senate that our cynicism runs very deep indeed—but it does not run as deep as the sense of disappointment of the Australian people, who were denied the opportunity to have a say on the carbon tax at the last election. The Australian people are a wake-up to the fact that this parliament was forced to rush through guillotined legislation. I know those opposite think that the Australian public do not pay much attention to parliamentary affairs, that they do not pay much attention to chamber tactics. Sure, they do not follow closely each motion that goes through this place but they are well aware that the opportunity for scrutiny of the carbon tax legislation was denied and they will be well aware that the opportunity for debate on this list of 33 bills before us is also being denied.

The Australian Labor Party national conference is coming up. Whenever I see you, Mr Acting Deputy President Cameron, I think of the Australian Labor Party national conference. I know of your commitment to having full-blooded debate at the conference. I know of your commitment to having motions adequately scrutinised and to ensuring there is opportunity for discussion. How ironic it is that just as the Australian Labor Party is about to present themselves as a great democratic party willing to debate and thrash out the tough issues, they are doing the exact opposite in this place. They are seeking to deny the opportunity to debate 33 pieces of legislation. Everyone will tune into the Australian Labor Party's national conference and the debates and the punch-ups, with Mr Acting Deputy President leading the charge on a number of issues. That is just a bit of show, a bit of a bunfight for the benefit of voters. That is just so the Prime Minister can say, 'Look, I am actually a pretty conservative kind of person—look at all these lefties in my own party who are gunning for me; look how much I have got them offside'. That is all stage-managed, as are the fights with the Australian Greens that the Prime Minister is manufacturing now: 'Look, I have really upset the Australian Greens by proposing uranium exports to India—look how upset they are; I must be pretty conservative'. She is doing the same thing with you, Mr Acting Deputy President. I do not doubt your sincerity, but you are playing the role exactly as she wants.

I am not interested in these confected debates between the Australian Labor Party and the Greens and between the Australian Labor Party and themselves. I am interested in the debates that take place in this chamber. The Australian Labor Party can talk all they want about reforming their internal rules, about bringing democratic processes to bear in their party organisation—they can talk about that till the cows come home. Maybe they will institute some reform. I do not
know and I do not care. Even if they do, it means nothing if the Australian Labor Party are not prepared to support due process in this place. It means nothing if the Australian Labor Party are not prepared to support proper scrutiny. It means nothing if the Australian Labor Party are not prepared to allow legislation to be the subject of second reading debates. It means nothing if the Australian Labor Party are not prepared to allow committee stage consideration of legislation in this place. It means nothing if the Australian Labor Party will not allow third reading debates—which I have to tell you, Mr Acting Deputy President, we are starting to take a real shine to. It means nothing if the Australian Labor Party will not support motions to refer legislation as important as the carbon tax to the Senate's own committees. All that posturing, all those phoney debates in the ALP national conference, all those phoney arguments with the Australian Greens, mean nothing—they are merely a cover for the denial of proper process and proper accountability in this chamber.

Rest assured that we will be paying close attention to the Australian Labor Party national conference and whenever we are asked for comment on it—as we are from time to time—we will say, 'Do not worry about what is happening at the ALP national conference, look at the way the government conduct themselves in the Australian Senate; look at the way the Australian Labor Party deal with scrutiny in the Australian Senate.' Each one of these 33 bills before us, whether it is of great significance or whether it is relatively minor, deserves appropriate scrutiny, each one of them deserves appropriate debate and each one of them deserves senators being provided with the opportunity to pose questions to ministers. This motion seeks to deny that opportunity. It seeks to flagrantly disregard the role of the Australian Senate. We cannot support this motion, we will not support this motion and no senator in this place should support this motion. The government should think again and, if they do not, the Australian Greens should. Any senator who supports this motion stands condemned.

Senator IAN MACDONALD (Queensland) (10:36): This proposal to guillotine bills is an outrageous motion. I have been here for 21 years—I was here in 1999—and never in that time have this many bills been guillotined in this fashion. The Manager of Government Business seems to think that legislation thought of by the Australian Labor Party or the Greens should automatically go through parliament. It is said to be noncontroversial because the Labor Party and the Greens think it is okay. If anyone else in this parliament wants to debate it, they are denied the opportunity by this outrageous and undemocratic approach of the Australian Labor Party and the Greens. There are a number of bills here that are very important. One of them is in committee already. But, through what the Manager of Government Business has proposed today, we will not even get back to the committee stage of that bill to investigate, to look at, some of the issues that were to be raised there, which may well have helped the government to legislate in a better fashion. All of this legislation needs scrutiny. Even if it is agreed to by the other parties in the chamber, there are times when errors can be pointed out and when different suggestions can be made that would improve legislation that we all agree with.

Today, not only are we to deal with the Social Security Legislation Amendment (Family Participation Measures) Bill 2011; the Business Names Registration (Application of Consequential Amendments) Bill 2011; the Social Security and Other Legislation Amendment Bill 2011; the
National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011, which, I might say, should be very closely scrutinised; the Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2011, which should also be very closely scrutinised; the Tax Laws Amendment (2011 Measures No. 7) Bill 2011; and the Navigation Amendment Bill 2011 and Maritime Legislation Amendment Bill 2011, both of which require considerable scrutiny and were going to be dealt with in the Committee of the Whole, but in addition to that we are now going to have 1½ hours of debate on a ministerial statement on Afghanistan. I agree that this parliament should be discussing Afghanistan, but the hour and a half that is being taken out of the day means that there is that much less time for all of those other bills that will be guillotined through tonight.

This is unprecedented. The Manager of Government Business affects concern that these bills will not be allowed through, but does the minister think that, simply because the government proposes them, they are in order to be passed? This is a parliament. This used to be a democracy where legislation was to be scrutinised by the parliament. But the government says: 'No scrutiny is necessary. We have determined what is right. Don't you worry about wasting the time of the senators. Don't you worry about that. We've told you the bill's okay, so it should go through without any debate.'

Have a look through all of these bills. They are bills that affect the everyday life of ordinary Australians everywhere. They do require scrutiny. They should be debated. But in this chamber now—and the carbon tax legislation was perhaps the most outrageous example of this—the government simply does not like debate. It does not like scrutiny. That is a clear sign of a government in trouble. It is quite clear that Ms Gillard wants to get out of this place as quickly as possible before her detractors in the Labor Party can perform a coup, as she organised a year ago when she got rid of the former Prime Minister, Mr Rudd. Ms Gillard just wants to get out of this place at the very earliest time.

As Senator Fifield has correctly pointed out and as the Manager of Government Business himself has correctly pointed out, all year the Senate has known that it was going to sit on the 28th, 29th and 30th of November. Why, now, are we not going to sit on those three days?

Senator Bernardi interjecting—

Senator IAN MACDONALD: 'Durban,' I hear called. What could there possibly be in Durban that would stop the Senate from sitting? Clearly, the Greens and the Labor Party want to walk the world stage and tell the world how great they are in getting a carbon tax through, even though they know and everybody else knows that nobody else in the world is going to be doing the same and even though they know that this carbon tax is a legislated piece of policy based on a lie, in that the Prime Minister promised solemnly just before the last election that it would never be introduced under her regime, under a government she led. But, instead of debating these pieces of legislation that are of particular importance to the people of Australia, we are going to effectively have to curtail the Senate so that we can allow some of our colleagues to go to Durban to swan around in the glare of the television cameras at a climate change convention that will again go nowhere and will be a waste of the time and money of the people attending.

Parliament should be sitting. Right back a year ago, this parliament decided that it would sit on these three days, so what has changed, with all of this legislation that needs to be properly addressed? Tomorrow
we are going to be dealing with the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011, a measure that requires a great deal of debate because it is something that, regrettably, affects many in our society. Are we going to have the opportunity of fully discussing that? No. It is going to be guillotined by the Greens and the Australian Labor Party, yet again. There is the Crimes Legislation Amendment Bill (No. 2) 2011. There is the Aviation Transport Security Amendment (Air Cargo) Bill 2011, which, again, is very, very important. Transport aviation security cannot be taken lightly. The legislation is heading in the right direction, but it needs scrutiny. It could be better. Just because the Labor Party and the Greens say that it is okay and does not need the debate of parliament, that does not mean that it is okay. These bills need to be looked at.

There is the Veterans’ Affairs Legislation Amendment (Participants in British Nuclear Tests) Bill 2011. We all have constituents who have an interest in that bill. Again, the bill heads in the right direction—it is something the coalition has been advocating for some time—but it needs proper scrutiny because it affects many people. I would estimate that at least half the senators in this chamber would have been approached by constituents who have a very great interest in that bill. Are we going to get a chance to talk about the issues of our constituents? Are we going to get a chance to try to make that bill a little bit better? We are not going to, because, again, it is going to be guillotined by the Labor Party and the Greens.

There is a bill on the protection of the sea and the prevention of pollution from ships. I know nobody else in this chamber is terribly interested in the marine environment, but the Liberal and National parties certainly are and we want to debate that bill. There are aspects of that bill that could perhaps be improved, but it is going to be dealt with tomorrow afternoon and voted on between 9 pm and 9:40 pm—there will be no debate on it.

This government is acting like a totalitarian government of the past. Those governments did not have oppositions, they did not allow people to discuss legislation and they did not allow scrutiny of government—they just happened to be there. Totalitarian regimes got to power usually by force but often by democratic elections, which then allowed those totalitarian parties to suppress the opposition, disallow debate and become one-party states. That is what happens when governments say: ‘Don’t worry about this legislation—it doesn’t need to be debated. Don’t worry about any scrutiny. We, the government, have said this is okay, so you will just accept it and we will not allow you to talk about it.’ That is how totalitarian regimes were encouraged and nurtured in the pages of history.

To go through these bills, on Wednesday there is the National Residue Survey (Excise) Levy Amendment (Deer) Bill 2011. There is also the Indigenous Affairs Legislation Amendment Bill (No. 2) 2011. The Labor Party and the Greens are always getting up and pretending they are interested in Indigenous matters, but there will not be any opportunity to talk about this legislation because the government and the Greens are guillotining it. We on this side have a real interest in Indigenous affairs. It makes me so proud to be a member of the Liberal Party that the very first Indigenous member of this parliament was a Liberal Party senator—an old mate of mine, Neville Bonner. And which party did he choose to go to? Was it the Greens? Was it the Labor Party? No, he chose the Liberal Party because he believed it was the party that best represented his hopes and aspirations for his people. I am delighted that the first Indigenous member of the lower house is another Liberal, Ken
Wyatt, the honourable member for Hasluck. Again, he had the choice to join any political party, but which political party did he join? Was it the Greens, with all their pious words about Indigenous people? Was it the Labor Party, who do all the processes but take none of the action on Indigenous people? It is the Liberal Party that he joined.

There is a bill coming up which many of us in the Liberal and National parties would like to contribute to. We would like to put forward some—

Senator Polley: Sit down, and then you can!

Senator IAN MACDONALD: Why can't we sit on Monday, Tuesday and Wednesday? Then we can all discuss these things, Senator. Where do you want to go? Are you going to Durban, or are you taking an early Christmas holiday?

Senator Polley interjecting—

The ACTING DEPUTY PRESIDENT (Senator Cameron): Order!

Senator Ludwig: You just want three more days of procedural argument.

Senator IAN MACDONALD: Clearly, Senator Ludwig wants an early Christmas holiday. He will not be silly enough to go to Durban. He will not want to be embarrassed over there—

The ACTING DEPUTY PRESIDENT: Senator Macdonald, can I draw your attention to the matter before the chair.

Senator IAN MACDONALD: Mr Acting Deputy President, I have been talking for 13 minutes now about all the bills that have been guillotined. I get one interjection and you then draw me into line and forget about the interjectors. I have been talking about these bills, which are so important. On Thursday, in one day, we are going to go through the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011. All of us have been approached by the firefighters about that, and we all agree with the general tenor of the legislation, but it is legislation that should be debated. Who knows? Perhaps the draftsman made a mistake that could be pointed out in the Committee of the Whole, but we are not going to get that opportunity.

The Work Health and Safety Bill 2011, the Auditor-General Amendment Bill, the Personal Property Securities Amendment (Registration Commencement) Bill 2011 and the Competition and Consumer Amendment Bill (No. 1) 2011 all need scrutiny. These are things that need to be fully debated, because quite frankly the Labor Party and the Greens do not have all wisdom. Totalitarian leaders of the past used to think that they had all wisdom; they did not need a parliament, they did not need opposition and they did not need to be able to discuss legislation. They just did it, and if anyone did not agree then poor fool them and good luck for their future safety. This is the first stage, when they deny parliament the opportunity to properly debate these bills.

I have been here a long time. I was here when the Independents and the Democrats were in this parliament. In 1999, as I think Senator Ludwig mentioned, the crossbenchers and the Labor Party had a majority in this place, and we would never guillotine things like this. I had my issues with the Democrats, but in those days the Democrats would never have allowed the sort of guillotining that the Greens are now allowing. The Greens used to make a virtue out of allowing people to debate legislation for as long as they wanted, whether they agreed with it or not. The Greens used to say, 'It's your right to debate it.' But what happens now? They want to go to Durban, and so they are happy enough to take an early Christmas holiday and cancel the last three days of the scheduled sitting. The Democrats
would never have done that. As I say, I had my issues with the Australian Democrats, but at least they were true to their word on the issue of guillotining. The Greens clearly have a different agenda. The Broadcasting Services Amendment (Review of Future Uses of Broadcasting Services Bands Spectrum) Bill 2011 is enormously important and needs to be fully debated. But will it be fully debated? We will not even get a chance to open our mouths on that. I could go on. There is the Human Rights (Parliamentary Scrutiny) Bill 2010—parliamentary scrutiny of human rights! What parliamentary scrutiny is there when people who represent 51 per cent of the Australian population are not even going to get a chance to talk on it? There are other bills as well.

I do not want to use my full time on this debate. I ask the government to act as if they are a democratic party and allow proper debate. There are three days set aside in the schedule that really should be used for this debate. I will leave it there and urge the government to rethink.

(Quorum formed)

Question put:
That the motion (Senator Ludwig's) be agreed to.

The Senate divided. [10:59]

(The President—Senator Hogg)

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

AYES
McLucas, J
Moore, CM
Pratt, LC
Sherry, NJ
Singh, LM
Sterle, G
Waters, LJ
Wright, PL

AYES
Milne, C
Polley, H
Rhiannon, L
Siewert, R
Stephens, U
Thistlethwaite, M
Wong, P

NOES
Abetz, E
Bernardi, C
Boswell, RLD
Cash, MC
Cormann, M
Eggleston, A
Ferravanti-Wells, C
Fisher, M
Johnston, D
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ryan, SM
Sinodinos, A
Xenophon, N

Back, CJ
Birmingham, SJ
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Kroger, H
Madigan, JJ
McKenzie, B
Parry, S
Ronaldson, M
Scullion, NG
Williams, JR (teller)

PAIRS
Bishop, TM
Carr, KJ
Evans, C
Faulkner, J
Urquhart, AE

Bishop, TM
Carr, KJ
Evans, C
Faulkner, J
Urquhart, AE

Joyce, B
Adams, J
Brandis, GH
Boyce, SK
Heffernan, W

Question agreed to.

Consideration of Legislation

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (11:02): At the request of Senator Arbib, I move government business notice of motion No. 2:

That any order of the day relating to the Auditor-General Amendment Bill 2011 be listed
on the Notice Paper as a government business order of the day.

Question agreed to.

Consideration of Legislation

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (11:02): At the request of Senator Arbib, I move government business notice of motion No. 3:

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:

- Business Names Registration (Application of Consequential Amendments) Bill 2011
- Corporations (Fees) Amendment Bill 2011
- Deterring People Smuggling Bill 2011
- Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011
- Higher Education Support Amendment Bill (No. 2) 2011
- National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011
- Parliamentary Service Amendment (Parliamentary Budget Officer) Bill 2011
- Personal Property Securities Amendment (Registration Commencement) Bill 2011
- Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011
- Social Security Amendment (Student Income Support Reforms) Bill 2011

I also table a statement of reasons relating to the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 and seek leave to have the statement incorporated into Hansard.

Leave granted.

The statement read as follows—

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2011 SPRING SITTINGS

SAFETY, REHABILITATION AND COMPENSATION AMENDMENT (FAIR PROTECTION FOR FIREFIGHTERS) BILL 2011

Purpose of the Bill

This bill seeks to amend the Safety, Rehabilitation and Compensation Act 1988 (SRC Act) to simplify workers’ compensation claims by firefighters who have contracted a range of specified cancers, and who have been employed for a certain period, by establishing a rebuttable presumption that the cancers are work-related.

Reasons for Urgency

It is important that this Bill be passed in these sittings to enable firefighters to access the improved compensation arrangements without delay. If the Bill is not passed in the Spring sittings, any eligible firefighters who have contracted a prescribed cancer will be required to comply with more onerous conditions to access compensation payments under the SRC Act.

Senator HANSON-YOUNG (South Australia) (11:03): I move: "Deterring People Smuggling Bill 2011".

Question put.

The Senate divided. [11:08]

(The Acting Deputy President—Senator Moore)

Ayes ...................... 9
Noes ...................... 36
Majority ................. 27

AYES

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

NOES

Abetz, E
Back, CJ
Question negatived.

Original question agreed to.

Rearrangement

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (11:12): I move:


Question agreed to.

BILLS

Social Security Legislation Amendment (Family Participation Measures) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator BERNARDI (South Australia) (11:12): I rise to speak on the Social Security Legislation Amendment (Family Participation Measures) Bill 2011. This bill establishes two pilots: one that requires teenage parents to complete their education and one that requires eligible parents in jobless families on income support to get themselves job ready. These reinforce the principle of mutual obligation, about which the coalition has always been serious. We do not believe in the welfare entitlement mentality. One of the core Liberal principles is mutual obligation:

... whereby those in receipt of government benefits make some form of contribution to the community in return, where this is appropriate.

Those words are part of the Liberal Party federal platform.

Encouraging people to take charge of their own lives and obtain the skills to be able to support themselves and their families is a good thing for the people involved and for society in general. Welfare dependency clearly has adverse effects. When people receive passive welfare payments with no obligations attached they fall in to a cycle of dependency that can be very difficult to get out of. I am sure that many senators in this place would bear witness to this occurrence in their own electorates. Individuals who are in this cycle of dependence have little opportunity to play their part in Australia’s prosperity.

According to government figures, there are approximately 11,000 teenage parents in receipt of parenting payment. Of those 11,000, about 90 per cent have not completed year 12. Completing year 12 is not in itself the ultimate educational goal—there are many other opportunities such as work or apprenticeships—but it is a process of learning. We want to encourage these young parents to continue their education, whether it be in a formal academic setting or perhaps in on-the-job training processes. There are also about 257,000 jobless families who receive income support and who have reported no income in the last year, and these are families with dependent children. In
2007, according to the latest available international comparisons, Australia had the fourth highest rate of children living in jobless families within the OECD.

One of the most dangerous outcomes of welfare dependency is the effect it can have on the next generation. Some kids grow up never knowing what it is like to have a parent with a steady job. There are children who are missing out on learning about the life skills and pride that come with earning for yourself and being able to support your family. That is why the coalition worked very hard to encourage people to move from welfare into work when we were in government.

In terms of the big economic picture, the coalition's record is one where, while in government, we got the budget back into the black, we got rid of billions of dollars of previous Labor government debt and we laid the framework for a secure economic future for the nation. This led to more jobs, lower taxes, more productive workplaces and better living standards, among many other things. In such a positive environment, more people were—and are—able to find work. The unemployment rate under the coalition fell from 8.2 per cent in 1996 to just 4.3 per cent in August 2007—the lowest unemployment level in 33 years.

More specifically, through programs like Work for the Dole, the coalition encouraged more Australians off welfare and into work. From 1997—when Work for the Dole commenced—to 2007, over 555,480 people took part in 32,826 Work for the Dole activities. This helped them to improve their work ethic. It is something that many of us can bear testament to. At the Work for the Dole programs that we attended during that time, the individuals who were involved in these programs often sought us out, came up and said how meaningful and valuable it had been in helping them get their lives back on track. It gave these individuals valuable work experience and helped to improve their self-esteem and sense of pride in making a contribution to the community.

I say these things to demonstrate to the Senate that the coalition does indeed have a proven track record of supporting mutual obligation. This is in stark contrast to many of the words that are used by the Labor government. Time and time again, we have seen that this government makes tokenistic attempts at meaningful action. We have seen repeated knee-jerk reactions to problems that are often of its own making. In many instances, as the saying goes, this government is all about spin and not about substance. There is a growing concern amongst others and by me that we see more tokenism again in this bill. I make the point that this bill establishes a pilot program—not a proper program. It begs the question: why doesn't the government commit to a proper program? One could draw the conclusion that it is concerned that it will once again make a mess of the program—like it has done with so many others—and by calling it a pilot it can say, 'We were just experimenting with this.'

The coalition has consistently pushed for better mutual obligation requirements. Whilst the government has embraced a small part of that with this bill, it is going only part of the way that it should. It raises a number of questions. The first one relates to the monitoring of the teenage parent pilot program. Whilst the coalition welcome the intent behind this bill—it aims to encourage engagement—we still clearly have some concerns. With the teenage parent pilot, we ask: how will the government monitor whether the parents have been complying with their participation plans and how will the government enforce the obligations of the parents? It is all very well to establish a
pilot with good intentions, but we need to be able to monitor it effectively to ensure that it is working properly and for its intended purpose.

The coalition also supports attempts to have parents re-engage with the workforce early. However, the coalition is concerned that with the jobless family trial, as demonstrated in this bill, once again, there is no requirement to comply with the plan signed by the participants. So the coalition will be proposing some amendments to ensure that the parents do comply with their plan. Let me spell this out quite clearly: signing onto a plan is enough for the parents in this jobless family trial, but they do not actually have to comply with the plan that they have put forward. This does not pass the commonsense test. There should be a compliance regime that requires participants in each trial to comply and follow through with what they have promised to do in their plan. In addition, it appears that this bill completely removes the power from the secretary to intervene in extenuating circumstances. The coalition would like the secretary to be able to intervene in extenuating circumstances, and so I flag that we will be moving amendments to reflect that.

In conclusion, we know very well that this is a government that is big on talk and very short on delivery. We know that, unfortunately, this government has breached faith with the Australian people on many occasions, either by failing to keep its promises or, indeed, breaking its promises. While the coalition support the principle behind this bill, we believe it can be improved. We believe that, to encourage parents to improve their lives and those of their families, we need to make some amendments, and we will be doing that to seek to make this bill more effective in achieving its stated aims.

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:21): It will come as no surprise to the chamber or to Australia that the Greens oppose the Social Security Legislation Amendment (Family Participation Measures) Bill 2011. This is a continuation of the punitive approach that started with the Welfare to Work regime of the Howard government era that Senator Bernardi was just championing. Unfortunately, there is no evidence to show that the punitive approach works. Again, the government is choosing to suspend payments and take a punitive approach, in this instance, to jobless families. We particularly have concerns about the issues around teenage mothers. Instead of supporting these most vulnerable people in our community, the government is again seeking to take a punitive approach. We believe it is unnecessary and ineffective and that it stigmatises young parents who face a number of significant challenges. While we do agree that teenage parents need a lot of assistance and we are aware they have poor educational achievements, threatening them with a punitive approach, to our mind, does not work. We believe it could have grave ramifications for young parents and their children.

We should be aiming to encourage young people and jobless families to overcome the barriers that prevent their participation in employment and education. The barriers that prevent people from participating in employment and education are very significant. The government's own Social Inclusion Board has produced a number of papers that address this very issue. The government is addressing some of the key areas, but it is giving with one hand and taking with the other: 'Do this or else.' As I said, we do support the aim of encouraging young and long-term unemployed parents into education and work. Unfortunately, it is
the compliance mechanisms that we have significant problems with.

We are deeply concerned that these measures will further marginalise young and long-term unemployed parents. As was articulated in the second reading speech, this is part of a process of 10 trials around the country. There are a series of measures, some of which include the further rollout of income management, which is being trialled in five sites. Other measures will be undertaken in other sites. The income management measures will be applied in Logan and Rockhampton in Queensland, Playford, Bankstown, Wyong, Shellharbour, Greater Shepparton, Hume, Burnie in Tasmania and Kwinana in my home state of Western Australia.

Despite all the rhetoric from this government and the previous government about Welfare to Work and the punitive approach, the government has provided little evidence that this punitive approach actually works. Yes, there is concern about barriers to education and work, but the government offers no research explanation as to why this particular approach will work. There are reasons why people miss appointments; they can be many and varied. People must overcome very significant barriers to completing their education and barriers to accessing workplaces, as has been articulated in the government's own documents.

This bill continues the pattern of punitive measures that the government insists on pursuing without any introspection. We see the same with the legislation that the government is going to be introducing to continue to roll out the Northern Territory emergency response. Don't let a little bit of evidence get in the way of rolling out a really good punitive scheme! We have consistently opposed the Welfare to Work measures. We do not believe this is the appropriate approach. As I said, the research indicates that in fact it is not the appropriate approach. We need to look at the barriers to education. Yes, we want to encourage young parents into the workforce and we need to address these barriers and not simply dock their income support when they fail to comply. If you are trying to work with people and encourage them to overcome barriers, simply taking a punitive approach and threatening them does not generate the trust that is needed to work in partnership with them.

Across this and many other budget measures, some of which are still to come and some of which we have already debated in this place, the government plans to make life harder for people on pensions and allowances. We believe measures such as the changes to the eligibility criteria for the disability support pension which we have debated in the place, as well as the failure to index thresholds and the failure to index supplements, all have cumulative effects on families. I have consistently asked in this chamber and also in estimates whether the government has done any work to assess the cumulative impacts of these measures on families and sole parents. To date this has not been adequately addressed. The approach the government is taking is simply continuing and extending measures that the previous government started. We continue to see the erosion of allowances for those on income support. It becomes worth less and less. The inequity between allowances and pensions gets worse. Those on Newstart are living on $132 less than those on the age pension, for example. This measure will make this issue even worse for those most vulnerable in our community, teenage parents.

A lot of these measures to get tough on people on income support—income management, for example—seem to us to have been imported from the US, where they
denigrate and demonise people on income support. We now seem to be taking the same approach in Australia. Transplanting these measures from one country to another does not necessarily work, particularly as we have very different issues in Australia. As was pointed out in the second reading speech for this legislation, there are around 11,000 teenage mothers in this country—about 2.5 per cent of those who receive the parenting payment. This is a small percentage. While the Greens think teenage pregnancy is good for neither the parents nor the children—we do not advocate it—we believe that what we need to be doing is working out how we can help mothers in this situation. As has been articulated, most of these parents do not have a year 12 education, and of course we all know about the link between education and better job prospects but also life outcomes for both the parents and the children. But what impact does threatening to take away their income support and carrying it out have on the mother and the child?

We are particularly concerned about the impact of this heavy-handed approach on young women—some of the most vulnerable people in our community—who are dealing with very significant issues in their lives, not to mention the fact that they are mothers at such a young age. As well as that, they will have to deal with a punitive approach by Centrelink, the very organisation that they are now supposed to go to to access case management and to access support to participate in education—and the organisation that will threaten them if they do not turn up. Again, this is not the way to help young parents and teenagers to re-access education and re-engage with the system.

While it is true that once young parents comply they will get back pay, how are they going to afford their day-to-day living expenses? How will they feed their children and pay their utility bills? This policy assumes that parents have support networks, secure tenancy and enough money for basics. Of course they do not have those things. There is a high potential for them to not have support networks—they may be alienated from their parents. They certainly will not be in a position to have a secure tenancy and it is unlikely that they will have enough money for basics. Realistically, on top of all that, education is going to be at the very bottom of the list. As Welfare Rights Network and ACOSS write:

An initiative designed to support young parents should not involve any risk of increasing the levels of poverty or children being left without access to food, essential health care and shelter.

That is exactly what will happen if you take this to the final point of the legislation: children will not be guaranteed access to food, essential health care or shelter.

What should an initiative look like that actually supports young and long-term unemployed parents? As we have already articulated, this group have the least education and are disenfranchised. They need encouragement, support and incentives to assist them to re-engage with the system and to assist them to access education and meaningful employment that suits their needs and improves their standard of living. We must offer as much support as possible—support in getting an education, learning life skills and helping them find employment that they can mix with their child-rearing responsibilities.

Yes, coordinated case management is essential and individualised, tailored engagement participation plans can make a real difference, but it must be done in a way that cultivates a young person's confidence and skills. If you take the punitive approach, that will create a very different relationship for that young person with the system that is
supposedly trying to help them. We know that case management has proven effective in helping to improve social outcomes. We need to invest further in this rather than spending money on enforcing compliance processes. We need to help young families address obstacles and barriers to their participation, such as lack of child care and poor access to public transport. While there is some support offered for child care, we believe it is not enough. We also know that in most of the trial locations where this process is being rolled out public transport is poor.

We believe the support incentives are not enough. We do not believe that this is the appropriate way to tackle this issue. We do not believe we need this legislation. We believe we need to be addressing these problems by putting more resources into engaging with families and empowering them to take control of their own lives rather than pursuing a punitive approach.

At this stage, should this legislation go through, it is unclear whether there is sufficient protection for young parents and consideration of their special needs. For example, when a teen appeals the suspension of their payment, will they receive an automatic payment pending review? They should. Will Centrelink staff receive specialised training in engaging with young parents? Will Centrelink address the specific issues that so strongly alienate young parents from the system and address the barriers to their participation in the system? Will they be able to understand the requests for special consideration or appeals, even if a young person does not use the correct terminology? In these instances, you are dealing with a group of people who have the least experience in dealing with the social security system.

We are also concerned about the risk of domestic violence and the impact that this can have. We already know that there is a very poor application rate for exemptions due to domestic violence. I think it is around three per cent. We are concerned that in the broader community there is a lack of engagement with and understanding of how to apply for an exemption due to domestic violence. For this particular group of young people, knowledge of that particular exemption is guaranteed to be even poorer.

What will happen to participants if they move outside the trial sites? Will they continue to be subject to the requirements of the trial where there is no guarantee they will be able to access the various supports that this program purports to put in place? What will happen to those people? One of the trial sites for the income management process is Kwinana in Western Australia. We know that in that area the government could not get enough participants and had to expand it virtually across the whole of metropolitan Perth. Will we see teen mums moving away from the trial sites and further away from any family support that they may have? If the case management proves to be adequate and we see them moving away from that, will they still be subject to this? I am looking forward to these questions being addressed by the minister in the summing up.

Senator THISTLETHWAITE (New South Wales) (11:36): The purpose of the Social Security Legislation Amendment (Family Participation Measures) Bill 2011 is to allow for the conduct of participation pilots for teenage parents. The amendment delivers on a commitment made by the government in the last budget. During the budget, the government announced the introduction of these participation pilots for teenage parents. We did not simply announce this participation pilot; we have also backed it up with encouragement, support and
incentives for greater education for teenage parents. The form of that support came in the budget through expenditure of $80 million over four years to provide additional training places for single and teenage parents in receipt of income support. I do not believe it is fair at all to characterise these reforms in isolation as punitive measures.

The bill will implement a commitment made by the government in the last budget. It will implement what is known as 'the teenage parents' trial from 1 January 2012 and what is known as 'the jobless families' trial from 1 July 2012. These trials, which will occur at 10 disadvantaged locations throughout the country, were announced in the budget as part of the Building Australia's Future Workforce package. The trials will provide for new services, opportunities and responsibilities to boost the educational attainment, job readiness, child wellbeing and functioning of families with young children in some of the most disadvantaged locations throughout the country.

Specifically, the basic elements of the teenage parents' participation pilots are that parents on income support will be required to attend six-monthly interviews with Centrelink once their child turns six months of age. Once the child is 12 months old, the purpose of the interview with Centrelink will be to develop a participation plan aimed at improving the educational outcomes of the parent by focusing on their most basic needs. No. 1 amongst those needs is an adequate education. The plan will focus on school completion, on foundation skills or certificate level qualifications as well as the health, safety and education of the child. Support for the participation plan will continue until the parent achieves year 12 completion or the child turns six years of age.

The bill recognises that there is no greater benefit that we can give our kids in modern day society than an education. A basic year 12 education is a passport to employment and participation within society. We need to ensure that we do all we can to encourage and provide an incentive for teenage parents to ensure that they complete that basic passport to participation and employment in our society. Under the trial, teenage parents will need to work towards obtaining their year 12 qualification or its equivalent whilst continuing to engage in a range of activities focusing on the health and wellbeing of their child. Parents in the jobless families trial will need to develop a plan outlining how they will move towards being job ready once their youngest child starts school and how they will prepare their child to be ready to go to school.

The teenage parents trial is funded at $47.3 million over four years; the jobless families trial is funded at $71.1 million over four years. Currently, only parenting payment recipients with children aged six or seven years of age have participation requirements and can be required to comply with the terms of an employment pathway plan. A failure to meet some of those requirements can—not necessarily will—not result in sanctions being imposed under the job seeker compliance framework. But, as I stressed earlier, it is important to note that these reforms are coupled with additional spending in this area to provide the necessary encouragement, support and incentive for those who may be subject to this trial to gain basic qualifications and a pathway to employment.

The amendments in the bill broaden the participation requirements and compliance sanctions for parenting payment recipients with children under six who are part of the 'teenage parent of jobless families' trials operating in those 10 disadvantaged
locations throughout Australia. The bill is
designed to create new opportunities for the
4,000 single parents who reside in those 10
trial locations. In my state those locations are
Bankstown, Wyong and Shellharbour—areas
where there are lower socioeconomic
indicators and lower levels of educational
attainment amongst certain age groups and
areas where there are difficulties in some
locations related to entrenched poverty and
the cycle of poverty.

These reforms are aimed well and tru-
ly at trialling in these areas new ways to ensure
that members of our community who
otherwise may have been susceptible to
being driven into that ongoing cycle of
poverty—the poverty trap, intergenerational
poverty—are provided with a circuit-breaker.
That circuit-breaker comes in the form of
support from Centrelink and government
through those additional funds focusing on
teenage mothers and ensuring that they
continue to pursue basic educational
outcomes.

For teenagers who do become parents, this
bill will provide guidance and support to
enable them to learn life skills, to get and
finish a decent education and to give their
child the best start in life. Being a parent is
tough for anyone, and no-one disputes that.
There are additional burdens and difficulties
that come with being a teenage parent and
that is why this government is committed to
providing the support and guidance that
these young parents need to develop their
skills and work readiness, helping them to
provide a better future for themselves and
their children.

**Senator JACINTA COLLINS**
(Victoria—Parliamentary Secretary for
School Education and Workplace Relations)
(11:44): I thank all senators who have made
a contribution to the debate on the Social
Security Legislation Amendment (Family
Participation Measures) Bill 2011. This
legislation delivers on the budget
commitment for the teenage parents and
jobless families measures under the
government's Building Australia's Future
Workforce package. These measures provide
new services, opportunities and respon-
sibilities to boost the educational attainment,
job readiness, child wellbeing and function-
ing of families with young children in some
of the most disadvantaged locations in the
country.

We have a growing economy and a strong
labour market but not all Australians are
benefiting equally from this. Joblessness
among families continues to be a significant,
social and economic problem in Australia. It
is associated with higher rates of poverty,
poor health status and low educational
attainment for parents and their children.
There is a strong intergenerational tendency
for joblessness in families. By taking steps to
build family functioning and skills, this
government aims to break the cycle of
welfare reliance and give disadvantaged
parents and their children a brighter future.

Through the teenage parents and jobless
families measures, the government is
providing greater opportunities for parents to
build on the own skills and capabilities,
providing a pathway to better life outcomes
for themselves and their children. The
government recognises the important role
that parents play in caring for their young
children. These measures are being
introduced to enhance this role, not to reduce
it. There are often many services available in
local communities that can provide the
support and assistance parents need to plan
and move forward in a positive way. These
measures encourage parents to make the
most of the services they are entitled to in
their local communities. By introducing
requirements for teenage parents receiving
parenting payment in 10 trial locations, the
government is sending a clear message that having a child does not mean the end of your education. Teenage parents in the trial will be required to engage in activities to help them attain year 12 or an equivalent qualification. They will also be required to do activities with their child or children that will maximise their health and education outcomes. Children need good early childhood development opportunities to help them become school ready both socially and academically.

Parents in the jobless families trial will be required to attend interviews with Centrelink where they will develop a plan focusing on job preparation and future employment. They too will be asked to do activities in their local communities designed to get good early health and education outcomes for their children. These measures are about building on and enhancing family functioning, skills acquisition, community engagement and making sure that families are well equipped for the future. All Australians on income support should have the opportunity to access the full range of services available to improve the lives of their families, but with this opportunity comes responsibility. This bill strikes the right balance in ensuring that those opportunities are made available to parents who need them while clearly stating that parents need to meet their responsibilities to ensure that early health, education and well-being outcomes are achieved for their families.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator BERNARDI (South Australia) (11:48): Minister, as I outlined in my speech in the second reading debate, the bill has good intentions and in general and in principle the coalition are not opposed to these intentions. However, we do have some concerns about what the point is in introducing obligations where there is no effective penalty attached to them. Two of my amendments, which have been circulated in the chamber, go to this very fact. They deal with schedule 1 items 8 and 9, which is where some parenting payment over-payments are not considered debts to the Commonwealth. By way of brief explanation and so as not to delay the Senate longer than we need to: where someone has been paid on the basis that a person has qualified for parenting payment and then that person fails to meet one or more of the participation requirements, therefore being deemed ineligible, they have received funding or money inappropriately—to anyone who rationally considers that particularly issue—yet the Commonwealth is saying that they have no debt obligation.

I can understand at one level that there must be some concern about attaching a debt to an individual who may already be in difficult financial circumstances, particularly where children are involved. If there is simply an obligation for someone to sign up to a plan and then not fulfil any commitment to that plan, however, I really feel that is more about tokenism than anything else. I would seek your response to my concerns in that area.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:51): The government is mindful in this case, as I said in my summing-up contribution, to getting the balance right. Acknowledging some of the concerns raised by Senator Siewert, the government's intention is that the penalty provisions be utilised only as an absolute last resort and would indeed apply to only a very small element of the target population. This is what colours the government's mind when looking
at the amendments proposed by the opposition. We certainly understand the point and highlight that compliance measures in relation to all income support arrangements are important but, on this occasion and with this particular targeted group, we think the provisions as they stand strike that right balance. In that respect, suggestions that this program is about token measures can, I think, be addressed simply by looking at all that has gone into the measures to ensure that these very young, vulnerable families—young women in particular—receive support, as I indicated, to highlight that being a teenager and having a young child is not the end of your education. This is a significant mind shift for many young girls contemplating a future along with a pregnancy.

Whilst we have been very concerned to ensure that the balance is right and that penalties are absolutely a last possible resort—and, Senator Bernardi, I am not sure if we are dealing with all of your amendments at the moment or a particular grouping of them—the government's view is that the balance in this bill is the best we can address for a targeted trial type arrangement, although we certainly will be mindful of the issues that you have raised when we are looking at how effectively that trial has worked.

Senator BERNARDI: Particularly amendments (3) and (4), which are about the debt due to the Commonwealth.

Minister, you spoke about the penalties for noncompliance. At one level, as it says in the bill's explanatory memorandum, 'parents who fail to attend appointments/workshops with Centrelink without a reasonable excuse' and who do not 'attend a rescheduled appointment/workshop' can have their income support payments suspended. I think that is under clause 17 of the bill. If they then fulfil their obligation they get those released with full back pay. That is for individuals. But those who come under the second clause of this bill, about families, do not, from my reading of this, have any penalties whatsoever attached to them. If they fail to comply with a plan, which is their only obligation, the only penalty attached is that they may be required to go more frequently to interviews where there is further noting that they have failed to comply with the plan. That is not really a penalty in any meaningful sense. At one part of this, a teenage mother—and I presume it applies just to teenage mothers, which may beg another question in a moment—can lose their payments until they comply, but when it is in regard to a family they may not. Indeed, there is no penalty attached to it once they have done their plan. Is my reading of this correct and, if not, could you please tell me what the penalties are if someone creates a plan and then fails to comply with it under the two different scenarios?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:56): Your reading of the bill is correct. However, it moves away from the intent of the bill, which is to target this specific audience and to focus more on generating opportunities rather than on pursuing penalties. If we, for instance, look at the
opposition’s amendments (3) and (4), which relate to debt accumulation of the parenting payment and supplements, not family payments, in that context the measure is about helping parents improve their lives and those of their children. Teen parents are one of the most vulnerable groups in society, and we believe we have already achieved the balance of creating opportunities requiring responsibility through the suspension model. Anything beyond that is too harsh and contrary to the policy intent.

If I go to the other proposed amendments (1), (2) and (5), relating to exemptions, I indicate that the trial is designed to assist vulnerable teenage parents. We will be providing new services, opportunities and responsibilities to boost educational attainment, job readiness, child wellbeing and the functioning of families with young children in some of the most disadvantaged locations in the country. We want everyone, especially the most vulnerable, to benefit from this assistance. Vulnerability in individual circumstances will be taken into account in the development of participation plans. The likelihood of teen parents falling into this category is relatively minimal. That said, the broader compliance issues remain important for the government and, through this trial, we will be monitoring the issues that you have raised.

Senator BERNARDI (South Australia) (11:58): Thank you, Minister. I hear your words and I understand you have accepted some advice in respect of this but I have grave concerns that they are platitudes; they are just about implementing a pilot program that is going to be neither effective nor efficient.

That brings me to another question in respect of the suspension of income support payments where parents fail to attend appointments with Centrelink without a reasonable excuse or fail to sign an employment pathway form. I understand that, as part of this, when parents comply with the employment pathway plan after having had a failure they get full repayment of their benefits. But let us imagine a scenario in which a parent fails to comply for a period of weeks and thus has no income support coming through. Has the government considered the impact it would have on the child who is in the care of the parent if possibly the only form of income for supporting and sustaining the child were suspended?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:59): The government has taken into account the impact of any financial penalties on the wellbeing of the child. These participation plans have been designed to ensure that the child’s interests are paramount. Family tax benefit is not affected by these measures, and that ensures that payments directly targeted at family members will continue. It is the income support component that is targeted on this occasion. It needs to be remembered that the whole objective of participation plans is to provide wraparound support for these very vulnerable families. To the extent that some families might continue to breach participation plans, the support and resources of the community associated with those plans will be drawn upon. The removal of income support is meant to be a very last resort. Presumably we would be looking at situations that may involve child protection or other arrangements, if we are talking about family circumstances of the nature Senator Bernardi mentions.

Senator BERNARDI (South Australia) (12:01): We believe that this is neither a strong enough incentive for people to do the right thing nor a disincentive to stop them
doing the wrong thing. To facilitate the government's guillotine, I will now indicate that the opposition formally opposes items 8 and 9 of schedule 1, as set out at amendments (3) and (4), as circulated, in the following terms:

(3) Schedule 1, item 8, page 4 (lines 8 to 21), TO BE OPPOSED.

(4) Schedule 1, item 9, page 4 (line 22) to page 5 (line 9), TO BE OPPOSED.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:03): I have several questions of the minister and I will also indicate the Greens' position on our amendments. Before moving them I wish to ask the government a few questions on some issues I articulated in my second reading contribution. What happens to participants if they move out of a trial area?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:03): If people are within a trial area and under participation arrangements and they move out of that trial area, their program will continue. There will be flexible Centrelink services to ensure that occurs—except if they move to a remote location.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:04): You say there will be flexible services available. Does that mean when they go to their nearest Centrelink office they will have access to case management and the whole process we have been talking about?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:05): The case management in those types of circumstances will not be quite the same as it is in a trial area, but Centrelink is developing remote arrangements to ensure that they have the appropriately qualified staff delivering post-management services. That may be over the phone or it may be online. These arrangements are still being developed to ensure that if people move out of the pilot areas case management support continues.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:05): I do have some concerns about that. As I understand it, extra funding is being made available for these support services in the trial areas. If a number of people move out of the trial areas, there will be a group of people subject to these provisions that are not getting the support this process intends and they may suffer adverse consequences. I touched on appeals. Will people subject to these provisions be able to appeal suspension of payments through the usual appeal processes?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:06): Yes, that is the case.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:06): I also raised the issue of specialised training for Centrelink staff. This relates not only to Centrelink staff in the trial areas but also to Centrelink staff outside the trial areas who may be dealing with some of the people who are the subject of this process.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:07): Senator Siewert, I can indicate a response to some elements of your question, but you may need to be a bit more specific about the nature of the training when we get to that point. The people working within the pilot locations will receive specialist training. That training is not being rolled out across the board, as I am sure you will appreciate. However, those who will be responsible—for want of a better
expression—in a centralised way for the people who move out of the area will also receive specialised training and will be dealing with the other caseworkers who have been working with the families in the pilot area as well.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:08): I thank the minister. I probably misinterpreted the response earlier. People who move out of the trial areas will be dealing with more a centralised team, rather than the specific people in their local Centrelink centre?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:08): Yes, Senator. The response to that is yes, but they will be dealing with both the workers in their new local Centrelink area and also this centralised, flexible arrangement to ensure that the benefits of the participation plan and arrangements continue if they move out of one of the pilot areas.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:08): Do I take it from that that there will be some sort of centralised process established under these provisions? Under the funding that is made available for this process, there will be some sort of centralised team that will be taking on the responsibilities that you just articulated but also coordinating the whole process?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:09): Yes, in the national office there will be a centralised team of people who are trained in the participation plan and arrangements but also dealing with that coordination function.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:09): I thank the minister for the responses. I indicate that the Greens will not be supporting amendments (3) and (4), which are around items 8 and 9. We agree with and support the government's argument about that. As we opposed this bill in the first place, we certainly would not be seeking to support measures that would further penalise parents and take away any hope of accessing any income should the worst come to the worst under the these provisions. So we will not be supporting the removal of items 8 and 9. However, we are more persuaded, I will say now, by the other amendments that the opposition have indicated that they may be moving.

Senator BERNARDI (South Australia) (12:10): Just to let the chamber know, in respect of amendments (3) and (4): as the Greens have indicated their position I will not be calling for a division on these, so we can do that on the voices, if you like.

The TEMPORARY CHAIRMAN (Senator Fawcett): The question is that items 8 and 9 in schedule 1, relating to amendments (3) and (4) on sheet 7182, stand as printed.

Question agreed to.

Senator BERNARDI (South Australia) (12:11): Briefly, I would like to address the other amendments that we have proposed, which are in effect giving the secretary the flexibility to determine noncompliance and to consider extenuating circumstances in that respect. The Greens have indicated—for which I am grateful—that they are amenable to these amendments. I hope that that will be the case because the amendments simply bring this bill into line with the Social Security Act, whereby, for an individual who is deemed to be noncompliant and may indeed suffer a penalty—notwithstanding the
fact that I am saying that some of the penalties are not that significant—the secretary should be able to consider their personal circumstances in making a determination. This is a flexible approach. It is entirely consistent with other legislation that has been through this chamber. I think it is an important initiative to ensure that this pilot can work as effectively as it possibly can, notwithstanding our concerns. With that—I am looking once again for that wonderful wording, and I will try to recreate it—the opposition opposes items 5, 6 and 22 in schedule 1 in the following terms:

(1) Schedule 1, item 5, page 3 (lines 26 to 30),
TO BE OPPOSED.

(2) Schedule 1, item 6, page 4 (lines 1 to 5),
TO BE OPPOSED.

(5) Schedule 1, item 22, page 8 (lines 5 to 8),
TO BE OPPOSED.

Senator JACINTA COLLINS
(Victoria—Parliamentary Secretary for School Education and Workplace Relations)
(12:13): As I indicated in my earlier remarks, it is the government's view that we have the balance around these things as best appropriate in the circumstances of this being a trial. We would indeed acknowledge some of the issues that Senator Bernardi has raised, but we would use the trial as an opportunity to see how matters proceed. That being said, we will of course accept the will of the Senate.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:13): Just so that I am absolutely clear about what the Greens are not supporting and about our position: we are of a mind at this stage to support these amendments. We believe them to be able to:

... make a determination under this section in relation to the person if the Secretary is satisfied that the person is the principal carer of one or more children, and that:

(a) the person is a registered and active foster carer; or
(b) the person is a home educator of that child, or one or more of those children; or
(c) the person is a distance educator of that child, or one or more of those children; or
(d) under a family law order that the person is complying with, a child, of whom the person is a relative (other than a parent), is to live with the person.

And then section 502D(3A), as I understand it—the other one—applies too: the secretary may make a determination under this section in relation to the person if the secretary is satisfied that the person is the principal carer for four or more children. I have questions of both Senator Bernardi, as the opposition is moving these amendments, and the government. Why does the government think it is appropriate that the secretary not have the power to make such a determination? These are very important categories, and I would have thought it would have been appropriate to exempt them. I must admit I am supporting this although we are not supporting the bill. If this bill goes through, as it is indicated to be highly likely to, we believe these exemptions should be kept in place. I ask Senator Bernardi whether it is your intention, by moving these amendments, to keep in place those exemptions for those particular categories? Am I correct in that understanding?

Senator BERNARDI (South Australia) (12:15): I am delighted to answer questions from Senator Siewert. If only I were on the other side of the chamber—that would be even more satisfying. Yes, you are correct that that is our intention.

Senator JACINTA COLLINS
(Victoria—Parliamentary Secretary for School Education and Workplace Relations)
(12:15): I indicate that one of the concerns of the government in this matter is to keep the terms of the trial as broad as possible.
For instance, families having four children is not, in the government's view, a reason for them to be exempted from the trial. We wanted to use this trial as an opportunity to look at what might be a reasonable basis for exemptions or arrangements on an ongoing basis. Leaving this capacity or authority with the secretary was not the government's view of how to proceed on a trial basis but rather that the government review the application of these circumstances and look at future program arrangements to deal with any of the inflexibilities or problems that might need to be managed in the future.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:16): I have to admit that the government's explanation does not fill me with joy, so we will be supporting these amendments. I think it is important that this power of determination remain with the secretary for these particular groups of people, so we will be supporting these amendments.

The TEMPORARY CHAIRMAN (Senator Fawcett): The question is that items 5, 6 and 22 in schedule 1 relating to amendments (1), (2) and (5) on sheet 7182 stand as printed.

Question negatived.

Bill, as amended, agreed to.

Third Reading

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:16): I move:

That this bill be now read a third time.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:19): I do not intend to make a long speech on the third reading; I just want to make the position of the Greens clear. The Greens are opposed to this particular piece of legislation. The amendments just passed make it slightly better. I will not be moving to divide, but I want to make sure that our opposition to this particular bill is recorded.

Senator BERNARDI (South Australia) (12:19): I will make a brief contribution as well. I restate our concerns with this bill, notwithstanding the fact that some of our amendments have been carried. We do not believe that this bill goes far enough. It is a pilot program and we believe that it should be a full program. We believe the penalty regime is virtually non-existent. Having said that, as some amendments have been passed, we will give the government the benefit of the doubt and we will not be calling a division on the passage of this bill.

Question agreed to.

Bill read a third time.

Business Names Registration (Application of Consequential Amendments) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator RYAN (Victoria) (12:20): The opposition will not be speaking for long on the Business Names Registration (Application of Consequential Amendments) Bill 2011. It is a bill to address some areas in a piece of legislation considered earlier by the Senate. I point out that through facilitating the passage of this bill, while in no way supporting the guillotine measures of the government and the Greens that were debated in this chamber earlier today, this is an example of how the opposition is being constructive in facilitating the government's legislative program.

In the last debate regarding this particular policy initiative, we highlighted that there were flaws relating to the transitional
provisions in the last bill. These flaws were pointed out by stakeholders and they were reflective of this government's failure to address the detail on so many issues, particularly on the regulatory and red tape fronts. The coalition has supported the national business names registration regime, and I understand it is pending legislation in all states and territories to refer the relevant authority to the Commonwealth to implement this particular piece of legislation. This is a rare attempt from this government to reduce red tape. Sadly, while the government talks a great deal about reducing red tape and compliance burdens upon business, its actions betray its true performance and I contend, its true agenda. We knew of the so-called 'one in, one out' promise that was made prior to the 2007 election, which has, since prior to the last election, become '200 in, one out'.

The national OH&S regime draft that came out earlier this year required tens of thousands of businesses in my home state of Victoria to develop a paper based evacuation plan. Jim of Jim's Mowing apparently needed to have paperwork to show him how to get out of the garage in an emergency. As we have seen in so many cases, it betrayed a lack of understanding by this government of the burden that such compliance places upon small and medium business and family business. Common sense simply does not prevail with this government. The Australian Chamber of Commerce and Industry has recently highlighted how the Fair Work Act has increased costs for business, including small and medium enterprises and family businesses—so much for the promise that no business nor worker would be worse off. But these are debates for another time.

The opposition will support the passage of this bill to correct the errors regarding the transitional provisions in the first bill. We are here because the government did not listen. We hope that the government has got the bill right this time. We hope that the government addresses the concerns we raised in the earlier debate on this policy initiative, particularly with respect to having geographical identifiers for existing businesses with similar names. There may be a plumber in Melbourne that goes by the name of John Smith Plumbing. I would venture to say there may well be a John Smith Plumbing elsewhere in Australia. We do not yet have a series of protocols about how such conflicts are going to be managed, particularly without additional burdens being placed upon small business. The last thing we would want to see is more compliance or red tape placed upon businesses with similar names, who only face those issues because of this particular policy initiative.

We also lack further information on what process will be put in place to resolve applications for business names that may be similar to existing business names. Again our concern is that, with the track record of this government, we will see the processes create increased red-tape and compliance costs for small and medium enterprises seeking to use this new facility. We urge the government to take the time—they have got until March next year—to make sure that any additional processes are actually resolved by the government and by bureaucrats, rather than doing as they have done in so many other cases and actually forcing more and more work onto the small and medium sized business people of Australia. We hope that the resolution to these issues is smooth. We hope it is quick. We will be keeping a watchful eye on the government regarding the implementation of this initiative.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:24): I thank the senator for the contribution he has made to the debate on
this bill and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Fawcett): As there have been no amendments circulated for the bill I call on the minister to move the third reading, unless any senator requires that the bill be considered in the Committee of the Whole.

Senator ARBIB: I move:
That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Social Security and Other Legislation Amendment Bill 2011

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.


Schedule 1 of the bill makes changes to allow for parenting payment recipients to access the bereavement allowance following the death of a partner. The original purpose of the legislation was that, following the death of a partner, the surviving partner would continue to receive parenting payment single. This was in lieu of transferring temporarily to the equivalent of the bereavement allowance and then back to parenting payment single. There has traditionally been no financial advantage in transferring between these payment types.

Allowing parenting payment recipients to temporarily transfer to bereavement allowance will provide for additional assistance following a family tragedy. This measure is expected to cost less than $1 million over the forward estimates. The amendments in this schedule will commence on 1 January 2012.

Schedule 2 removes the family member exemption from the two-year newly arrived resident's waiting period before special benefit is paid. Special benefit is an income support payment for people in severe financial need due to circumstances beyond their control who are not eligible for other Centrelink pensions or benefits. At present, special benefit is payable to temporary visa holders on arrival in Australia if they are suffering hardship. Other migrants are subject to the newly arrived resident's waiting period and therefore must wait two years before special benefit is payable. However, exemptions do apply to individuals who can demonstrate financial hardship and a substantial change in circumstances beyond their control after arrival in Australia. An exemption from the newly arrived resident's waiting period is provided to a family member, which is defined as either a partner or dependent child, under paragraph 3(1)(e) or (g) of the Social Security Legislation Amendment (Newly Arrived Resident's Waiting Periods and Other Measures) Act. The effect of this schedule is to add a new paragraph, 739A(8), to the Social Security Act. The effect of this amendment is to remove the exemption from the need to demonstrate a substantial change in situation beyond their control that exists for provisional partner visa holders who are applying for special benefit. In other words, provisional partner visa holders will need to demonstrate they have had substantial changes of circumstances beyond their control after having arrived in Australia. This
test is in addition to financial hardships tests they will need to satisfy in order to access the special benefit. This measure is expected to save $38.1 million over the forward estimates.

Schedule 3 is a matter of some public interest and has been subject to a Senate inquiry. This schedule removes the current impairment tables from 1 January next year and enables the minister to introduce new impairment tables via a legislative instrument. Placing the tables in the legislative instrument and removing them from the Social Security Act should provide greater ease in updating the tables regularly in response to developments in medical or rehabilitation practice.

The impairment tables are currently in schedule 1B of the Social Security Act and have been there since 1991. They are used in assessing a person's work related impairments to determine eligibility for the disability support pension. In the 2009-10 budget the government announced its intention to review and update the impairment tables and commissioned an advisory committee to oversee the review and to recommend changes. It is the view of the opposition that it is appropriate that the impairment tables are reviewed from time to time.

There has been substantial growth in the number of disability support pensioners. In 1990 there were around 320,000 people on the DSP. As at June this year, there were 818,850. That is growth of over half a million people on the DSP in a period of just over 21 years. Over the last four years, from June 2007 to June 2011, the number of DSP recipients grew by over 100,000 or 14.6 per cent. As at June 2011, there were about 290,000 more people on the DSP than on the Newstart allowance, and little more than one per cent of disability support pensioners move back into the workforce each year.

The current impairment tables consist of 22 tables that are mainly based on body systems. These tables have effectively remained unchanged since the reforms of 1997. The advisory committee that was charged with looking at the tables confirmed that they were, indeed, outdated, inappropriate for use and in need of significant reform. The committee made 12 recommendations, including the replacement of the current impairment tables with draft tables which were outlined in detail in the report.

The committee also found that there is a need to move from a medical diagnosis to an assessment based on the capacity of an individual to work or to undertake training. The opposition is of the view that that is a very positive move—away from a medical approach to one that is based more on the capacity of an individual to work. Hopefully, that change will see more Australians in the workforce.

The schedule will also provide an easier avenue than exists at the moment for future governments to revise and update the impairment tables, as I mentioned. This will accommodate advances in our knowledge of medicines and therapies. It should be noted that there will be a review of these tables in 18 months after they are implemented on 1 January and that the report recommended that the tables be reviewed regularly thereafter. We think that is a good idea. This is an appropriate reform. However, I note in passing, as I am duty-bound to do, that the current government does not have what you would call a terrific track record when it comes to implementing significant reform. But it is my earnest hope, Mr Acting Deputy President Fawcett, as I know it is yours, that this is one area where the government will surprise us all. But we shall wait and see.
The committee's inquiry into schedule 3 made several recommendations that addressed some concerns that stakeholders had. A number of stakeholders queried the consultation process for the impairment tables, and the committee recommended that the government find ways to expand consultation and evaluation of the revised impairment tables. This expanded consultation should include information for current DSP recipients about the impact of the tables when a medical review is conducted.

The second recommendation addresses concerns raised by stakeholders about interassessor reliability. The advisory committee reported a difference in 35 per cent of assessments conducted by different assessors. The committee found that this has the potential to create a degree of uncertainty for DSP applicants. It recommended that FaHCSIA regularly check the interassessor reliability as part of the department's quality assurance mechanism.

The committee also heard from several stakeholders about issues relating to specific tables. The committee heard from the National Council on Intellectual Disability, which raised issues with the impairment table for intellectual function. I understand that FaHCSIA asked NCID to prepare a proposal to establish a technical group to look at alternatives for that table as it applies to people with an assessed IQ between 70 and 79. I look forward to seeing the outcomes of those discussions in the revised impairment table for intellectual function.

The committee also heard from the Australian Pain Management Association and Painaustralia regarding the treatment of persistent pain under the tables. I understand that FaHCSIA has had discussions with these groups regarding the issues they raised. The Mental Health Council of Australia also raised concerns regarding the application of the impairment tables to co-occurring and episodic mental health conditions. These concerns have been addressed, to an extent, in the introduction to draft revised impairment table 5, which incorporates recurring psychiatric episodes.

The committee also heard that there were a number of concerns in the disability employment sector about the impact of the government's reforms combined with other reforms that came into effect on 3 September this year. The changes to the impairment tables will place additional pressure on disability employment providers from next year. During Senate estimates we found out that the Department of Education, Employment and Workplace Relations believe that an additional 13,000 people will be using employment services provided by the government. The department estimated that around 80 per cent of these would be using Disability Employment Services and the remaining 20 per cent would be using Job Services Australia. The government must ensure that disability employment providers are adequately equipped to accommodate the increased demand for their services.

Schedule 4 provides for the introduction of a third-party-certification quality assurance system for disability advocacy providers. In 2010-11 FaHCSIA provided nearly $16 million in funding to the National Disability Advocacy Program, to 62 advocacy providers. Under the proposed QA system, the compliance of these advocacy providers with the disability advocacy standards legislative instrument will be assessed by an independent, third-party certification process. This process will be based on the Joint Accreditation System of Australia and New Zealand that provides accreditation to certification bodies to undertake certification assessments of disability advocacy services.
The introduction of this schedule follows a consultation process which was initiated by the former government following a review of the National Disability Advocacy Program in 2005-06. In response to the conclusions of the report, the government provided an additional $12.2 million to NDAP. The previous government's budget measure included funding for the establishment of a national quality assurance regime for better disability advocacy services. It provided funding for the quality improvement strategy, a successful trial and an independent evaluation in consultation with the disability advocacy services sector. The evaluation recommended formal implementation, and this schedule effectively delivers on work that was undertaken by the previous government.

A key feature of the proposed new quality assurance system is the inclusion of 11 draft disability advocacy standards, 24 key performance indicators and certification of compliance against these standards by independent accredited certification bodies. I would like to add briefly that the third-party certification process for disability advocacy services, outlined in schedule 4, has been in place successfully with the other disability employment providers since 2002.

Schedule 5 makes some amendments aimed at improving the integrity of treatment of certain asset-test-exempt income streams. Lifetime and life expectancy income streams receive concessional treatment for the assets test under social security law provided they meet the relevant sections under the Social Security Act. This means that the asset value of the income stream is not taken into account when determining whether a social security payment is payable to a person. The Veterans’ Entitlements Act 1986 provides a similar concessional treatment under its assets test when the equivalent requirements are met.

Over time, an inequity has arisen between social security recipients and veterans affairs pensioners. Inconsistencies in the treatment of self-managed superannuation funds and small APRA funds has led to some social security recipients and veterans affairs pensioners receiving concessions and a higher rate of entitlement payments without meeting their obligations under the act. The amendments in schedule 5 seek to improve on the existing rules by clarifying that self-managed super funds and small APRA funds may provide only one actuarial certificate for each financial year. They will also clarify that the certificate must be provided within 26 weeks of the beginning of the financial year. If a person does not provide the appropriate actuarial certificate in relation to the income stream by the end of the 26-week period the income stream will lose its asset test exemption. These changes are intended to improve the integrity of the current arrangement.

Schedule 6 makes a clarification that payments made by an employer to an employee in lieu of notice of termination are regarded as redundancy payments under social security law. When a person makes a claim for an income support payment, Newstart, the DSP or sickness allowance, for example, an income maintenance period may apply. During this period redundancy or leave payments are treated as income under the Social Security Act. People who have received a redundancy payment, for example, are expected to use that payment to support themselves before turning to the social security system for assistance. This schedule amends the definition of redundancy payment to include payments in lieu of notice. This will ensure that payments that are made in lieu of notice for the termination of employment are included for the purposes of receiving an income support payment.
In summary, this bill makes a number of sensible amendments to the Social Security Act, some of which will result in savings. The coalition will not be opposing this bill.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:43): While the Greens support some schedules in the Social Security and Other Legislation Amendment Bill 2011, we do not support schedule 3. Schedule 3 allows for the implementation of the new disability impairment tables, which we believe are inadequate. We are deeply concerned that they will have unjust outcomes for people living with disability, particularly when it is added to the process around access to the disability support pension, which the government has already put through this place.

While we support the move to a functional model of disability, as opposed to a purely medical one, we believe that the process by which the tables were drafted and tested should have been much better. We are deeply concerned that the more stringent nature of the assessment will have unacceptable impacts on some people living with disability. We believe that the process by which the tables were drafted showed a lack of adequate consultation. We do not believe that the tables were adequately tested. They do not properly address the needs of some people living with disability, particularly those in regional and remote Australia, and they show considerable gaps in coverage of certain conditions. We believe they will cause increasingly large numbers of people living with a disability to go onto Newstart in a deeply inhospitable labour market where there are still not good outcomes for people living with a disability trying to find sustained employment. That came out not only in the inquiry into this particular bill, but also in the previous inquiry into the process for accessing the disability support pension. It is also coming out in the inquiry into disability and employment services.

If you look at the consultation and testing process, we are deeply concerned that there were a limited number of consultations with people living with a disability and with the disability sector, both before and after the drafting. We are concerned that there has also been inadequate testing of the new impairment tables. There was a small sample size of 215 people who were tested through the process. We do not believe this is statistically sound, despite the government's claim that it is. Moreover, when those people are divided over the 15 tables, there are 10 tables where the number of people tested is six individuals or less. This is far too small a sample size. The trial was conducted entirely in Victoria. Not that I am being state-centric, but there is a vast difference between Victoria and my home state of Western Australia, for example. We do not believe that has provided adequate coverage of the rest of Australia, particularly regional and remote communities. It is also unclear whether people with a disability from non-English speaking backgrounds or those who are Aboriginal and Torres Strait Islanders were consulted or included in that process.

Furthermore, the trials revealed that in some cases where an inter-rater comparison was completed there was a 35 per cent conflict between primary and secondary assessors. This brings into question the validity of the assessments, which cannot be applied consistently. It is extremely troubling that these tables, which have the potential to impact on thousands of vulnerable Australians, have not been subject to more rigorous examination. I have no confidence that the tables will adequately assess a person's disability or functionality. It is unfortunate that, yet again, the people who are going to be the most affected by this—those with a disability—are going to be
subject, in essence, to what will become just one big trial of these new impairment tables.

During the committee inquiry into this bill, the impact on people living with disabilities in regional and remote areas was discussed quite a bit. I am particularly concerned that the adverse consequences of the new tables will be felt very strongly in regional and remote areas. The new tables rely heavily on applied health practitioners such as occupational therapists to provide information for diagnosis. In many regional and remote areas these specialists may not be available or may be recent graduates with not sufficient experience. That is not having a go at recent graduates, but the point is we often have the most inexperienced graduates in some of these areas who are not used to this type of assessment. We are quite concerned about these particular issues.

Furthermore, the tables clearly prohibit the consideration of environmental concerns when determining DSP eligibility, creating serious questions of equity for people living with a disability in remote and regional Australia. For example, this group is subject to the same requirement to look for work within 60 minutes commuting time of their residence. In some areas with minimum public transport this is a deeply unreasonable expectation, even with the mobility allowance. The tables are unable to consider issues such as access to public transport and taxis, distance required to travel to work, attitudes of employers and availability of jobs. Sue Egan of Physical Disability Australia says:

We believe that, for people with a physical disability, an accessible worksite and being able to get to and from work are crucial, particularly for people who work in rural areas where there is no accessible public transport. I live in a rural area myself and I work from home, but if I did not work from home there would be no accessible transport for me to get to work, as I have a disability as well. So I think that those factors need to be taken into account when considering whether a person should qualify for a DSP.

Almost 50 per cent of people living with a disability on DSP in Australia live in regional and remote areas. It is extremely concerning that the needs of this large group have not been adequately taken into account. I am very concerned that many conditions are not properly captured by the impairment tables—in particular, co-morbidity, chronic or persistent pain, and intellectual disability. Senator Fifield has touched on the issues around chronic and persistent pain and around intellectual disabilities.

There are concerns that individuals who have co-morbid conditions, scoring 15 points across the tables, are likely to face major difficulties in the employment services system but will no longer be eligible for DSP. The tables compound difficulties already experienced by people with co-morbid conditions and, as I was saying earlier, when you look at the changes that were brought in under the 3 September changes to the Family Assistance and Other Legislation Amendment Act 2011, the interaction of these two pieces of legislation will have significant impacts on people living with a disability. Under this new legislation, only those who are assessed to have a severe impairment will be exempt from completing a program of support. However, the method for determining severe impairment does not adequately take account of co-morbidity, as there is a requirement for 20 points in a single table. People with co-morbid conditions who are not judged to have a severe impairment will no not be put straight on to DSP. They will most likely be placed on Newstart and yet be unable to, in some cases, meet the requirements of participation in a program of support. I know I have traversed these issues previously in this chamber, but it remains a very serious concern.
Chronic pain is another condition, coverage of which by these tables has also been significantly questioned, and it was raised during the committee inquiry. The tables consider paying a symptom only and not a condition. It appears that chronic pain will not be assessable as an impairment even though it may have major function impacts on daily activities and preclude the sufferers from maintaining 15 or more hours work per week in the labour market without the need for ongoing support. I understand some of these issues are being addressed, but it yet again highlights the way the changes to these tables have had inadequate consultation and were brought forward before these issues had been adequately dealt with.

The other issue that was raised, which Senator Fifield also touched on, is intellectual disability, particularly for people with an IQ score of 70 to 79, who would fail to qualify under the revised tables. Some 24,000 people fall into this group, which is already over-represented in homelessness statistics, in hostels and, unfortunately, in our prison incarceration statistics. Again, while I understand that there has been some ongoing dialogue about this issue, it is symptomatic of the fact that these impairment tables have been rushed through without adequate consultation or thought about what they mean for these people with significant disabilities.

I must question the motivation for some of these changes. While ideally the move to functionality is supported, as I have already articulated, I am very deeply concerned about what the underlying motivation is for some of these changes, when you also take into account the changes that have already been made in the Family Assistance and Other Legislation Amendment Bill. I believe these changes are focused on trying to save money by keeping people off disability support and on Newstart, not on improving their ability to find long-term, sustainable employment.

When you look at some of the issues around the labour market, one of the most critical issues I want to raise is the endemic and widespread inability of people with disabilities to secure sustainable employment. This is not just about cycling people in and out of short-term employment. It is extremely concerning that about 38 per cent of new DSP applicants in the trials at the moment have been rejected under the new tables. It is clear many people will be placed on Newstart who are unlikely to find long-term, sustainable employment, which is what this measure is said to try to achieve.

According to the National Council on Intellectual Disability, the current outcomes for disability employment service programs reveal a 26-week employment outcome rate of 16 per cent. This means 84 per cent of people with disabilities entering the disability employment service will not get a sustainable job. Anglicare and ACOSS believe this is largely due to the job market, which is currently not able to meet the employment needs of job seekers with a disability. The concern here is that, if we are cycling people in and out of short-term jobs, this is not achieving what we are trying to achieve, which is sustainable employment. It can also act as a disincentive to people who are continually cycling in and out of jobs and, through no fault of their own, are not able to maintain these positions. We will just be adding more people to this group, of which there are already 13,000. I am not convinced (a) that the employment services are prepared to handle this number of people and (b) that we can guarantee we will be able to find sustainable employment for these people.

I know the minister will address the issue by saying that there was money allocated in
the budget for work placements. Again, there are not enough resources allocated to adequately support the number of people on the disability support pension who are seeking employment or the number on Newstart who are seeking employment. I will quote from ACOSS's submission to the inquiry: 

… the DSP assessment process as a whole does not take account of the labour market response to disability, for example whether work of the kind a person is capable of performing is available where they live and whether employers discriminate against people with a particular disability … it is important to acknowledge that the labour market is still hostile to disability. The overall employment rate of people with significant functional impairments in 2009 was 42% compared with 70% for the wider community.

We are deeply concerned that the government is pursuing measures that will reject more people from DSP, given the inability of the present job market to absorb people living with a disability.

We are also concerned that people who are unable to get sustained employment and unable to qualify for the DSP will be living on Newstart, on $34 a day. Newstart is $128 a week less than the pension—and that has changed—and has a much harsher income test and taper withdrawal rate. It is inferior to the DSP in many ways. For example, there is no eligibility for the pensioner education supplement and a liquid assets waiting period applies. People living with a disability accrue extra costs on top of ordinary living expenses—for medication, equipment, transport and even electricity. We are not saying that people who do not qualify through the impairment tables are not living with a disability, so we are talking about people on Newstart trying to find sustained employment while living with a disability. We believe many, many people will find it difficult to meet the activity requirements and will be confronted by a complex and punitive compliance regime.

I am very concerned at what will happen to people currently on DSP when they are subject to review with the new tables. According to FaHCSIA, under the old tables 2.2 per cent, or 18,100 people, were required to undertake a medical review in 2010-11, and 1.6 per cent of those, or 298 individuals, lost eligibility. It is not possible to tell with certainty how many people would lose eligibility when assessed using the new tables, but if the results of the trial are any indication around 38 per cent of those 18,000, or 4,500 people, may no longer qualify for DSP and be placed on Newstart. This is exceptionally problematic, considering many of these people will have been on DSP for years, if not decades, and have little prospect of securing sustainable employment. This impact has to be examined in light of other changes to DSP taking place. As I have already said, we are extremely concerned that we are going to have a growing cohort of people living with a disability on Newstart who will be permanently stuck on Newstart. I do not think this is a way of helping people—entrenching poverty, particularly when they have a disability.

We are very concerned about monitoring these changes, given all these concerns, and about how soon this massive trial, which is essentially what this amounts to, will be adequately reviewed. Although we know an 18-month review is planned, we do not believe this is soon enough. We believe it should occur within 12 months, because, as I said, this is essentially a giant trial. The longer it goes on before it is assessed, the greater the impact of its negative effects on those living with a disability. We cannot support the changes proposed in schedule 3 at this time, because we do not believe the new impairment tables will lead to better
outcomes for those living with a disability. So we will be opposing schedule 3 of this bill, and I have circulated amendments to that effect.

Finally, I would like to touch on schedule 4. While I support the introduction of an independent certification system for disability advocacy services, and the creation of the new standards, it is imperative that we get these standards right. I have received concerned calls from disability advocacy organisations stressing the importance of including independence from disability employment services in these standards and the provision of other support. I have circulated a second reading amendment going to a specific issue to do with independence. While we appreciate that, particularly in regional areas, it is very hard to ensure complete independence of organisations from the provision of other support services and employment services from advocacy services, we do believe that there must be as much care as possible and services should as much as possible be free from conflicts of interest or the perception of conflicts of interest.

So, although I understand that these issues are intended to be addressed in the standards, we believe that there should be a second reading amendment to the legislation to actually state that fact very clearly upfront. I have to say that the evidence I have heard so far through the hearing into employment services reinforces for me the need to make sure that advocacy services are, as much as possible, independent from the other services that organisations may provide. I do understand the argument, particularly for regional and remote services, that it is very difficult to have completely separate services in these small centres, so I have amended my position on this. But I still believe there is a need for a recognition by this chamber with respect to this legislation that in fact, for the purpose of certification of advocacy services under amendments made by schedule 4 of the bill, advocacy services must be as free as possible from conflicts of interest or the perception of conflicts of interest with disability service providers. I believe that is essential. I understand that is the government's intention. We believe it needs to be permanently on record that this is what the parliament of Australia expects: that these services are as independent as possible. I therefore move the Australian Greens amendment on sheet 7152:

At the end of the motion, add: "but, that for the purposes of certification of advocacy services under amendments made by Schedule 4 of the bill, advocacy services must be as free as possible from conflicts of interest, or the perception of conflicts of interest, with disability service providers".

Senator XENOPHON (South Australia) (13:02): I will make a short contribution on the Social Security and Other Legislation Amendment Bill 2011. Similarly to Senator Siewert, I do have concerns, particularly in relation to schedule 3. As a workers compensation lawyer in South Australia, I was aghast at the changes that came about a number of years ago in relation to relying so heavily on the American Medical Association impairment tables, where there was a much narrower focus and approach—which seems to be the case with this particular legislation. I note from the government's advisers that the impairment tables are based on WHO guidelines, in a sense, but I think we need to be careful of the unintended consequences of such moves. Of course I support moves that would ensure that people who have disabilities are encouraged to participate in the workplace and are given opportunities to be part of the workforce, where discrimination is removed and where they have a real opportunity to participate fully in the workforce. But the
concern I have with the approach of this piece of legislation, particularly in relation to schedule 3, is that there may be many unintended consequences.

I think it is quite pertinent to refer to Frank Quinlan, the CEO of the Mental Health Council of Australia, who provided evidence on this issue to the inquiry. He made the point:

Several Australian and international studies have shown that people with disabilities such as mental disorders and substance abuse disorders will usually have co-occurring disorders, and a person with co-occurring disorders is likely to have greatly exacerbated negative impacts. A person with two or more moderate level disorders occurring across the tables when combined could result in a total equivalent of a severe impairment, when you combine substance, mental and physical disorders. The current amendment does not allow for cumulative totals across the tables and therefore does not take account of co-occurring disorders.

That is a concern. What happens in those circumstances? What safety valve will there be in the system in those situations?

There is also a very fixed approach of reaching the 20 points. Is there any discretion where it is clear that people will fall between the cracks of these impairment tables? I understand the reason behind impairment tables, and that you try to have a much more efficient and effective system to deal with these issues. I understand that you do not want to take an almost common-law type approach when looking at levels of disability and functionality, and have a minitrial of a person's disabilities, but what do you do in cases where people will clearly fall between the cracks, where people have difficulties and are not, on any reasonably objective standard, able to participate in the workplace because of cumulative disabilities but will not get to the 20 points? What safety valve is there? I understand there is no discretion: if you do not get to the 20 points, you are out.

To what extent will the government be having an ongoing review of this? I suspect what may well happen is that Senator Siewert, me and others in this chamber could well be approached by constituents saying their family member has been knocked out of a disability support pension, notwithstanding that the cumulative nature of their disabilities make it, in practical terms, impossible to participate in the workforce. How do you deal with unintended consequences? How do you deal with cases where people with an intellectual disability—there are some 20,000 people who could fall within this group—do not make the 20-points threshold?

These are the concerns that I have. These are concerns that must be addressed, because I fear that what is being proposed here is quite inflexible, quite prescriptive and does not allow for exceptional circumstances. I think it is always important in legislation such as this to allow for those genuine cases, those genuine exceptional situations, where, given an individual's personal circumstances, the rules need to be reconsidered.

**Senator McLUCAS** (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:07): I thank Senators Fifield, Siewert and Xenophon for their contributions to the debate on the Social Security and Other Legislation Amendment Bill 2011.

The government is working hard to support people with disability to fulfil their potential; it is working hard on a number of fronts. In August this year, the Prime Minister released the Productivity Commission's final report into long-term care and support of people with disability. Shortly after that, the state and territory premiers and chief ministers agreed with our government that major reform of disability care and support was needed through the
implementation of a National Disability Insurance Scheme. We have already started work to transform the way that care and support is provided to people with disabilities. We are working to deliver results for people with disability right now, including by improving support for Australians with disability to help them into work wherever possible. The disability support pension is an essential element of Australia's safety net and it is vital that it supports the people who need it—those Australians who, through disability, are unable to work to fully support themselves.

I go now to the elements of this amendment bill. In the 2009-10 budget, the government committed to updating the impairment tables used to assess eligibility for the disability support pension to bring them into line with modern medical and rehabilitation practice. The current impairment tables have not been comprehensively rewritten since they were introduced in 1991, and they contain anomalies and inconsistencies. For example, the assistance that can be provided by hearing aids is not included in the assessment for hearing impairment; however, visual assessment is assessed with glasses.

An advisory committee of medical, allied health and rehabilitation experts, representatives of disability peak bodies, mental health advocates and relevant government agencies was established in 2010 to provide advice on updating the impairment tables. The advisory committee found that the current impairment tables were out of date. They developed new impairment tables in close consultation with the medical profession and disability stakeholders. They recommended that the new tables be used to assess eligibility for the DSP from 1 January next year.

The new impairment tables reflect modern expectations about functional ability and focus on what people are able to do rather than what they cannot do. For example, under the current tables, ratings for some conditions such as back conditions are based on loss of movement. Under the new tables, ratings are based on what the back condition prevents a person from doing—for example, sitting for a long period of time, reaching objects over head height or bending to pick up objects. In this way, the new tables are being brought into line with the UN Convention on the Rights of Persons with Disabilities and, in answer to Senator Xenophon's question, the World Health Organisation's internal classification of functioning disability and health.

The introduction to the tables is also updated so that for the first time there will be explicit guidelines about the impact of episodic conditions such as some mental illnesses. This will help ensure that assessments of eligibility for DSP for people with episodic conditions are fairer and more consistent than under the current tables.

The bill removes the current outdated tables and enables new tables to be introduced through a disallowable legislative instrument. This change, if the bill is passed, will occur on 1 January 2012. Putting the impairment tables in a disallowable instrument allows them to be updated regularly in response to developments in medical and rehabilitation practice and will also retain the parliament's role in scrutinising any changes. The government is committed to ensuring that the recommended new tables are implemented fairly and effectively.

In addition to the extensive consultation process which has already occurred, the government is continuing to consult with disability stakeholders and medical experts,
including pain management organisations and the National Council on Intellectual Disability. The government also accepts the advisory committee's recommendations to monitor the initial implementation of the revised impairment tables and to conduct a review 18 months after implementation. In line with the advisory committee's recommendation, this will include considering how to further strengthen a functional approach to assessing eligibility for the disability support pension.

The bill also introduces a stronger quality assurance system for disability advocacy services to ensure that people with disability receive the best possible advocacy support. The current quality assurance system has not changed since 1997, and the need for improved quality assurance for disability advocacy services has been highlighted in a number of reviews. Development of a robust quality assured disability advocacy sector will help meet the objectives of the National Disability Strategy and will also help meet Australia's obligations under the United Nations Convention on the Rights of Persons with Disabilities.

This bill requires disability advocacy services that receive financial assistance under the Disability Services Act to be reviewed and assessed by independent accredited certification bodies against disability advocacy standards. The new system has been successfully trialled and independently evaluated. The evaluation was overseen by a reference group, including disability advocates and technical experts. It recommended formal implementation. The government has provided $7,000 to each funded advocacy service to help them prepare for the stronger quality assurance arrangements. We are also working closely with the sector to provide them with practical support as the new arrangements are introduced.

To that extent, we will not be supporting the second reading amendment which has been moved by Senator Siewert. We understand the principle of the amendment. We are not convinced, though, that a second reading amendment is the right way to pursue this agenda. The government is working with the disability advocacy sector to ensure disability advocacy standards and key performance indicators include appropriate arrangements to manage conflicts of interest.

The government is also working through the recommendations of the Productivity Commission in its report on long-term care and support for people with disability. This includes the Productivity Commission's recommendations relating to disability advocacy groups and disability support organisations. I can assure senators that, as the new system is implemented, a priority for our government will be to ensure that the interests of people with disability are put first and foremost. This of course includes robust processes to manage potential conflicts of interest in the advocacy sector.

The bill also gives effect to a budget 2011-12 measure by enabling parenting payment recipients to access bereavement allowance on the death of a partner. Allowing a parenting payment recipient to transfer to bereavement allowance on the death of their partner will provide additional financial assistance during a difficult time.

The bill also gives effect to another budget 2011-12 measure: to more closely align the rules for accessing special benefit for provisional partner visa holders with the rules for other newly arrived migrants. Under the current policy, provisional partner visa holders are able to access special benefit from when they are granted the visa and they are in Australia, if they can demonstrate they are suffering from financial hardship. This is
not consistent with the situation for other newly arrived migrants, subject to the newly arrived residents waiting period, who need to demonstrate both financial hardship and change in circumstance outside of their control in order to access special benefit. From 1 January 2012 the rules for provisional partner visa holders will be consistent with those for other newly arrived migrants. The new arrangements will continue to ensure adequate protection for vulnerable migrants—for example, when there is domestic violence, death of a partner or an injury or accident after their arrival in Australia.

The bill also makes changes to the social security law and veterans’ entitlements legislation to enhance the integrity of treatment of certain asset-test-exempt income streams. These changes strengthen the existing rules that require lifetime and life expectancy income streams to provide an annual actuarial certificate in order to benefit from concessional treatment and address inconsistencies that have arisen over time in the treatment of these income streams.

Finally, the bill makes amendments to the social security law to clarify that payments made by an employer to an employee in lieu of notice of the termination of his or her employment are redundancy payments for the purposes of social security law. This ensures that, in calculating income maintenance periods under the act, people who receive these payments are treated the same as people who receive other types of redundancy payments.

I commend the bill to the chamber.

Question negatived.

Original question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.
We believe it is not appropriate to be changing the impairment tables before the problems with these tables have been rectified. We are deeply concerned about the effect this will have on many Australians. Although we support the motivation in terms of moving to a more functional model, we do not believe the government has got it right. The sheer fact that there was so much disagreement between the assessors using these tables, and the small sample size they were used with, prove to us that, using the precautionary principle, we need to spend more time getting these right and not subjecting Australians to one massive great big trial.

We are therefore opposed to the current tables and to the current process, so we have no option other than to oppose the changes in this bill. We do not believe that they are best suited to those in this country living with a disability.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:22): In speaking against the amendments moved by the Greens, I reject the assertion that there has not been adequate consultation. This process has been ongoing for quite some time, as I indicated in my summing-up speech. It has engaged significant people, including members of the Australian Federation of Disability Organisations, Disability Advocacy Network Australia, National Disability Services, the Mental Health Council of Australia and the National People with Disability and Carer Council. Seventy-four stakeholder organisations were asked to provide input into the review, and submissions were received from 23 of those organisations. The review report has been published, and many third parties have reacted very positively to the update to the impairment tables, including the Disability Discrimination Commissioner, the Mental Health Council of Australia, the Australian Council of Social Service and the chair of the National People with Disability and Carer Council.

I think that the new structure of the arrangements, as I indicated earlier, allows for flexibility in responding to changes in medical practice or, more importantly, rehabilitation practice. The fact that it is a disallowable instrument allows for us to work more flexibly in ensuring that the updating of these tables does not take the years and years during which updating is talked about but not done because the tables sit in the substantive legislation. I do not accept Senator Siewert's assertion that there has not been adequate consultation, and I want to say that that consultation is ongoing as more information comes to light. There has been very positive engagement by the department with a range of experts over the development of these impairment tables. So we will not be supporting the amendment.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:24): I am reluctant to draw this out. Many of the organisations the parliamentary secretary listed also made submissions and appeared at the hearing into these bills. They expressed concern about the tables and about the consultation process. I will say again that the National Council on Intellectual Disability expressed very strongly, when these tables first came out, their concerns about the process around the outcomes for people with an intellectual disability. I will acknowledge that there have been some steps to address that. The point is that that is one example of where, yes, there may have been some consultation, but whether it was taken on board is another issue. The government has now had to fix up those particular problems. The same goes for chronic pain, for example. Other issues around regional accessibility have not, to our mind, been adequately dealt with. There is consultation and there is...
consultation. The fact is that the government is still having to make changes to these tables because there has not been sufficient process in terms of being able to come up with rigorous tables that address issues of concern. Until the National Council on Intellectual Disability raised those issues yet again, they were not dealt with.

The TEMPORARY CHAIRMAN (Senator Pratt): The question is that schedule 3 stand as printed.

The committee divided. [13:30]

(The Temporary Chairman—Senator Pratt)

AYES

Brown, CL (teller) Bushby, DC
Cameron, DN Colbeck, R
Cormann, M Edwards, S
F ierravanti-Wells, C F itfield, MP
Fisher, M F urner, ML
Gallacher, AM Ludwig, JW
Lundy, KA M digan, JJ
Marshall, GM M cKenzie, B
McLucas, J Moore, CM
Polley, H Pratt, LC
Siodinos, A Stephens, U
Thistlethwaite, M U rquhart, AE
Williams, JR

NOES

Brown, RJ Di Natale, R
Hanson-Young, SC Ludlam, S
Milne, C Rhiannon, L
Siewert, R (teller) Waters, LJ
Wright, PL X enophon, N

Question agreed to.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:32): Madam Temporary Chairman, given that that amendment has been lost, I am wondering if I could ask the minister a few questions. Is that okay?

The TEMPORARY CHAIRMAN: Yes, please proceed.

Senator SIEWERT: I am now wondering about time lines once this legislation has been passed. Is the time line for the legislative instrument still the same as the one that the government was originally proposing?

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:33): I understand so.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:33): Will the negotiations with the National Council on Intellectual Disability, in respect of the issues that we have been talking about, be completed by then?

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:33): I understand we are in the final stages of working with the NCID to address their concerns. I also note that at the Senate Community Affairs Legislation Committee hearing the National Council on Intellectual Disability were very positive about how they and FaHCSIA had been working through the issues that they had put on the table. So I feel quite confident that process will be completed in that time.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:34): I understand that the council had indicated some progress but that there was further work to be done, which is why I was asking about whether that would be achieved by the time line—so I thank the minister for that. We talked earlier, and I note Senator Xenophon did so as well, about monitoring the process and about the review process. If it turns out that there are some unintended impacts or that the impacts turn out to be bigger than anticipated through the process,
is the government prepared to consider a process of ongoing monitoring? If it turns out that there is a larger negative impact than expected, could the review process kick in prior to what is currently determined?

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:35): Of course we would continue to monitor the implementation of the change as to the new impairment tables. We have made a commitment to do a formal review at 18 months, but there will be ongoing monitoring as we work through it. I do not think I can give a commitment that we would bring on that formal review earlier, but I can assure you that there will be constant and ongoing monitoring of the implementation of these impairment tables.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:35): Thank you, Parliamentary Secretary. In terms of the issues around access by those in rural areas to transport, which have been raised both in the committee inquiry and with me separately, have you looked at whether there are any further ways by which you can address the issue of transport for those people that are living in regional and rural areas where there is an absence of public transport?

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:36): As a person who lives in a regional area, I understand the point you are making but it is not through the implementation of impairment tables that we can deal with the issue that you are identifying. These are impairment tables which, as I said earlier, are meant to fairly and equally assess someone's ability—not their disability—to participate in the workforce. The fact that in a regional or rural area there may be less access to transport is something that needs to be addressed in another way, not through an assessment of someone's ability to participate in the workforce. We cannot take into account the fact that they live in regional or rural area. But the point that you make is right. That is why our government developed the National Disability Strategy.

The National Disability Strategy is designed so that all government departments—all service points—consider the special needs of people with disability when designing their service systems. That means that the bus system in a particular place must provide equal and fair service to people with disability. That means that people with disability who access the health system need to be treated according to their needs. The question that you are asking is a broad one about access to transport and employment. These impairment tables are not the way to solve that problem.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:38): I do not accept your point but I understand it. But a number of decisions that this government has made will make it harder for people to get the disability support pension. More people are now subject to participation requirements. More people will not have the required number of points through the impairment tables. While I understand the point that you are making, I do not accept it, because there are going to be an increasing number of people subject to participation requirements and who are going to be disadvantaged because they live in regional and rural areas that do not have access to good public transport. They will find it harder to meet their participation requirements.

I am aware that a mobility allowance is provided and that there are various state programs. This is not adequate. People living with disability have told us that this sort of support is not adequate. The public transport
systems in these areas are not adequate. We know that there are a number of people living in regional areas and areas fringing metropolitan areas because it is cheaper to live in those places. We know that that is the case and yet there are going to be an increasing number of people disadvantaged by this. That is why I asked the question. I know that we are talking specifically about the implementation of impairment tables. But that begs this question: when will you look at the cumulative impact on people living with disability of all the decisions being made by government?

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:40): Our government is focused on ensuring that every person who has the ability is supported into employment, whether or not they have a disability and whether or not they are living in a regional or remote area. That has been the hallmark of this government. We are working hard with the community to ensure that everyone has the opportunity to be employed. There are a number of people who, because of their disability, cannot have the benefits of employment. We will make sure that they get the support that they need. But our focus has been on ensuring that everyone has the chance to share in the wealth of this nation. Ensuring that the support structures are put in place so that people can access employment has been the focus of the government.

You make some points about regional and rural areas. You are right. People with disability often move to areas where it is cheaper to live. We have to make sure that we support those people to get into the employment that they in many cases would love and want to have. We have to make sure that people with mental illness have support so that they are able to work through episodic conditions. This set of impairment tables addresses that question.

This amendment bill, particularly schedule 3—the impairment tables—will provide a lot of support to people and enable them to think about getting employed rather than believing that, because of their disability, they are not part of the employment market. We have to change the mindset in some sectors to make sure that everyone has the opportunity to be employed if they have the ability to be so. This is part of a suite of measures that will focus on employing people. We know the benefits of employment. They are not just monetary. People who engage in employment are included in society; they are part of society. They do not feel socially isolated. We know that the benefits of employment are much broader than a pay packet at the end of the week. I see positive moves in this and other pieces of legislation that have focused on employment rather than classifying people as not having the potential and possibility of having a job.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:42): I want to change tack for a moment. I want to raise the issue of intellectual impairment versus cognitive impairment. Has the government put some thought into that? When the government undertakes the review in 18 months, is it an issue that can be picked up?

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:43): I am advised that that will occur.

Senator XENOPHON (South Australia) (13:43): I want to go to the issue raised in my second reading contribution and referred to in Senator Siewert's dissenting report, in which reference was made to the evidence given by Frank Quinlan, the CEO of the Mental Health Council of Australia. He was
concerned the current amendment bill does not allow for cumulative totals across the tables and therefore does not take account of co-occurring disorders. The method for determining severe impairment does not account for comorbidity, as there is a requirement for 20 points in a single table. That has been serious concern of mine and of Senator Siewert. What happens in those cases? Is it the case that, if you do not get to the 20 points, there is no appeal mechanism other than trying to get to the 20 points by some other mechanism—such as by having a reassessment? In other words, is there no safety valve for exceptional cases?

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:44): I can advise that a person can use multiple tables if they have coexisting conditions. If they have, for example, a physical disability and a mental illness, they can use multiple tables to get to their 20 points. Senator Xenophon, I think you may be confusing it with another piece of legislation: the 3 September changes.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator McLUCAS: I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

BUSINESS

Rearrangement

Senator McLUCAS: I move:
That intervening business be postponed till after consideration of the government business order of the day relating to the National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011.
Question agreed to.

BILLS

National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (13:45): The National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011 establishes the Independent Hospital Pricing Authority by amending the National Health Reform Act 2011. This is another one of the bureaucracies being established as part of so-called health reform. This one is supposed to exist to promote improved efficiency in and access to hospital services by providing independent advice to Commonwealth, state and territory governments about the efficient cost of services and to develop and implement systems to support activity based funding for those services. It is supposed to formulate the national efficient price for healthcare services that are provided in public hospitals and funded on an activity basis. The authority will aim to deal with the vexed issue of cost-shifting between various jurisdictions and with cross-border disputes, and will seek to make decisions about block funding for hospitals that are too small, remote or otherwise unable to be funded on an activity basis. As I said, this is another bureaucracy in the Rudd-Gillard-Roxon so-called health reforms.

The National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011 amends the National Health Reform Act 2011 to establish this pricing authority. The bill provides for functions, powers, accountabilities and liabilities of the pricing authority as well as the establishment of committees and bodies to assist the
authority. On 25 August, on the recommendation of the Selection of Bills Committee, this matter was referred to a Senate committee for inquiry and report by 15 September. This pricing authority is supposed to be the linchpin of the government's so-called health reforms and will operate alongside a raft of other bureaucracies, most notably the quality and safety commission and the national performance authority.

The impact of the pricing authority on the nation's hospitals remains very unclear. An interim pricing authority commenced operations on 1 September. In the additional comments report to the Senate Finance and Public Administration Committee's inquiry into this bill, we noted:

Coalition Senators do not oppose the recommendation of the report that this bill should be passed.

However, Coalition Senators strongly believe that the Government's so-called health reform package is more about creating the political illusion of health reform than any meaningful improvement or guarantees for patients.

This is a 'reform' that represents an enormous backdown by the Prime Minister and the Minister for Health and Ageing, who are absolutely desperate to create the impression of health reform. It establishes the third bureaucracy as part of this overall framework. Of course it comes with its own price tag: $100 million over the forward estimates; $31 million this year. There has already been legislation to establish the performance authority, which is supposed to monitor and publish reports on the performance of local hospital networks, public and private hospitals, primary healthcare organisations and other healthcare organisations providing health services.

The first new bureaucracy we saw was the Australian Commission on Safety and Quality in Health Care. We may yet find ourselves suffering authority fatigue. The new bureaucracies come before the major changes in health, which are not due to be implemented until 2014-15—very conveniently long after the next election is due. Let me take the Senate back to Mr Rudd's commitment to scrap funding of 60 per cent of hospital costs, which was watered down to the Commonwealth providing 50 per cent of growth funding, and of course this will not occur before 2017.

Let me not forget to put on the record again the bypassing of mental health and aged-care reform in all these changes. The Australian Labor Party only made mental healthcare announcements in the budget because it was shamed into doing so after the coalition released more detail of its commitment to reforming mental health with an additional $432 million and the $1.5 billion already outlined before the 2010 election. Aged care continues to be the subject of discussions and conversations following the myriad reviews. People are dying of old age while reform in the sector is still stalled. Activity based funding is due to take effect from 1 July 2012 but, as we heard at Senate estimates on 19 October, the intention of the bill may not be reflected in reality. Ms Halton told us on 19 October:

Block funding will have to apply in particularly smaller country hospitals and we need the pricing authority to provide a view about that.

It is of great concern that the Department of Health and Ageing does not have a definition of a small hospital—not surprising since in previous estimates we were told that COAG still cannot make up its mind as to the definition of a 'bed'. Mr Broadhead, the acting First Assistant Secretary of the Health Reform Transition Office, told us:

We do not have a fixed definition of 'small hospital'. From our point of view, the discussions that we have had—and these are not settled—are really about the volatility of activities in hospitals.
As he explained, the process by which it would be decided is for the pricing authority to come up with what it believes are the appropriate criteria for hospitals to be block funded. Then, of course, all this has to go to COAG and COAG will agree or not agree, as it happens. Then, whatever criteria are established, the pricing authority looks at the level of funding that should be provided to these hospitals.

Is this a ringing endorsement of the process and a confidence-inspiring statement that all is on track for a 1 July start date? Hardly. The success of any reform should be on the ground and at the coalface of our hospital system. On that basis, I share with the Senate the recent AMA Public Hospital Report Card 2011, which is the AMA’s analysis of Australia’s public hospital system. I highlight some of the key points: only 378 new public hospital beds were opened across Australia in 2009-10 and in the previous year only 44 beds were opened. Remember Mr Rudd and the grand plan for over 1,300 hospital beds? That is certainly another broken promise from the Australian Labor Party.

Let us look at median waiting times for elective surgery—they are continuing to deteriorate. In 2009-10 the median waiting time was 35 days compared to 27 days eight years ago in 2001-02. Information about the real waiting time and demand for elective surgery is still hidden. People waiting to see a specialist to be assessed for surgery are not counted in waiting list data and over one-third of emergency patients who should be seen within 30 minutes were not seen within the recommended time. The list of inadequacies goes on. In the end, what will all these new bureaucracies do? Thus far, they are certainly not producing against the important yardstick of reform—that is, more beds in our hospital system.

As part of the coalition’s proposals, I foreshadow an amendment which goes to the constitution and membership of the Pricing Authority and, most importantly, the inclusion of a representative from public hospitals. This is so typical of the Australian Labor Party. Its views on private health insurance and its ideological objection to it are well known; its views on private hospitals are no different.

In the State of our Public Hospitals June 2010 report, there are 756 public hospitals in Australia, with about 56,000 available beds. But we also have in Australia 561 private hospitals—that includes day surgery facilities—and these account for 43 per cent of the available beds. While there are 2.5 public hospital beds per thousand of population, there are 1.2 private hospital beds per thousand of population. So it is vitally important that legislation does contain representation from the non-government hospital sector. Not surprisingly, this was an omission by the government. I will return to the reasons for our amendments when we propose them.

It has taken almost four years in government; an 18-month independent inquiry into the health system; a prime ministerial listening tour of the nation’s hospitals, complete with Minister Roxon and then Prime Minister Rudd parading in white coats daily at our hospitals for photo opportunities; several fraught COAG meetings; and one unsuccessful attempt for the federal Labor government to finally secure some form of deal with all the states and territories. As we heard during the Senate inquiry, there are considerable concerns about the possible duplication of effort following the creation of all these new authorities. Various submissions commented that there was no legislative requirement for the new authorities to cooperate with existing agencies so as to not simply
duplicate existing work. While it may seem obvious that such cooperation is necessary and beneficial, the lack of a legislative direction in this regard is a concern.

Coalition senators believe that consideration should be given to an independent review of these agencies' and authorities' operations after their initial establishment and implementation. There are still plans for a national funding organisation with a national health fund administrator and, no doubt, more administration to distribute federal and state funding to hospital networks. This was going to be yet another independent authority that Minister Roxon and then Prime Minister Rudd said would ensure transparency about where every dollar came from and went to in relation to public hospitals. It was announced last year and then, surprisingly, on 17 June 2010—

The President: Order! It being 2:00 pm the debate is interrupted.

QUESTIONS WITHOUT NOTICE

Carbon Pricing

Senator CORMANN (Western Australia) (14:00): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Given President Obama confirmed last year that the United States would not have a carbon tax or any equivalent price on carbon by 2016—which is contrary to a key assumption made by the government in its carbon tax modelling—does the government now accept that the impact of their carbon tax on the cost of living, on the economy and on jobs will be much worse than they have tried to make people believe based on their now roundly discredited modelling report?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:00): It is interesting, is it not, in a week when we will be debating the minerals resource rent tax and on the day on which the government, on the basis of the announcements made—

Senator CORMANN: Mr President, I rise on a point of order relating to the requirement to be directly relevant. As much as I would like to ask the minister a series of questions on the mining tax, this is very clearly not a question about the mining tax. So for the minister to start answering the question by talking about the MRRT is clearly the minister not being directly relevant to the question. I would ask you to direct the minister to be directly relevant to the question asked.

The President: There is no point of order. The minister has been going for only 12 seconds and has one minute 48 remaining. I am listening closely to the minister's answer.

Senator WONG: I was making the point about the choice of the question. I am happy to get to the question, but it does say something when one of the opposition's economic spokespeople in the Senate, in this week when we are debating the minerals tax and when announcements have been made by the crossbenches, wants to talk about modelling on legislation which has already been passed.

I turn now to President Obama's statement and to the misstatement that we can again see in Senator Cormann's proposition to me—a proposition Senator Cormann has made over and over again. He was told in Senate estimates some time ago that what he was putting was wrong, but he does not listen because it does not suit his argument. He was told that it was wrong to suggest that the Treasury modelling of the government's plan depends on the United States putting a price on carbon by 2016. Would the senator like me to repeat that again? He is wrong to
Senator CORMANN (Western Australia) (14:03): Mr President, I ask a supplementary question. Given that Treasury's modelling of the carbon tax impact is based on the US joining with Canada, Japan, India, Korea and China in an international carbon trading system by 2016, even though none of those countries are likely to adopt such a scheme, by how much more will the cost of living go up as a result of the carbon tax and how much higher will costs to the economy be because the government's assumptions turned out to be absolute false?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:04): What is absolutely false is that question and the senator knows that because he has been told that over and over again by Treasury officials and by me in this place. He was told by Treasury officials that the assumptions were that countries which have made pledges under either the Cancun or Copenhagen conventions will implement policies to achieve those pledges. What we are assuming is that there are mechanisms in countries which result in either an implicit or explicit carbon price. It does not mean—I will say it slowly—that it specifically has to be an ETS within all countries. It does not mean that. Treasury is assuming that the US will do what it has pledged to do, which is precisely what President Obama said last week. Treasury is assuming that the US will do what it has pledged to do. That is not a controversial proposition. (Time expired)

Senator CORMANN (Western Australia) (14:05): Mr President, I ask a further supplementary question. Will the government redo all of its carbon tax modelling based on the real world before the carbon tax comes into effect so that Australian families and businesses can know how much more they will have to pay as a direct result of the carbon tax?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:05): The government has done modelling based on the real world. If Senator Cormann wants to talk about the real world, he might like to talk about how much more he would have to tax people to pay for the opposition's direct action policy were they ever to win government. If, as a member of the so-called economic team from that side, he wants to know about the real world effect, he might like to go out and talk to real businesses about the real world effect of the uncertainty he is demanding they live in, the uncertainty he is lobbying for and advocating for by telling people not to obey the law of the land, telling people that their permits will be torn up. That is economic lunacy and economic irresponsibility at its worst. A member supposedly of the so-called economic team on the other side surely would think twice about advocating something so economically irresponsible.

Afghanistan

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:06): My question without notice is to the Minister representing the Prime Minister. What is the government's response to news in the Fairfax press today that the commander of the
Afghan troops being trained by Australians, Brigadier General Mohammed Khan, has said that three years is too long for Australian troops to remain in Oruzgan province? Why did the Prime Minister—I cannot ask about the Leader of the Opposition—not refer to the headlines in today's Fairfax press in her statement to the House today?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:07): I thank Senator Brown for his question. To deal with the second bit first, I would not think it unusual for the Prime Minister not to refer to newspaper commentary when making a major contribution about our commitment to Afghanistan in a parliamentary debate. Whether or not Fairfax had an article, which I have not seen, I am not sure it is incumbent upon the Prime Minister to refer to it in her remarks about our commitment to Afghanistan.

I am aware of the media reporting quoting the views of Brigadier Zafar Khan, who is the Afghan National Army's 4th Brigade commander in Oruzgan province. I think it is fair to say that the Australian government is of the view that his National Army 4th Brigade is increasingly capable of providing security in Oruzgan province and that the 4th Brigade may be ready to take over lead security responsibility for Oruzgan ahead of the end of 2014. Afghan forces in Oruzgan are progressively assuming control of checkpoints and operating bases. In line with this progress, the Australian Mentoring Task Force will be in a position to reduce its footprint to the main locations in Oruzgan by the first half of 2012.

I note that Brigadier General Zafar has requested specific types of military equipment for the 4th Brigade. Australia supports the international community's efforts to equip the ANA and is one of the largest donors to the ANA Trust Fund. Importantly, the equipment provided is consistent across the entire ANA and not particular to the 4th Brigade. For this reason, we are working closely with our partners to coordinate the types of equipment provided. But it is fair to say that we are encouraged by the increasing capability and that the 4th Brigade may well be ready to take over lead security responsibility for Oruzgan ahead of the end of 2014.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:09): Mr President, I ask a supplementary question. In view of the brigadier general's statement that he has made repeated unsuccessful requests, including to the defence minister, Stephen Smith, for equipment—including equipment with night vision capability—and would, if he had that equipment, want to see the Australian troops leave Oruzgan, why have those requests not been met by the Australian government?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:10): The first point I make is that the Australian government deals directly with the Afghan government and, while the views of individual military commanders are important, we would not necessarily negotiate directly with the commanders. As I said, we know that the brigadier general has requested specific types of military equipment for the 4th Brigade. Despite the support that we provide, we also have a policy of making sure that equipment is consistent across the entire ANA and not particular to the 4th Brigade. There are arrangements in place for equipping the Afghan National Security Forces and we are very much, as I said, a major donor to that
effort. We are continuing to work with the National Army's 4th Brigade to increase their capability so as to be able to hand over those security functions to them, and I think progress is pleasing.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:11): Mr President, I ask a further supplementary question. In view of the brigadier general's request for that equipment, what has the minister to say to the Australian people in light of the fact that, instead of having our troops withdrawn from Oruzgan, the government is denying the equipment to the Afghan forces who say they would be able to control that province given that equipment? How does the government explain that?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:11): As I said, there is a government-to-government relationship and there is an international force, ISAF, that is engaged in Afghanistan under a United Nations mandate. We are operating within those parameters. Individual commanders have views about equipment, force levels et cetera that are obviously relevant, but they are not the sole consideration. We are, as I said, increasingly positive about the capability provided. We are providing assistance to make sure those local forces are properly equipped. It is not a question of us making individual decisions about individual pieces of equipment, certainly not at a political level. The capability of the Afghan troops under the brigadier general has improved and they are increasingly taking responsibility, but decisions about equipment will continue to be made at the national level. (Time expired)

Mining

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (14:12): My question is to the Minister for Small Business and Minister representing the Assistant Treasurer, Senator Sherry. Can the minister advise the Senate what priority the Gillard government will give to Australia's small businesses when using the proceeds of the minerals resource rent tax to deliver the benefits of the mining boom to all Australians? How will ordinary taxpayers also benefit from the reforms to deliver a simpler and fairer tax system? What would happen to these historic reforms in the absence of the MRRT?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:13): Thank you, Senator Brown. The government is committed, as I have said on a number of occasions and as other ministers have said, to ensuring the benefits of the nation's mineral wealth do flow to the broader Australian economy and to Australian people and business. It has been sometimes forgotten in the debate about the mining tax that every cent of the revenue raised will be spread across the Australian community, to business and to individual Australians, through a range of tax cuts.

As small business minister I am particularly proud of the initiatives that are being funded from the mining tax in respect of small business tax relief. There will be a significant cashflow boost and a strong boost to investment in productive assets. From 1 July next year small business will be able to claim an instant write-off of the first $6,500 of each and every asset that they purchase. That is up from $1,000 at the present time—$1,000 in asset write-offs to $6,500 per asset. This measure alone will be worth more than
$1 billion to small business. It will be funded from mining tax revenue.

Further, around 6½ million Australians will no longer have to lodge a tax return. This is a massive simplification of our tax system. We will be introducing a standard tax deduction of $500 in the first year, rising to $1,000 in the following years. Again, this is funded from mining tax revenue. The two measures that I have mentioned so far—small business tax relief and a much simpler tax claims system—will be of immeasurable benefit to the small business community and the broader taxpaying population. (Time expired)

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (14:15): Mr President, I ask a supplementary question. Can the minister outline to the Senate the main benefits of the tax reform package funded by the minerals resource rent tax for low-to middle-income Australians?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:17): I have said that those opposite are wedded to reversing the mining tax, but we have seen some shift in opposition position. I notice that just last month Dr Mal Washer, a member of the other place, said:

I think an appropriately applied mining tax is a very good thing.

I think he is from the great state of WA, too. We now have anonymous coalition MPs commenting on this. I see in the media that 'public sentiment had swung behind the mining tax', according to a Liberal MP.

When asked why they would support the mining tax, aside from the fact that public sentiment has swung behind the tax, the coalition MP said, 'Joe needs the money'—the $11 billion that the Liberal Party wants to give back to the mining community. (Time expired)

Member for Dobell

Senator RONALDSON (Victoria) (14:18): My question is to the Minister representing the Prime Minister, the Minister for Tertiary Education, Sills, Jobs and Workplace Relations, Senator Evans. Given that the Prime Minister has to date been
Craig Thomson's protector-in-chief, did the Prime Minister support moves by factional allies of the member for Dobell to publicly condemn HSU East branch's executive president and national secretary Kathy Jackson for reporting the member for Dobell's suspected criminal activity to the police?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:18): Senator Ronaldson continues to attempt to slur anyone at all connected with the HSU, the investigation or Mr Thomson—anyone at all he thinks might be a possible target in his endeavours to get publicity from this issue. I knew Senator Ronaldson was going to ask me this question today because I read about it in the paper. It is no longer questions without notice—it is questions with notice.

Senator Ronaldson: So what is your answer?

Senator CHRIS EVANS: My answer is the same answer I have given Senator Ronaldson on numerous occasions: if people have concerns about criminal activity they ought to go straight to the police—they ought to go to the police and make their complaints and provide the police with any information they have. When the police launch an investigation, people ought to give their full cooperation and the police ought to be allowed to conduct those inquiries without political interference, Senator Brandis, and without people abandoning a lifelong commitment to the rule of law in order to get a cheap political headline. They ought to allow the police to fulfil their obligations and conduct their investigations, and when those investigations are completed we ought to then respond to any findings or any prosecutions they may lodge. We also then should of course allow people presumptions under natural justice while any trials occur.

Those are the normal processes, as Senator Ronaldson well understands. This government will adhere to those processes. We have made it very clear that we support people taking any concerns they have about criminal activity to the police or other appropriate authorities. Senator Ronaldson well knows that there are police and Fair Work Australia investigations occurring into matters relating to the HSU. He ought to allow those investigations to be pursued without political interference and without anyone attempting to take political advantage of those proceedings.

Senator RONALDSON (Victoria) (14:21): Mr President, I ask a supplementary question. The body language says it all. In light of the Leader of the Government in the Senate’s answer, will the Prime Minister herself now publicly and unequivocally back Ms Jackson's actions in blowing the whistle on Craig Thomson's much-publicised activities, and if not why not?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:21): Not being an expert on body language, I am not quite sure what Senator Ronaldson is suggesting. But I do know from his language that he represents the pure desperation of the Liberal Party on this issue. The less progress they make on any factual argument the more desperate and outlandish the accusations and the broader the attempt to widen the net, to drag in anybody that they think can be dragged in on this issue.

Senator Ronaldson: Mr President, I raise a point of order on relevance. I have asked the minister whether the Prime Minister will publicly and unequivocally
back the right of Ms Jackson's actions in blowing the whistle on the member for Dobell.

The PRESIDENT: The question was a lot broader than that. The minister has 25 seconds remaining to answer the question.

Senator CHRIS EVANS: I would urge the opposition to take a more responsible position on these matters, allow the proper authorities to continue their investigations and use proper process rather than, as I say, try to slur people up and jump to conclusions. The Prime Minister has urged anyone with information relating to criminal activity to take those matters to the appropriate police and other authorities, as I have, and that remains our position. (Time expired)

Senator RONALDSON (Victoria) (14:23): I hope the minister will table those comments from the Prime Minister, because I will be interested to read them. Mr President, I ask a further supplementary question. If indeed the Prime Minister refuses to unequivocally and publicly back Ms Jackson, as would appear to be the case now, isn't the community entitled to think that this is just another PM-backed Sussex Street fix?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:23): I think the Australian public will conclude that the opposition have nothing to say about the great public policy debates, have nothing to say about them at all. All they have is shadow spokesmen desperate for a headline coming into the parliament and trying to slur anybody up. The more desperate they get, the wilder the accusation and the higher the target. But they have nothing to say about the MRRT—they are silent. They do not want to talk about sharing in the mining resources boom. They do not want to talk about the issues of importance to Australia.

Senator Brandis: Mr President, I raise a point of order on two grounds: relevance and debating the question. It was a broad question but the answer does not even approach the topic of the question. Not even the topic of the question is being addressed in the answer.

The PRESIDENT: There is no point of order there. The question was a broad question indeed. The minister has 23 seconds remaining to answer the question.

Senator CHRIS EVANS: I will have to add to the condition of the opposition that of a glass jaw. They want to slur up the Prime Minister, they want to slur up everyone they possibly can, but when called to account they say, 'Oh, please don't attack us.' Grow up. Get some backbone. Why don't you ask some policy questions? Why don't you focus on issues of interest to Australians rather than dredging through the gutter? (Time expired)

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (14:25): My question is to the Minister representing the Minister for Home Affairs and Minister for Justice, Senator Joe Ludwig. In the UK the practice of using X-rays to determine the ages of children for criminal proceedings is unlawful and indeed can lead to practitioners facing criminal charges of assault and professional misconduct. I refer to a letter available publicly that has been sent to the Minister for Immigration and Citizenship and the Minister for Home Affairs from peak medical bodies, including the Royal Australian College of Physicians, the Australian Paediatric Endocrine Group, the Australian and New Zealand Society for Paediatric Radiology and the Royal
Australian and New Zealand College of Radiologists. It is dated 19 August. In this letter, which refers to the assessment of ages of asylum seekers and people facing people-smuggling charges, the doctors refer to X-rays of teeth and wrists as unethical, unreliable and untrustworthy. When will the minister take on notice these issues raised by these individuals and when will the minister— *(Time expired)*

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:26): I thank Senator Sarah Hanson-Young for her question. I do recall that this is an issue she has been pursuing for some time now. While Australia has strong people-smuggling offences that apply to crew of people-smuggling vessels, minors are only prosecuted with people-smuggling offences in exceptional circumstances on the basis of their significant involvement in people-smuggling ventures or multiple ventures. No-one currently serving a sentence for a people-smuggling offence has been determined by a court to be a minor. Where age is not able to be clearly established, the person being investigated or prosecuted will be given the benefit of the doubt and returned to their country of origin without charge.

I will deal more particularly with the substantive issue raised in the question. Law enforcement authorities do investigate all persons suspected of being involved in people-smuggling, including minors. That is an important issue to bear in mind. Where there is doubt about whether a person arriving in Australia as an irregular maritime arrival is aged over or under 18 years of age and the person is suspected of committing a Commonwealth offence, the Australia Federal Police conduct an age determination process in accordance with the Crimes Act 1914. This is done with the consent of the person, the consent of a parent or guardian or, if a parent or guardian is not available, an independent adult person other than the AFP officers investigating the offence.

The government has announced improved processes to provide more certainty because the government does recognise that there are issues raised on this topic. It has improved processes to provide more certainty— *(Time expired)*

**Senator HANSON-YOUNG** (South Australia) (14:28): I ask a supplementary question, Mr President. As the government is defying the international scientific consensus on how dangerous it is to rely on these types of X-rays, the organisations listed in the previous question are refusing to participate in any type of X-rays for the government. Is it the case that the Commonwealth Director of Public Prosecutions is relying primarily on one expert advice provided by Dr Vincent Low, who is indeed not a bone radiologist at all?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:29): Under the improved criminal justice measures, the Australian Federal Police do offer dental X-rays to alleged people-smuggling crew claiming to be minors, in addition to the existing processes, which will commence as soon as possible, taking steps as early as possible to seek information from the individual's country of origin, including birth certificates, where age is contested, and using interview techniques to help to determine age. Where age is not able to be clearly established, the benefit of the doubt will be given to the individual.
In making these determinations, it is true to say that the decisions about prosecutions are taken into account, with all available information, in accordance with the prosecution policy of the Commonwealth. That policy includes a wrist X-ray interpreted by an independent medical expert to determine the person's age, but any additional information about the— (Time expired)

Senator HANSON-YOUNG (South Australia) (14:30): Mr President, I ask a further supplementary question. As I outlined earlier, in the UK the practice of this method is unlawful. Here in Australia, medical practitioners are refusing to conduct these examinations for the government. Indeed, who is conducting these examinations for the government? If it is only Dr Low, please explain why he is not, in fact, a bone radiologist and an expert in that field.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:31): As I was explaining to Senator Sarah Hanson-Young, there is a range of factors in addition to the specific X-rays. This includes a medical expert's analysis of the wrist X-ray, statements made by the person, assessments made for other purposes and any verifiable information. I think it is necessary to put it in context with the work that is being undertaken to determine the age of the person in question during the investigative process. In addition to that, I will ask whether the justice and customs minister will take on notice anything which I have not covered in the first supplementary question, and provide any further information. I think it is more important to put the types of information taken into account in their overall context, and these include, as I indicated, that range of factors as well as the new, enhanced measures— (Time expired)

Mining

Senator MARK BISHOP (Western Australia) (14:32): My question is to the Minister representing the Treasurer, Senator Wong. Can the minister outline to the Senate the benefits to the Australian economy of ensuring a fairer return on profits from Australia's resources? What support is there for such a policy approach?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:32): I thank the senator for the question and acknowledge that today we have seen public statements in support of this policy approach from the member for New England, the member for Lyne and the member for Denison. We welcome their support for this reform, which is about sharing the benefits of the mining boom.

This really is one of those issues that demonstrates the difference in philosophy and priority between this side of the parliament and that side of the parliament. On this side we stand for ensuring all Australians get a fair share from the mining boom in order to spread the benefits and the opportunities. Those on the other side stand for higher profits for mining companies and less tax being paid by miners—that is their position. We want less tax being paid by companies and small business. We want superannuation to be increased and we want spending and investment in infrastructure. This is why more and more people understand that it is important for this legislation to pass.

In recent weeks it has also become clear that it is gradually dawning on members of the opposition that it might be a good idea to support this policy. It has finally dawned on some members of the opposition that their
shadow Treasurer has led them up a fiscal dead-end, and the only way they can get out of it is to make $70 billion worth of cuts to health and education, wind back the pension increases, wind back the disability support pension increases and wind back the increases to the family tax benefit. Those on the other side are starting to realise what is happening. As one unidentified coalition member said, 'Joe needs the money.'

Senator MARK BISHOP (Western Australia) (14:34): Mr President, I have a supplementary question for Minister Wong. Can the minister outline to the Senate the importance of having a balanced package of reforms to the taxation of mineral resources, and is the minister considering any alternative approaches?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:34): It is important to have a sensible approach to managing this policy area and to using the revenue sourced from the tax to ensure we can cut tax for small business to boost superannuation and to fund much-needed infrastructure. I am also asked about alternatives, and we have certainly seen some on display from the coalition backbench, including the following:

One Liberal, however, suggested the Coalition should support such amendments, then pass the tax to ensure the large minerals companies … paid virtually all of it.

The MP, who did not want to be identified, said public sentiment had swung behind the tax and the Coalition needed the revenue … The MP claimed this was a growing view within the Coalition.

Who is it, Mr President? Is it Senator Sinodinos? Is he finally inserting some sanity into the coalition economic team? Is it Senator Sinodinos—(Time expired)

Senator MARK BISHOP (Western Australia) (14:36): Mr President, I have a further supplementary question for the minister. Can the minister outline to the Senate the fiscal implications of supporting elements of the mineral resources rent tax package, such as the superannuation guarantee increase, without support for the tax itself?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:36): It is a very good question. You get revenue coming in one side and you pay it out on the other. However, if you are Mr Abbott or Mr Hockey, you just pay it out—you do not worry about the fact that you have no revenue. Meanwhile, what you have not told your backbench is, 'We're actually making the $70 billion hole bigger and we're starting to get a little worried, because by the next election there'll be a whole bunch of cuts to health, to hospitals, to social security and to defence that we're going to have to make because we keep spending money we haven't got.' What we see is Mr Robb excluded from coalition economic meetings. What we see now is coalition backbenchers starting to realise they are spending money they have not got and it is all going to come home to roost.

DISTINGUISHED VISITORS
The PRESIDENT (14:37): Order! I recognise the presence in the public gallery of former senator Chris Ellison. Welcome, former Senator Ellison. I hope you are enjoying question time once again.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE
Mining

Senator FISHER (South Australia) (14:38): Mr President, let us add to that enjoyment. My question is to the Minister representing the Minister for Resources and Energy, Senator Sherry. Can the minister explain why the government has failed to respond to the Senate order to produce
costings over the forward estimates of the measures associated with the mining tax? Given that the Senate deadline expired two weeks ago, what has the government got to hide?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:38): I am not sure whether the question should go to me or to my colleague Senator Wong. Nevertheless, the government looks forward to questions on the mining tax. We have already had two questions, albeit from our side of the chamber, on the mining tax. I am attempting to recollect, and you may correct me in the supplementary, but I understand the question without notice went to costings. I think that is what it went to and I am very happy to talk about the revenue that will be raised by the mining tax and the way in which it will be spent. I am more than happy because the last time I was given figures approximately $11 billion was the amount to be raised by the mining tax. The Labor Party is very proud of this measure because it is to build a stronger and broader Australian economy—

Senator Abetz: That is not the question.

Senator SHERRY: I am not going to go to what was not the question. I am not going to repeat the earlier contribution that Senator Wong and I made in terms of the tax cuts, for example to small business, and the tax cuts to superannuation. I am not going to go to those issues. I do not want to be repetitive. I do want to stay on what I believe and what I recollect is the issue—that is, the $11 billion. The Liberal Party is going to give the $11 billion back to the mining companies who actually want to pay the tax. I find that quite extraordinary. Not only do they want to give the $11 billion back to the mining companies that want to pay the tax in the first place, but they have committed themselves to one of the major expenditure items: the increase in the superannuation guarantee. (Time expired)

Senator FISHER (South Australia) (14:40): Mr President, I ask a supplementary question. Given that the minister failed to clarify the costing over the forward estimates, can the minister confirm that by 2013-14 the cost of the measures associated with the mining tax will exceed by several billion dollars any revenue that the tax will raise? What is the dollar amount of the shortfall?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:41): On the underlying assumptions on the costings of the MRRT, we did release the model used for calculating the MRRT revenue under freedom of information on 14 February this year. It is on the website.

Senator Cormann: That is not right. Only the revenue estimates. There is a Senate order you have not complied with.

Senator SHERRY: I will follow the brief. This is as I am advised: we released the model used for calculating the MRRT revenue under FOI on 14 February 2011. Apparently it is on the Treasury website.

Opposition senators interjecting—

Senator Wong: He said revenue.

Senator SHERRY: I said revenue—the MRRT revenue. When it comes to costings, you look at a footnote on page 5-35 of the 2011-12 budget, which presents the MRRT revenue net of deductions for other taxes. That is in the last budget. (Time expired)

Senator FISHER (South Australia) (14:42): Mr President, I ask a further supplementary question. Given that any revenue based on a boom is temporary, can
the minister explain how the government will fund the rising costs of meeting its many, many promises associated with the mining tax, especially once it has killed off the boom?

**Senator SHERRY** (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:42): The thrust of your question is: why are we spending money on a range of programs from the revenue we project to raise from the mining resource rent tax? Well, why did you sign up to the superannuation guarantee increase? Why did the Liberal-National Party coalition sign up to the superannuation guarantee increase, which is paid for by revenue from the mining resource rent tax? Why did you sign up to this measure yourselves if you do not believe the forward estimates in the long term from the mining tax revenue?

_Honourable senators interjecting—_

**The PRESIDENT:** Order! Senators Wong and Cormann, I am trying to listen to Senator Sherry's answer and you are having a debate across the chamber. There is a time for debating this issue after question time if you wish. I need to listen to Senator Sherry.

**Senator SHERRY:** The Liberal Party are in this amazing position. They have signed up to a major expenditure measure that is being funded by the mining tax and at the same time they are saying they are going to scrap the mining tax. You are in a far worse position, if there is a position to be in. You are agreeing with a major expenditure item but you are going to reverse the tax that pays for it. How stupid can you get? (Time expired)

**Indigenous Employment**

**Senator CROSSIN** (Northern Territory) (14:44): Mr President, my question is to the Minister for Indigenous Employment and Economic Development, Senator Arbib. Can the minister please update the Senate on how the Gillard government is creating job opportunities for Indigenous Australians in the Northern Territory? In particular, can the minister please outline what measures to support jobs and economic development were announced last week as part of the Stronger Futures in the Northern Territory package?

**Senator ARBIB** (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:44): I thank Senator Crossin for the question and her ongoing commitment to Indigenous employment. Last week Minister Macklin announced the next phase of action for the Northern Territory under the stronger futures plan. The Stronger Futures in the Northern Territory plan will build on the work we have done over the past four years to close the gap on the unacceptable levels of disadvantage still faced by Indigenous people in the Northern Territory. The stronger futures plan focused on many areas of policy concern but, at its heart, outlined strong measures to ensure Indigenous children attend school.

During the extensive consultation that took place across the Territory, one of the issues that came up time and time again was access to employment and access to economic development opportunities. That is why last week Minister Macklin, Minister Burke and I announced the jobs package as part of the Stronger Futures in the Northern Territory plan. It is a package of real jobs for Indigenous people. The package includes a job guarantee in the public service for all Indigenous students from Territory growth towns and remote service delivery sites who finish year 12. It is a job guarantee. It also contains a 'local jobs for local people' Indigenous traineeship measure which will
provide job specific training and job shadowing for 100 job seekers over a year so that local people can take over service delivery jobs in their community.

Of course, as well, we are supporting local rangers, with 50 new Working on Country ranger positions in the Northern Territory. These positions will be ongoing. And we will support Indigenous Australians who have already gained employment and skills through projects like SEAM to transition to new employment opportunities. This is the work of the Gillard government, supporting Indigenous jobs across the Territory. It builds on the work through the shire package, which was a $4.8 million commitment made through the IEP, supporting 530 jobs in the shire. It builds on the work of the CDEP job conversion's 2,241 jobs.

Senator CROSSIN (Northern Territory) (14:46): Mr President, I ask a supplementary question. Could the minister please also update the Senate on other recent announcements on measures that will support Indigenous jobs and, in particular, businesses in the Northern Territory?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:47): The Gillard government is proud that, since coming to office, we have created over 700,000 jobs for working Australians. But, at the same time, we have partnered and worked with community organisations and also, importantly, with business to try to ensure that those jobs are sustainable in the future.

One of the most important and iconic projects in the Territory is the Ayers Rock Resort. This is a resort that has had a very poor Indigenous employment record in the past. Up until recently they had two Indigenous employees. There were only two Indigenous employees at one of the most iconic projects and tourism sites in the country. Working with the Indigenous Land Corporation and Voyages Indigenous Tourism Australia we are ensuring that that facility employs Indigenous people. The Gillard government is providing $4.9 million through the IEP to support the ILC in this venture. This funding will support the training and employment of 200 Indigenous Australians at the resort, including 100—

(Time expired)

 Senator CROSSIN (Northern Territory) (14:48): Mr President, I ask a further supplementary question. I was just wondering if the minister can perhaps add further information about the initiative at the Ayers Rock Resort at Yulara. What contribution is the ILC, the Indigenous Land Corporation, making towards meeting these targets, and what particular targets have in fact been set for Indigenous employment in that part of the Northern Territory?

 Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:48): On top of those 200 jobs, the ILC is contributing significantly to employment and training. They will provide a further 150 trainees as well as cover a variety of operating costs. This will become a training hub and employment generating facility in the Territory but also it will attract Indigenous Australians from across the country in the tourism and hospitality sectors to be trained at this hotel, which will create employment in tourism across the country. It is an important part of the government's policies and we are working, as I said, very closely with the ILC and with business.

At the same time, the ILC recognises that we need to encourage Indigenous small
businesses and Indigenous economic development through the facility. The ILC will be employing a business development officer to work with local businesses on procurement strategies to try to ensure that we drive Indigenous businesses, because we know when we are supporting Indigenous businesses we are creating Indigenous jobs.  

(Time expired)

Carbon Pricing

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (14:49): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. Can the minister explain why the government did not conduct modelling to determine the average increased electricity cost to farmers from the carbon tax and whether its compensation package would cover these costs? Given that farming is an industry that generates $155 billion a year in production, underpinning 12.1 per cent of GDP, why has the government neglected this fundamental sector of Australia's economy?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:50): Far from neglecting this area, the government has had its Carbon Farming Initiative, which is part of the Gillard government's commitment to reducing carbon emissions and building resilience in farmers to deal with the impact of climate change. Part of that is that the initiative will allow farmers to generate carbon credits and new earning opportunities through a range of activities.

Only last week one of those visits to a piggery was about doing exactly that—using effluent to provide and generate carbon credits. One of the challenges from those opposite is that they have refused to get on board where the rural community is already getting on board. Consultation with stakeholders has indicated overwhelming support for the objectives of the Carbon Farming Initiative. Going back to that piggery, the farmers themselves significantly indicated that they were looking for low-carbon pork to go onto the market because they wanted to participate—

Senator Brandis: Mr President, I rise on a point of order. As you know, the minister is required to be directly relevant to the question. The question asked why the government had neglected to model the farming sector for the carbon tax. That was the only topic of the question—why there had been no modelling of the farming sector for the carbon tax. I ask you to bring the minister to the question.

Senator Chris Evans: Mr President, on the point of order: no minister is more attentive to answering the question than Senator Ludwig. He is attempting to provide Senator Nash with a comprehensive answer to her question. He is being directly relevant and is trying to assist the Senate with information. I ask you to rule that there is no point of order.

The PRESIDENT: There is no point of order. The minister is answering the question. The minister has 52 seconds remaining to answer the question.

Senator Ludwig: In dealing with how we ensure that farmers can take up the Carbon Farming Initiative and providing opportunities to use less electricity—

Senator Nash: It's not about electricity.

Senator Ludwig: I use the term electricity because generation costs are a significant issue to rural and regional Australia, including to farmers. That is why the Carbon Farming Initiative—
Opposition senators interjecting—

Senator LUDWIG: I am sorry you do not want to hear. Clearly you are not representing your own National Party cohorts, because the $1.7 billion land sector package announced as part of the securing a clean energy future package will help to support landholders to participate in the Carbon Farming Initiative. It will also help to establish markets for the Carbon Farming Initiative and credits to protect—(Time expired)

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (14:53): Mr President, I ask a supplementary question. Given that he failed to answer the previous question, could the minister now confirm whether the government considered the impact of the carbon tax on farming and food production, specifically with respect to the national food plan?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:53): I see we have now moved from carbon farming into the national food plan. The national food plan is the first ever initiative of its type. No-one from the other side contemplated putting together a whole-of-government initiative around food.

Senator Nash: Mr President, on a point of order on relevance: I specifically asked the minister if he had considered the impact of the carbon tax with regard to the food plan—specifically, the impact.

The PRESIDENT: The minister has 29 seconds remaining. There is no point of order at this stage.

Senator LUDWIG: In relation to the national food plan, those opposite have failed to recognise, firstly, that we produced an issues paper and asked for information from stakeholders and those interested. Those opposite were completely uninterested in it because they are not interested in rural and regional Australia. We then announced a green paper-white paper process. There will be an opportunity for them—(Time expired)

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (14:55): Mr President, I ask a further supplementary question. Can the minister explain how the government will guarantee adequate compensation to farming families when an emissions trading scheme takes place in 2015 and the carbon price fluctuates according to the market?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:55): It is more than those opposite have ever done for regional and rural Australia. Regional Australia will play a vital role. The difficulty is that they do not want to hear it. They have closed their minds and they have closed their ears to it. They are neglecting their own constituencies, whereas the Labor government will invest $4.3 billion in regional Australia—

Senator Carr: How much?

Senator LUDWIG: $4.3 billion in investments in the 2011-12 budget to drive improvements in regional hospitals and to help education facilities and community and transport infrastructure. That is what this government is doing. When those on the other side were in government they neglected it. Why? Because the Nationals kept getting rolled by the Liberal Party—and they were happy to be rolled. The Nationals are now bringing forward their own policies, but they will again get rolled by the Liberals. (Time expired)
Broadband

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:56): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Is the minister aware of any independent analysis of proposed broadband plans other than the NBN?

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): I thank the senator for her question and for her ongoing interest in the NBN. As it happens, I am aware of an independent analysis of Mr Turnbull and Mr Abbott's broadband plan. Just recently, the global banking giant Citigroup released its analysis of the coalition policy, a policy that those in the chamber might be interested to learn was described as 'quick and dirty'. This analysis demonstrates what we in the Gillard government have known for some time—that is, this opposition is the most economically ignorant we have seen for a considerable time. The Citigroup report makes it obvious that Mr Turnbull and the opposition have not costed their broadband plan. They have not costed the construction of their substandard, mixed technology solution which Citigroup estimates at—wait for it—$16.7 billion on budget. They have not costed their promise to structurally separate Telstra, which Catherine Livingstone, the chair of Telstra, recently priced at $11 billion. Mr Turnbull claims that he knows best. He knows best that Telstra is worth more separated than together. Do not worry about the 99.45 per cent of Telstra shareholders who voted for the NBN deal, Mr Turnbull knows best. He knows better than the board; he knows better than the shareholders. Seriously, Mr Turnbull must think he is giving advice to Rodney Adler and Ray Williams over the value of FAI again. He knows best. (Time expired)

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:59): Mr President, I ask a supplementary question. I appreciated that answer from the minister. Can the minister inform the Senate whether the analysis he referred to says anything about what the other broadband plan means for regional Australia?

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) (14:59): The Citigroup report has a great deal to say about the coalition's broadband plan for rural Australia. It says that regional Australians will suffer from higher prices and poor service choice under the coalition. And I quote:

… we are concerned the need for private sector to generate commercial returns will continue to limit broadband development in regional areas.

It goes on to say:

… the Coalition Policy risks the possibility of skewing telecommunications infrastructure investment and competition towards densely populated areas as is the case today.

So to the Nationals, who originally claimed the NBN policy as their own and have now been caught out by Citigroup analysis, I pose the following question: when will you stand up to those in the Liberal Party machine? (Time expired)

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (15:00): Mr President, I have a further supplementary question. Does the analysis the minister refers to raise any concerns about the future viability of the other broadband plan?

Senator CONROY (Victoria—Minister for Broadband, Communications and the
Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (15:01): Indeed it does. It says that there are grave concerns of the viability of the coalition's plan, not least of which, according to the Citigroup report, is the view expressed that the coalition's fibre-to-the-node network will be obsolete by the time it is built. Not only will it be obsolete, it will also be a colossal waste of taxpayer's money. As Citigroup says, fibre to the node is not an upgrade path to fibre to the home. They say that if the coalition policy is implemented it would simply delay an eventual national fibre-to-the-home build. In other words, the coalition is proposing to spend $16.7 billion on a policy that will be obsolete and will need to be replaced shortly thereafter by a fibre-to-the-home deployment. Those opposite are economically illiterate and technologically illiterate. (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Carbon Pricing

Senator COLBECK (Tasmania) (15:02): I move:

That the Senate take note of the answer given by the Minister for Finance and Deregulation (Senator Wong) to a question without notice asked by Senator Cormann today relating to the carbon tax.

I rise to take note of the answer given by Senator Wong to the question asked today by Senator Cormann. Today, in response to the question asked by Senator Cormann, the process of misleading the Australian community on the carbon tax continues. We know that this whole process began with the lie perpetrated by the Prime Minister that 'there will be no carbon tax under a government I lead'. Now we know that the modelling contained assumptions that a large number of our competitors around the globe would also have similar forms of process in place to deal with their CO₂ emissions by 2016. So that assumption is put into the modelling much like the assumptions that were in the modelling under the CPRS that there would be no impact on employment. We know that that particular outcome turned out to be an input to the modelling, not an output. But in this circumstance, the input is that other countries will have similar methodologies in place to deal with their carbon dioxide emissions by 2016. But we now know, courtesy of the visit to this country last week by President Obama, that this will not be the case. The US will not be taking such action by 2016. President Obama described the move by Prime Minister Gillard and the Labor Party as a 'bold move'. Many of us have recollections of Sir Humphrey talking to Prime Minister Hacker undertaking a 'bold move' and the look on Prime Minister Hacker's face when that description was made to him about taking such a 'bold move'. We know that this carbon tax will take up to $9 billion a year out of this economy. We know that is many times more than is being taken out of, say, the European Union on an annual basis by their current provisions.

The government through this debate tried to convince the Australian people that Australia needed to do something to be part of the carbon reduction debate. But we know because of the Productivity Commission review that we are already about midfield without the carbon tax that the government promised not to put into place prior to the last election. We were already part of the process to reduce our carbon emissions; we had already taken action. Some of that action had been supported by the opposition, such as the Renewable Energy Target Scheme. So
to imply that we are doing nothing is again part of the act of misleading the Australian community that this government has perpetrated since the election when Prime Minister Gillard, six days before the election, said to the Australian community, 'There will be no carbon tax under a government I lead.' She repeated that statement the day before the election when votes were vital. That was the promise that Prime Minister Gillard made to the Australian people and yet, as soon as she was in a position of needing to negotiate with the Greens, she flipped. She was prepared to put aside her promise to the Australian people for power. She was not prepared to say to the Australian people: 'Let's just hang on a minute. I made a promise to the Australian people; I would like to keep it.' No, she was prepared to walk away from the promise she made to the Australian people and legislate—as we did last week—for this carbon tax which she said, six days before the election, would not happen under a government she led. But also, as we now have had revealed through the admission by President Obama, the United States will not be introducing a carbon tax. The Canadians said they will not be introducing a carbon tax.

What we would like to see is the modelling reworked to demonstrate the reality of the current worldwide situation. We have seen the complete debacle around the modelling as it stands. In the first instance the modelling was conducted on a carbon price of $20 a tonne, and yet the government then announced a price of $23. The complete mess that this government has been through in putting this tax into place, driven by their political masters in the Greens, needs to be condemned. The government should be condemned for taking us to a place where we now know that the rest of the world is not going to go.

Senator PRATT (Western Australia) (15:07): We have been over the issue of modelling in this chamber again and again and again—sigh. We have well and truly flogged the life out of this issue, and yet the coalition really had nothing to show for itself in this question time. We have been through the modelling again and again with Meghan Quinn in our Senate committees, and she has done an absolutely wonderful job of demonstrating the depth of that modelling. It is modelling that shows the economy will grow with a carbon price. It is modelling that shows jobs will grow.

Senator Ian Macdonald: Why did Julia promise not to bring it in if it's so good?

Senator PRATT: It is modelling that shows—sigh—that Western Australia will continue to grow. In fact, it will grow at a pace that outstrips that of other states.

Senator Cormann also seems to think that we should not do anything if the rest of the world is doing nothing. Well, the rest of the world is not doing nothing. Yes, there are diverse policies based on the assumption, but what we are basing our modelling on is the assumption that countries will meet their pledges. The most efficient thing for us to do is to price carbon. Every credible economic commentator has said that pricing carbon is the right way to go. In fact, there are many in the opposition who have made public statements over and over again to that effect.

This nation has let out a huge sigh of relief that we can now move on this issue, but those opposite fail to recognise this and are again flogging this dead horse. The modelling on this legislation, which has already been passed, has been done and it has been exhaustively debated. The Treasury modelling does not depend on the United States putting a price on carbon by 2010. It is a desperate response from those opposite. They cannot accept that their arguments
simply do not stack up. Our assumptions are based on other nations honouring their pledges to manage their emissions as planned. We know that costs will be passed on through our economy. Indeed, it does not really matter how you manage your carbon; there are costs that will be passed on through the economy and that is what our modelling assumes.

This is real-world modelling, not simply a made-up policy from the coalition, who seem to want to deliver higher taxes to us. Those opposite argue that they do want to meet our climate obligations but they have no economically efficient plan to do so. They are also driving uncertainty into the economy, but we need certainty for our investments in renewable energy and for investments in terms of electricity prices. Those opposite seem determined to have a vision for higher taxes for this nation—that is all. It would be economically irresponsible to overturn this policy.

This government has a clean energy plan that is comprehensive. It is a good plan for reducing Australia's carbon pollution and for promoting the clean energy technologies of the future. The coalition has no plan to price carbon and to do so in an economically efficient manner. A failure to price carbon is a big problem for our economy because it introduces uncertainty into our economic investments. If you assume that climate change is real, as I do and as those opposite seem not to, then you know that the sooner we act to price carbon the more economically efficient it is. It will give our economy time to adjust. So I have great confidence in this nation's future when it comes to the issue of pricing carbon.

Senator FAWCETT (South Australia) (15:13): I rise to take note of the answer of Minister Wong. Her answer was dreadful. She said that, just because the legislation has been passed, this Senate should not take note and be aware of the flaws in the logic in the modelling that led to it. When Senator Wong was a student at one of Adelaide's best colleges, Scotch College, I am sure they would have covered in her English classes Arthur Miller's book *All My Sons*, where Joe Keller was rightly condemned by people because he allowed faulty components to go into wartime service. That killed people and he was rightly condemned, and the whole book is based around his guilt and how he dealt with that. This government should hang its head in shame that it has forced faulty legislation based on faulty modelling based upon faulty logic upon the communities, the industries, the families and the individuals of Australia.

The fundamental questions—is it needed, will it work and what are the unintended consequences?—have not been addressed by this government. Individuals will be worse off. The carbon emissions of Australia will still go up. Electricity prices will increase by a certain amount, depending on who you believe—and I will cover the range of modelling, because there are many models that the government relies on for its facts and figures, although it does not acknowledge that there are a range of opinions out there. But the best case scenario, under its own modelling, is that there will be a 10 per cent increase in the price of electricity. The New South Wales Treasury says 15 per cent, the Electricity Supply Association of Australia says 20 per cent and the Centre for International Economics says 30 per cent by 2020. Take your pick: left or right, smallest or biggest. That is a huge impost on individuals, families and, most importantly, on business and on manufacturing.

There are media releases in South Australia today about OneSteel and the fact that their Whyalla plant may need to close because of the pressures on them. So what
does this government do? It releases a policy that is not going to impact our climate beneficially, that will put OneSteel's operations and all those people who rely on it for employment that much more at risk. And there is the defence industry in South Australia. This government have gone on the public record time and time again boasting the fact that they are trying to position Australia's defence industry to be part of the global supply chain. They say that it needs to be competitive to be part of that global supply chain and that if it is not competitive it will not survive because the Australian market is not big enough. So what do the government do? They impose a carbon tax which means the industry will not be competitive. Using the government's own logic, this measure, which will not help the environment but will penalise people in Australia, is going to make our defence industry non-competitive. The defence industry is not just about jobs in Labor marginal seats; the defence industry is part of our national defence capability.

This government should hang its head in shame that it is not prepared to revisit faulty modelling, faulty logic and faulty proof that has led to legislation that is going to deliver very negative, unintended consequences. The minister should hang her head in shame that she was not prepared to revisit this rather than just saying: 'The horse has bolted. Let's close the door.' Has she learnt nothing from the English studies I am sure she did about Joe Keller?

Even this week the draft IPCC report from Kampala in Uganda suggests very clearly that the evidence base used by this government had many political massages to arrive at the point where it believes that the tax is necessary. Look at things like renewable energy and comments that it can provide something like an 80 per cent reduction. It turns out that that is reliant upon a 40 per cent reduction in energy demand—the most optimistic of over 164 different submissions. Yet which one did they pick? They picked the one that makes their case the strongest. One of the most telling things to come out of this Kampala report from the IPCC is the fact that they are saying the very people whom we are trying to help—those who are poor and marginalised—are impacted by their poverty and by the standards of building and not so much by climate change. So this government stands condemned for continuing with this tax when the modelling is flawed and the reasoning is flawed, and the unintended consequences will damage Australians, families and businesses.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (15:18): It is amazing how those on the other side will not let go of the issue of carbon pricing. We saw it again today in question time. Yet again, Senator Cormann asked the same questions of the minister which he has asked time and time again. He asked the same questions along the same lines through the estimates process, asserting that the modelling that we have adopted is reliant upon the US having a price on carbon by 2016. He knows that that is not correct. He knows what the facts are. But he thinks that if he comes into this chamber and is repetitive with this line of questioning somehow he will pull the wool over the eyes of the Australian public. But they are not that silly.

Let us put on the record what President Obama has made very clear about climate change. He says it is real and the US is committed to playing its part in cutting emissions. President Obama has acknowledged that climate change is a long-term issue and the US will be looking for further ways to reduce emissions in the coming years. The Gillard Labor government's
The carbon price will drive real, long-term change and will allow the market to find the best ways to reduce carbon pollution at the least cost. In contrast, Mr Abbott's direct action plan is a short-term, fig-leaf policy that will be incapable of meeting Australia's five per cent target by 2020 let alone more ambitious targets into the future.

Let us talk about some of the places that have already acted on climate change. Let us talk about the 32 carbon trading schemes around the world. Let us list some of them. I know some of those on the other side do not like to hear the facts so that the record can be corrected. Let us talk about what is happening in the European Union. Let us talk about what has been happening in Norway since 2008. Let us talk about Switzerland and the action that they took in 2008. Let us talk about New Zealand. If I recall correctly, we had the New Zealand Prime Minister in the other place not so long ago. I think you will find that the New Zealand government is a conservative government.

Senator McEwen interjecting—

Senator POLLEY: Yes, I think you are right, Madam Whip. They are a conservative government and they have acknowledged climate change, unlike those on the other side who are still trying to deny that there has been any change at all in the climate. Some of those on the other side do not accept that there has been a change in the climate and the effects that that is having on the economy.

Let us also talk about the USA and the Regional Greenhouse Gas Initiative. Let us talk about the seven eastern states that have adopted it and taken action. Let us talk about California and the Western Climate Initiative. Seven western states and four Canadian provinces have taken action. In China, five provinces are undertaking a trial towards a national program. And there is South Korea, Japan, Taiwan and India. Shall I go on? I do not think I need to. I think the point has been made.

This government has taken the action that is needed. The Australian community appreciate the action that has been taken and they know that they are going to be compensated. Yes, there will be some costs involved. But this program is also about ensuring that the 500-odd biggest polluters are going to have to pay. But what those opposite are about is continuing, as I said, their scare campaign. The business community wants certainty. It wants to know that it is going to be able to operate in the best interests of not only their shareholders but also the Australian community. It wants some certainty for the future. Those opposite have been caught very short. It does not matter whether you are talking about a carbon price, the mining resource tax or even offshore processing of asylum seekers. We know from the record that Mr Abbott and those people opposite will dismiss any expert who does not fit in with their mantra. We know that the Australian community wants more detail about their policies, not just the $70 billion black hole that they made—

(Time expired)

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (15:23): Colleagues, if ever we needed further evidence that this government is indeed completely hopeless, today we have the living proof. Yet again, we have the government today trying to defend its carbon tax—very thinly, by those on the other side. It is extraordinary stuff. What we are talking about here now in taking note of answers is the fact that the United States President has said that the United States will not have a carbon tax or equivalent by 2016. Are you on the other side not listening? The United States is not going to have one.
Let us have a look at what we have here. As a nation, we produce 1.4 per cent of the world's emissions. That is not 14, not 24, not 64—it is 1.4 per cent only of the world's emissions. Guess how many countries other than Australia are moving to impose a carbon tax, as this government is moving to do, by the middle of next year? Some, several, dozens?

Senator Abetz: None.

Senator NASH: None. Not one other country in the entire world is moving to do what this Labor government is about to do with a carbon tax. To me, it seems curious that we are the only country that is going to do this. We now have confirmation from the President of the United States that they definitely are not going to do it. Let us have a look at what that actually means. The modelling is based on the fact that the US will join with Canada, Japan, India, Korea and China in an international carbon trading system by 2016. Gosh, colleagues, that is not going to happen. The entire modelling system that the government is using to base this on is flawed. Does it not just show, yet again, how hopeless this government is? It simply cannot apply any detail, any logic, any rational thought processes to policy development. It just comes up with these ideas on the run: 'This sounds like a pretty good idea.' Remember BER, pink batts, cash for clunkers, GroceryWatch, Fuelwatch? It is no surprise that the government simply cannot get this right. It gets worse and worse, day by day, for this government.

As we have seen now, with the confirmation by the President of the United States, they are not going to do it either. So there is just us. We are out there leading the world, according to the Prime Minister. Why? Why are we doing this when not one other country is moving to do what we are about to do with a carbon tax? That is just wrong.

This carbon tax is going to create a huge financial impost for families, businesses and—my particular area of interest—farmers. It is going to create a huge financial burden for those families, farmers and businesses across this country. What is going to happen? Nothing. There is not going to be a reduction in emissions. In actuality, it gets worse. Emissions are going to increase from 578 million tonnes now to 621 million tonnes in 2020. It is just stupid. The government is clearly clueless. For whatever reason, it cannot get off this carbon tax train wreck it has put us on, and it is simply wrong. We have heard the United States say they are not going to do anything. So much of what this government has done over previous years with its talk about reducing emissions has hung off the United States doing something—and they are not going to do it.

This government's modelling is completely flawed. We know it has not even modelled properly the increase in electricity costs from a carbon tax. Despite Minister Ludwig's pathetic answer in question time today, we are still none the wiser about the real impact that is going to have. This government will have to answer to the Australian people. The Prime Minister lied to the Australian people before the last election when she said there would be no carbon tax. She is now giving the Australian people a carbon tax, one that no other country in the world is going to implement in the way that this Labor government is foisting its carbon tax on this country. (Time expired)

Question agreed to.

PETITIONS

The Clerk: Petitions have been lodged for presentation as follows:
Global Greens
To the Honourable President and members of the Senate in Parliament assembled:

The petition of the undersigned Australian people shows and acknowledges:

That the Australian Greens are under the allegiance of the Global Greens and recognize them as a foreign power.

The Prime Minister's pre-election condition "there would be no Carbon Tax under the Government I lead" begot her many votes though unfairly gained, due to her back flip, thereby permitting the 'Carbon Tax legislation' by default.

That the Australian Greens allegiance, obedience or adherence to that of a foreign power, the Global Greens, has permitted such a foreign power be it by accident or that of design, to unconstitutionally hijack our Parliament, our Constitution and to a degree the Sovereignty of our nation due to their allegiances established through contracts and agreements between the aforementioned parties.

We the undersigned do respectfully ask the Senate to acknowledge and bear witness to this petition and to debate the above in light of "The Australian Constitution Part IV Section 44 & 45" and in consideration of such refuse the Carbon Tax, clean energy legislation.

by Senator Abetz (from 25 citizens), Senator Kroger (from 6 citizens) and Senator Williams (from 101 citizens).

Halal Islamic Food
To the Honourable President and members of the Senate in Parliament assembled

This petition of certain citizens of Australia draws the attention of the Senate to the dramatic expansion of Halal Islamic food in Australia and the lack of choice for those citizens who do not wish to eat Halal certified food that has been dedicated to the Islamic deity "Allah" and certified by an Islamic Authority who charge a fee.

We therefore humbly request the Senate to ensure that Halal Islamic food does not become the norm in Australian shopping centres, schools or defence bases etc and to ensure all Halal Islamic food is dearly labelled with a legible description and that Australian customers always have the choice of Halal Islamic food or non-Halal Islamic food, as we oppose any imposition of Sharia Law on Australia.

by Senator Williams (from 2 citizens).

Petitions received.

NOTICES
Presentation
Senator BOB BROWN: To move:

That the application of the standing orders, presidential rulings and past practices for the order of call to speak in debate (as outlined in the Procedure Committee's Second report of 1991) be updated by adding, "that the leader of a minority party, as defined by section 3 of the Parliamentary Entitlements Act 1990, be given the call after an Opposition senator leading for the Opposition but before a leader of other non-government parties".

Senator SINGH: To move:

That the Senate—

(a) commemorates the 9th anniversary of the 12 October 2002 Bali bombings in which 202 people, including 88 Australians, died and 240 sustained injuries;

(b) notes that as a result of the attacks, survivor Mr Julian Burton OAM was inspired to found Australia's first burn injury organisation, the Julian Burton Burns Trust;
(c) commends the work of the Julian Burton Burns Trust in implementing burn injury prevention programs, care and support services for burns patients and their families and advancing world class research into burns treatment;

(d) recognises that:

(i) 220,000 Australians will suffer a burn injury every year,

(ii) Indigenous people living in remote areas are up to 25 times more likely to suffer a serious burns injury than those living in metropolitan areas,

(iii) burn injuries cost the Australian Government $1.5 billion annually in health care costs, and

(iv) the vast majority of burn injuries are preventable; and

(e) supports the establishment of a national burn injury prevention plan to reduce the incidence of burns in Australia and improve research, treatment and outcomes for burns patients.

Senator LUDLAM: To move:

That the Senate—

(a) notes that:

(i) in Australia there are twice as many people speaking languages other than English and that Australia is more culturally and racially diverse than 30 years ago, at the time of the formation of the Special Broadcasting Service (SBS), and

(ii) research demonstrates that tensions and fault lines exist in Australia, with particular sensitivity around refugee intake;

(b) notes that Australia's SBS:

(i) was the first multicultural broadcaster established anywhere in the world,

(ii) transmits in a different language every hour, with 7 million viewers watching SBS television in more than 60 languages per week,

(iii) exposes Australians to cultures and ideas beyond the Anglo sphere,

(iv) portrays multicultural Australia and tells the stories of Aboriginal people, and

(v) has the purpose of inspiring all Australians to explore and appreciate our multicultural world and contribute to an inclusive society; and

(c) calls on the Government to consider whether the resources allocated to SBS are sufficient to allow it to fulfil its mandate and take full advantage of the education, employment and creative opportunities provided by digital multi-channelling and the National Broadband Network.

Senator WRIGHT: To move:

That the Senate—

(a) notes that:

(i) 19 November to 27 November 2011 is Social Inclusion Week, and

(ii) Social Inclusion Week aims to help Australians feel valued and to give people the opportunity to participate fully in society;

(b) recognises that:

(i) many Australians face isolation and exclusion associated with financial disadvantage, poor educational attainment, poor physical and mental health, lack of accommodation, lack of access to transport, unemployment and rental stress,

(ii) building relationships and networks within local communities, workplaces, families and friends can address isolation and exclusion by supporting people who may be unable to help themselves, and

(iii) the entire community will benefit from addressing poverty, improving educational, transport and employment services and enabling all people to participate fully and with dignity in community life; and

(c) calls on the Government to:

(i) collaborate effectively across all tiers of government to encourage people who are otherwise isolated and excluded to connect with networks and groups within the community, and

(ii) address the needs of marginalised people through equitable provision of basic services and adequate levels of welfare.
Senator SINGH: To move:

That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 8 February 2012, from 10.30 am to 12.30 pm.

Senator FURNER: To move:

That the order of the Senate of 1 November 2011 authorising the Joint Standing Committee on Foreign Affairs, Defence and Trade to hold public meetings, be varied by omitting paragraph (b) and substituting:

(b) on Thursday, 24 November 2011, from 10 am to 11 am.

Senator BUSHBY: To move:

That the time for the presentation of the report of the Economics References Committee on the capital market for social economy organisations be extended to 24 November 2011.

Senator RHIANNON: To move:

(a) notes that:

(i) the United Nations (UN) target to reduce global poverty and provide sufficient resources to meet the Millennium Development Goals is that rich countries should devote 0.7 per cent of gross national income (GNI) to overseas aid,

(ii) the Gillard Government has committed to increase overseas development assistance (ODA) to 0.5 per cent of GNI by 2015,

(iii) on 21 June 2010 at a Micah Challenge event at Parliament House, the Leader of the Opposition Mr Abbott committed the Coalition to increase ODA to 0.5 per cent of GNI by 2015, stating 'I want to make it very clear that the goal of 0.5 per cent of national income in overseas development aid is a bipartisan one',

(iv) the commitment to increase Australia's ODA to 0.5 per cent of GNI by 2015 still lags behind many other developed nations, including Britain, Ireland, Spain, Germany and France, and

(v) the funding for overseas aid should be protected from any budget cuts between now and 2015; and

(b) reaffirms a bipartisan commitment to increase the ODA budget to at least 0.5 per cent of GNI by 2015.

Senator CASH: To move:

That the Senate—

(a) notes that 25 November 2011 marks White Ribbon Day, the United Nations' International Day for the Elimination of Violence against Women;

(b) recognises that:

(i) statistics show one in three women in Australia has experienced violence since the age of 15 and one in five has experienced sexual violence,

(ii) all forms of violence, including physical, sexual, financial and psychological are unacceptable, and

(iii) the social and economic cost to Australian families and all Australians that stem from domestic violence and violence in the home are devastating;

(c) acknowledges that:

(i) all women, regardless of their status, deserve to live their lives free from the trauma, despair and impaired health that violence can inflict on them, and

(ii) whatever a person's circumstances, the role of government is to keep them safe from violence; and

(d) encourages all Australians to purchase a white ribbon and wear it on White Ribbon Day to highlight that violence against women is simply not acceptable.

Senator SIEWERT: To move:

That the Community Affairs References Committee be authorised to meet during the sitting of the Senate on Thursday, 24 November 2011, from 4.30 pm, for a private briefing.

Senator CAMERON: To move:

That the time for the presentation of the report of the Environment and Communications Legislation Committee on the Environment Protection and Biodiversity Conservation Amendment (Emergency Listings) Bill 2011 be extended to 1 March 2012.
Senator PRATT: To move:
That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 23 November 2011, from 12.30 pm to 1.45 pm.

Senator BOB BROWN: To move:
That the Senate asserts that the Treaty on the Non-Proliferation of Nuclear Weapons should be upheld with no exception.

Senator MILNE: To move:
(a) notes:
(i) the Tarkine is the last great unprotected wilderness in southern Australia and is recognised to be of World Heritage significance,
(ii) the Tarkine has been under consideration for inclusion on the National Heritage List since 2004, making it the longest continuous assessment process in the history of the National Heritage process,
(iii) the delay in heritage listing means mining companies only need be assessed on potential impacts on threatened species and not the impacts on heritage values, which include wilderness, geological, cultural, flora and fauna diversity and natural history values,
(iv) the recently referred Venture Minerals Limited tin, tungsten, copper and hematite mine at Mt Lindsay is a Pilbara style open cut super pit to a depth of 220 metres that will devastate an area of 3.5 km by 3 km of the Tarkine rainforest wilderness,
(v) this proposed pit is within an existing reserve and is completely inconsistent with the protection of the Tarkine,
(vi) the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) is legally unable to consider the impacts on the rainforest, the 25 watercourses to be disrupted, or the recognised wilderness values of the area in the mine's assessment under the Environment Protection and Biodiversity Conservation Act 1999 (the Act) unless the Tarkine is heritage listed, and
(vii) a diseased Tasmanian devil has been discovered on the eastern side of the Arthur River, making the area to the west of the Arthur River the only disease free part of Tasmania, highlighting the urgent need to permanently protect the Tarkine from further major developments, including mining and roading that directly threaten the devil; and
(b) calls on the Minister to:
(i) immediately include the Tarkine on the National Heritage List before he considers the Venture Minerals Limited proposed mine under the Act,
(ii) acknowledge that Venture Minerals Limited has deliberately split the project for assessment purposes,
(iii) require Venture Minerals Limited to submit the entire mining proposal for the Tarkine area for assessment,
(iv) recognise that failure to list the Tarkine before 2 December 2011 is a deliberate choice to exclude heritage values from the mine proposal assessment, and
(v) acknowledge that a decision not to list the Tarkine on the National Heritage List is a decision to prioritise mining over the protection of wilderness values.

Senator MILNE: To move:
That the Senate—
(a) notes:
(i) the announcement by the Prime Minister (Ms Gillard) of Australia's in-principle agreement to the Trans-Pacific Partnership free trade agreement,
(ii) the Productivity Commission report noting the failure of free trade agreements to live up to the benefits claimed by successive governments,
(iii) the Government's failure to release for public scrutiny the draft text of the agreement under negotiation,
(iv) calls by 25 community groups ranging from pensioner groups to the Australian Council of Trade Unions to have the draft text released,
(v) the bids by American pharmaceutical companies to use the agreement to delay the
release of generic drugs and to undermine the Pharmaceutical Benefits Scheme,
(vi) the failure of the Department of Agriculture, Fisheries and Forestry to identify significant benefits to Australian primary producers,
(vii) the reported failure of the agreement to include minimum standards for labour or environmental protection,
(viii) the concern about reported changed rules for local content in Australian film and television, and
(ix) the reported proposed changes to government procurement rules and reported inclusion of investor-state dispute process; and
(b) calls on the Government to immediately release the draft text of the Trans-Pacific Partnership free trade agreement.

Senator LUDWIG: To 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:
Tax Laws Amendment (2011 Measures No. 8) Bill 2011
Pay As You Go Withholding Non-compliance Tax Bill 2011.

BUSINESS
Rearrangement
Senator LUDWIG: I move:
That general business order of the day no. 51 (Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 be considered on Thursday, 24 November 2011 under the temporary order relating to the consideration of private senators’ bills.

Question agreed to.

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS
Environment
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (15:30): by leave—At the request of Senator Conroy, I seek leave to incorporate an answer to a supplementary question taken from Senator Waters on 7 November 2011.

Leave granted.
The answer read as follows—
Supplementary Question
Senator Waters: Has the federal government notified UNESCO of the cumulative figures of dredging and offshore dumping up and down the coast in the World Heritage area, and if not why not?

Answer
The Australian Government has not provided cumulative figures regarding dredging and dumping in the Great Barrier Reef World Heritage Area to UNESCO, nor has this information been requested. The department has notified the World Heritage Centre of all current proposals for development that have been determined as likely to have significant impacts on the Great Barrier Reef world heritage values.

BUSINESS
Leave of Absence
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:30): by leave—I move:
That leave of absence be granted to Senators Adams, Boyce and Heffernan for today, for personal reasons.

Question agreed to.

COMMITTEES
Rural Affairs and Transport Legislation Committee
Reporting Date
Senator McEWEN (South Australia—Government Whip in the Senate) (15:31): by leave—At the request of the Chair of the Rural Affairs and Transport Legislation Committee, Senator Sterle, I move:
That the time for the presentation of the reports of the Rural Affairs and Transport Legislation Committee on the Air Navigation and Civil Aviation Amendment (Aircraft Crew) Bill 2011 and the Qantas Sale Amendment (Still Call Australia Home) Bill 2011 be extended to 29 February 2012.

Question agreed to.

NOTICES
Postponement
The following item of business was postponed:

General business notice of motion no. 27 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Food Standards Amendment (Truth in Labelling Laws) Bill 2010, postponed till 8 February 2012.

BILLS
Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
First Reading

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (15:32): I, and also on behalf of Senator Di Natali, move:

That the following bill be introduced:

A Bill for an Act to amend the Broadcasting Services Act 1992 to encourage healthier eating habits among children by restricting the broadcasting of advertisements for junk food, and for related purposes.

Question agreed to.

Senator BOB BROWN: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (15:33): I move:

That this bill be now read a second time.

I seek leave to table an explanatory memorandum.

Leave granted.

Senator BOB BROWN: I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

In introducing this bill, the Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011, I note that this will be the third time that I have introduced a private senators’ bill on this matter of critical importance to the Australian community.

In March this year the Senate debated Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2010, which was opposed by both the government and the Coalition. I had previously introduced the bill in 2008, which was also voted down by the Labor and Coalition senators, when the debate occurred in June 2009. I said at the time of those surprising and disappointing votes, I would continue to advocate legislative action in this area.

The bill I am introducing today reflects the broad recommendations of the paper on regulatory approaches to protect children from junk food advertising, released in May by the Obesity Policy Coalition. This highly credentialed group includes the Cancer Council Victoria, Diabetes Australia — Victoria, VicHealth and the World Health Organization Collaborating Centre on Obesity Prevention at Deakin University. Their work is backed by the Australian Chronic Disease Prevention Alliance (including Cancer Council Australia, Diabetes Australia and the National Heart Foundation), the Australian Medical Association, and the Coalition on Food Advertising to Children.

As the Obesity Policy Coalition state in making their recommendations for a regulatory
approach to protecting children from junk food advertising, "The aim of the legislation should be to minimise children's exposure to unhealthy food product and brand advertising to the greatest extent possible, as well as restrict unhealthy food product and brand advertising that specifically targets children."

This bill extends the restrictions placed on junk food advertisers beyond children's free-to-air television to include subscription television, the internet and mobile phone advertising to reflect the rapid change in telecommunications technologies and usage by children in recent years. For example, a study conducted by the Australian Communications and Media Authority in 2007 found that 33% of children aged 8–11 years watched subscription television. The bill also prohibits the promotion of unhealthy food to children via web pages and websites that are likely to appeal to children and via commercial electronic messages, for example email or SMS.

The bill also adopts the recommendations of the Obesity Policy Coalition on restricted viewing times. Weekdays from 6–9am and 4–9 pm, and weekends and public holidays from 6am–12pm and 4–9pm are identified as key times when a significant number of children or a proportion of children are watching television. These restricted times incorporate G classification periods when material suitable for children is broadcast.

The need to address the growing crisis of childhood obesity has been well established. I will simply set out a few of the most compelling statistics to highlight the case.

Childhood obesity in the 5–15 years age group has almost doubled for boys and girls in the last 20 years. Comparing prevalence of obesity for boys and girls in 1985 and 2007, the increase is 11 percent to nearly 24 percent, and 12.2 percent to 21.5 percent respectively. The health impacts and costs of this rising tide of obesity include shorter life expectancy, increased risks of heart disease, diabetes, orthopaedic complications, asthma and high blood pressure. Obese children are 25–50 percent more likely to become obese adults, thereby increasing their risk of cancer as well as other psycho-social problems. In addition to the burden of ill health for individuals, the economic and social costs of childhood obesity into the future will be substantial and borne by all Australians. In a report commissioned by Diabetes Australia in 2008, Access Economics estimated that the costs of obesity were $58.2 billion when the indirect cost of loss of productivity and well-being are included. Access Economics estimated the costs of obesity to the health system to be $2 billion in 2008. This is a pressure on our health services which is preventable and there is no excuse for not taking the steps necessary to avoid this health crisis.

Restricting the advertising of unhealthy food to children is a preventative step that has long been supported by public health advocates and health professionals. One of the key recommendations of the National Preventative Health Taskforce to tackle obesity was to "reduce the exposure of children and others to marketing, advertising, promotion and sponsorship of energy-dense nutrient-poor foods and beverages."

There is overwhelming public support for this measure. The findings of the recent study released by the Obesity Policy Coalition were consistent with previous research. This study, Obesity Prevention Policy Proposals: Public Acceptability 2008 to 2010 surveyed a random sample of 1521 adults who were the main grocery buyer, residing in private households in metropolitan and regional areas across all Australian states and territories in 2010 by the Centre for Behavioural Research in Cancer at Cancer Council Victoria.

As I have said previously, and will say again, the World Health Organization has recognised that food marketing to children, particularly television advertising, is an important area for action to prevent obesity and has called upon governments to implement policies and strategies that reduce the impact of foods high in fat, sugar and salt and promote the responsible marketing of foods and beverages.

Critics of this approach have argued that the advertising of unhealthy food to children is a cultural and community issue; that it is a matter of parental accountability and responsibility. Governments of both persuasions have shirked their responsibility by accepting the advertising and food industries' promise of self-regulation and voluntary codes of practice. Let me quote
here from the Obesity Policy Coalition summation of this approach: "These codes are effective in creating the appearance of responsible conduct and in achieving advertisers' aim in warding off intervention. However these codes fail to impose meaningful limits on the content of food advertising to children, or the level of children's exposure to this advertising." According to the Obesity Policy Coalition, even the Australian Food and Grocery Council's (AFGC) own report in January 2011 found that one in five food advertisements in children's programs were for high fat, sugar and salt products. Simply, voluntary self-regulation by industry is not working. It is time for a legislative intervention.

No single intervention will combat the problem of childhood obesity. This issue requires a comprehensive approach, and government action is one essential component. In this regard, Norway, Quebec, and the United Kingdom have all banned exposing children to unhealthy food advertising to some degree. Adopting this legislation to restrict junk food advertising to children will provide an effective measure in the tool kit of the National Preventative Health Agency in its role of tackling the biggest public health issues facing our nation today.

There is bipartisan support in this parliament for tackling childhood obesity. This bill provides the opportunity to capitalise on this co-operative intention and demonstrate to Australian parents and children that we are committed to ending childhood obesity. Restricting the advertising of unhealthy food to children is one crucial step in the right direction.

I commend the bill to the Senate.

Senator BOB BROWN: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES
National Broadband Network Committee
Meeting
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:34): I move:

That the Joint Standing Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 22 November 2011, from 6 pm.

Question agreed to.

MOTIONS
Asbestos

Senator SINGH (Tasmania) (15:34): I, and also on behalf of Senator Xenophon, move:

That the Senate—

(a) formally marks National Asbestos Awareness Week, which this year is being held between 21 November to 25 November 2011, by affirming its support for the historic decision by Australia in 1993 to ban the production, importation and use of asbestos;

(b) notes the terrible legacy that asbestos has left on the Australian community, leaving us with one of the highest rates of asbestos-related diseases in the world;

(c) extends its sympathies to all individuals living with asbestos-related diseases and the friends and families of those who have sadly passed away as a result of asbestos-related disease; and

(d) commends the Government on its efforts to eradicate asbestos from workplaces, homes and the community, including through:

(i) the recent ratification of the International Labour Organization (ILO) Asbestos Convention, as one of the first ILO conventions to be ratified by the Commonwealth Government since 2006,

(ii) its work at the 2011 Conference of the Parties to the Rotterdam Convention on Prior Informed Consent to have chrysotile asbestos listed in the convention,

(iii) the $5 million grant made to support the Asbestos Diseases Research Institute's Bernie Banton Centre,

(iv) funding for the new Australian Mesothelioma Registry, which was launched in 2010 to gather more detailed and accurate
That the Senate—
(a) notes the report of the Book Industry Strategy Group recommending that the goods and services tax be scrapped from domestic book sales or applied to online purchase of books from overseas; and
(b) calls on the Government to determine in 2011, which is the better option for the $2.3 billion Australian book industry.

Question put.

The Senate divided. [15:40]
(The Deputy President—Senator Parry)

Ayes ...................... 11
Noes ...................... 25
Majority ................ 14

AYES
Brown, RJ
Hanson-Young, SC
Madigan, JJ
Rhiannon, L
Waters, LJ
Xenophon, N

NOES
Bilyk, CL
Brown, CL
Collins, JMA
Farrell, D
Fifield, MP
Gallacher, AM
Lundy, KA
McKenzie, B
Moore, CM
Parry, S
Singh, LM
Thistlethwaite, M
Williams, JR

Question negatived.

MATTERS OF URGENCY

Same-Sex Relationships

The DEPUTY PRESIDENT (15:42): I inform the Senate that, at 8.30 am today, two senators submitted letters in accordance with standing order 75. Senator Siewert proposed
a matter of urgency and Senator Fifield proposed a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot. As a result, I inform the Senate that the following letter has been received from Senator Siewert:

Pursuant to standing order 75, I give notice today I propose to move:

That, in the opinion of the Senate, the following is a matter of urgency:

The recognition that an increasing majority of the Australian community supports marriage equality and believes it is time for the federal parliament to amend the Marriage Act to provide for this.

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 clock accordingly.

Senator HANSON-YOUNG (South Australia) (15:43): At the request of Senator Siewert, I move:

That, in the opinion of the Senate, the following is a matter of urgency:

The recognition that an increasing majority of the Australian community supports marriage equality and believes it is time for the federal parliament to amend the Marriage Act to provide for this.

This motion advocates true equality under Australian law for same-sex couples, a move that is well beyond its time, a move that we need to make in this country if we are to uphold basic standards of human rights, justice and fairness. Really, it should not be a big deal. We know that same-sex couples right around the world, in places such as Catholic Spain, Canada and now New York state, are able to celebrate their love for each other through having their marriage recognised under the laws of their state or country. It is an important step for Australia to take and it is something that has majority support amongst our Australian community. An increasing majority of Australians support marriage equality, support the idea of giving same-sex couples the same rights as every other couple in Australia, believe that consenting adults who desire to have their love recognised and respected under federal law should indeed have it so. It is not just a matter for these individual couples—their families, their friends and their work colleagues are passionate about this. They want to have the love of their mates recognised under law just as everyone else’s love of their partners is recognised. Recent polls suggest that over 60 per cent of Australians support the idea of same-sex marriage and marriage equality, and over 70 per cent of Australians believe that this move is indeed inevitable. That is even amongst those who suggest that if it was their choice this type of change would not be happening. Progress is a wonderful thing, and progressive reform is important for any country but particularly for Australia. We have a wonderful history and a rich heritage to draw on, from giving women the right to vote to accepting, understanding and acknowledging Indigenous people as citizens in their own land and ensuring that Indigenous Australians can marry non-Indigenous Australians. These are progressive reforms that stand us in good stead not just in the current day and age but also for the future.

This is change that needs to happen sooner rather than later. We see that 71 per cent of Labor voters support marriage equality, over 50 per cent of coalition voters support marriage equality and over 86 per cent of Greens voters support marriage
equality. This is beyond doubt an important reform but we should not get caught up in debating it. It is simply part of becoming a fairer and more just Australia. We know that there is a debate both within this place and outside about how important this issue is and that it ruffles people's feathers, but let us have a think about what this means to same-sex couples and those who love them most of all—their friends and family. I always reflect on the desire of parents to have their adult children recognised as citizens with the same rights as everybody else's children. Parents who have a gay son and a heterosexual son will want both of their children to be recognised equally under Australian law. There is the famous quote from Shelley Argent, who asks why should one of her sons be treated as a second-class citizen. We in this place should not tolerate a situation where people are considered second-class citizens. In this day and age people should not continue to be discriminated against simply because of their sexuality. It would be wonderful for Australia to grab hold of this and prove itself to be a progressive country in the eyes of the rest of the world. In places like Spain, South Africa, Belgium and New York state, the sky has not fallen in. In fact, the sun is shining brighter. People in those places are proud of how open, accessible, compassionate and fair their laws are because they recognise same-sex couples as equals.

Another point I want to raise is the impact that not moving on this progressive reform would have particularly on young people. This issue is undoubtedly one of the biggest factors in young gay and lesbian Australians right around this country questioning their self-worth, whether they be in the urban cities of Sydney and Melbourne, the suburbs of Adelaide or Brisbane or indeed our regional areas of Tasmania or Victoria. They are young people who are struggling to work out who they are and come to grips with their sexuality. The Australian Bureau of Statistics National survey of mental health and wellbeing released in 2007 indicates that homosexual and bisexual people are four times more likely to be homeless, twice as likely to have no contact with family or friends or have no family to rely on if there are serious problems, twice as likely to have a high or very high level of psychological distress, three times more likely to have suicidal thoughts, five times more likely to have suicidal plans and four times more likely to have attempted suicide. These are the stark statistics that relate directly to the representation of equality under our federal law. We cannot fudge these figures. Young gay, lesbian and bisexual couples right around the country need to understand and feel that they are equal. They are not second-class citizens in this country—they are equal and they should be supported. This move to ensure that we have marriage equality under federal law will go some way towards helping those young people feel supported, not just by their friends and family but also by the governments that are there to look after them.

With these statistics, with the public support for same-sex marriage and marriage equality right throughout the country, across electorates and across the electoral divides of the different political parties and across the different opinions and political persuasions, this issue is a real issue that concerns many Australians, either personally or because mums and dads want their kids to be considered as equal, grandparents want to see their grandchildren considered equally, and friends and colleagues, workmates, want to make sure that their friends and workmates are considered as equals. If two people are in love and they want to marry each other, let us bless that—let us not condemn it simply because of an outdated,
archaic and backwards view of the world. We are better than that. We are a compassionate, fair and just country. We have taken progressive reform with both hands across different political issues and we have made a real difference to the lives of individuals. This is the next step by which this can be done. But it has to be done in this place. The Australian community is far ahead of our political leaders and particularly the Leader of the Opposition and the Prime Minister on this issue—streets ahead. I know there are people in this place on both sides, in the Labor Party and in the Liberal Party and the coalition—of course, the Greens have a policy for marriage equality—who want to see this change happen. There are individuals who know that this is the right thing to do. It is time for this place to step up to the challenge and ensure that progressive reform occurs, ensure that same-sex couples, their loved ones, their family, can all rest assured that under law, regardless of their sexuality, they will be seen as equal.

Let us not allow this to get caught up in the yuckiness of politics. This is about the love of two people. This is about two people who as consenting adults want to marry each other because they are deeply in love. They want that to be seen under the eyes of the law as legitimate. And so they should. If marriage is such an important institution, let us open it up. If Cupid does not discriminate, why should we? (Time expired)

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:53): I am pleased to have the opportunity to contribute to this debate and to again put on record my support for marriage equality. A lot of what Senator Hanson-Young said in her contribution today I support. But for the Labor Party it is our national conference, not this debate today, which will determine our position on this issue. I hope the national conference of the Labor Party will bring an end to discrimination against same-sex couples, something many of us in this place have been supporting for many years.

It is indeed heartening to see popular public opinion continuing to build in support of marriage equality. We are consistently receiving poll results and survey data from around Australia that indicate that the majority of Australians support a change to the Marriage Act to allow same-sex couples to marry. The national data from a Nielsen poll released on 15 November shows that 62 per cent of Australians believe that same-sex couples should be able to marry. This represents a five per cent increase in the figure from the 2010 Nielsen poll. The data also shows that 75 per cent of Australians believe that reform to the Marriage Act to allow same-sex couples to marry is inevitable. It is obvious that our support for marriage equality is growing and that Australians are ready to bring about change.

In my home state of Tasmania, a poll conducted in February this year by Enterprise Marketing and Research Services, EMRS, showed that 59 per cent of Tasmanians surveyed believe same-sex couples should be allowed to legally marry. The data I have personally collected also confirms that a majority of Tasmanians support marriage equality. In September I officially reported back to the Senate the views of the Tasmanian and Denison constituents who contacted me on the issue of marriage equality. As I reported then, I had 1,093 interactions on the issue of marriage equality, with 509 constituents from around Tasmania completing the online survey and a further 584 constituents contacting me to register their views on this issue. The data I collated indicates that 55.9 per cent of Tasmanians support marriage equality and an overwhelming 78.6 per cent of constituents in the electorate of Denison,
where I live and where my office is located, support marriage equality and an amendment to the Marriage Act. It is significant that the constituent interactions on the issue of marriage equality in Denison show that 78.6 per cent of Denison constituents support marriage equality. Further, out of the 184 respondents to the survey, 83.1 per cent said they supported amending the Marriage Act so that same-sex couples can be married.

Whilst we continue to have this debate in the community and in the parliament, I am looking forward to the debate at the upcoming ALP national conference. As someone who has supported a change to the national platform on marriage equality, it is great to see the momentum growing in the lead-up to the Labor Party’s national conference. It is also a huge boost, I believe, to the campaign to change the platform that the same Nielsen poll data I referred to earlier shows that an overwhelming majority of Labor voters support marriage equality. The poll indicated that 71 per cent of Labor voters supported the reform.

Recently there has been some debate around a conscience vote on the issue of marriage equality rather than a change to the ALP platform. Whilst I accept that there is division within the Labor Party on the issue of marriage equality, I do not believe that the issue constitutes a matter of conscience. In the past, conscience votes have been granted on issues such as abortions, stem cell research and euthanasia. These have been matters which have been questions of life or death. Marriage equality is a question of political and civil rights and legislative reform that will give two people who love one another the freedom to celebrate and define their commitment in whatever way they choose.

Labor has a proud history of championing change to remove discrimination against same-sex couples. We have amended over 85 pieces of Commonwealth legislation and executed reforms across Australia that have ensured that same-sex de facto couples have the right to receive fair access to assisted reproductive technology such as IVF and to adopt children. These historic reforms for greater recognition of equality of same-sex couples have all been achieved without a conscience vote. The issue of marriage equality is no different. If we acted to remove discrimination that riddled our legislation, we did so to ensure equality. The Marriage Act is no different. We need to amend the act to ensure that there is full equality. If we consider the context of the past debates on the institution of marriage, there was a time when inter-racial couples were not allowed to marry and when a wife was indeed seen as the property of her husband. Just as the institution of marriage has evolved over time, it is vital we legislate to represent the values of Australia today. The ALP National Conference will be the time for the Labor Party to take this final step towards full equality and recognition for Australians, and to allow two people who love each other to make that commitment public and official.

People of faith have nothing to fear from allowing same-sex marriage. Under any amendment to the Marriage Act all religious celebrants will remain free not to carry out same-sex marriages. Moreover, we have leading Christians, including Baptist and Uniting Church ministers, arguing in support of marriage equality. In my home state of Tasmania the public narrative of those opposed to marriage equality has been dominated by advocates in the Australian Christian Lobby. However, we also have some Christians, like Reverend David Hunnerup from the Uniting Church in Launceston, who have stepped forward as vocal supporters of same-sex marriage.

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CHAMBER
Reverend Hunnerup has said that not amending the Marriage Act is dangerous and cancerous to social cohesion. (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (16:00): I am pleased to enter into this debate on this urgency motion on marriage equality. I preface my remarks by observing some of the dynamics behind the decision of the Australian Greens to bring forward this urgency motion today. Whatever the high-minded principles that might underpin the sentiments in this urgency motion, I think it is appropriate for the Senate to acknowledge that this motion also has some tactical advantage for the Australian Greens. The Greens will not be unaware of the fact that, at the present time, the Australian Labor Party has moved its policy into a state of some flux, as Senator Carol Brown's speech just indicated. As we know, Senator Bob Brown does not like to be outflanked in such matters and, I think, wants to put his stamp on this issue as one which, he feels, is very much his territory. That is fair enough. He is entitled to take some ownership of this issue if he wants it, but I think it is important for the Australian parliament, including the Senate, to resolve conflict and debate about these issues soberly and in light of all the arguments, not on the basis of what is in the short-term interests of either the Australian Greens or the Australian Labor Party.

I also note with interest the reliance in this urgency motion, in this move towards what the proponent of the motion calls 'marriage equality', on the argument that there is an increasing majority of the Australian community which supports this concept. It is something of a testament to the opportunism which so often characterises what the Greens do that they are very happy to rely on opinion polls when those polls tend to support what they want to do, and are equally happy to ignore opinion polls when those polls repudiate the Greens' position.

Senator Farrell: That's the same as the Liberal Party!

Senator HUMPHRIES: We tend not to rely on day-to-day polls. We always say that these are things we have to be very careful about. To see the Greens before the Senate promoting what they call marriage equality in this motion on the basis that it has a majority of support in the Australian community is ironic given that only a few days ago the Australian Greens voted to support a carbon tax which, according to the latest Newspoll, has the support of only 32 per cent of the Australian community—less than one in three.

However, this issue deserves to be addressed on a substantive basis, not just on the basis of the dynamics behind it. It is well known that in 2004 the coalition legislated to provide that marriage should be a union between a man and a woman, and a man and a woman only. That accorded with the traditional understanding of the institution and was consistent with the position that the Labor Party took to subsequent federal elections. The ALP also took this position to the last two elections, but this may not be consistent with the position that the coalition took to these elections. The ALP also took this position to the last two elections, but this may not be consistent with the position that the coalition took to subsequent federal elections. The ALP also took this position to the last two elections, but this may not be consistent with the position that the Labor Party proceeds with in future.

There are a number of perspectives possible on same-sex marriage. As both a large-L Liberal and a small-l liberal, I believe that governments and parliaments should minimise their intervention in the personal behaviour of citizens. If Australians make choices about how they live, how they arrange their affairs, what relationships they enter into and who they love, provided that no harm is done to anybody by such choices then, as a general rule, governments and parliaments should stay clear of such personal arrangements. If governments and
parliaments do get involved they should be involved to the extent of removing any forms of petty discrimination against people on the basis of how they have chosen to live their lives.

Indeed, I note that that has very much been the underlying principle which has educated the decision of the coalition in the last decade, both in government and in opposition, to remove any petty discrimination which derogates on a person's right to make decisions about the course of their own life and the lives of others with whom they choose to form relationships. In 1999, for example, the coalition took steps to remove discrimination in superannuation legislation to provide that trustees of superannuation funds could, at their discretion, pay a member's accumulated benefits to the member's dependants or legal personal representatives if the member died. That would include anybody with whom the deceased person had been in an interdependent relationship. We also made amendments to permit funds to change their governing rules to provide for binding death benefit nominations. If a person is a member of a fund which provides for binding nominations that person can nominate a same-sex partner who is a dependant.

At about the same time we also agreed to extend certain conditions of service entitlements to members of the Australian Defence Force in interdependent relationships, which includes members in same-sex relationships. From early in the life of the Howard government steps were taken to provide that an employer could not terminate a person's employment on the ground of their sexual preference. There were a number of steps taken by the coalition in government and supported in opposition to achieve the same effect. So it needs to be put on the record very clearly that the coalition does not favour discrimination against people on the basis of their sexuality or the basis of the relationships that they form.

The question of whether or not the symbolism and the title of marriage ought to pertain to people in certain relationships is a different question from the question of the substance of the law as it affects people in such relationships. There is an argument, which I personally subscribe to, that the title and institution of marriage were essentially under the custodianship of the church or churches for many centuries. If the state no longer needs that institution or that title to convey or deliver certain rights to people, as was once the case, then the state should leave that institution in the hands of the church, possibly with other appropriate recognition of the rights of people in same-sex relationships so that they do not experience discrimination.

The federal parliament has a role to play in this debate because placitum (xxi) of section 51 of the Constitution entrusts the stewardship of this institution to the federal parliament, but it is not an excuse for us to make decisions without due regard to issues such as the history of this institution and the expectations of the Australian people. On that question, this urgency motion leaves a multitude of sins not properly addressed.

(Time expired)

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (16:08): I rise today to very strongly support the urgency motion that is before the chamber:

The recognition that an increasing majority of the Australian community supports marriage equality and believes it is time for the federal parliament to amend the Marriage Act to provide for this.
Kirby once said, 'Equal justice under the law for all.' That is what the Australian Greens stand for: equal justice under the law for all.

I heard Senator Humphries talk a moment ago about cynical politics. It took at least five minutes of his speech to actually get to saying what his view was. It is a pathetic statement to suggest that the Greens moving on this is some sort of cynical politics. It has been our policy for a very long time. In fact for decades the Australian Greens have had a view that discrimination should be removed and that civil society ought to pride itself on equal participation and equal rights on all bases. We have argued it in terms of the rights of women. We have argued it in terms of racial equality and religious equality. We are now arguing it strongly in terms of equality under the law for people to marry. I am shocked to hear Senator Humphries say that, as far as he is concerned, the institution of marriage should be handed back to the church. I am assuming that he meant the only people who could be rightfully married as such are those who marry in a church. That would be the logical extension of that view. I find that an extraordinary thing.

I find it extraordinary because there is some suggestion that it is about symbolism and title and it is a bit obscure; so long as you have equal access to things like superannuation, equality under the law and various other matters, it does not matter whether or not people can marry. Nothing could be further from the truth. I think one of the best exposes of this occurred in South Africa, where a legal action was taken in 2002 by a couple to have their union recognised as a valid marriage. It went through the courts and on 1 December 2005 the Constitutional Court handed down its decision. The nine justices in South Africa agreed unanimously that:

… the common-law definition of marriage and the marriage formula in the Marriage Act, to the extent that they excluded same-sex partners from marriage, were unfairly discriminatory, unjustifiable, and therefore unconstitutional and invalid.

In a widely quoted passage from the judgment, Justice Albie Sachs wrote:

The exclusion of same-sex couples from the benefits and responsibilities of marriage, accordingly, is not a small and tangential inconvenience resulting from a few surviving relics of societal prejudice destined to evaporate like the morning dew. It represents a harsh if oblique statement by the law that same-sex couples are outsiders, and that their need for affirmation and protection of their intimate relations as human beings is somehow less than that of heterosexual couples. It reinforces the wounding notion that they are to be treated as biological oddities, as failed or lapsed human beings who do not fit into normal society, and, as such, do not qualify for the full moral concern and respect that our Constitution seeks to secure for everyone. It signifies that their capacity for love, commitment and accepting responsibility is by definition less worthy of regard than that of heterosexual couples.

That is the state of play in Australia for every single person who stands up and says they do not support removing discrimination against same-sex couples. That is exactly what they are saying to those people in Australian civil society and it is completely unacceptable.

In terms of the emotional scars of people who are discriminated against, it is interesting when you look back to see the justifications that went on for years about the reasons why people thought it was appropriate to discriminate against people on the basis of race and the reasons that people had to discriminate against people on the basis of their gender. When my mother started teaching it was a part of the accepted practice that once a woman married they could not teach in schools. It was not until the 1970s that you had equal pay for female teachers. We would not have had Prime Minister Gillard standing up saying that it
should be a conscience vote as to whether you might remove discrimination against women under the law in Australia. We would have had an argument that it was totally inappropriate to discriminate against women in spite of, as Senator Humphries just said, the traditional understanding. The traditional understanding in Australia was that women were their husband's possessions and they could not work after they were married and they did not deserve to have equal pay. We got rid of that traditional understanding because it was plain wrong.

There is the traditional understanding that is not being spoken here that somehow same-sex couples are not equal and do not deserve to be recognised as equal. As the judgment in South Africa from Justice Albie Sachs said, if you object to the notion of marriage equality for some reason, what you are saying is that a gay couple do not have the same capacity for love, commitment and accepting responsibility and that their relationship is less worthy of regard than those of heterosexual couples. What an insult and an affront to people in our civil society. Australia is a big-hearted country. The community has recognised that these so-called traditional understandings are discriminatory and hurtful and that we would be a better society if we actually celebrated the fact that people who love one another want be able to be recognised in a marriage relationship in exactly the same way as everybody else. And why shouldn't they? Why shouldn't parents be able to have that same expectation for their children regardless of their sexuality?

I think it is a complete cop-out to be suggesting some idea of a conscience vote on an issue of removing discrimination. Removing discrimination ought to be the aspiration of everyone in this parliament and it should be something we aspire to at every level and for every reason that people discriminate. We should remove it, and we try to do so. This is not a matter of conscience; it is a matter of civil rights. In Australia we want, as Justice Kirby mentioned, equal justice under the law for all. I would ask senators to ask themselves whether they think it would be appropriate to look one of their own children or siblings in the eye and say to them, 'You do not deserve the same civil rights as other people because of your sexuality. As much as I love you as my child or brother or sister, you deserve to be discriminated against because somehow you are not up to it in the way the rest of the community is.' I put that to my colleagues. I put to them as well to ask themselves whether that is a matter of conscience or a matter of civil rights. It is a matter of equality, justice, fairness and love. That is what this is about. It is longstanding Greens policy. It is something that the Australian community wants and, frankly, some of the arguments that are being put forward against it are an anachronism.

In terms of religious argument, religions are able to maintain whatever laws they wish to govern themselves and people do not discriminate on that basis. But we are talking about equal rights under the law of the civil society in Australia, which is a fair society in which we do not tolerate discrimination of any kind.

Senator FURNER (Queensland) (16:18): I rise this afternoon to contribute to the debate on this urgency motion of the Greens. I do so to support the position of our Prime Minister, Prime Minister Gillard, in opposing any changes to the Marriage Act and also to reiterate her position as indicated recently in the Age of 15 November. She said:

My position flows from my strong conviction that the institution of marriage has come to have a particular meaning and standing in our culture and nation and that should continue unchanged.
We will continue with that position and we will not amend the Marriage Act. We moved decisively in 2007 when we came to office to amend many of the discriminatory positions that related to same-sex couples. We moved to eliminate discrimination on these grounds in superannuation, social security, taxation, Medicare, veterans affairs, workers compensation and educational assistance—reforms that were significant in those times to eliminate discrimination.

One thing that has been indicated today is that this is a diverse discussion and debate. Certainly in the Labor Party we will have a diverse debate at our soon-to-be national conference where as a democratic party we have the right to have that debate with speakers for and against this particular issue. I think that right needs to be extended to people in the other various parties that are in this chamber as well. Even Senator Joyce has indicated that the coalition should not oppose a conscience vote, should it come to that.

The other part of the motion, however, I really need to challenge—and that is this notion of this being the majority view of Australians. You only need to look at the emails you receive from people who are pro and anti gay marriage to see that is not the case. I have a particular email that I received recently not from a constituent of mine but from a constituent from Western Australia actually. She indicated that:

Australian human rights lawyer Frank Brennan AO, former Chairman of the National Human Rights Consultative Committee, is an expert on discrimination. He says: “In considering whether to advocate a change to the definition of marriage, citizens need to consider not only the right of same sex couples to equality but even more so the rights of future children. I think we can ensure non-discrimination against same sex couples while at the same time maintaining a commitment to children of future generations being born of and being reared by a father and a mother. To date, international human rights law has appreciated this rational distinction.

Those are the words, as I indicated, of a constituent from Western Australia and not from my state of Queensland. It is fine for us to listen to polls—they have some value at times—but we should not be ruled by polls. Regardless of whether it be a poll on this issue, a poll on how well a party is travelling in government or a poll on how well a party is travelling in opposition, we should govern based on what is the right thing to do. To give another example, I have met with a variety of people, both pro and anti gay marriage, from churches from my area. It is important to listen to their views and to appreciate their concerns. Unless we appreciate the views of a variety of people we will not know where we are heading with this particular issue. Just yesterday, I attended a gathering of people of the Islamic faith who have strong concerns about gay marriage. In fact, one of the young gentlemen at the barbecue, Abdul, approached me wanting to know our position on gay marriage. He indicated to me their overwhelming position on this issue.

There are a diverse range of views in our communities. They are views we as a government need to listen to and decide upon. We need to continue to press the position that we have indicated overwhelmingly: that we will not amend the Marriage Act. We will consistently put across our view, particularly at national conference, to support marriage between a man and a woman.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (16:24): Quite obviously, this is an emotionally loaded subject. I have to say at the start that it is another of those Green wedges where they jump onto an issue and try to hijack it without any concern for the consequences. Once you redefine the nature of the
relationship, you affect not just the person for whom you are redefining it but for all people who have seen themselves in that kind of relationship. Those people also have their position redefined.

_Senator Hanson-Young interjecting—_

**Senator JOYCE:** I listened to you, Senator Hanson-Young; do you want to just be quiet? By redefining marriage you not only redefine for everybody now; you also redefine it historically. You redefine how people see their parents’ marriage, their grandparents’ marriages. All of this is part and parcel of the process.

People quite naturally come to this chamber with a sense of great emotional attachment to the term ‘marriage’. It seems that this is being portrayed as an issue of Christian edict. It goes way beyond that. It is as much a Christian edict as it is a Buddhist edict, a Hindu edict or an Islamic edict. We live in a society that holds to certain tenets, including a belief in a multicultural society. For all these people we should also give thought to what this chamber puts forward, because we are defining it for them. We want to make sure that they have a right, and a strong attachment, to marriage as being between a man and a woman.

Another very important point is that both sides promised that the definition of marriage as being between a man and a woman was never going to be challenged in this term of parliament. That promise was made by both sides. We should honour those promises. Those promises were made because people feel so strongly about this issue. When we broaden a term we do not just broaden it; we water it down. The broader it gets, the more its meaning is diminished. That is something that people feel so strongly about.

Why is this issue before the parliament? It is here because under section 51(xxi) of the Constitution the Commonwealth parliament has the power to make laws in relation to marriage. That is why we are having a discussion about it. It has become a political issue. Because it is a political issue, people have political positions. They have every right to express their position. We are absolutely overwhelmed by emails with messages supporting the institution of marriage as it currently stands—they literally come in their thousands. When breakfasts and other functions are held in this place they are packed out with people who respect the institution of marriage as it currently stands. We have a right to represent their views.

This issue ultimately becomes drawn into the complex tapestry that is the issue of discrimination. I do not think that this is an issue of discrimination. By reason of everything we are, there are certain things that we are and there are certain things that we are not. As much as I might like to call myself short, I am not short; I am taller than average. I might like to call myself olive. I am not; I am fair. You are either a man or woman. Things are defined by reason of what they are, and they always have been. To say that a definition holds true is not to be discriminatory; it is a statement of fact. The historical statement of fact about a marriage is that it is between a man and a woman. That is how it was defined. That is how history has defined it. That is the historical reflection of the history of every family in this chamber.

Not every marriage is successful. I understand that nearly half, unfortunately, are not, but nobody goes into a marriage with the idea of it falling apart. Everybody realises that not every marriage is a statement of love. There are some marriages that certainly lack love, but they are most certainly a marriage. That saying, 'I love someone,' can somehow equate to marriage
and that marriage is love and love is marriage is not necessarily correct. A marriage is an arduous sea that people try to navigate. Whether we like it or not, marriage is by definition, historically and through the structure of society, an institution between a man and a woman. Whether we like it or not, whether it is politically correct or politically incorrect, it is the cornerstone on which our nation stands and on which our society stands. If we keep pulling the rug out from under each section of that which makes a society stand up society will ultimately fall over, because we will have reached the point of making everything meaningless.

In this debate, and I am sure this debate will go on, there has to be respect for the different views held by people throughout the chamber. On behalf of my colleagues in the National Party, with whom I have spoken, I am very much of the view that, while not every marriage is perfect, marriage is a statement between a man and a woman. It must stay that way not because of what we want but because of what society needs.

Senator PRATT (Western Australia) (16:29): I am on record in my first speech to this chamber declaring my support for marriage equality in this nation. I do believe it is time to move forward on this issue. Notwithstanding that, though, clearly it is a question that is currently being debated within the Australian Labor Party. I am very much of the view that, while not every marriage is perfect, marriage is a statement between a man and a woman. It must stay that way not because of what we want but because of what society needs.

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My parents are in their 60s and still married. I am a divorced father of 1, having been married for 13 years.

... ... ...

It's time for marriage equality because we're Australia! Lesser countries have had marriage equality for years. I mean, are we *really* sure that we want to be behind South Africa on social policies like this?! If the land of the apartheid can do it, we certainly should. Arguments such as 'traditional marriage' that my local (Liberal) MP has is nonsense.

And another quote from a couple:
My partner of 19.5 years Mal and I are treated in every other respect, by our families, friends and colleagues, as a couple. But we can't marry.

... ... ...

Put simply—we are behind the time with the rest of the civilised world, the choice should at least be available to us ...

This quote from two women who have lived together for 18 years is particularly touching:
We own our own home, work for Queensland Health, and pay our taxes. Our son is 21 years old and gainfully employed and has a steady girlfriend. During our time in Queensland we opened our home to children in foster care and have done voluntary work with disabled young adults. Our belief is that everybody is born equal and should have equal rights.

Why do I think it is time for equal marriage? It is time to climb out of the Dark Ages; it is time for change. I feel that more energy should be put into promoting safe, happy and loving environments for our future generations. The gender of parents should not be an issue. It is about love, it is about commitment and it is about basic human rights.

Full equality under the law is something that any progressive society should strive for. In a secular society, the right to marry one another as consenting adults should be a right without restriction. Marriage is a deep seated ritual in the public consciousness that confirms the community's acceptance of the union between two individuals. In the end, all that GLBTI people want is to feel accepted.

I challenge some of Senator Joyce's remarks about the determination of gender and how absolute such things are. I ask this chamber, through you, Madam Acting Deputy President: what if you are of indeterminate gender—of no gender at all? Does that mean you have no right to marry anyone? That is the current situation in this nation. It is an appalling thing. It is also an appalling thing for those married couples with children where one partner wants to change their gender. Because of the Commonwealth's discrimination, such people are denied the right under state laws to change their gender. They are denied protection under state anti-discrimination acts because of the Commonwealth's discrimination. As a result, you are pretty much asking committed, functional families to divorce in order that someone be entitled to get their gender recognised. So when you talk about the absolute nature of a man and a woman for the purposes of marriage you are actually talking a nonsense because gender is a far more fluid thing than is generally understood by people in this chamber. So it is an important time for this nation to be discussing and confronting this question of marriage equality. It is not simply an issue of same-sex marriage; it is an issue of equality for all adult couples in terms of who they seek to form a committed and loving union with. I for one am very much looking forward to our national conference in December, where I will have the opportunity to call on my party to change its position on this question. It is a question I think we will be able to move forward on. Why? Because the Labor Party is a party that has always stood for progress, for equality and for the future.
Senator BERNARDI (South Australia) (16:37): Recently a number of parliamentarians reported back on their electorate-wide consultation about the issue of gay marriage. It was heartening to read that an overwhelming majority, and some say as many as two-thirds, maintained their constituents broadly supported preserving marriage as being between a man and a woman. Of course, when Greens MP Adam Bandt suggested a system of consulting and reporting back, he never thought this would be the outcome. Given the Greens advocacy for almost everything that undermines the bedrock institutions of Western civilisation, it is a safe bet that he was expecting the response to vindicate his world view. Unfortunately for Mr Bandt, but fortunately for many of us, the innate wisdom of the electorate has recognised the importance of one of the most enduring institutions of society: traditional marriage.

Marriage has historically been the union of a man and a woman for life with the intention of raising a family. It has proven itself as the most sustainable and effective social support and training environment for our future generations. Within this ideal, children benefit from having both a male and a female role model. Of course, despite such a circumstance being the ideal for the nurturing of our children, we cannot ignore the fact that families today come in many different forms. Whatever their construct, we must also acknowledge that where children are protected and nurtured by a caregiver or caregivers who love them unequivocally they are better off than millions of other children around the world. That said, simply because families take many different forms, and some with a measure of success, does not mean we should stop recognising that what is best for children is living with a mother and father who have a strong, respectful and enduring love for one another.

That is one reason I think we need to preserve marriage as the gold standard of relationships and not allow the term to be applied to unions other than those between a man and a woman. To describe other types of relationships as being 'marriage' would reduce the important role that traditional marriage plays in one of the most important building blocks of our society, the family.

This motion is part of the current push within our parliament to broaden the definition of marriage. Once again, this demonstrates the salami-slicing encroachment by some on our important institutions. Only two years ago the progressive Left pushed and were successful in granting to all relationships the legal status and benefits accruing to married couples. This was well received by many within our community. However, there were some who voiced concerns that this was simply another step on the road to undermining the institution of marriage itself. To assuage these concerns there were assurances given by some in this chamber, and Senator Joyce referred to the bipartisan commitment that marriage being between a man and a woman would not be challenged during this parliament. Perhaps it will, but I hope it is not. But those assurances have not stopped the continual push to claim yet another of our social and cultural mores in the name of progress.

Leading the charge against our social institutions, in this case marriage, is the Greens party and some willing accomplices within the Labor Party. They, like many others, claim to represent the majority of people on this issue and yet find it hard to deal with the fact that their pursuit of these matters is not in keeping with the outlook or priorities of mainstream Australia. This motion is symbolic of the true agenda of the Australian Greens and it also highlights their priorities. Since the Greens first used their political clout to drive the direction of the
Gillard government, we have seen their version of the national debate rotate around gay marriage, euthanasia and a massive green tax that will not be of any environmental benefit. These are not the priorities of mainstream Australia, and anyone with a true understanding of their concerns would know that.

However, the Greens led government insists through this motion and others like it that mainstream Australia supports the Greens social agenda, in this case the suggestion being that a growing majority of Australians want to change the definition of marriage as being between a man and a woman. I would dispute that claim, not only because it serves my personal views but because I dispute the Greens' continuing claim that a majority of people want Australia to become a republic. They have been maintaining that position from before the 1999 referendum. The fact they were wrong then, evidenced by the massive defeat of that referendum, has been entirely lost on those who live in a virtual green dream world.

In respect of the particular statement made in this motion from Senator Siewert, I realise that some members in this place have very strong opinions on this subject—strong opinions that lie on both sides of the argument. Indeed, I have a strong opinion on this myself. In many respects that was recognised when MPs in the other place consulted their electorates at the behest of the Greens and reported back to the parliament. According to the Greens, if you don't like the outcome, you just make claims like they have in this motion and you soldier on.

Those who advocate along the lines that the Greens do talk about 'marriage equality'. I believe we already have equality between couples in a committed relationship, according to our laws. In fact, that is what we passed two years ago. The fact that the term 'marriage' is applied to the union of a man and a woman with the permanent intent to maintain that union is not inequality but the recognition of the important role, both real and symbolic, that marriage has in our society. Accordingly, I will not stop advocating for the preservation of marriage as being between a man and woman. As Senator Joyce said, it is not just a contract between two people; it is a contract within society itself.

The ACTING DEPUTY PRESIDENT (Senator Crossin): The time for debating this motion has expired.

Question put:
That the motion (Senator Siewert's) be agreed to.

The Senate divided. [16:48]

(The Acting Deputy President—Senator Crossin)

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

NOES
Abetz, E
Arbib, MV
Bernardi, C
Bilyk, CL
Bishop, TM
Boswell, RLD
Cameron, DN
Carr, KJ
Colbeck, R
Collins, JMA
Cormann, M
Crossin, P
Edwards, S
Eggleston, A
Farrell, D
Collins, JMA
Fawcett, DJ
Crossin, P
Fisher, M
Feeney, D
Gallacher, AM
Furner, J
Ludwig, AM
Faulkner, J
Madigan, JJ

AYES
Di Natale, R
Ludlam, S
Rhiannon, L

NOES
Arbib, MV
Bilyk, CL
Boswell, RLD
Carr, KJ
Collins, JMA
Crossin, P
Eggleston, A
Collins, JMA
Feeney, D
Furner, J
Joyce, B
Lundy, KA
Marshall, GM
Question negatived.

MINISTERIAL STATEMENTS

Afghanistan

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (16:51): On behalf of the Prime Minister, Ms Gillard, I table the ministerial statement on Afghanistan.


The ACTING DEPUTY PRESIDENT (Senator Crossin): Leave is granted for two minutes.

Senator BOB BROWN: I note the Prime Minister's statement and that of the Leader of the Opposition in the House of Representatives today. What both leaders did was ignore the headline news that the brigadier general of the Afghan National Army in charge of the forces in Oruzgan province has said, effectively, to the Australian government about the Australian forces, 'Give us your equipment and go home.' The remarkable statement by the Afghan brigadier-general includes a direct asseveration that the Australian forces should not stay three years longer in Oruzgan province. There has been a deafening silence from the Prime Minister and the Leader of the Opposition, but to any reasonable person that statement is effectively a shockwave to our courageous defence force personnel working in collaboration with this brigadier-general and his forces in Afghanistan. Of itself, it demands a parliamentary debate here in Australia.

The Australian Greens stand for bringing our troops home. We salute their loyalty; we salute their dedication. But they are in harm's way with a corrupt government and now the senior people most related to them in the defence forces in Afghanistan are saying, effectively, 'Go home'. This should be the matter of a full debate in this parliament. We owe that to our loyal defence force personnel.

COMMITTEES

Government Response to Report

The ACTING DEPUTY PRESIDENT (Senator Crossin) (16:53): Pursuant to standing order 166, I present documents listed on today's Order of Business at item 12 which were presented to Temporary Chairs of Committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised.

In accordance with the usual practice and with the concurrence of the Senate I ask that the government responses be incorporated in Hansard.

Leave granted.

The list read as follows—

(a) Government responses to committee reports

1. Rural and Regional Affairs and Transport Committee—Report—Climate change and the Australian agricultural sector (received 15 November 2011)

2. Rural Affairs and Transport References Committee—Reports (interim and final)—Science underpinning the inability to eradicate the Asian honey bee (received 15 November 2011)

3. Education, Employment and Workplace Relations References Committee—Report—Welfare of international students (received 18 November 2011)
4. Select Committee on the Reform of the Australian Federation—Report—Australia’s federation: An agenda for reform (received 18 November 2011)

(b) Government documents

1. Australian Electoral Commission—Election 2010—Funding and disclosure report (received 14 November 2011)

2. Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2011 (received 14 November 2011)

3. Australian Health Practitioner Regulation Agency (AHPRA) and the National Boards, reporting on the National Registration and Accreditation Scheme—Report for 2010-11 (received 14 November 2011)


5. Indigenous Land Council—Report for 2010-11 (received 15 November 2011)

6. Private Health Insurance Administration Council—Report for 2010-11 (received 15 November 2011)

7. High Court of Australia—Report for 2010-11 (received 18 November 2011)

The documents read as follows—

GOVERNMENT RESPONSE TO THE RURAL AND REGIONAL AFFAIRS AND TRANSPORT SENATE COMMITTEE REPORT

Climate change and the Australian agricultural sector

On 19 September 2007, the Senate referred the following matter to the Standing Committee on Rural and Regional Affairs and Transport for inquiry and report by 30 June 2008:

(i) The scientific evidence available on the likely future climate of Australia’s key agricultural production zones, and its implications for current farm enterprises and possible future industries.

(ii) The need for a national strategy to assist Australian agricultural industries to adapt to climate change.

(iii) The adequacy of existing drought assistance and exceptional circumstances programs to cope with long-term climatic changes.


The Senate Committee report made three recommendations:

1. The government should significantly increase the research effort in relation to the potential of soil carbon as a climate mitigation measure, as a means of reducing the capital input costs to agriculture [and] as a means of increasing resilience in agricultural systems.

2. The committee recommends that the government should provide for a full carbon accounting framework in relation to agricultural and forestry sectors in a domestic emissions trading scheme.

3. DAFF should prioritise strategic planning for climate change mitigation and adaptation in agriculture and rural communities and play a greater leadership role than is currently the case.

There were no dissenting reports by Senate Committee members.

Government Response

The government has considered the recommendations of the Senate Committee report. The government's response to the recommendations is as follows.

Senate Committee report Recommendation 1

The government should significantly increase the research effort in relation to the potential of soil carbon as a climate mitigation measure, as a means of reducing the capital input costs to agriculture [and] as a means of increasing resilience in agricultural systems.

The government agrees in principle with this recommendation and has significantly increased investment in research efforts into the potential of soil carbon since the Senate Committee tabled its final report.

In July 2011 the government announced a new $201 million program, Filling the Research Gap, as part of the Carbon Farming Futures
program of the Clean Energy Future plan. It will provide competitive grants funding to support research into emerging abatement technologies, strategies and innovative management practices that improve soil carbon and reduce greenhouse gas emissions and enhance sustainable agricultural practices. Novel approaches, including new crop and grazing species, biochar and biofuels will be targeted. Filling the Research Gap will build on the significant research into soil carbon that has occurred through the Soil Carbon Research Program.

The Parliament passed legislation for the Carbon Farming Initiative (CFI) on 23 August 2011. The CFI will enable Australian farmers, forest growers and landholders to generate credits that can be sold in domestic and international carbon markets, allowing them to receive income for taking action to reduce Australia's carbon emissions, including through increasing soil carbon sequestration. The government will work to fast track methodologies for soil carbon under the CFI.

From 2009 to 2012, the government has invested $9.6 million in the Soil Carbon Research Program (SCRP), a component of the $46.2 million Climate Change Research Program under Australia's Farming Future. The SCRP is creating a nationally standardised methodology for sampling and analysing soil carbon. This research is identifying management practices with the potential to build soil carbon levels.

The SCRP consists of nine projects across Australia, focusing on:

- understanding the role Australian soils could play in carbon sequestration;
- improving the understanding of soil carbon stocks; and
- understanding the impacts of management practices on soil carbon.

In addition to providing, improved and consistent information about the potential of Australian soils to sequester carbon, the SCRP will help to inform the sector on the potential of soil carbon to reduce input costs by, for example, improving nutrient use efficiency and water holding capacity. Productivity gains such as these could be delivered through increasing soil carbon which would contribute to a more resilient agricultural sector.

The government is also investing $1.4 million in a research project on biochar through the Climate Change Research Program. The project is targeting gaps in the understanding of this emerging technology and addresses uncertainties about its use. The government will be funding additional research and on-farm testing of biochar through the Carbon Farming Futures program. Biochar has the potential to reduce greenhouse gas emissions and benefit agriculture by storing carbon and enhancing soil productivity.

The Climate Change Research Program complements projects already being funded through the government's Caring for our Country initiative. Caring for our Country seeks to achieve an environment that is healthy, better protected, well managed, resilient, and provides essential ecosystem services in a changing climate. Caring for our Country will invest over $2 billion to 2013. Up to $171 million is available for investment under the 2010-11 Caring for our Country business plan and an additional $138 million is allocated each year as base-level funding to regional natural resource management organisations. Caring for our Country focuses on achieving strategic results across six national priority areas; including Sustainable Farm Practices. Recognising the benefits of soil carbon to soil health, the Sustainable Farm Practices priority includes assisting farmers to adopt improved management practices, such as cropping and grazing methods that increase soil carbon.

Senate Committee report Recommendation 2

The committee recommends that the government should provide for a full carbon accounting framework in relation to agricultural and forestry sectors in a domestic emissions trading scheme.

The government agrees in part with this recommendation.

The national inventory system provides a comprehensive framework for accounting for
emissions and sequestration in the agricultural and forestry sectors. These are described in the National Inventory Reports, based on remotely sensed activity data and use of the ecosystem model, Fu1ICAM. This system is internally reviewed every year under the auspices of the United Nations Framework Convention on Climate Change (UNFCCC).

The Carbon Farming Initiative (CFI) provides a full carbon accounting framework, with methods that are consistent with the national inventory system. Reforestation accounting under the CFI will be delivered by the reforestation modelling tool (RMT), developed by the Department of Climate Change and Energy Efficiency (DCCEE).

Australia is working with other countries to develop new international rules that will enable a broader range of land sector abatement to be counted towards emissions reduction targets. As the negotiations are still ongoing, it is too early to ascertain whether agricultural soil carbon and other forms of abatement that are not currently counted towards Australia's Kyoto targets will be recognised under a future international climate change framework.

Senate Committee report Recommendation 3

D AFF should prioritise strategic planning for climate change mitigation and adaptation in agriculture and rural communities and play a greater leadership role than is currently the case.

The government partially agrees with this recommendation.

Agriculture is one of the Australian Government's national adaptation priorities. These priorities are identified in the Australian Government's position paper on climate change adaptation.

The Department of Agriculture, Fisheries and Forestry (DAFF) is responsible for providing policy advice and administering programs aimed at the development of internationally competitive and sustainable primary industries, including agriculture. DAFF is playing a key role in implementing the $1.7 billion land sector package within the Clean Energy Future plan along with the Department of Climate Change and Energy Efficiency (DCCEE), the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) and the Treasury.

The Clean Energy Future plan's land sector package includes the ongoing Carbon Farming Futures program. It will deliver $429 million to help farmers and other landholders benefit from financial opportunities under the Carbon Farming Initiative (CFI). The Carbon Farming Futures program includes:

- $201 million Filling the Research Gap for research into new ways of storing carbon and reducing pollution in the land sector, as discussed in Recommendation 1.
- $99 million Action on the Ground which will provide grant funding to regional landholders and research, industry and farming organisations across Australia to undertake projects to implement innovative management practices to achieve sustainable outcomes, reduce emissions and boost soil carbon stores. Grants will be available to landholders to take action on the ground including testing new ways to increase soil carbon.
- $64 million for Extension and Outreach activities to provide information and support to landholders in integrating carbon management into farm planning; new research and farm techniques; and improving productivity and farm sustainability.
- $20 million to convert research into practical methodologies which are recognised under the CFI.
- A 15% tax offset to encourage the uptake of conservation tillage farming techniques.

The land sector package also includes a new ongoing $946 million Biodiversity Fund which will assist farmers and landholders to undertake projects such as revegetating areas of high conservation value, managing and protecting biodiverse ecosystems and action to prevent the spread of invasive weeds. A new Land Sector Carbon and Biodiversity Advisory Board will provide advice on implementation of these measures.

The ongoing Indigenous Carbon Farming Fund will provide $22 million as part of the land sector package. This fund will support Indigenous
Australians to implement carbon farming projects. Funding will be provided for specialists to work with Indigenous communities to develop carbon farming projects and for the development of low-cost estimation and reporting tools for abatement activities likely to have high Indigenous participation, such as savanna fire management.

The land sector package's Regional NRM Planning and Climate Change Fund will allow for the strategic planning of adaptation and mitigation actions in agricultural and rural communities. It will help regional communities plan for the impacts of climate change, and maximise the benefits from carbon farming projects. Funding of $44 million will be provided for regional NRM organisations to plan for climate change, produce NRM plans to a highly professional, nationally consistent standard and develop scenarios on regional climate change impacts.

The Clean Energy Future plan's land sector package builds on Australia's Farming Future, a multi-pronged approach to help primary producers manage their emissions and adapt to the impacts of climate change. DAFF has administered Australia's Farming Future since 2008. Australia's Farming Future will conclude in June 2012 and has a number of elements including support for:

- research and development through the Climate Change Research Program
- training through the FarmReady program
- building community networks and capacity to manage climate change
- adjustment advice and assistance for those who choose to leave farming
- information services activities.

Government Response
Senate Rural Affairs and Transport References Committee
Inquiry Report: Science underpinning the inability to eradicate the Asian honey bee
Interim Report Recommendations

The committee recommends that the Consultative Committee on Emergency Plant Pests reconsider the question of whether the Asian honey bee is eradicable from Australia; and, following that reconsideration, make a fresh recommendation to the National Management Group on the Asian honey bee incursion management response; the Consultative Committee should specifically consider this question in light of evidence relating to the potential for the insect's spread and resulting environmental, economic and social costs; the Consultative Committee should specifically apply the precautionary principle to areas of scientific uncertainty in its reconsideration of these issues.

The committee recommends that, on receipt of a fresh recommendation from the Consultative Committee on Emergency Plant Pests, the National Management Group reconsider the question of whether it is technically feasible to eradicate the Asian honey bee from Australia; the National Management Group should specifically apply the precautionary principle to areas of scientific uncertainty in its reconsideration of this issue.

The committee recommends that, in the event that the full Asian honey bee eradication program is reinstated, a scientific program of data collection concerning the detection, spread and eradicability of the Asian honey bee from Australia be initiated in order to properly inform future decision making regarding this emergency plant pest.

Response: The Government accepts all recommendations and notes that the Consultative Committee on Emergency Plant Pests did reconvene but found that it again could not reach consensus about whether the Asian honey bee could be eradicated. The National Management Group reconvened on 12 May 2011 to consider the impact of the Consultative Committee deliberations on the original decision on eradicability. Although consensus was not reached, the Group determined that it is not technically feasible to achieve eradication.

However, this does not mean that important control activities against the bee have ceased. The Government has provided a further $2 million to support a national pilot program to facilitate the transition of action from eradication to the ongoing management of Asian honey bees.
This program is being developed in consultation with Biosecurity Queensland and the honey bee industry and is close to being finalised.

**Final Report Recommendation**

The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) and relevant scientific organisations, such as the Commonwealth Scientific and Industrial Research Organisation (CSIRO), be consulted as soon as an incursion is reported to provide advice on the biodiversity consequences of the establishment and spread of the pest.

The committee further recommends that a written response from SEWPaC and the relevant scientific organisations is made to the relevant agencies as soon as possible setting out the biodiversity consequences.

**Response:** The Government accepts the first part of this recommendation and notes that the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) already participates in discussions of the National Management Group (NMG)—the peak decision making body for national responses to pest and disease incursions. The Department of Agriculture, Fisheries and Forestry, however, is the nominated Australian Government delegate.

The Government notes that as part of the decision making process, National Management Group members already consider biodiversity consequences of the establishment and spread of a pest or disease.

Relevant advice is sought from scientific experts when necessary including the Commonwealth Scientific and Industrial Research Organisation (CSIRO), through the Consultative Committee on Emergency Plant Pests or the Consultative Committee on Emergency Animal Diseases or through Scientific Advisory Panels appointed by these committees. These committees are the key coordinating bodies which provide technical advice to the National Management Group.

The Government does not accept the second part of this recommendation. SEWPaC and relevant scientific agencies already have the ability to provide written advice either through the National Management Group or Consultative Committees. Furthermore, the National Management Group may need to take prompt action to deal with an incursion and waiting for written advice from SEWPaC and scientific agencies may hinder action being taken in a timely manner.

**Commonwealth Government Response to the Senate References Committee on Education, Employment and Workplace Relations’ Inquiry into the Welfare of International Students**

**November 2011**

**Introduction**

On 17 June 2009 the Senate referred the following matters to the Senate Education, Employment and Workplace Relations References Committee (the Committee) for inquiry and report:

a) the roles and responsibilities of education providers, migration and education agents, state and federal governments, and relevant departments and embassies, in ensuring the quality and adequacy in information, advice, service delivery and support, with particular reference to:

i) student safety
ii) adequate and affordable accommodation
iii) social inclusion
iv) student visa requirements
v) adequate international student supports and advocacy
vi) employment rights and protections from exploitation
vii) appropriate pathways to permanency.

b) the identification of quality benchmarks and controls for service, advice and support for international students studying at an Australian education institution.

c) any other related matters.

The Senate Committee held public hearings in Melbourne on 1 September; in Sydney on 2 September; and in Canberra on 18 September 2009.
The Committee tabled its Report into the Welfare of International Students on 26 November 2009.

The Committee made 16 recommendations spanning a range of portfolio responsibilities.

The Government Response (Response) supports nine recommendations, supports in principle three recommendations and notes four recommendations.

Some of the recommendations presented in the final report are being addressed by the Government through:

- the implementation of the Council of Australian Government's (COAG) International Students Strategy for Australia (ISSA)
- responding to the recommendations made in the Hon Bruce Baird's review of the Education Services for Overseas Students (ESOS) Act 2000
- new strengthened registration criteria introduced in March 2010 and re-registration of all education providers delivering services to overseas students completed on 31 December 2010
- the establishment of the Tertiary Education Quality and Standards Agency (TEQSA)
- the establishment of the Australian Skills Quality Authority (ASQA), formally known as the National VET Regulator
- a joint strategic review of the Student visa program commissioned by the Department of Education, Employment and Workplace Relations and the Department of Immigration and Citizenship. The Hon Michael Knight AO conducted the review and presented his report to the Government on 1 July 2011 to which the Government responded on 22 September 2011
- the establishment of the International Education Advisory Council.

The International Students Strategy for Australia

On 29 October 2010 the Minister for Education, Employment and Workplace Relations, Senator Chris Evans, released COAG's International Students Strategy for Australia (ISSA). The Strategy outlines 12 initiatives to address four key areas: international student wellbeing; quality of international education; consumer protection; and the availability of better information for international students. Many of these initiatives address the Senate Committee's recommendations. These include:

- the establishment of an international student consultative committee and an annual International Student Roundtable to give international students a national forum to put forward their views in relation to their study and living experience in Australia
- a national community engagement strategy to facilitate connections between international students and the broader community, including increased understanding of rights and support services
- a Study in Australia information portal to provide a single source of authoritative, comprehensive, accurate and up-to-date information for students, including information on personal safety, student support services, and tenancy and employment rights and responsibilities
- establishment of Provider Closure Taskforces in each jurisdiction to ensure rapid and coordinated support for students in the event of provider closure
- the requirement for international students to provide evidence of health insurance cover for their proposed visa duration at the time of visa application. This will help guard against failure by students to renew coverage
- access for international students to an independent statutory complaints body, as international education providers will be required to use this as their external complaints and appeals process.

The Strategy has been developed collaboratively, and is being implemented by governments, the international education sector and international students. International students have offered valuable advice and input on issues related to studying, living and working in Australia.

The Strategy builds on efforts undertaken at all levels of government to improve the safety and
wellbeing of international students and to ensure
the ongoing quality and sustainability of the
sector.

International Student Roundtables

The September 2009 International Student
Roundtable called for better pre-arrival
information about visas and studying, improved
facilities, teaching quality, and better access to
basic services.

The second International Student Roundtable
was held in Canberra from 21-23 August 2011.
The Roundtable brought together 30 international
students, from all states and territories across all
education sectors, to discuss the quality of their
study and living experiences in Australia.

Students were nominated through the Joint
Committee on International Education (JCIE), the
Council of International Students and some were
selected from the first Roundtable held in 2009.
Participants were broadly representative of the
international student population in Australia.

The Roundtable culminated in the presentation
of a communiqué that acknowledged the
significant progress made since the 2009
Roundtable and proposed further actions to
address challenges in the key areas of:

- education experience; social inclusion; cost of
  living pressures; student safety and welfare;
  and visa related matters.

The recommendations of the International
Student Roundtable are being considered by the
Commonwealth and state and territory
governments through the JCIE.

The Baird Review

The Baird review of the Education Services for
Overseas Students (ESOS) Act 2000 was
conducted between August 2009 and February
2010 and involved consultations with over 200
stakeholders including students, education
providers, peak bodies, state and territory
government regulators and embassies.

The final report of the Baird review was
released on 9 March 2010 and included

19 recommendations and findings related to
student welfare and information, ethical
recruitment, effective enforcement, risk
management, and consumer protection.

The final report, Stronger, Simpler, Smarter
ESOS: Supporting International Students sets out
the issues facing the sector and makes a number
of recommendations around two central themes:

- ensuring students are better supported through
  improved information, management of education
  agents, stronger consumer protection mechanisms
  and enhanced support to study and live in
  Australia, including having somewhere to go
  when problems arise

- improving regulation of Australia's
  international education sector to ensure Australia
  maintains its reputation as a high quality study
destination.

Implementation of Baird review
recommendations

On 21 March 2011 the first tranche of the
legislative changes recommended by the Baird
Review was passed through Parliament and
enacted on 8 April 2011. The changes will
strengthen the quality and integrity of the
international education sector and include:

- further strengthening registration criteria, with
  a specific focus on business sustainability

- a risk management approach to registration
  both at entry and throughout the registration
  period

- limiting the period of provider registration

- allowing conditions to be placed on
  registration according to risk

- introducing financial penalties for a broader
  range of non-compliant behaviour

- publishing targets and regularly reporting on
  all regulatory activities undertaken

- expanding the role of the Commonwealth
  Ombudsman for external complaints relating
  to private providers.

On 7 December 2010 the Minister for Tertiary
Education, Senator Chris Evans, released a
consultation paper to inform the next phase of the
Government's response to the

Baird Review. The sector was asked to provide
submissions by 21 January 2011 in relation to:

- risk assessment and management approaches
to the registration and monitoring of education
  providers delivering to overseas students
strengthening the tuition protection framework
a range of recommendations arising from the Baird review of the Education Services for Overseas Students (ESOS) Act 2000
the regulatory effect on providers of these proposals and recommendations.

A total of 52 submissions were received. Further targeted consultation with key stakeholders was held between January and September 2011 with a particular focus on strengthening the tuition protection framework.

On 10 May 2011, the Australian Government announced two broad measures to prepare for the Government's second phase legislative response to the Baird Review.

The first measure is a rebasing of the Annual Registration Charge (ARC) for all international education providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). This was implemented by legislative amendments enacted on 26 September 2011 and will take effect from the next ARC collection in early 2012.

The second measure encompasses capital funding of $3.25 million to be provided in 2011-12 to establish information technology systems for enhanced tuition protection arrangements for international students.

On 22 September 2011, three ESOS amendment bills were introduced into the Parliament to implement the second phase of the Government's response to the remaining recommendations from the Baird review. These bills include:

(i) a universal single layer Tuition Protection Service (TPS) that will place or refund students when a defaulting provider does not meet its refund obligations. The TPS will replace the current Tuition Assurance Schemes and the ESOS Assurance Fund for more streamlined and timely placements and refunds. It will include enhanced accountability and representational governance arrangements and an online placement facility to give students greater choice in the placement process. A number of changes designed to complement the TPS include:

(ii) A national registration scheme to allow for the seamless registration of providers who operate across jurisdictions. This will enable more flexibility by the regulators to reduce unnecessary regulatory burden, however will not limit the existing ability of the regulator to impose conditions or take compliance action against any or all of a provider's operations.

(iii) Various technical amendments including strengthening enforcement and monitoring options, strengthening definitions and repealing redundant provisions.

Re-registration of education providers

On 3 March 2010 amendments to the ESOS Act 2000 were enacted (the ESOS Amendment (Re-registration of Providers and Other Measures) Act 2010) including two new registration criteria and a requirement that all providers currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) be re-registered by 31 December 2010. The two new criteria are that an education provider seeking to deliver education to overseas students has the:

principal purpose to provide education
clearly demonstrated capacity to provide education of a satisfactory standard.

These measures were introduced to further protect and promote the quality of Australian education and enhance the reputation of the international education sector. Re-registration was conducted using a nationally consistent, risk managed approach that was developed in consultation with state and territory governments and agreed by the Ministerial Council of Tertiary Education and Employment in September 2009.

Re-registration was completed on 31 December 2010 and allowed for increased scrutiny of provider compliance and capacity.
This has helped raise the quality of education and training delivered to overseas students. Re-registration was successful in encouraging a number of providers to address areas of concern in order to meet the new criteria as well as encouraging or requiring unsustainable providers not able to meet the new compliance standards to leave the sector. Approximately 200 providers were not re-registered.

The Australian Government worked with relevant jurisdictions to manage the re-registration process.

Review of the Student Visa Program

On 16 December 2010 the Minister for Education, Employment and Workplace Relations, Senator Chris Evans, and the Minister for Immigration and Citizenship, the Hon Chris Bowen MP, announced a strategic review of the Student Visa Program. The Government appointed the Hon Michael Knight AO to conduct the review and make recommendations on building a student visa framework that will reinforce the stability, quality and integrity of the international education sector into the future. Mr Knight presented his report to the Government on 1 July 2011 and on 22 September 2011 the Government announced its response.

- The Government supports in principle all of the recommendations arising out of the Knight Review and will implement them with some modifications to enhance the performance of the sector and further safeguard the integrity of the student visa program. The response includes:
  - streamlined visa processing for applicants who are accepted into a university course at bachelor or higher degree level
  - post study work visas of two- to four-years duration for graduates from those courses
  - more flexible work entitlements for all international students
  - reductions in the financial requirements associated with Assessment Levels 3 and 4
  - a fundamental review of the Assessment Level framework by mid 2012 to develop a more nuanced, targeted visa risk management system approach
  - the establishment of an Education Visa Consultative Committee as a means of primary communication between DIAC and the international education sector.

The Government's response to the Knight Review complements other measures taken by the Government to strengthen the international education sector and support the Government's commitment to a high quality study and living experience for international students in Australia.

The International Education Advisory Council

Senator the Hon Chris Evans announced the establishment of the International Education Advisory Council during his address at the Australian International Education Conference in Adelaide on 14 October 2011.

The Advisory Council will provide high level advice about how the Government can, in partnership with stakeholders, encourage quality and sustainability in the international education sector.

The Advisory Council will initially provide feedback on trends in international education, and on current and proposed policies affecting the sector by March 2012. The deliberations of the Advisory Council will help inform the Government's development of a five year national strategy to support the sustainability and quality of the international education sector.

Membership of the Advisory Council comprises eminent people from Australia's education and business sectors. Mr Michael Chaney AO, Chairman of the National Australia Bank, will Chair the Advisory Council.

Response to the Inquiry Recommendations

The Commonwealth Government's responses to each of the 16 recommendations in the report on the Inquiry into the Welfare of International Students are detailed below.

RECOMMENDATION 1

The Committee recommends that international students be provided with personal safety information including reporting requirements, prior to coming to Australia. This should be reinforced at the orientation session provided by the relevant provider.
RESPONSE

The Government supports this recommendation.

COAG's International Students Strategy for Australia (ISSA), released in 2010, requires all governments to compile comparative information on the Study in Australia portal, outlining relevant government services to ensure students make informed decisions about where to study.

RECOMMENDATION 3

The Committee also recommends that all states undertake an audit of the travel concessions given to international students with the aim of standardising them.

RESPONSE

The Government supports in principle this recommendation.

Travel concessions for international students are a state and territory responsibility. The Australian Government has consulted closely with states and territories during the development of the International Students Strategy for Australia (ISSA) and through Commonwealth, state and territory forums such as the Joint Committee on International Education (JCIE) established under the auspices of the Ministerial Council on Tertiary Education and Employment (MCTEE).

The ISSA requires all governments to compile comparative information on the Study in Australia portal, outlining relevant government services to ensure students make informed decisions about where to study.

Further, the Government supports the agreement by state and territory ministers to establish an inter-jurisdictional working group to consider the reciprocal recognition of student concessions. This will be progressed through the Community and Disability Services Ministers' Advisory Council.

RECOMMENDATION 4

The Committee recommends that education and training providers should be required to provide up to date information on their website regarding accommodation in Australia, including
information regarding tenancy rights and responsibilities. This may be via a link to the Study in Australia website, however, it may also include more localised information.

RECOMMENDATION 5

The Committee recommends that the Australian Government's Department of Immigration and Citizenship (DIAC) undertake a review of the appropriateness of the 20-hour limit on working hours for international students.

RESPONSE

The Government supports this recommendation.

The Knight Review recommended that international student work visa conditions be measured as 40 hours per fortnight during any fortnight in the course of a study session, rather than 20 hours per week (see recommendation 28 of the Knight Review Report).

The Knight Review also recommended that students receive information packs, based upon resources such as the Study in Australia website and the Rainbow Guide, in hard copy and preferably in the language of the country of departure at the time their visas are granted. The information packs should include comprehensive information regarding tuition and extra fees; living costs including all relevant expenses such as accommodation and health; employment opportunities; rights conferred by law (including tenancy rights and employment rights); dispute
resolution procedures and relevant contact organisations; and support services and amenities. Both the online manual and hard copies should include state-specific information, detailing the various rules, laws and rights applicable in each state and territory.

RESPONSE
The Government supports this recommendation.

The Study in Australia portal provides authoritative, comprehensive, accurate and up to date information for international students, including information on personal safety, student support services and tenancy and employment rights and responsibilities. This information can be viewed electronically or students and agents can print a hard-copy version of the Guide to Studying and Living in Australia. The portal provides information in 12 languages. The portal is linked to state and territory websites which provide information specific to those jurisdictions.

RECOMMENDATION 9
The Committee recommends the jurisdiction of the Commonwealth Ombudsman be extended to cover the international education sector.

RESPONSE
The Government supports this recommendation.

In October 2010 the Government introduced amendments to the Ombudsman Act 1976 to extend the jurisdiction of the Commonwealth Ombudsman to include students of private registered providers. These amendments were enacted on 8 April 2011. All international students studying in Australia now have access to an independent external complaints body. The Overseas Students Ombudsman is now available to investigate complaints of a student against a private registered provider at no cost to the provider or student. An Overseas Students Ombudsman website is now available at http://www.oso.gov.au/ and information about this change is also available from the AEI website.

RECOMMENDATION 10
The Committee recommends that TEQSA (Tertiary Education Quality and Standards Agency) and the national body to be developed for the VET sector adapt the registration process to develop a comparative information tool on education providers. This information tool should differentiate between the capacity of providers by comparing such things as the level and quality of support services available to students. The information tool would be made available on a relevant website.

RESPONSE
The Government notes this recommendation.

On 3 March 2010 amendments to the Education Services for Overseas Students (ESOS) Act 2000 were enacted, including two new registration criteria and a requirement that all providers currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) be re-registered by 31 December 2010. The two new criteria are that an education provider seeking to deliver education to overseas students has the:

- principal purpose to provide education
- clearly demonstrated capacity to provide education of a satisfactory standard.

The Government will draw this recommendation to the attention of TEQSA and the Australian Skills Quality Authority (ASQA), formerly known as the national VET regulator, for consideration and advice.

RECOMMENDATION 11
The Committee recommends that, to improve enforcement, the National Code be reviewed by the new national regulatory authorities for higher education and the VET sector, in consultation with stakeholders, to provide clarity and specify details of minimum standards upon which registration would be dependent.

RESPONSE
The Government notes this recommendation.

The National Code establishes minimum standards for provider registration and behaviour. A number of recommendations arising from the Baird review relate to specific standards in the National Code as well as general
recommendations for ensuring the standards are objective and enforceable and that the level of prescription in the standards is only that which is required to achieve the intent. The Government has consulted with the sector on these recommendations to inform the next phase of the Government's response to the review, and will undertake further consultations in finalising any revisions to the National Code, and in particular the national and state regulatory authorities with responsibilities under the ESOS legislation.

The Government is working closely with the Tertiary Education Quality and Standards Agency (TEQSA) and the Australian Skills Quality Authority (ASQA), formerly known as the national VET regulator, to ensure a smooth transition of ESOS registration and compliance functions to them.

RECOMMENDATION 12

The Committee recommends that clear and timely mechanisms must be developed by the regulatory authorities and peak bodies to ensure that, if a provider closes, students are informed of their rights of either getting their money back or transferring to a new course. Students also need to be made aware of the avenues they can use to ask questions or lodge complaints.

RESPONSE

The Government supports this recommendation. On 20 April 2010 COAG announced that each state and territory would establish a Provider Closure Taskforce to ensure rapid and coordinated support for students in the event of provider closure.

A dedicated Closures Taskforce in the Australian Government's Department of Education, Employment and Workplace Relations works closely with states and territories to ensure that provider closures are efficiently handled and students' rights are protected.

Tuition fees are currently protected under the ESOS Act, which requires a provider to join a Tuition Assurance Scheme or make other acceptable arrangements. The International Students Strategy for Australia highlights the Baird Review recommendations for how the tuition protection arrangements could be improved, including the creation of a new single Tuition Protection Service (TPS).

The TPS is the centrepiece of a package of bills introduced to the Parliament on 22 September 2011.

In October 2010 the Government introduced amendments to the Ombudsman Act 1976 to extend the jurisdiction of the Commonwealth Ombudsman to include students of private registered providers. These amendments were enacted on 8 April 2011. All international students studying in Australia now have access to an independent external complaints body. The Overseas Students Ombudsman is now available to investigate complaints of a student against a private registered provider at no cost to the provider or student. An Overseas Students Ombudsman website is now available at http://www.oso.ciov.au/ and information about this change is also available from the AEI website.

RECOMMENDATION 13

The Committee recommends that in engaging agents overseas, the Australian Government's Department of Education, Employment and Workplace Relations (DEEWR) ensures that agents and sub-agents are able to access authoritative information regarding studying in Australia.

RESPONSE

The Government supports this recommendation. The Study in Australia portal contains authoritative information regarding studying in Australia. This information is available in 12 languages and is readily available to education agents and sub-agents, as well as to other stakeholders, including international students.

RECOMMENDATION 14

The Committee recommends that the Australian Government's Department of Immigration and Citizenship (DIAC) continue to expand the eVisa system, as an effective tool to encourage professional conduct of overseas agents.
RESPONSE

The Government notes this recommendation. Online lodgement of Student visa applications is open to any overseas student in Australia.

Offshore, all low-risk applicants (Assessment Level (AL) 1), and higher risk applicants (AL 2 to AL 4) from China, India, Indonesia and Thailand who lodge through an approved eVisa agent can also apply online. Approved eVisa agents lodge Student visa applications through the Offshore AL 2-4 Student eVisa Lodgement Facility (the Facility), which is not accessible to the general public.

An evaluation of the Facility is currently underway. The evaluation will consider the effectiveness of the trial in terms of creating visa processing efficiencies, enhancing integrity and the impact on DIAC's resources in the event that the Facility is expanded, contracted or left unchanged.

RECOMMENDATION 15

The Committee recommends that providers deal exclusively with education agents who have successfully completed an appropriate course such as the EATC and that this requirement be phased in over the next three years.

RESPONSE

The Government notes this recommendation.

In 2009 and 2010 the Government provided funding for a series of professional development agent workshops delivered by Professional International Education Resources (PIER) involving over 1300 agents in 13 cities overseas, as well as full and partial subsidies for around 400 agents to complete the PIER Education Agent Training Course (EATC) assessment in 2009.

The Education Services for Overseas Students (ESOS) Amendment Act (Re-registration of Providers and Other Measures) 2010 has increased transparency and accountability by requiring providers to list the education agents they use on their websites.

Following an amendment to the ESOS Act enacted in March 2010, all Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) providers are now required to publicly list the education agents they use on their website to increase transparency around such relationships.

In September 2011, the Government supported the 41 recommendations of the Strategic Review of the Student Visa Program, conducted by the

Hon Michael Knight AO, including enhancing agent integrity through providers being required to enter the name of any agent involved in the recruitment of an overseas student into the Provider Registration and International Students Management System (PRISMS). The Government supports this recommendation and will be making the necessary regulatory and IT changes to implement the requirement.

RECOMMENDATION 16

The Committee recommends that as a matter of urgency the issue of medical internships receive priority in workforce planning and that this be the subject of a special study by Health Workforce Australia.

RESPONSE

The Government supports in principle this recommendation.

Health Workforce Australia is currently developing a National Training Plan and the issue of medical internships is being considered as part of this plan. One of the projects under the plan is the development of advice for the Australian Health Ministers' Advisory Council on options regarding future availability of internships for international full-fee paying medical students of Australian universities.

GOVERNMENT RESPONSE TO THE SENATE SELECT COMMITTEE REPORT ON THE REFORM OF THE AUSTRALIAN FEDERATION, AUSTRALIA'S FEDERATION: AN AGENDA FOR REFORM

NOVEMBER 2011

Introduction

The Australian Government welcomes the report by the Senate Select Committee on the Reform of the Australian Federation, Australia's Federation: an agenda for reform (the Report),...
and acknowledges the importance of the issues it raises.

The Australian Government believes Australia's federal system provides a solid foundation for good governance, and enables governments at all levels to deliver the best possible outcomes for the Australian people. Moreover, the Australian Government agrees with the Committee's position that Australia's federation 'should be dynamic, and open to carefully considered reform.'

The recommendations made in the Report are diverse and wide-ranging. However, the Report and its recommendations largely rest on two points. Firstly, that over the last century there has been a tendency toward greater centralisation within the Australian federation, and the consequences of this tendency should be a matter of greater public discussion. Secondly, that there is a need for enhanced transparency and accountability in current intergovernmental relations and processes, and the Parliament of Australia should assume an expanded role in ensuring this transparency and accountability. Specifically, the Committee recommends the creation of a new Joint Standing Committee, which would take on a 'significant and integral role in helping to manage Australia's modern federation.'

It is worth emphasising that since 2007, the Australian Government has made significant progress in enhancing the flexibility of the states and territories to deliver services and reforms at the intersection of inter-jurisdictional responsibility, while strengthening transparency and accountability in federal financial relations. Most notably, the Australian Government, in cooperation with the states and territories, implemented a new federal financial relations framework through the Intergovernmental Agreement on Federal Financial Relations (the IGA FFR), which commenced on 1 January 2009.

Prior to the introduction of the new arrangements, federal financial relations were characterised by agreements where the national government placed a high degree of prescription on payments to the states and territories. This approach was seen as constraining flexibility and innovation in service delivery, making it difficult for states and territories to set their own priorities and address their own circumstances to achieve the best overall community outcomes. It also created inefficiencies, with the national government devoting unnecessary time to administering the many payments and detailed agreements and assuming risk and responsibility for delivery as a result.

The new framework provides the states and territories with the flexibility to deliver high-priority services where they determine the most appropriate approach to delivery. This also increases government accountability to the public through a combination of transparent identification of outcomes to be achieved, clearer specification of each government's roles and responsibilities and improved mechanisms for performance reporting. It is aimed at improving the quality and effectiveness of government services by reducing national government prescriptions on service delivery by the states and territories, providing them with increased flexibility in the way they deliver services to the Australian people.

The new federal financial framework has also strengthened the Parliament of Australia's oversight of intergovernmental processes. Previously, payments to the states were provided by Commonwealth portfolio departments to the relevant state agencies, and each payment had its own payment and administrative arrangements. Under the new arrangements, all payments are centrally processed by the Commonwealth Treasury and paid directly to each state treasury. These payments come under the umbrella of an overarching piece of legislation, the Federal Financial Relations Act 2009. This provides the Commonwealth Parliament with the ability to scrutinize better the payment arrangements through this single Act.

It is important to allow enough time for the framework to 'bed down' properly before making large and potentially disruptive changes. The case for increased Parliamentary scrutiny of new intergovernmental agreements, as suggested in recommendation 2, could in fact obscure lines of responsibility and accountability, which currently rest with the states and territories and Commonwealth ministers.
In this connection, it is also worth noting the range of other accountability measures that form part of the new federal financial relations landscape. The Council of Australian Governments (COAG) has established the COAG Reform Council as an independent organisation to monitor, assess and publicly report on the performance of governments in implementing nationally-agreed reforms. Moreover, pre-existing institutions, such as the Commonwealth Auditor-General and state and territory Auditors-General, provide significant and robust means of ensuring that spending of taxpayers' funds is carefully monitored, while enabling governments to respond flexibly to local need. The Australian Government also notes that the Auditor-General Amendment Bill 2011 aims to enhance further the capacity of the Commonwealth Auditor-General to assure that value for money is being achieved at the level where the expenditure occurs.

The Australian Government's detailed responses to the recommendations made by the Committee are set out below. The Government considers that a number of the recommendations have been or are being addressed, either directly or through the reform to the federal financial framework discussed above.

RECOMMENDATION 1

[2.29] The committee recommends that the tendency towards greater centralisation within the Australian federation resulting from High Court decisions be among the matters referred for inquiry to the Joint Standing Committee proposed in Recommendation 17 of this report. In the event that the proposed committee is not established, it encourages more extensive academic research to be undertaken on the subject with a view to formulating policy proposals that might be referred to a constitutional convention for possible constitutional change.

Response

The Government notes the recommendation.

As noted in the Government's response to Recommendation 17, a Joint Standing Committee established along the lines suggested by the Select Committee would need to ensure the continued capacity of the executive to discharge its responsibilities in the field of intergovernmental relations flexibly.

RECOMMENDATION 2

[2.55] The committee recommends that proposed intergovernmental agreements between the Commonwealth and state and territory governments be referred for consideration and review to the Joint Standing Committee proposed in Recommendation 17 of this report.

Response

The Government does not agree with the recommendation.

Intergovernmental agreements between the Commonwealth and state and territory governments are agreements between executive governments, often entered into by First Ministers. There already exist a number of mechanisms available to the Parliament to consider and review intergovernmental agreements, including through the consideration by the Senate's legislation committees of estimates of proposed annual expenditure by government departments and authorities. A further formal referral process to the proposed Joint Standing Committee, should it be established, is not needed for the Parliament to exercise its review function.

RECOMMENDATION 3

[2.56] The committee recommends that exposure drafts of legislation intended as the foundation for a referral of power to the Commonwealth be made available for examination by parliamentary committees, including, as appropriate, the Joint Standing Committee proposed in Recommendation 17 of this report and the Senate Standing Committee for the Scrutiny of Bills, prior to their adoption.

Response

The Government does not agree with the recommendation.

It is a matter for the Parliament to determine on a case-by-case basis whether a Bill, once introduced, is referred to a committee for consideration and whether the Bill is to be passed.

RECOMMENDATION 4

[2.57] The committee recommends that the Joint Standing Committee proposed in
Recommendation 17 of this report, inquire into the consequences and uncertainties created as a result of the decisions in Re Wakim and R v Hughes.

Response

The Government notes the recommendation.

The recommendation is directed to concerns that the High Court decisions in Re Wakim and R v Hughes limit the potential for cooperative schemes between the Commonwealth, state and territory governments. The reference mechanism provided by existing section 51(xxxvii) of the Australian Constitution continues to enable cooperative objectives.

RECOMMENDATION 5

[3.53] The committee recommends that COAG be strengthened through institutionalisation to ensure the Council's effective continuing operation and ability to promote improved mechanisms for managing federal state relations. The principles of transparency and joint ownership should be central to this institutionalisation.

Response

The Government does not agree with this recommendation.

COAG's organisational arrangements and operations should maintain the strategic capacity of First Ministers, in particular to respond in a flexible and timely manner to current and emerging issues at the intersection of jurisdictional responsibilities.

Charging COAG and bringing leadership to the Federation is an inherent aspect of the Prime Minister's role. The Department of the Prime Minister and Cabinet (PM&C) supports the Prime Minister in this role. The location of the COAG Secretariat in PM&C enhances the capacity of the Secretariat to provide strategic support to COAG, and to ensure the timely and successful preparation of agenda papers and other materials for COAG meetings.

RECOMMENDATION 6

[3.54] The committee recommends that agendas for COAG meetings be developed jointly by Commonwealth and State and Territory governments, that they be made publicly available before meetings, and that the timing, chairing and hosting of COAG meetings similarly be shared.

Response

The Government notes the recommendation that Commonwealth and State and Territory governments jointly develop agendas for COAG meetings. However, the Government does not agree with the recommendation that agendas be made publicly available before meetings, or that the chairing of COAG meetings be shared.

The existing process for developing COAG meeting agendas is a collaborative one which invites input from all COAG members. State and territory governments not only provide comment on agenda items proposed by the Commonwealth, but also have the capacity to propose items for inclusion on the agenda.

The Government does not support making the COAG agenda publicly available before meetings. The confidentiality of COAG proceedings promotes the open and frank exchange of ideas, and ultimately enhances the capacity of COAG members to reach agreement in addressing issues of strategic national importance. Notwithstanding the Government's position in this respect, it should be noted that COAG members can, and as a matter of course do, publicly identify key items for discussion in advance of COAG meetings.

The Government does not support changing the current chairing arrangements for COAG meetings. The Prime Minister of the day has served as the Chair of COAG since its inception in 1992. The arrangement remains appropriate, given the leadership Australians expect the Prime Minister to bring to the Federation. The current arrangement also reflects the fact that the Commonwealth is uniquely placed in the Federation to provide strategic direction and oversight on issues requiring inter-jurisdictional cooperation.

RECOMMENDATION 7

[3.55] The committee recommends that outcomes of COAG meetings be published in a more transparent manner than is currently the case with the communiqués.
Response
The Government notes the recommendation.

The COAG communique represents high-level outcomes of COAG meetings, as agreed by all COAG members. It is publicly released and published on the COAG website immediately following the conclusion of a COAG meeting. Intergovernmental agreements are published on the COAG website, and National Agreements, National Partnership Agreements and Implementation Plans are published on the Standing Council on Federal Financial Relations website.

RECOMMENDATION 8

[3.56] The committee recommends that the states and territories establish a stronger foundation for the Council for Australia’s Federation [sic] by providing additional funding, formalising Council processes and ensuring that it meets more regularly than is currently the case.

Response
The operation and funding of the Council for the Australian Federation is a matter for the states and territories.

RECOMMENDATION 9

[4.47] The committee recommends that the Joint Standing Committee proposed in Recommendation 17 of this report inquire into the need for adjustments to the IGA on Federal Financial Relations and to the level and structure of taxation in Australia to provide the states certainty regarding revenue raising and their capacity to meet their responsibilities. In considering this issue, the committee should inquire into any related matters that the committee determines are appropriate, including the roles of the state and federal governments, and seek advice from the Productivity Commission, the COAG Reform Council and the Commonwealth Grants Commission as required.

Response
The Government notes the recommendation.

On 4-5 October 2011, the Government hosted a tax forum which brought together around 180 representatives to discuss priorities and directions for further tax reform in a variety of areas, including state taxes.

During the course of the forum the states and territories agreed to work through the Council for the Australian Federation to develop a state tax plan that will be considered by the Standing Council on Federal Financial Relations before it is taken to COAG for agreement and implementation.

RECOMMENDATION 10

[5.26] The committee recommends that the recently announced review into the distribution of revenue from the Goods and Services Tax give particular attention to the issue of incentives and disincentives to states and territories to maximise their revenue.

Response
The Government agrees in principle with the recommendation.

The terms of reference of the Review of the GST Distribution direct the Review Panel to consider any possible changes to the form of equalisation with regard to efficiency, equity, simplicity and the predictability and stability of GST shares.

Having regard to its terms of reference, the Review Panel has released an issues paper which outlines a range of potential efficiency issues, including those relating to incentives/disincentives for states to undertake particular activities, such as maximising their own-source revenue.

RECOMMENDATION 11

[5.34] The Committee recommends that the Joint Standing Committee proposed in Recommendation 17 of this report be asked to inquire into the extent of and need for reform of the arrangements for horizontal equalisation that currently exists between local government shires and municipalities across Australia.

Response
The Government notes the recommendation.

In the 2011-12 Budget, the Government provided $1.2 million to conduct a review into the equity and efficiency of the current funding provided through the Financial Assistance Grants program. This review is to be completed in 2012-13.
RECOMMENDATION 12

[6.67] The committee recommends that the issues of funding and constitutional recognition of local government be among the matters proposed for inquiry by the Joint Standing Committee proposed in Recommendation 17 of this report.

Response

The Government notes the recommendation.

The Government has committed to pursue recognition of local government in the Australian Constitution. The Government has established an expert panel, led by former Chief Justice of the NSW Supreme Court, the Honourable James Spigelman AC QC, to report on and make recommendations regarding the level of support for constitutional recognition among stakeholders and in the general community, and options for recognition. The expert panel will report to Government in December 2011.

In addition to the review of the Financial Assistance Grants program mentioned in the response to Recommendation 11, the Government has also commenced an evaluation of the 2006 Inter-governmental Agreement Establishing Principles Guiding Inter-governmental Relations on Local Government Matters in association with the other signatories to that agreement: the Commonwealth, State and Territory Local Government Ministers and the President of the Australian Local Government Association.

RECOMMENDATION 13

[6.68] Pending the outcome of this inquiry, the committee recommends that mechanisms other than constitutional amendment, perhaps by way of agreement through COAG, be explored to place Commonwealth funding of local government on a more reliable long term foundation.

Response

The Government notes the recommendation.

Stakeholders who made submissions to the committee on the issue of constitutional recognition of local government may also wish to make submissions to the consultation that is being undertaken by the Expert Panel established by the Government and referred to in the response to Recommendation 12. The Government does not consider it would be appropriate to comment in advance of the Expert Panel’s report.

RECOMMENDATION 14

[7.44] The committee recommends that the each state give consideration to strengthening existing regional governance frameworks to improve the delivery of essential services and take into account the needs of local government.

Response

This recommendation relates to matters that are the responsibility of the states and territories.

RECOMMENDATION 15

[7.45] The committee recommends that the Commonwealth Government review the Regional Development Australia program after three years operation, to ensure the program effectively contributes to the long-term sustainability of Australia’s regions.

Response

The Government agrees in principle with the recommendation.

The 2011-12 Budget provided a significant investment of $20.3 million over four years to strengthen the Regional Development Australia network. The additional funding will support the national network of 55 Regional Development Australia committees to engage with their communities and provide advice to all levels of government. The investment in the Regional Development Australia committees is an addition to the $15 million provided annually to the regional network. Given this investment, the Government will review the Regional Development Australia Program by 2015.

RECOMMENDATION 16

[8.31] The committee recommends that propositions for change to the Constitution be referred for consideration to a constitutional convention and that responsibility for the agenda and organisation of the convention be the responsibility of a newly institutionalised COAG.
Response

The Government does not agree with the recommendation.

The Government, however, is committed to holding referenda during the 43rd Parliament or at the next election on recognition of Indigenous Australians and recognition of local government in the Australian Constitution, and has established Expert Panels to consult with the Australian community on both issues.

RECOMMENDATION 17

[8.41] The committee recommends the establishment of a Joint Standing Committee of the federal parliament to be administered by the senate and with a senator as its chair. The committee should have a mandate to conduct its own inquiries and be assigned a range of oversight responsibilities that would enable it to assume a significant and integral role in helping to manage Australia’s modern federation. This should include the responsibility to provide regular oversight of COAG.

Response

The Government notes the recommendation.

The establishment of the Joint Standing Committee is ultimately a matter for the Parliament of Australia, the Government notes that a Committee along the lines envisioned in the report would in its activities need to ensure the capacity of the executive to discharge its responsibilities in the field of intergovernmental relations is in no way fettered.

The Government further notes that any consideration of COAG agreements and/or processes by the Parliament of Australia, the Government notes that a Committee along the lines envisioned in the report would in its activities need to ensure the capacity of the executive to discharge its responsibilities in the field of intergovernmental relations is in no way fettered.

Response

The Government notes the recommendation.

RECOMMENDATION 18

[8.42] The committee recommends that the Senate Foreign Affairs, Defence and Trade References Committee undertake an inquiry into the merits of Professor Uhr’s proposal that Australia sponsors an ongoing regional dialogue among elected representatives and parliamentary bodies in the Asia Pacific on the political management of decentralised and devolved national governance.

Response

The Government notes the recommendation.

The Government considers that the proposal is ultimately a matter for the Senate Foreign Affairs, Defence and Trade References Committee.

RECOMMENDATION 19

[8.54] The committee recommends that funding be made available by the federal, state and territory governments for the establishment within an Australian university of a centre for the study and dissemination of ideas relating to federalism and Australia’s federal system of government.

Response

The Government notes the recommendation.

Universities can seek funding for research relating to federalism under existing state government and Australian Government programs including, for example, the Australian Research Council’s National Competitive Grants Program. Any large scale investment in a national centre or centre of excellence would require substantial evidence of capacity to build large-scale national research programs involving collaboration across institutions.

The body of the report notes that an application made under the recent ARC Centres of Excellence selection round was unsuccessful. The Australian Research Council reports that the selection round in which the application was made was very competitive, with 13 proposals funded out of 101 expressions of interest initially received.

RECOMMENDATION 20

[8.55] While the committee acknowledges the important work done by organisations such as the Museum of Australian Democracy and the Parliamentary Education Office in improving Australians’ knowledge and understanding of Australian federalism, the committee nevertheless considers there is a need to promote a deeper understanding of federalism in the wider post-school community. The committee recommends
that enhanced funding be made available by the federal, state and territory governments to appropriate institutions to promote this deeper understanding.

Response

The Government notes the recommendation.

In addition to work done by the Museum of Australian Democracy and the Parliamentary Education Office, a number of key Australian institutions undertake activities and/or hold resources that promote Australians' understanding and knowledge of Australian federalism, including the Australian Electoral Commission, the National Archives of Australia, the National Gallery of Australia, the National Film and Sound Archive, the National Library of Australia and the National Museum of Australia.

Any proposals for new funding would be subject to normal budget processes.

RECOMMENDATION 21

[8.56] The committee recommends that the Australian Research Council identify Australian federalism as a priority area for research funding.

Response

The Government does not agree with the recommendation.

The Australian Research Council (ARC) administers a range of funding schemes under the National Competitive Grants Program (NCGP) to support research excellence and build Australia's research capacity. Funding under the NCGP is allocated on the basis of research excellence through rigorous peer review processes.

The NCGP provides funding for research in all disciplines. Research funded by the ARC includes research into Policy and Political Sciences, including Australian federalism.

Under the Future Fellowships scheme for proposals commencing in 2010 and 2011 several targeted research and discipline areas have been identified to encourage the submission of proposals. For the selection round for funding commencing in 2011 the targeted research areas include Political Science.

Since 2005 the ARC has provided $3.2 million for research into Australian federalism. Examples of ARC-funded research projects in this area include:

- 2010 Future Fellowship awarded to the University of Queensland for a research project titled Reconceiving Australian Federalism: Fundamental Values, Comparative Models and Constitutional Interpretation; and
- 2009 Discovery Projects grant awarded to the University of New South Wales for a research project titled Federalism for the 21st Century: A Framework for Achieving Reform and Change.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (16:54): by leave—I move:

That consideration of each of the government responses to committee reports just tabled be listed on the Notice Paper as orders of the day.

Question agreed to.

Rural Affairs and Transport References Committee

Government Response to Report

Senator COLBECK (Tasmania) (16:54): by leave—I move:

That the Senate take note of the government response to the Senate Rural Affairs and Transport References Committee inquiry's report Science underpinning the inability to eradicate the Asian honey bee.

This is a very sad and ongoing saga and it is something that the Senate Rural Affairs and Transport References Committee spent a considerable amount of time on, working very hard to try to get to the bottom of the process behind the decision that the Asian honey bee could not be eradicated from where it has established itself in an area around Cairns. It is reasonable to suggest that members of the committee still have considerable concerns about the process, the way it was managed and the way the decision was made. Unfortunately, events since then do not change the view of many of us who have followed this issue closely.
We do acknowledge, though, that following the hearings that were held and the concerns that were expressed by the committee, the government provided $2 million to support a national pilot program to facilitate management of the Asian bee. But, again, the processes that the government undertook and the way that this issue has been managed have continued to raise concerns. As part of the process, and as part of the funding for this $2 million that was allocated by the government towards the study of the Asian bee, the government was supposed to provide a document to support a national pilot program—a plan—put into place by June.

We hear that just this morning—months, obviously, after the target date of June—members of the industry have been offered and provided with a copy of that plan. This continues the process that we saw during the decision-making discussion around whether or not the Asian bee might be eradicable. The farce continues. During the management of a key meeting in January on whether or not the bee might be eradicable, one of the pre-eminent scientists in this country had his name disappear off the email list, so he was not available to speak and advise the industry at the meeting. We hear now that, through the development of this plan which is five months late, scientists sitting around the panel are only allowed to speak if they are asked a direct question. They are not allowed to have general input. The process has been held confidential to three members of the industry.

It is a great way to manage dissent—that only three members of the industry who are on the panel developing the plan are able to have access to the information. There has been no effective consultation with the industry, no capacity for the development of the plan to be canvassed broadly within the beekeeping and honey industry in Australia. Three people have been allowed to be part of the process. The scientists sitting on the panel are allowed to comment only if they are asked a direct question. The complete farce that is this process continues. Further, we have a number of members of the beekeeping community, about 50 volunteers, working in and around Cairns on the potential eradication of the bee. One of the key assumptions made as part of the process was that the bees would move into the dense rainforest in and around Cairns and that it would be very hard to find them. That was one of the key elements in the decision-making process as put to us, as senators on the Senate inquiry, by departmental representatives. So dense forest was an issue for the potential eradication of the bee.

The observations coming out of that region now are that the bees are in fact not taking up residence in the dense rainforest. There is no food for them in the rainforest, so they might be going in but they are coming back out. One of the criticisms committee members had of this process during the inquiry was that at a critical point for the decision-making process the funding ran out, even though a decision had been made to collect more data. The fact that funding was not available meant that the data was not collected. Now the volunteer beekeepers operating around Cairns are finding a contradiction to what was the accepted wisdom at the time—that the bees would establish in the rainforest. They are telling us that the bees are not establishing in the rainforest, so the reality of the decision made earlier this year may be very different.

I know that Senator Milne has also been quite concerned about ensuring that this process continues. We acknowledge that the government put additional money on the table and we appreciate that. Let us not criticise the fact that there has been a positive move made in that area. But then the
report on how to manage the process was five months late, continuing the complete debacle which has been the process right from the outset—when a key member of the committee did not attend a meeting because their email address had slipped off the invitation list. I do not know whether you call it being accident prone, careless or incompetent. I really do not know how to describe this.

Then we saw in the development of a management plan that only three people have been allowed to be part of the process. The key scientists, the people who really understand the Asian honey bee and its characteristics, who might have known what to do, were sitting around the table and could speak only when they were directly asked a question. This process has been so intensely controlled to manage against dissent or discussion that it is just absolutely absurd. For the government to control and restrict it to three people and not allow effective discussion throughout the rest of the industry is completely outrageous.

We appreciate that the government has accepted a number of our recommendations—they have stepped away from a couple of elements of what we asked them to do—but the practical processes they have undertaken right throughout the incursion of Asian bees into Australia really has been a comedy of errors. We questioned the decision that the bee was not eradicable and we questioned it based on advice from scientists who said there was not enough data to properly make that decision. We questioned the fact that the scientists were allowed to sit around the table but not be part of the discussion and that the key scientist was not at the meeting where the decision was made.

It now appears, through observations being made by beekeepers and the volunteers who have taken it upon themselves to continue the work in and around Cairns—and we know that is by the agreement of the government—that their observations are indicating that the bees still may be eradicable. Yet the government persists with the line that it does not believe this bee can be eradicated even though the basic premise we saw during the inquiry was that there was not enough information to make that decision. While I acknowledge the tabling of the government's response, I still question their management of this overall process because it appears to me, with the key report being five months late, there is still a lot to be desired as far as the process is concerned.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (17:05): I rise to note the government's response to the inquiry report Science underpinning the inability to eradicate the Asian honey bee. While I acknowledge the $2 million which the government provided to support a national pilot program, the whole point of the Senate report was that senators from all political parties wanted to make sure that eradication was reviewed. We wanted a review of the decision not to eradicate the Asian honey bee. The $2 million has been put into facilitation of the transition from eradication to the ongoing management of the Asian honey bee. In other words, the money has gone into upholding the decision that you cannot eradicate the Asian honey bee. There is no evidence to say that you can eradicate it or that you cannot eradicate it. That is the problem. That is why, after taking a lot of evidence, we recognised that the big problem was the lack of data that was collected on the incursion of the Asian honey bee—where it had spread, how it had spread, what it was feeding on, what the impact of the cyclone was and so forth. We wanted data collection and the beekeepers wanted data collection, and they had
indicated they were prepared to put in a big voluntary effort to go up there, collect the data and see what was going on. In fact, as Senator Colbeck just mentioned, data coming out of the effort of those volunteers has shown that the expectation that the bees would get lost in the rainforest and breed up there, making them impossible to eradicate, was in fact quite wrong. The evidence is showing that they go in but then come out of the rainforest.

The issue I have with all of this is that a decision made by the management group not to eradicate was not based on evidence but based on an assumption that the bee would not spread. Therefore it became a cost decision of state governments. The state government representatives on the management group voted not to go for eradication because of the additional costs, the Commonwealth did not want to take on the additional costs, and the upshot was: 'Pull up the ladder, Jack. We're all right. It will spread in the tropics but it won't spread further south than that.' My big concern has always been that not only is it going to be a major problem in tropical Australia but the fact that it has spread throughout the highlands in PNG suggests that it is only a matter of time before it spreads to more temperate regions in Australia.

One of the real concerns I had with all of this was that nobody but nobody had taken into account the impact on Australia's biodiversity of the Asian honey bee incursion, which is why one of the recommendations of the committee was that biodiversity be taken into account and written reports be made on the likely impact. There is a high expectation that it will displace native bees—and again I come back to the fact that evidence based research is just not there.

Throughout it was: yes, it is going to have a major adverse impact on the beekeepers; yes, it is going to have a major adverse impact on wiping out European honey bees, reducing their production levels; it will also have an impact on the cross-pollination services that the European honey bee makes in horticulture. But nobody was talking about what the impact would be on Australia's biodiversity—what the impact would be on native bees, nectar-feeding insects, bats et cetera. Nobody could say because the work had not been done. I was horrified when I found out that the representative of the department of the environment who appeared at these talks was there as an observer and did not speak. Whether they knew nothing, whether they chose not to speak or whether they had no questions directed to them really does not matter, because the upshot is that biodiversity was not taken into account.

The government, in its response, has said:

The Government notes that as part of the decision making process, National Management Group members already consider biodiversity consequences of the establishment and spread of a pest or disease.

Really? I think that is misleading the Senate and I am now very motivated to find out, under FOI, exactly what the management group took into account in relation to the spread of the Asian honey bee. I can tell you, Madam Acting Deputy President, they did not take into account the biodiversity consequences.

Subsequent to the decision to allow the Asian honey bee to spread and to manage it, the Wet Tropics Management Authority has said that the adverse consequences on the wet tropics are likely to be considerable as a result of the spread of this Asian honey bee. Where was that in the consideration? It was nowhere. It was not raised once by anybody in the Department of Agriculture, Fisheries and Forestry. It was not raised once by
anybody from Biosecurity Australia. I do not believe the impact on the wet tropics was considered at any point, nor do I believe that the Wet Tropics Management Authority was actually asked for its view, just as I do not believe CSIRO was asked for its view on biodiversity. But I intend to find out, since the government has said quite clearly, in black and white:

The Government notes that as part of the decision making process, National Management Group members already consider biodiversity consequences …

I do not think anybody could tell you right now what the biodiversity consequences of the Asian honey bee incursion are likely to be, because very few people are out there doing the research. The one officer at CSIRO who has done 20 years of research in this field was not asked for his views on the impact on biodiversity.

The government refuses to take into account the second recommendation that relevant scientific agencies be asked to provide written advice through the national management group or consultative committees with regard to biodiversity. The excuse for not taking that up is that it 'may hinder action being taken in a timely manner'. I have never heard so much rubbish in my life. If you want to take action in a timely manner you need to find out quickly what the likely consequences are so that you can design the action to make sure you protect that which needs protecting from a pest incursion.

I believe the spread of the Asian honey bee is going to be an absolutely huge natural disaster for Australia's biodiversity. The Asian honey bee takes up small cavities. Small cavities are known to be the breeding places of birds and insects. We are going to see a major consequence in the loss of native bee populations and impacts on insects. I can assert that. I do not have an evidence base for that, but nor do these people have an evidence base to suggest that there will not be impacts on biodiversity. The impacts I am talking about have been put to me by experts in the field. The point that Senator Colbeck was making and that I am now making is that senators across all political parties asked that the money go into an evidence based campaign to get up there and find out exactly what is going on so as to make an informed judgment. After the senators asked that that happen, there was a meeting convened and we now get the answer that the group:

… reconvened on 12 May 2011 to consider the impact of the Consultative Committee deliberations on the original decision on eradicability. Although consensus was not reached, the Group determined that it is not technically feasible to achieve eradication.

They have no basis for that. Either it is or it is not, but there is no evidence to support either case. The point the experts were making ad infinitum was: we need to collect the data before we can make an informed decision about whether we can eradicate or whether we cannot. That is what the Senate was asking the government to do—not to put $2 million into switching from eradication to management, running up the white flag and saying that is it, the Asian honey bee is here so we will just have to live with it.

The consequences of this incursion of the Asian honey bee will be huge. Whilst I accept there will be a huge impact on honey bee production, on cross-pollination services across Australia and on amenity in the community—they nest all over the place—the main issue that has not been considered is biodiversity consequences. I am very unhappy with the government's response on that particular recommendation.

Senator IAN MACDONALD (Queensland) (17:15): I thank the Senate for the opportunity to speak on the government response to the report of the Rural Affairs
and Transport References Committee. The spread of the Asian honey bee has been worrying me for some time. I come from North Queensland and I look after northern and remote Australia issues for the coalition. This is simply another case of the government's out of sight, out of mind approach. We have a minister who is completely out of his depth when it comes to anything to do with agriculture, fisheries and forestry. This is the first government for a long time that has had only one minister covering this portfolio. Whether the Minister for Agriculture, Fisheries and Forestry is interested or not, I am sure he does not have time to give to this particular issue, as with many issues in this portfolio, the attention that it demands. Agriculture, fisheries and forestry issues sit in the rural and regional parts of Australia, the more remote parts of Australia, including Northern Australia. There are no votes there and the minister has clearly shown on a number of occasions he has made decisions that he has no interest in—as I say, it is the out of sight, out of mind approach.

I congratulate Senator Colbeck on the great work he has done and on the issues he has raised, and I acknowledge that other senators have been very concerned about this matter as well. This response by the government deserves much fuller debate but again I despair—because of a motion supported by the Greens and the Australian Labor Party this morning we are not going to have an opportunity, apart from today, to discuss government responses to committee reports or to discuss the literally hundreds and hundreds of government documents that have been tabled in this parliament for scrutiny. Because of this guillotine decision earlier today, for the rest of this parliamentary year—for the rest of this calendar year—there will be absolutely no opportunity for senators to hold the government accountable for all these government documents and government reports that are brought into this parliament every week.

We hear about the new paradigm of open accountability, but where has it gone? The Senate's ability to look at government documents and committee reports at the appropriate times on Wednesday and Thursday afternoons is an essential part of a parliament keeping a government accountable. I think this is about the fourth or fifth week running that the government has done away with that opportunity for senators to look at these matters. This government response deserves much greater attention but it is not going to get it. By the time the Senate gets back to this report, the Asian honey bee could be anywhere. As Senator Colbeck points out, this is an issue which should be subject to intense scrutiny. Senator Milne is talking about a freedom of information request because she is unhappy with the response of the government. Senator Colbeck raises some issues about the conduct of this inquiry which really bring the honesty of this government to account. We know this government is led by a Prime Minister who told a deliberate lie before the last election, but you would think there would be a certain basic governmental honesty in relation to all of these documents.

Senator MacLucas: Madam Acting Deputy President, I rise on a point of order. I request that you ask Senator Macdonald to withdraw his comment about the Prime Minister. It was not parliamentary.

The ACTING DEPUTY PRESIDENT (Senator Crossin): Senator Macdonald, I remind you that you cannot impugn another member of the parliament.

Senator IAN MACDONALD: I withdraw my comment—I simply say that before the last election the Prime Minister
promised there would be no carbon tax under a government she led, and we have just had guillotined through the Senate 18 bills introducing a carbon tax. Senator McLucas can assess that how she likes, but it does not seem to me to be terribly truthful or terribly honest when you promise not to do something before an election to get yourself elected and, immediately you are elected, you completely break the promise. If it disturbs her when I say the Prime Minister deliberately lied, I withdraw. But, as I say, I will leave it to the listeners to work out what it means when you promise a day before an election that you will not do something and then immediately you get into government you do it.

By the same token, the Australian people were promised with this deal with so-called rural Independents that there would be this whole new paradigm of accountability. Where are we in the Senate? All of these government documents and important responses to reports like this report of the Rural Affairs and Transport References Committee are not being considered. There is no scrutiny because the government and the Greens continue to deny senators the opportunity to discuss this. Whilst I appreciate that Senator Milne has something to say on this Asian honey bee business, it does seem a little trite to me that she then gets up and takes 10 minutes of the Senate's time in debating this issue, preventing other speakers apart from Senator Colbeck and me from having a say on this, when she is one of those who supported the motion this morning to make it impossible to properly scrutinise all of these documents and reports such as this. I get very angry about that. One of the real roles of the Senate is to look at all of the government documents, to hold the government accountable, but how can you do that when the Greens and the Australian Labor Party take away those opportunities with what is becoming monotonous regularity?

As Senator Colbeck says, this needs a lot more investigation. It should be debated much more fully in the parliament, but it will be February before anyone else gets a chance to make a comment on this issue. This shows a government that have no interest in these issues. It is the out of sight, out of mind approach: 'Oh, the Asian honey bee will only come to tropical North Queensland. Who cares what happens up there?' Little did they...
think that it could destroy the horticulture industry by destroying the honey bee. And, as Senator Milne rightly says, little did anyone bother about the fact that it could have a real impact on our biodiversity. Those things just went over the minister's head. For a lousy couple of million dollars, research was stopped. What is worse, as Senator Colbeck points out, when the committee inquired into it, it seems—I was not on the committee, but it seems—that some of the witnesses might have even been gagged, and that in itself should be a reason for a full-scale debate on this in the Senate. But are we going to get that opportunity? Not this year. And, by the time next year comes around, it will be clearly too late.

There is the other issue raised in the debate about the Wet Tropics Management Authority. I would like to say a few words about how their funding has been cut back over the years, and perhaps that is why they did not get the opportunity to alert people to this beforehand.

For all of these reasons, we should have more time to investigate this report. I am just disappointed that the guillotining stops that.

The ACTING DEPUTY PRESIDENT (Senator Crossin): The time for consideration of this document has expired. Senator Macdonald, do you want to continue your remarks?

Senator IAN MACDONALD: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Education, Employment and Workplace Relations References Committee

Government Response to Report

Senator MASON (Queensland) (17:26): by leave—I move:

That the Senate take note of the government response to the report of the Education, Employment and Workplace Relations References Committee on the welfare of international students.

Honourable senators will be aware that, after coal and after iron ore, Australia's largest export is education, the selling of educational services to young people right throughout the world. There is a lot of talk in this chamber at times about financial services, tourism and so forth, but in the field of education Australia truly is a superpower. The Senate would be aware that, at its peak, international education generated approximately $18 billion per annum for this country. Indeed, it has been growing rapidly, in recent years sometimes upward of 40 per cent.

Upon reflection, perhaps the growth was too quick. I think it is fair to say that during the Howard government—indeed, in the early days of the Rudd and then Gillard governments—the perception developed in the international community and among the higher education sector here in Australia as well that entrance into an Australian higher education establishment could inevitably lead to immigration or to permanent residency. So an apparent nexus developed between acceptance into higher education in this country and permanent residency. That was not a deliberate policy, but that is what came to be understood. It is fair to say that, in some quarters in East Asia and indeed on the Indian subcontinent, some education agents seemed to be pushing that barrow.

I have to compliment the government on doing this: they deliberately broke the nexus between acceptance into an Australian higher education establishment and immigration and permanent residency. That was in my view, and indeed in the coalition's view, the right thing to do, because—as the government's response to the Senate Education, Employment and Workplace Relations References Committee report indicates—the system started to fray at the
edges. We had instances in Melbourne of certain higher education establishments offering below par courses. We then had instances of violence against Indian students in Melbourne. You would be aware of that, Madam Acting Deputy President. In more recent times, of course, we have had the tightening of visa restrictions and also the high Australian dollar and increased competition for higher education places from the United Kingdom and the United States. It is true, as many vice chancellors of many reputable higher education establishments have reminded me, that the problems that were caused to the Australian higher education sector really evolved because of very few courses and very few establishments. What happened was that the entire sector was tarred with the same brush. It is quite true to say that there is nothing really wrong with our universities—their standing worldwide is still very high. Similarly, our VET sector is very well regarded. But the entire higher education sector was besmirched by the failings of a few.

Far be it from me to ever have a go at the media, but I think it is fair to say that the media in India blew up the problem of violence against students. There was violence in Melbourne against Indian students, but in the end after all the reports—the police reports, the academic reports and Bruce Baird's report—the violence against Indian students was no greater than it was against any other higher education student. Young people in distant parts of Melbourne on railway lines and in railway stations are always vulnerable, but that violence was played up by the Indian media and that led directly to a slackening of uptake by Indian students of higher education places in this country. It has cost the sector billions of dollars, but it is recovering. It has to recover because, as I say, it is our largest services export industry—much larger than tourism or financial services and just below coal and iron ore. Perhaps at times people think I sound like a broken record, but it is a huge industry with not only enormous economic benefits to the country, and all the spin-off benefits of parents and friends visiting students studying in this country, but also the soft diplomacy and the soft power that Australia derives from all the young people that it educates. It is a large industry with enormous diplomatic input for and impact on this country.

All the issues I mentioned resulted in the government commissioning two reviews: the Baird review into governance of the international student sector and student support and the Knight review into student visas. As well as that, the Senate commissioned the Education, Employment and Workplace Relations References Committee to conduct this inquiry into the welfare of international students in June 2009. Two years later, nearly to the day, the government has replied. I must be in a very good mood because I am going to be very generous to the government, which is not my usual stance. I am in a very generous mood. The government's response has adopted all the recommendations of the Senate committee's report and I salute the government for so doing. In the interim, many of the issues raised in the Senate committee's report have been developed further by the Baird review and more recently by the Knight review. In the areas of student welfare and international student visas, both those very important aspects of a huge industry have been dealt with. It is a pity perhaps that it took the government two years to reply, but in the spirit of bipartisanship it must be said that the government, with the cooperation of the opposition, has made strides in trying to resurrect our international education industry, sell it better overseas, regulate the industry for quality, knock out the dodgy
providers and make Australian education once again one of our proudest industries, and Australia the superpower it has always been in the area.

Senator RONALDSON (Victoria) (17:34): by leave—I also wish to speak to the report of the Education, Employment and Workplace Relations References Committee on the welfare of international students. I support the comments of the previous speaker, Senator Mason, whose knowledge of this area is second to none. That was a typical contribution from the honourable senator, who spoke about matters for which he has great passion. Being a regional representative, for want of a better word, I know the enormous damage that was done to regional universities through this very difficult period. Rightly or wrongly, there are many regional universities that rely on international students. They are made very welcome by those institutions and by the communities in which they are placed. In my hometown of Ballarat, the University of Ballarat has long encouraged and has long welcomed international students, and we very much hope that those students will return.

I also take up some matters raised by Senator Macdonald in his contribution earlier on. The fact that we are again subject to another week of guillotines, another week when we are unable to debate government documents and a large number of reports, again shows the utter hypocrisy of the Australian Greens in relation to this matter. I remember full well when in the days of the Howard government the Greens used to bleat about guillotines. We get these sanctimonious speeches day in, day out from Senator Bob Brown about the gag, and here they are complicit with the Australian Labor Party in the most outrageous set of gags that we have seen over the last month. The worst, of course, was the gag on the toxic carbon tax, and I cannot believe that anyone in the Australian Labor Party can be proud of what we have seen in this chamber over the last month. The fact that their fellow travellers, the Australian Greens, are driving this constant and ongoing gag is a disgrace.

We know why this has been gagged. We know why these debates have been gagged. It is because those opposite, including the Greens, want to go home. They think they have fulfilled their responsibilities to the Australian parliament and to the Senate this year. I invite them to go back and look at the program. What does the program say? If required we will sit on Monday, Tuesday and Wednesday next week. It is required. It is required to have appropriate levels of debate in this place. It is required to enable us to articulate the views of those who put us here and to stop us being cut off at the knees by some dirty, grubby deal by the Labor-Greens coalition government, which is what they are. Who is wagging the tail with this? We are seeing it over in the other place as well. The tail is wagging the dog but never has it been worse than it is in this particular chamber.

I have said this before to the Australian Labor Party: if you go to bed with dogs, you wake up with fleas. This arrangement between the Australian Labor Party and the Greens will be the end of you. If you do not realise that, I cannot tell you any more. I am trying to save this great party of yours, and you are not listening to me. I am trying to save you, but you will not listen. You go to bed with these people to your eternal electoral detriment. They are pulling the heart out of the Australian Labor Party and you cannot see it. What they are doing to you is as plain as the nose on your face. They are destroying you. They will destroy you. You hear what they are saying. You see what they are doing. They are only using you for their own devices. They are using you and they...
will chew you up and spit you out when they are sick and tired of you. They will move onto the next dog when they are sick of you, when they have sucked every bit of blood out of the great Australian Labor Party. I am philosophically opposed to you, but I support your continuation because you are needed. The Australian Greens are certainly not needed. They are sucking the blood out of you and you cannot see it. They will jump to the next dog and you will not see it.

I think there are some opposite who actually do realise how dramatic this is. I think there are some opposite who realise what is happening. I think ultimately they will be proved right. I look forward to Labor reunions in due course when those who will not say it now stand up and say: 'I knew we were making a dreadful mistake when we were seduced by the Greens. They chewed us up and they spat us out.' You have got an opportunity next year. This year has bolted. I say to the Australian Labor Party: you have an opportunity next year to make sure that you represent the people who put you here. You have the opportunity next year to cut yourselves loose from this alliance from hell. It is an alliance from hell. You can do it. I encourage you to do it. Australian democracy needs you to do it.

I say to the Greens: please at least be consistent about what you say you believe in. I would love to go back and pull up the speeches from the Leader and Deputy Leader of the Australian Greens about the gag, about cutting off legislation, about cutting off an appropriate level of debate and about cutting off our representation of the people who have put us here. I will throw that back on the table for you to have look at. Then the Australian Greens can make some value judgments about what they really do believe in, what they really do stand for.

**Senator McLucas:** International education.

**Senator RONALDSON:** I just heard the parliamentary secretary talk about 'international'. The sooner the Australian Labor Party wakes up to the fact that those who you are in bed with are indeed part of an international political movement—

**Senator McLucas:** Mr Acting Deputy President, a point of order: I bring your attention to the question of relevance. We are debating a response from the government to a report about international education numbers. We are usually fairly generous in these sorts of debates, but this has gone a bit too far.

**The ACTING DEPUTY PRESIDENT (Senator Furner):** Senator Ronaldson, I draw your attention to the matter before us—

**Senator RONALDSON:** Thank you, Mr Acting Deputy President. I obviously accept that. I do not know how long I have been talking for, but I would have thought it was all about education. It was about educating the Australian Labor Party that what they are doing is not a terribly smart thing. I would have thought it was an education lesson well delivered. What you need to do, if you are really sensible, is actually take it on board, study it, listen to it and then make a decision about where you want to go. I will finish as I started. International students in this country deserve the support of every single senator in this chamber. They are extraordinarily important for our international relations and they are extraordinarily important for the longevity and strength of Australia’s educational institutions, particularly those in the regions.

Question agreed to.
DOCUMENTS

Responses to Senate Resolutions

Tabling

The ACTING DEPUTY PRESIDENT (Senator Furner): I present the following responses to Senate resolutions:

(1) from Tasmanian Minister for Health (Ms O’Byrne) and the ACT Chief Minister (Ms Gallagher) to a resolution of the Senate of 22 September 2011 concerning hearing health in Indigenous Australians; and

(2) from the Minister for Foreign Affairs and Trade (Mr Rudd) to a resolution of the Senate of 12 October 2011 concerning Iranian actress, Marzieh Vefamehr.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:44): I seek leave to take note of the answers from the Tasmanian Minister for Health, Ms O’Byrne, and the Chief Minister of the Australian Capital Territory, Ms Gallagher, on the hearing health of Indigenous Australians.

Leave granted.

Senator SIEWERT: I move:

That the Senate take note of the document.

These letters are in response to the motion that was passed by the chamber in September which dealt with issues of hearing health for Aboriginal and Torres Strait Islanders. Last session we had a response from Ms Bligh, the Queensland Premier, outlining the Deadly Ears program and we have since had these two subsequent responses. I am really pleased to see that the states and territories are responding to this motion because this is a particularly important issue. It is fairly unusual to get such a speedy response and I am really pleased that they are taking this issue very seriously. But I would urge the states that are responding and also those that are yet to respond to this to seek to raise this issue with the Commonwealth and suggest that it be an issue that is taken up through COAG, because it is only through coordinated national state and territory responses that we are going to see this issue being seriously addressed.

I have outlined to the chamber on numerous occasions the pandemic that Aboriginal and Torres Strait Islander communities face through otitis media and the subsequent impact this is having on their hearing health and the subsequent impact that that hearing impairment is having on people’s educational outcomes, their interactions with the educational system and, unfortunately, the subsequent interactions they are having with the criminal justice system. I am in no doubt about the statistics that we are starting to see in the criminal justice system. A recent survey showed that 90 per cent of Aboriginal prisoners in the Darwin Correctional Centre had some form of hearing loss or hearing impairment. We also had anecdotal evidence to the Senate inquiry that articulated the poor interaction that people with hearing loss or hearing impairment are having with police and, once in the justice system and, once in the prison system, in the prison system. It is absolutely imperative that this issue is dealt with.

Unfortunately, I cannot let this opportunity pass without commenting on the flawed approach the government is taking to educational outcomes in the Northern Territory and the legislation that I understand, judging by media reports, will be introduced any day into the House of Representatives extending the Northern Territory Emergency Response and in particular seeking to expand the SEAM trials, which are the school attendance trials, and then to cut income support if we do not increase school attendance.

Getting a child into school is not the end of this process. Unfortunately, the
government seems to be forgetting that. You cannot tick the box because the child is at school. We need to be providing an education system that provides educational outcomes. We need to be dealing with hearing health. Once the child is in school we obviously need to be making sure we have a program in place dealing with otitis media. That requires a coordinated approach from all other states and the Commonwealth. When we have a child in school, we need to make sure, for example, that we have sound fields in not just some but all classrooms. One of the simple recommendations that the Senate Community Affairs References Committee made in its Hear us report into hearing health in Australia is that, under the act that governs the provision of services, Australian Hearing be enabled to spend some of their resources on the provision of sound fields, because at the moment they cannot. We believe it would be a fairly simple amendment to make that would have a very significant impact. We need to be making sure that schools do not have to just apply for that money, combined with the money that the government has assigned to the disabilities in schools program—which is a good program, I have to say—and that we have a rollout of investment in sound field systems and make sure that classrooms have proper acoustics. We need to make sure that that money is being well targeted.

We need to be making sure that we are screening schoolchildren as they enter the school system, because we are not picking up hearing loss in classrooms. We need to be investing in making sure that we are really addressing this pandemic of otitis media across Australia because Australia has the highest rate of this in the world. That is an indictment of our health systems. That is an indictment of living conditions, particularly in remote and regional Australia, although we still find that we have these problems in metropolitan Perth.

The Telethon Speech and Hearing Centre has done marvellous work with an ear bus that has been going out to schools and diagnosing and treating children straightaway. We are seeing that program being rolled out across virtually the rest of the Pilbara, but further north in the Kimberley we still need resources for that. There is the Deadly Ears program in Queensland. There are various bits and pieces of programs, as the ministers here are articulating, but we need a much more coordinated approach. We need a national program; we need a national plan as to how we are going to have a sustained effort and not a piecemeal effort to address these points.

I note that the tabling of these letters is fortuitous because some of the experts that were mentioned in the original motion happen to be here meeting in Parliament House this week. They are talking about how to further progress issues addressing Aboriginal children's health. I wish them good luck in their deliberations. If they come to meet with you, senators and members of the House of Representatives, I encourage you to talk to them because it is essential that we target our resources effectively and efficiently to deal with this issue. It is a preventable tragedy that is happening in our country today in 2011. This pandemic is happening in our country. We should be ashamed of it and we need to do more to address it.

Question agreed to.

COMMITTEES
Public Accounts and Audit Committee
Report
The ACTING DEPUTY PRESIDENT (Senator Furner): I present a report on
access to documents of the Joint Standing Committee of Public Accounts and Audit.

Economics Legislation Committee Report

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:52): On behalf of the chair of the Economics Legislation Committee, Senator Bishop, I present the report of the committee on the provisions of the Tax Laws Amendment (2011 Measures No. 8) Bill 2011 and the Pay As You Go Withholding Non-compliance Tax Bill 2011, together with submissions received by the committee.

Ordered that the report be printed.

DELEGATION REPORTS

Parliamentary Delegation to the 32nd General Assembly of the ASEAN Inter-Parliamentary Assembly

Senator EGGLESTON (Western Australia) (17:53): by leave—I present the report of the Australian parliamentary delegation to the 32nd General Assembly of the ASEAN Inter-Parliamentary Assembly, which took place in September 2011. I seek leave to move a motion to take note of the document.

Leave granted.

Senator EGGLESTON: I move:

That the Senate take note of the document.

As an Australian observer to the 32nd General Assembly of the Association of Southeast Asian Nations in Phnom Penh, Cambodia, it was a privilege to witness the goodwill between the countries involved in ASEAN and to see that they are committed to advancing their economies. While the powerhouse of China looms large over its neighbouring nations, it became clear that the 10—as it was, and now 11 with Myanmar—have the potential themselves to become an influential economic force. They have a population of some 600 million, there are some already powerful economies within the association and they are all going down the road to economic prosperity. Free trade agreements between the member nations have already given them a competitive edge as a production base in the world market and helped to attract more foreign investment.

It was very pleasing to see that Australia is regarded very much as a respected friend whose aid over the years has been much appreciated. Australia was the first non-South-East Asian country to become an associate of ASEAN. This was noted as an indication of the sincerity of our support for the group. A highlight of the meeting I attended was the admission of Myanmar to full membership. The dialogue which occurred between the Australian delegation and the other delegations was very interesting and wide ranging and again showed how well regarded Australia is within the area. Cambodia of course has come out of a very unhappy past. I did see some evidence of that at S21, the school where the Khmer Rouge murdered so many people. The Cambodians are seeking to move on, and I think they have a very good prospect of having a bright and rosy future. They are certainly great friends of Australia. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red. A statement of compliance is tabled in accordance with the Senate's continuing order on departmental and agency files.

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

Tobacco Plain Packaging Bill 2011
Returned from the House of Representatives
Message received from the House of Representatives agreeing to the amendments made by the Senate to the Tobacco Plain Packaging Bill 2011.

Deterring People Smuggling Bill 2011
Personal Property Securities Amendment (Registration Commencement) Bill 2011

Report of Legislation Committee

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:57): Pursuant to order and at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present reports of the Legal and Constitutional Affairs Legislation Committee on the Deterring People Smuggling Bill 2011 and the Personal Property Securities Amendment (Registration Commencement) Bill 2011 together with the Hansard records of proceedings, and documents presented to the committee.

Ordered that the reports be printed.

National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011

Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (17:58): Before question time, I was talking about the national funding body. Senators would remember that this is the body that first was in, then, when the ink was barely dry, was removed and now is back in the equation. It has gone from being out in deal mark 1 to being back in deal mark 4. Last year, on 17 June, on the ABC's AM program, it was reported that:
The Rudd Government has made a pre-emptive strike on one of its health reforms, even before the measure saw the light of day.
The Federal Government has been accused of axing a health funding watchdog, which was supposed to oversee payments to the states under its new health and hospital network.

... ... ...

A spokeswoman for the Minister says the decision to scrap the funding authority removes a layer of bureaucracy, and she says the Commonwealth's investments in health will be transparently reported in the Budget papers.

When questioned about this matter later, the Minister for Health and Ageing, Ms Roxon, told journalists:

... we've made it ... clear we don't want to increase the size of the bureaucracy—it's not appropriate for us to establish an authority where there is not a need to do so.

In Labor's health reform mark 4—the deal of August this year—the funding body is back. It is under a different name, but it is back. All this is simply instructive as to how the Australian Labor Party has lurched from one so-called reform deal to the next: not really knowing where it was going or what it was doing, so long as it could be seen to be doing something. Mr Broadhead said at the recent Senate inquiry that 'under the agreement reached in early August there is a role for a national health fund administrator and the national health funding pool' and that these may be established by legislation later in the year. So it has worked out it does need them, but it needs them in a different iteration given that the states are back in control and it is business as usual. He further explained:

It is a very strong principle through the agreement that the aim here is to have the amount of funding, the source of funding, the destination of funding and the basis upon which the quantum was arrived at all publicly reported. This would...
mean that, to the extent that a state's contribution to activity-based funding for a particular local hospital network was less than or more than the national efficient price or the same as the national efficient price, it would be visible for people to see in the reporting that is required. That includes not only the reporting to parliament but also the public reporting that is required.

From a coalition's perspective, we consider that the millions of dollars to fund additions to bureaucracy would be better spent on frontline services. The Department of Health and Ageing already has 5,000 staff and former Rudd minister Lindsay Tanner said on 14 October 2009:

The indiscriminate creation of new bodies or failure to adapt old bodies as their circumstances change increases the risk of having inappropriate governance structures. This in turn jeopardises policy outcomes and poses financial risks to the taxpayer.

It is only the largest hospitals that will operate under an activity based model. Most of these so-called bureaucracies at the heart of the Australian Labor Party's health changes were due to start in July this year. Deadlines have been missed and pushed back, the health system continues to struggle and Tasmanian hospitals are broke. We have even had the Premier of Tasmania offering to the Commonwealth that it take back the hospitals in Tasmania. The Australian Workplace Ombudsman is seeking urgent court action against nurses closing hospital beds as part of their pay dispute. Yet this Australian Labor government would have us believe that it is in command of health and the efficient running of the health and hospital systems. Tell that to the parent wanting a doctor's appointment for their sick child. Tell that to the adult children of an elderly parent with dementia looking for a nursing home bed. Tell that to the people who cannot afford dental care who have to wait years for treatment. Tell that to the parents of a young adult with mental illness who cannot find treatment. Tell that to the health professionals who just want to get on and do their job of helping people.

The Minister for Health and Ageing, Ms Roxon, thinks everything will be fine by 1 July 2012 when the local hospital networks will be paid for the services they provide. Some of these local hospital networks do not even exist. But Ms Halton, the Secretary of the Department of Health and Ageing, assured us at the October estimates that they are being set up by the states and that the states are well underway with that. 'I have no reason to believe that they will not be up and moving in the time frame that was agreed,' Ms Halton said. We can only be inspired by her confidence as many health experts are dubious that the time frame can be met. With the Gillard government's track record, optimism on this reform may well be misplaced.

In the remaining time I have available to me, I will foreshadow the coalition's amendments, and I will speak in more detail in the committee stage. We are concerned about and will be moving an amendment in relation to the constitution and membership of the pricing authority. The bill provides for the formation of two committees to assist the pricing authority: first, a clinical advisory committee to advise on the formulation of casemix classifications for health care and other services provided by public hospitals; and, secondly, a jurisdictional advisory committee which will maintain a schedule of public hospitals and the services each provides and advise on funding models for hospitals and determined adjustments to the national efficient price to reflect variations in the cost of delivery of healthcare services. Our amendment goes to the fact that there is no representation or any recognition of non-government hospitals. This was one of the issues that was highlighted so vividly in the submission by Catholic Health Australia, and
this is one of the major potential problems with this legislation. But, while the cost base for treatment in Catholic public hospitals is different from state public hospitals, there is no guarantee of representation for non-government hospitals on the pricing authority. I will deal more with those issues in the committee stage.

Senator EGGLESTON (Western Australia) (18:05): The National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011 is all about bureaucracy. It is another Gillard bureaucracy—more Gillard-ALP red tape. It is quite unbelievable. Yet none of us should be surprised. This government's record on health reform would leave even the healthiest of Australians dazed and confused. This bill establishes the third new bureaucracy under Labor's health reform program—the third new bureaucracy. It relies on other aspects of that so-called reform, such as local hospital networks, to manage hospitals and be funded under activity based funding. Yet in some states these local hospital networks are still to be established. The idea is for the local hospital networks to work with Medicare Locals to jointly deliver health care. But Medicare Locals are still not in existence across the entire country. There are very few of them established at all. This is possibly because their role has not been clearly defined. Even stakeholders are questioning what exactly they will do.

Then there is the price tag. They come at a cost of some $400 million, which is a lot of money, especially for a government which says it is going to put itself back into a balanced budget situation by 2014. We were told Medicare Locals would be at the forefront of the Labor government's promise to end the blame game and fix hospitals. That promise was made by Kevin Rudd almost four years ago, but the Australian people are still waiting—

The ACTING DEPUTY PRESIDENT (Senator Furner): Order! Senator Eggleston, I think you know the requirements in referring to people.

Senator EGGLESTON: I apologise. The promise was made by the then Prime Minister, Kevin Rudd, almost four years ago, but the Australian public, as I said, are still waiting to see the hospitals fixed. One might almost say: so much for promises of historic reforms under this government.

The Australian healthcare system has been pricked and prodded by this government, but the outcomes, the benefits for needy Australians, have been thin on the ground. Labor's achievements in the health sector, when one looks at them closely, are few and far between. On 1 November changes to the Medicare benefits schedule announced in the May budget took effect. Under this budget cut, changes have been made to the allied and mental health services available under the Better Access initiative for mental health. We saw the slashing of $580 million from a scheme that had delivered some 11 million mental health services to two million needy Australians. In this scheme the federal government had for once recognised the importance of dealing with the issue of mental illness by involving general practitioners, psychologists and nurse practitioners in the management of people with mental illness. However, the program was cut.

Earlier this year the government broke the longstanding convention on the listing of Pharmaceutical Benefits Scheme medicines when it rejected the recommendation of the independent arbiter, the Pharmaceutical Benefits Advisory Committee, to list some vital medicines concerned with the treatment of, among other things, cancer. It was a
decision that undoubtedly caused many Australians sleepless nights, fearing they would have to pay a great deal more for their vital medications than they would under the Pharmaceutical Benefits Scheme and, perhaps most importantly of all, that they might not be able to access the latest and best forms of treatment either for themselves or for members of their families.

Prior to that, the government capped various services under the extended Medicare safety net, with cuts amounting to some $610 million. These included reductions to the in-vitro fertilisation and obstetrics services, which some people might feel are services which are not genuinely about people who are ill but something of a luxury, helping people who are unable to conceive have children. But to those people the cutting of the subsidies and the benefits for those services was very sad indeed. I am sure it caused a lot of heartache around this country among people who, as a couple, are infertile and who hoped that IVF services would help them have a family.

Then there are the cuts to pathology services and the cuts to incentives for GPs to provide after-hours services—more cuts and a diminished medical service to the Australian public. They are mostly at the GP level, which means that the ordinary members of the community are the ones most affected. Further, hanging over our health system is the threat of closing the Medicare chronic disease dental scheme, which has provided more than 11 million treatments to almost 800,000 Australians. This is a very important service because elderly Australians and those on social security often find they cannot afford to go to private dentists.

In addition, there is the threat of cutting rebates to those who hold private health insurance. The government is threatening to cut the taxation rebate which encourages people to take out private health insurance and which has meant that many more people have retained their private health insurance than might otherwise have done so as the cost went up. That in turn means that there would be greater pressure on public hospitals, increased waiting lists and more people finding that their medical treatment is delayed. So that is the real record of Labor's so-called healthcare reform agenda. It has been a record of cuts, diminished services and poorer outcomes for the Australian public.

The coalition supports the move to activity based funding for the nation's hospitals. We are very happy with that, but we oppose further layers of health bureaucracy. This bill establishes the third new bureaucracy under Labor's so-called national health reform program. The Independent Hospital Pricing Authority, which this bill is all about, comes at a cost of almost $100 million over the forward estimates. It follows the National Health Performance Authority, which followed the Australian Commission on Safety and Quality in Health Care. Yet to come, it is some form of national health funding organisation which was promised by Prime Minister Rudd, then discarded by Prime Minister Rudd, described as 'unnecessary bureaucracy' by Health Minister Roxon and then resurrected by Prime Minister Gillard. The government is slightly confused about what to do, it would seem. The policy is all over the place—creating organisations, discarding them and then resurrecting them. It is a very inconsistent record, and all of this has come at a cost of hundreds of millions of dollars, money which could in large part have been spent on front-line services and improving health care for members of the Australian public. These various authorities were originally proposed to be formed, in
place and operating by July this year. Activity funding is now due to be established by the pricing authority by July 2012. Experts are warning that even that time frame is too tight and perhaps unachievable. So it is likely to be another example of Labor's inability to deliver a program and threatens more uncertainty for the hospital system. So we can have little confidence that this government will deliver, given their record of past performance across a whole range of policy areas, not only in the health area. Stakeholders, including the Healthcare and Hospitals Association and the AMA, have warned that providing additional data needed by this new authority could impose very heavy burdens on the health sector. The Healthcare and Hospitals Association also warns that, rather than drive any reforms, there is a serious risk the introduction of activity based funding will simply reinforce the old inefficient models of care. So, significant warnings have been sounded to the government that it needs to get this change right.

Through the formation of all of these new bureaucracies the coalition has consistently warned that they raise the possibility of duplicating each other's work and imposing ever-greater burdens on the health sector. The coalition continues to hold these reservations about the policies and programs of the Gillard government in the health sector.

Activity based funding was part of this government's promises to end the blame game in health, but stakeholders warn us that it will do no such thing. Even the *Bills Digest* for this bill states 'it is likely that debates about the adequacy of public hospital funding by each level of government will continue for some time.' And 'some time', in government terms, can mean it could be 10, 20 years or even longer before decisions are made and resolutions affirmed—so it does not augur well for the future of the Australian health system.

Another major concern is that the private sector has had very little input into these proposed changes, when in many cases the private sector is already funding health care on the basis of activity. The government should have drawn on the knowledge and expertise in the private sector, one would have thought; but that has not happened so far. But, hopefully, it could be that the new pricing authority will go to the private sector and seek advice. The authority also needs to take into account the varying nature of different parts of the hospital sector. There are significant differences between public and private hospitals, and not even all public hospitals operate in the same way.

Let us have a look at Catholic Health, which operates some 21 public hospitals around Australia—some of them large, some of them iconic, well-known public hospitals, like the St John of God system in Western Australia—but they operate in a very different way to those operated by the state governments and the public sector. The amendments put forward by the coalition seek to recognise and allow for greater understanding of these differences in the modus operandi of the management programs and the impact that will have on the decisions of the pricing authority. This is just another example of the muddle-headed approach of the Labor government to health care which, if implemented, will do nothing to improve service delivery to the Australian public, I am afraid. And so, once again, I think we are going to see health care in this country not being as good as it could be and Labor missing the opportunity to make a substantial difference.

**Senator McLucas** (Queensland—Parliamentary Secretary for Disabilities and Carers) (18:19): The National Health
Reform Amendment (Independent Hospital Pricing Authority) Bill 2011 represents a critical part of the government's national health reforms to improve the efficiency and transparency of the nation's public hospital system. All Australian states and territories have joined with the Commonwealth to implement a national system of activity based funding. This piece of legislation is designed to create the Independent Hospital Pricing Authority. The authority will determine the prices for hospital services across the country and also take into account factors such as safety and quality and the cost of services in regional hospitals. While most services will be provided through this system, block funding will be provided for some hospitals, particularly those in small regional communities. I will come back to that point.

The authority will have strong independence from all governments and will provide the health system with robust decision making, much like that the Reserve Bank provides to our financial system. In addition, the pricing authority will publish this and other information for the purpose of informing decision makers in relation to the funding of public hospitals.

The government have taken action to establish the interim pricing authority, which was part of our commitments under the health reform agreement. The interim authority has taken over the important activity based funding work from the Department of Health and Ageing, which will then transfer to the permanent authority after the passage of this legislation.

I thank senators for their contributions to the debate. I am pleased that the Senate committee has recommended the bill be passed and also that the opposition and the Greens have both said they will support the legislation. And nor should the opposition oppose this legislation, particularly since it implements reforms that have been supported on a number of occasions by the Leader of the Opposition. Of course, that has not stopped the opposition before, such as when they have opposed our other health reform bills in this chamber—in fact, one of those bills they opposed was to make permanent a critical safety and quality body that was created temporarily under the Leader of the Opposition himself.

Today in the Senate we have seen the usual criticising and sniping from the shadow minister for ageing and the opposition, rather than the promoting of any positive proposals of their own. They will continue to try and divert the public's attention away from health, desperate to avoid scrutiny of the Leader of the Opposition's inauspicious record as health minister. Specifically, Senator Fierravanti-Wells claimed that there was no clarity about which small hospitals would receive block funding. That is because under the National Health Reform Agreement it is a matter for the Independent Hospital Pricing Authority in consultation with jurisdictions to develop block funding criteria to be agreed by COAG. It is not a matter for decision by a Commonwealth bureaucrat or even by a Commonwealth minister but one to be resolved by independent experts and agreed by all jurisdictions.

I also note that the NHRA provides for loadings on the notional efficient price to reflect additional costs driven by regional location. Small rural hospitals will be protected as this agreement is implemented. The establishment of the Independent Hospital Pricing Authority is clear evidence of the government's ongoing drive to deliver for all Australians the best quality health care possible and to ensure the future sustainability of our health system. I commend the bill to the Senate.
Question agreed to.
Bill read a second time.

In Committee
Bill—by leave—taken as a whole.

Senator FIERRAVANTI-WELLS (New South Wales) (18:23): As foreshadowed in my contribution on the second reading, I move opposition amendment (1) on sheet 7178, as circulated:

(1) Schedule 1, item 21, page 19 (after line 18), after subsection 144(4), insert:

(4A) The Minister must ensure that at least one member of the Pricing Authority has:

(a) substantial experience or knowledge; and
(b) significant standing;

in the provision of services in hospitals other than hospitals owned and operated by the Commonwealth, a State or a Territory.

The amendment to schedule 1, item 21 goes to the membership of the pricing authority. The minister must ensure that at least one member of the pricing authority has substantial experience or knowledge and significant standing in the provision of services in hospitals other than hospitals owned and operated by the Commonwealth, a state or a territory.

As I indicated, the bill provides for the formation of two committees to assist the pricing authority—firstly, a clinical advisory committee to advise on the formulation of casemix classifications for health care and other services that are provided by public hospitals; and, secondly, a jurisdictional advisory committee which will maintain a schedule of public hospitals and the services that each of those hospitals provide, advising on funding models for those hospitals and determining adjustments to the national efficient price to reflect variations in the costs of delivery of healthcare services.

The pricing authority is established as a body corporate with perpetual succession, with a seal. It is able to sue and be sued as well as deal with real and personal property under proposed section 142. Proposed subsection 63 and proposed section 143 effectively set the minimum number of members of the pricing authority at nine members, including the chair and deputy chair. Members, including the chair, are appointed by the minister and can be appointed on a full-time or a part-time basis for up to a maximum five-year period and can be reappointed as provided for in proposed sections 144 and 145. Proposed section 144 provides that at least one of the members of the pricing authority is to have substantial experience or knowledge and significant standing in regional or rural health care.

The coalition's amendment ensures that one member of the pricing authority will have substantial experience or knowledge and significant experience in the provision of services in hospitals other than public hospitals. This reflects in principle the submission by Catholic Health Australia, which recommended that a member of the pricing authority have experience in the operation of non-government public hospital services. As I indicated earlier, one only has to look at the state of our public hospitals as at June 2010 to see that 43 per cent of the hospitals in Australia are private hospitals and that they include day surgery facilities. There are 1.2 private hospital beds per 1,000 people as against 2.5 public hospital beds per 1,000 people. There are 756 public hospitals in Australia, with about 56,000 available beds. Hence, it is very important that non-public hospitals be included as part of the framework of this legislation. It has certainly been an oversight by the government in this legislation. One only has to look at the government's attitude towards private health insurance and at what Minister Roxon has tried to do once and failed, tried to do a
second time and failed, and now, no doubt, there will be a third time, to see this
government’s ideological attack on private
health insurance. That will be for another
day. However, it reflects, I think, the
ideological standard of this government
towards private health and private hospitals.
But I digress.

Catholic Health Australia highlighted one
of the major potential problems with this
legislation. While the cost base for treatment
in Catholic public hospitals is different from
that of state public hospitals, there is no
guarantee of representation for non-
government hospitals on the pricing
authority. Senator Eggleston mentioned this
in relation to major private hospitals in
Western Australia. St Vincent's Hospital is
one of the major examples in metropolitan
Sydney. This issue was outlined by Mr
Martin Laverty, the CEO of Catholic Health
Australia. He said:

Very specifically, senators will be aware that
Catholic Health Australia represents about 10 per
cent of the nation's hospital beds. Within that
there are 2,700 public hospital beds operated by
Catholic hospitals, mostly on the east coast, but
broadly around Australia. For the bill to be
effective it needs to have regard to the unique
nature and the slightly different legal status under
which those 2,700 public hospital beds actually
operate. We do not see that reflected in the bill at
present, but we think minor amendments can
adequately incorporate the impacts of the
differing legal structures that operate those 2,700
public hospital beds, and we have proposed that
to you in our submission.

Progress reported.

Proceedings suspended from 18:30
to 19:30

MINISTERIAL STATEMENTS

Afghanistan

Senator ABETZ (Tasmania—Leader of
the Opposition in the Senate) (19:30): I
move:

That the Senate take note of the ministerial
statement.

September 11, 2011 was the tenth
anniversary, if we can call it that, of the
horrific and cowardly attacks on the twin
towers in which, along with 2,977 people
from 90 different nations, 11 Australians
were killed. In October 2002 at Kuta in Bali,
88 Australians were killed. In September
2004 at the Australian embassy in Jakarta,
nine Indonesians were killed and over 150
injured. In July 2005, one Australian was
killed and 11 were injured in the London
train and bus bombings. In October 2005 at
Jimbaran beach and Kuta in Bali, four
Australians were killed and 19 injured. In
July 2009 at the Marriott and Ritz-Carlton
hotels in Jakarta, three Australians were
killed. Fortunately, attacks closer to home
have been thwarted, notably an attack on
Holsworthy Army base, planned for 4
August 2009, to be carried out by Australian
based Islamic militants linked to the terrorist
group al-Shabaab. The perpetrators planned
on infiltrating the base and shooting as many
Army personnel and others as possible until
they were killed or captured.

These are some of the reasons that
Australia is in Afghanistan fighting the
scourge of terrorism which had its base in
Afghanistan. Afghanistan had long been a
training ground for terrorists, including those
responsible for the attacks in Bali and Jakarta
and against our embassy in Indonesia. Over
the past decade, close on 100 Australians
have been killed by terrorist attacks that were
planned and executed from terrorist safe
havens in Afghanistan. So, in the first
instance, our presence denies Afghanistan as
a training ground and operating base for al-
Qaeda and other terrorist organisations.
Secondly, our presence helps stabilise the
Afghan state through civil, police and
military training for local Afghans which
will enable them to achieve self-
There are an annual average of 1,550 Australian Defence Force personnel deployed within Afghanistan as part of Australia's military contribution to the International Security Assistance Force, ISAF. Our military, civilian and development assistance is directed towards mentoring the Afghan National Army 4th Brigade in Oruzgan province to eventually take on responsibility for the province's security, building the capacity of the Afghan National Police to assist with civil policing functions in Oruzgan, improving the Afghan government's capacity to deliver core services and generate economic opportunities and disrupting insurgent operations and supply routes utilising the Special Operations Task Group.

On occasions such as this it is worthwhile looking at the progress that has been made. The International Council on Security and Development, an organisation long critical of US policy in Afghanistan, is echoing the US sentiment that, as a result of the surge and refined strategy, many of the Taliban's long-time safe havens in Helmand and Kandahar have been destroyed. Mid-level Taliban commanders and their networks have been disrupted, dismantled or destroyed by special forces. In March 2011, General Petraeus told the US Armed Services Committee that in a typical three-month period 360 insurgent leaders were either killed or captured. This has had a marked effect on the average age of Taliban commanders, which, according to observers, has dropped from 35 to 25 in the past year.

The standing up of the Afghan National Army, the ANA, is taking time but it is progressing. The ANA has assumed security responsibility for Bamyan province, the first of 48 provinces, and over half of the patrol bases within the Oruzgan province. Another six provinces were handed over to the ANA and ANP authority in recent times. We talk of the Kabul province, Panjshir province, Herat city, Mazar-e Sharif city, Lashkar Gah city and Mehtar lam town. Real progress is being made. Retention rates for the ANA are slowly rising.

In addition to all those military gains and security gains in Afghanistan, it is worthwhile noting the improvements that have been made to the quality of living of the Afghan population. Let us go back 10 years. In 2001, Kabul was a ghost town and a home to 500,000 repressed, cold—cold because none of the heating worked—and depressed people. It is now a thriving city of three million, with shops, cafes, cinemas, music and girls and boys schools. In 2001, nine per cent of Afghans had access to basic medical care. Today that is at 85 per cent. In 2001 less than one million boys went to school. Today seven million young Afghans go to school. In 2001, you would struggle to find a phone. Today, one in three Afghans has a mobile phone. In 2001, only the Taliban's Voice of Shariat hit the airwaves. Today, there are over 100 active press outlets. So you can see the great progress that has been made.

Regrettably, previous moves to strike a deal with the Taliban have proved fruitless. I recall some 13 months ago, when we were considering this matter in this place, I was suggesting that peace should be given a chance and there should be discussions with the Taliban. Nevertheless, despite them being fruitless, I am encouraged to learn that negotiations with the Taliban continue in the hope of a breakthrough deal.

Just over a year ago, the top NATO commander in Afghanistan, General Petraeus, said that progress in the war was sometimes as slow as 'watching grass grow.
or paint dry' but that American and coalition troops were nevertheless making headway with 'hard fought gains' against insurgents, but that it remained tough going. Recently, General Petraeus's successor, General John Allen, said:

Each day, Afghans are learning new skills, working to provide for their families, standing up for their communities, and labouring to build a new, more hopeful Afghanistan. With each step of progress, our shared enemy has come to realise that they cannot tear down what the Afghan people are building up. The enemies of peace are not mujahidin or martyrs, but murderers, and their violence, assassinations and attacks will not frighten the Afghan people into submission. Taliban fighters, too, are growing weary of their leaders— who stay off the battlefield, deciding instead to issue orders from the comforts of foreign lands. Because they have lost territory, support, morale, and the will to fight, many of these fighters are considering reintegration and choosing a future of hope and promise for themselves, their families, and their communities.

The current surge is witnessing success, with a large number of insurgents being killed and forced to retreat from areas formerly under strict Taliban control. More and more Taliban are now being forced into areas where they have not previously been dominant. So, in Oruzgan and neighbouring provinces, NATO and Australian forces are being called upon to engage in even more encounters with the Taliban. Unfortunately, this is resulting in further casualties for our troops.

Just last week, the alternative Prime Minister Mr Abbott visited our troops in Afghanistan. This was about a fortnight after three heroic Australian members of the Mentoring Task Force were killed by a rogue Afghan army member and about a week after another three were wounded by another Afghan soldier. Obviously, incidents like these cause people to question our mission. However, the Australians Mr Abbott met spoke highly of their Afghan allies, the vast majority of whom they regarded as worthy comrades. Mr Abbott's take-out was that there was little doubt that the security situation there is improving.

The insurgency still has the capacity to inflict casualties, using roadside bombs to carry out civilian massacres and to assassinate officials of the Karzai government. However, the military advice is that the Taliban's ability to engage in direct combat has been seriously degraded. Mr Abbott found that in Oruzgan more schools and clinics are open and many girls are getting an education for the very first time. The road between Tarin Kowt and Chora has been sealed and local villagers are reported to be increasingly turning on the Taliban. The ADF's Mentoring Task Force has helped make the 4th Brigade among the best in the Afghan army.

The transition from largely Western to largely Afghan security forces will take time and the Afghan government will almost certainly need military and financial support for some years to come. Still, it is important that we assist with the establishment of a more humane Afghan government and it is also in our own interests to ensure Afghanistan never again becomes a safe haven for terrorism. Our troops are doing an amazing job in difficult circumstances. The terrain is rugged, the climate harsh, the dust oppressive, the enemy dangerous and our rules for engagement restrictive. Yet, despite all of this, our forces are doing well, exceptionally well.

When last the Senate debated the war in Afghanistan 13 months ago, we had lost 21 brave young Australians and had sustained 150 injured. The toll now stands, regrettably, at 32 while 213 have been wounded in action. We are thinking of them and their families and their friends as we debate this
matter. Each death is a tragedy but we should not expect war to be without sacrifice. The important thing is that this sacrifice is not in vain. Over the past decade, close on 100 Australians have been killed and many injured by terrorist attacks that were planned and executed from terrorist safe havens in the mountains of Afghanistan. Our commitment of troops in Afghanistan has disrupted such attacks. Our continued commitment is necessary to ensure that our gains are consolidated.

On the eve of Remembrance Day, the fiancee of Corporal Richard Atkinson, a soldier killed in Afghanistan, spoke of the challenges she has faced dealing with his death. Corporal Atkinson, a Tasmanian, was killed by a roadside bomb in February. It was his first deployment. He was part of an operation trying to drive the Taliban out of the Deh Rahwod area, west of the Australian base at Tarin Kowt, a vital strategic area in the war against the insurgency. Dannielle Kitchen, the fiancee, spoke of how she and Richard met, how she coped with his deployment in Afghanistan, how she heard the news of his passing and how she was coping with being a war widow at age 23. It is hard not to feel incredible sorrow about a young man, his life full of promise, on the cusp of marriage and starting his own family, being cut down in a foreign land and for his widow left behind to carry on. We will never know the sorrow of Richard's fiancée and family but we feel intensely for them as they carry their loss. It is some consolation that Richard was convinced that we were doing the right thing and that he was doing good in Afghanistan. It is important that his sacrifice and that of his fiancée not be in vain.

Unfortunately of late there has been an opportunistic element entering into the debate on the war in Afghanistan. It is unfortunate that the tragic deaths of Australian soldiers are used to call for withdrawal of our forces. That opportunism reached a low point with the regrettable question here in the Senate on the eve of Remembrance Day. The Leader of the Government in the Senate was asked whether the government was receiving letters from relatives concerned about the safety of their loved ones serving in Afghanistan, like that from a relative of the soldier which allegedly said, 'Everyone you speak to wants the boys home because no-one believes in this cause any more.' Well, Richard Atkinson did. But such self-serving tactics and seeking to capitalise on the media which follows the death of the digger dishonours our soldiers' sacrifice and, might I suggest, this place.

To withdraw from Afghanistan now would be potentially to give up the good progress which has been made. It would leave parts of Afghanistan vulnerable to return to Taliban control. It would lead to Afghanistan potentially again becoming a safe haven for terrorists to launch attacks on Australians. It would send a message to the locals for them to hedge their bets and stop full cooperation with us because they may have to live with the return of the Taliban. We all hope and pray for peace, especially in Afghanistan. But peace is not the absence of war, as some so simplistically seek to portray; peace is the true, unencumbered exercise of freedom. Many have engaged in war and died to defend or gain those freedoms and that is why we are in Afghanistan. When we lose a soldier, we as a nation mourn and share the pain. When our soldiers make huge gains and root out Taliban strongholds, build schools and allow girls to go to school, our media, for some reason, becomes less excited.

The Senate rightly salutes and pays respects to our fallen heroes. Might I suggest that it could also be appropriate for us to salute the freedoms like girls being allowed to go to school for this first time, the new
roads, the new schools and the new hospitals which are being developed in Afghanistan as we speak on a daily basis by our troops. This imbalance in reporting regrettably impacts public sentiment. However, it should not deter us from the task. Having said that, we need to 'give peace a chance'. Of course we should seek to conclude our presence in Afghanistan. To broadcast a precipitous withdrawal will only embolden the Taliban and disenchant the locals.

As we embark on the Christmas period remembering the purpose of Christ's birth was sacrifice for our common good, let us remember those who will be away from their family over this period of goodwill, who are willing to serve our nation and, if need be, follow the example of sacrifice for the greater good. The coalition salutes the work of our troops in Afghanistan.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (19:50):

This issue is hugely important to Australians, particularly to the good and true members of our defence forces, their families and their communities. It is a debate that this parliament has not represented well or fairly. It is one the Greens have pursued throughout the Howard years and through the last four years of Labor government. We are tonight debating the deployment of our troops in Afghanistan and the legitimate question that any parliament, any administration or any leadership must ask as to whether that deployment serves the nation's interests and whether the risk of life and limb and the risk to future happiness of defence force personnel are warranted, because we must never ever have such deployment treated lightly or without due scrutiny.

It is the job of this parliament to scrutinise the deployment of our defence force personnel to Afghanistan. I take issue with some of the comments of Senator Abetz before he left the chamber relating to the ability of parliamentarians to speak up on this issue.

I have never resiled from the Greens position of having our troops brought home from Afghanistan, nor have I ever raised the issue except in the wake of the leaders of the government and the opposition reaffirming the need for our troops to stay in Afghanistan. Let me quote from Major General Alan Stretton (Rtd) in a recent letter to the press in which he said:

The spectacle of politicians from both parties agreeing to send our finest Australians to their deaths and then appearing on television offering their condolences to grieving widows and relatives is sickening.

The policy that we can train the Afghan army to take over security in Afghanistan is laughable. The Afghan government is corrupt, and its army has been penetrated by Taliban forces whose main activity is killing allied forces operating in their country.

Elements of the Australian Defence Force have now been in Afghanistan for over 10 years—surely this is long enough.

They are very trying sentiments from a good and long-serving, but now retired, member of our defence forces and they are not alone, certainly in dispatches I have received.

Let me put the need for this debate another way. It has been as a result of quite extraordinarily high profile debates in the Netherlands and Canada that they have withdrawn their troops from Afghanistan. These are countries very similar to Australia, both of whom deployed more troops than Australia but whose parliaments have been committed to the very difficult debate—because it is complex—about retaining their armies in Afghanistan. In the case of the Netherlands, the government fell over the issue but their troops were withdrawn. Indeed, it is those troops whom our wonderful service men and women are now
replacing in Oruzgan province. In Canada it was the very conservative government of Prime Minister Harper, faced with opposition from other parties in the Canadian parliament, who finally made the decision to have the Canadian contingents withdrawn, after more than 100 deaths, and that process has now been completed in Afghanistan.

Last week the President of the United States, Barack Obama, spoke in our parliament and asked us to maintain our troops in Afghanistan. Let us look at the relative deployment. The American deployment of some 100,000 is currently being reduced to 68,000. Ten thousand US troops are in the process of being withdrawn before Christmas. There is no such withdrawal of a relative component of Australian Defence Force personnel from Afghanistan. Next year the United States is withdrawing another 20,000 of its troops. There is no plan to withdraw—or lessen by one—the number of Australian troops in Afghanistan. The Cameron government in Britain is going to withdraw 400 to 500 troops by February. There is no similar commitment by the government or opposition in this parliament to have our troop numbers reduced in Afghanistan. President Sarkozy of France has said that there will be a continuous wind-down, from now through next year and into 2014, of French troops. There is no comparable commitment to withdraw Australian troops from Afghanistan.

It seems, on the basis of two similar countries having withdrawn their forces altogether, after a full parliamentary debate in rich, functioning democracies like ours, and a decision in similar but larger democracies to withdraw troops—starting in 2011, not in 2014—that Australia alone has decided to keep its full troop commitment operating in Afghanistan. There is a difference here. President Obama may make his call to our parliament to retain our troops while he is withdrawing 10,000 troops, but would it not be appropriate for our parliament to discuss the deployment of our 1,550 good and true Australian Defence Force personnel to some of the most dangerous situations in Afghanistan at a time when the US is bringing home 10,000 of its troops? I think so.

I heard Senator Abetz again go through the list of things going right in Afghanistan, but there is a lot going wrong as well. Corruption is rampant. Senator Milne tells me that a report in Congress today indicates a vast amount of money for the people of Afghanistan and the war against the Taliban is being siphoned off by people related to the Karzai regime or otherwise in positions of power in Afghanistan. We have the position where there is an increasing voice in Afghanistan itself calling for the withdrawal of our troops and of course today the news in Australia, completely ignored by the Prime Minister, the Leader of the Opposition and, indeed, Senator Abetz in his contribution to this chamber, of a call by the commander of the Afghan troops with whom the Australians are serving in Oruzgan province, Brigadier General Mohammed Zafar Khan, for Australia's troops, effectively, to leave. 'Give us your equipment and leave' is effectively what the Afghan leader our troops are working with said. He said: Three years is too much time for the Australians to stay here …

We, as responsible guardians of the welfare of our troops committed in Afghanistan and with a huge obligation on our shoulders to defend the interests of their families and our communities, surely should be debating such a remarkable statement from such a leader in the Afghan forces. It is time our troops were brought home to Australia.

Senator FAULKNER (New South Wales) (19:59): I am certainly pleased to
have the opportunity—albeit brief—to contribute to this debate on Australia's involvement in Afghanistan. I still believe, as I have said before in the Senate, that in the post 9-11 world Australia cannot afford to ignore its national security interests in corners of the globe beyond our territorial borders and outside of our region. I still believe Australia as a member of the international community must not shirk its responsibilities in Afghanistan.

Let us not forget that we operate in Afghanistan under a United Nations mandate that is renewed annually. Let us not forget that we operate in Afghanistan as a member of the International Security Assistance Force, along with partners from 48 nations. Let us not forget that we are not an invasion force in Afghanistan, but that we are there at the invitation of the government of the Islamic Republic of Afghanistan. Let us not forget that we are there for the most important and legitimate of reasons—to ensure that Afghanistan is no longer a place where terrorists are trained and find safe haven. We must not forget that we have a clear operational military objective—to train the 4th Brigade of the Afghan National Army so it can take full responsibility for security and stability in Oruzgan province.

There is a human cost to our involvement—and it is a very heavy human cost. As we all know, the risks to our personnel are serious—32 Australians have died, 11 this year, and 213 Australians have been wounded in action, 48 this year. This is a terrible, terrible toll. So many families have suffered pain and loss. So many have had their lives changed forever as a result of those Australian casualties. But I for one do not want the effort and sacrifice of our troops in Afghanistan to be in vain. I want to see Australia finish the job in Afghanistan and go.

**Senator JOHNSTON** (Western Australia) (20:04): I am surprised that the Leader of the Government in the Senate is not here for this very important debate this evening. That we have lost 32 fine Australians in Afghanistan is a measure of both the commitment of our soldiers and more broadly our national resolve to complete our mission there. It is not often appreciated that a safe haven for al-Qaeda in Afghanistan was the launch pad of the 9-11 attacks on the twin towers of the World Trade Centre, the Pentagon and the passenger aircraft on that fateful day.

Closer to home, over the past decade close on 100 Australians have been killed by terrorist attacks that were planned and executed from safe havens in the mountains of Afghanistan. On 12 October 2002 in Bali, 88 Australians were killed, and, in a bombing on 9 September 2004 at the Australian embassy, nine Indonesians were killed and 150-plus injured. In the 7 July 2005 London train bombings, one Australian was killed and 11 injured, with 56 killed and 700-plus injured overall. At Jimbaran Beach in Kuta, Bali, on 1 October 2005, four Australians were killed and 19 injured, with a total of 26 killed and 100 injured. In the Marriott and Ritz-Carlton hotels in Jakarta, three Australians were killed out of a total of seven, with 53 people injured.

The Vice-President of the United States in 2006 said:

Hambali (the planner of the Australian Embassy attack and also the 2002 bombing—currently held in Guantanamo Bay) went to the training camps in Afghanistan that they ran back in the 90s, subsequently received funding from al Qaeda, went back then to Indonesia, and was behind some of the major attacks there. So you've got this sort of home-grown, but nonetheless affiliated, extremist operation going now in
Indonesia. You'll find the same thing if you go to Morocco, where they had the attack in Casablanca; in Turkey, Istanbul, and so forth.

So Afghanistan was more than just a safe haven. It was a training ground. It was where they honed their terrorist skills.

Our mission was therefore originally the denial of Afghanistan as a training ground and an operational base for al-Qaeda from which to project its global terrorist activities. It was then to stabilise the Afghan state through the enhancement of security through military, police and civilian consolidation. More particularly, such work for Australia was to focus on Oruzgan province. As a necessary adjunct to the mission, those who gave that safe haven to al-Qaeda, namely the Taliban, had to be dealt with.

This was an organisation which, apart from providing that safe haven to al-Qaeda and all the terror that that caused around the world, imposed upon the Afghan people a number of atrocious, strict edicts. Women were banished from the workforce. Schools were closed to girls and women, and women were expelled from universities. Women were prohibited from leaving their homes unless accompanied by a close male relative—and so on and so forth. Women and girls in Afghanistan and the wider society were treated to atrocities by the Taliban. Women were beat

Today our work is ongoing and carried out under a United Nations mandate, renewed annually, through the participation of some 48 partner countries spread throughout Afghanistan, each in particular areas and provinces and each doing particular tasks and particular work. Our soldiers and their extended families should take some considerable comfort and great confidence from the fact that the Australian parliament is virtually unanimously supportive and committed to them and their sons and daughters engaged in our cause in Afghanistan. This is a most noble and legitimate cause and one which is and continues to be supported by both sides of the political divide in this country. It is a subject matter which is above partisan political politics, and I for one am greatly gratified by that and maintain that it should remain so.

There are extraordinarily large challenges for us in this particular theatre. The execution of this mandate is uniquely difficult in Afghanistan, and it was never for one single minute going to be easy. Afghanistan has a troubled and volatile history, with a disparate, semitribal society, geographically separated by an impossible natural topography of very, very high mountains running into deep, fertile valleys. It is a land of rough and underdeveloped roads, very limited communications infrastructure and few developed governmental administrative institutions. It was, in short, an ideal country for a safe haven for an international terrorist network.

Our mission there is an evolving one as we improve the capability of the Afghan National Army and the Afghan security forces, including police. As we assist in the establishment of governance of various qualities in each of the provinces, we are providing mentoring that is moving towards self-reliance and towards Afghan command. Indeed, I pause to say that some 10 of our forward operating bases in Afghanistan are now under exclusive Afghan command. That is a significant step forward, a step in the right direction.

We have participated in the preparation and training of the Afghan National Army in the removal of IEDs, improvised explosive devices, and in the location and destruction of caches of weapons, ammunition and
bomb-making equipment. Further to all of this is training in the disruption of the narcotics trade and the cutting of the flow of money from such trade. As part of our commitment we have also deployed some 20 officers of the Australian Federal Police to mentor and train police officers for Afghanistan. I congratulate each and every one of those 20 Australian Federal Police officers on the fabulous work they are doing in our name.

Progress has been slow and not without difficulty, but there has been some significant progress. In education there are seven million students, of whom approximately three million are girls. There are now more children receiving an education than ever before in the country's history—and, importantly, more girls than ever before. The Australian Greens might see this as a positive.

Since 2001 there has been a 26 per cent decline in mortality in children under five years of age. The Australian Greens might see this as a positive. Millions of Afghans have benefited from ISAF water and sanitation programs. Again, the Greens might see this as a positive.

There have been two recent national elections. There was a presidential ballot with a voter turnout of 1.26 million voters, some 30 per cent of the voting population. The next was a general election on 18 September 2010, with 406 candidates out of 3,000 being women—16 per cent were females—and with a turnout of 4.33 million people, of whom 1.77 million were women. The Greens might see that as a positive.

In recent years, the economic growth of Afghanistan has been averaging, year in, year out, about 11 per cent. There has been the construction of around 10,000 kilometres of paved roads within the country. People can move around the country, and there are an ever-increasing number of cars on the roads. These are positive, positive things happening in the country due to our role and the role of our ISAF partners. The Australian Defence Force has provided reconstruction teams of engineers and other technical skills to build schools, to construct and run health clinics and for trade training. There have been many, many successes, with local markets and other commerce beginning to flourish.

I pause to mention the most recent success—that is, our great ally the United States firstly locating the architect of so much of the world's recent terrorist history and then bringing Osama bin Laden to the justice he charted for himself in his own evil. This was a very successful operation which was executed with professionalism and great skill. I am someone who believes that, following the demise of this man, the world can rest just a little bit easier in terms of the terrorist threat. A great blow has been struck against terrorism, with no casualties. This event is truly one of the successes that ISAF and, particularly, the United States have had in Afghanistan, and I for one want to thank the Navy Seals and all of the personnel involved in this achievement. It was a wonderful victory and a wonderful symbol for justice, given what we have seen, particularly in the last decade, in terms of international terrorism.

I turn now to Pakistan. Pakistan has had significant issues with the Taliban following their flight from Afghanistan into the Swat Valley in particular. It is trite to say but it is obvious there can be no regional security around Afghanistan without the commitment of its neighbours to peace and stability. Pakistan must do more to isolate the Taliban in the region. Counter-terrorism in this region must be at the very forefront of priority policy considerations. Pakistan would serve its own best interests if it were
to do more to secure its border with Afghanistan and prevent the supply of weapons, ammunition and explosive material to the Taliban. Pakistan has been through a lot. It feels threatened, but it must do more to arrest the flow of weapons and explosives to the Taliban and into Afghanistan.

To put Australia’s contribution into context, 1,550 Australian Defence Force personnel have been deployed into Afghanistan. Currently, the United States has more than 90,000 troops in Afghanistan and the United Kingdom has 9,500 out of a total of 130,638 ISAF troops. We rely upon our partners and particularly the United States for capability, enablers, air support, helicopters and logistics generally. To that extent, our destiny in Afghanistan is subject to the timing and resolve of ISAF member states with a greater commitment than ours, particularly the United States. All of us agree that our people should not be there for one minute longer than is necessary. There is, however, no capacity for us to be half-committed to this mission. We have paid too high a price to be half-hearted or wavering. Having said that, there is no blank cheque here. All ISAF members want to see the job done and an appropriate level of self-reliance in indigenous capacity as soon as possible. Everyone is diligently pursuing that end. We want to get out as soon as possible.

I turn to the men and women of our Australian Defence Force. They have performed in this theatre magnificently, as difficult as it has been. They have been totally committed to the task, a task that we all have agreed is in the national interest. There have been extreme hardships and great tragedies, immense loss and miraculous survivals. Through it all, our soldiers have achieved great success, often in the most difficult of circumstances, from searing heat to subzero temperatures in remote locations for extended periods on combat rations. We at home have all become familiar with the Bushmaster—an Australian made and designed vehicle that has seen over 50 destroyed through IEDs and mine detonations, with not one loss of life. This is a truly great achievement for the Australian Defence Force and for the Australian manufacturing industry. Over 50 have been blown up, each with a number of personnel inside, and no-one has died. Our special forces, who have been called upon to conduct operations right around Afghanistan, have done so with great distinction. In this place previously I have cited many of their achievements, commendations and medals that have been awarded. We have been relatively small in number in Afghanistan but have made a significant contribution to making things better for the population of that country. The Australian Defence Force can take great pride in its achievement in Afghanistan.

While we have achieved much, the parliament continues to reserve the right to raise issues about combat clothing and equipment, about the quality of food and about the quality of flights to and from the MEAO. It is not too much to ask that our soldiers in Tarin Kowt have good food, that their combat clothing is fit for purpose and that when we fly them from Brisbane, Townsville, Sydney or Darwin into the MEAO we do so in quality aircraft. To that end, it is clear that we have an issue with the time that we are permitted to retain prisoners—96 hours is obviously insufficient, particularly in comparison to the practice of the United States and the United Kingdom. It appears that we secure these suspects or combatants, as the case may be, at considerable risk to our own personnel, only to see them released in that 96-hour period to rejoin the fight. This is unacceptable. I call upon the Minister for Defence to fix this in line with the wishes of
our people. When we travel to the MEAO our people tell us this is not working. So I say: come on, Minister, fix this—it is not difficult.

We have sustained, as I have said, 32 losses, and I have attended more than 20 funerals. No words suffice in talking of those killed in action or of those wounded in action. To the families, the wives, the girlfriends, the mothers and fathers, brothers and sisters and sons and daughters: I am in admiration of the selfless sacrifice of their loved ones and of themselves. Those that we have lost shall never be forgotten. It is inadequate but I shall simply say a sincere thank you to them.

Senator LUDLAM (Western Australia) (20:22): I would also like to add my comments to those of my colleagues and acknowledge the 32 Australian soldiers who travelled to Afghanistan and did not return; the 213 wounded Australian service men and women who, unlike those who died in the line of duty in Afghanistan, are acknowledged in this place too rarely and have become the forgotten victims of the war; the more than 2,700 coalition casualties in this war that has now lasted longer than the first and second world wars combined; the nearly 9,000 civilian dead in Afghanistan over the last four years alone; and the 320,000 Afghan civilians displaced because of a war that they did not ask for. In particular I want to pay tribute to those who flee, those who take the extraordinarily risky and dangerous journey that was not of their choosing and those who manage after a difficult journey filled with many dangers to reach Australian shores. I hope that we can acknowledge in the course of this debate that the least we can do to cope with the consequences of a war that we helped initiate on the other side of the world is look after those who flee from it.

We heard Senator Abetz, when he opened the debate, say real progress is being made. I wonder how many government and coalition senators in the course of this debate simply dusted off the same speeches that they gave earlier this year or speeches that they might have given five years ago and just read them in again, because the justifications do not appear to have changed and the platitudes do not appear to have changed—‘real progress is being made’. Perhaps we can add that 2011 is going to be the decisive year in the conduct of this war, until we go back and look at what military officials have been saying about the Afghan conflict since the beginning. In 2004 General Barno said ‘Without question this is a decisive year in Afghanistan.’ In 2005 General Abuzaid said, ‘I think this can be the decisive year.’ In 2006 General Richards said, ‘This will be the crunch year for the Taliban.’ Guido Westerwelle, who is the German Minister for Foreign Affairs, said ‘2011 will be the decisive year.’ David Miliband, the UK foreign minister, said it last year. General McChrystal said in 2008, ‘We are knee deep in the decisive year.’ When exactly will this conflict be decided?

It is good for the MPs who speak in favour of this war because you will find, as I and my colleagues on the crossbenches have discovered, that if you oppose this war as an elected Australian parliamentarian there is nothing you can do about it in here. These decisions are made by the executive, not by the parliamentarians. It is wonderful that Senator Johnston, who has taken a keen interest as shadow spokesperson in these issues for many years, is dealing with the issues of clothing, food, airlift and so on. But if he one day realises that this war is pure folly, as we believe it is, there will not be a thing that he can do about it because these parliamentarians, our colleagues on both sides of this house, do not have the power.
The decision is made by the Prime Minister and the executive.

I believe, as many of my colleagues do and as the Australian Democrats before us did, that that needs to change, as it has in most other modern democracies. The parliament is not called on to make the strategic decisions about the conduct of the war or the tactical decisions that govern the fighting from day to day, but the political decision about whether we should be there in the first place and when is an appropriate time to leave should be made by those who have to look our constituents in the eye. I wonder how politicians who have spoken so far in both chambers in this debate look in the eye the 64 per cent or thereabouts of Australians who think they have had enough and that this should in fact be concluded. Sixty-four per cent of Australians—twice as many as it was over the last couple of years—have realised as this war simmered away in the background that in fact the death toll is higher every year. If things are going so well, as we have heard this evening, why is the death toll and the toll of wounded, in particular the toll of injury and death from those who we are meant to be supporting, is now much greater than before? Why are our allies killing us in Afghanistan? It is because we are not wanted there. When I hear Senator Abetz or others say that real progress is being made, I cannot help but wonder: progress towards what? Senator Abetz talks about the importance of sacrifices being made and I wonder: sacrifices by who exactly?

The context is that the Dutch have left and many other countries with whom we shared the enormous burdens of our service men and women in Afghanistan have either gone or have had debates that had more teeth than the one we are experiencing tonight, and have experienced over the course of the last year or two in this parliament, and chosen to go. They have had enough. We realise of course that perhaps you could be forgiven for thinking that Oruzgan is the whole of the country and that, if Australia takes care of our little patch, continues to build trust, continues to build schools and infrastructure and continues to do the best we can to keep people safe, somehow the situation is unfolding in a like way around the country. Of course, that is not the case. The United States government is in the process now of contemplating a major shift of posture which will take them exactly to where the Soviets were. They will be moving people out of Oruzgan and they will be concentrating on population centres and major road and transport corridors in Helmand, Kandahar and in Kabul, which is what the Soviet Union did—try and hold the big cities, try and hold the infrastructure and let the country cope as best it can. That is what is happening here. As Australian parliamentarians we need to realise that the war is about to enter an extremely dangerous phase. This talk of progress being made is illusory.

Why, you might wonder, 2014? That is the date we heard when President Obama addressed this parliament last week. It was a remarkably uncritical address that canvassed the fact that, with Afghanistan and Iraq out of the way, the United States can shift its assets to the Asia-Pacific region and continue peace-building initiatives in our corner of the world. But really, why 2014? I have not heard any analysis in any corner of the debate here in Australia. There has certainly been no mention of it tonight. I wonder whether it has anything at all to do with the fact that it is the year the trans-Afghanistan pipeline is due to be completed, which for the first time will get gas from Central Asia to India and to the coast without recourse to Russia or former Soviet satellite states. That was something that the US government was in the middle of negotiating.
with the Taliban before the Taliban hitched their wagon to Osama bin Laden. Before the horrific attacks on New York City and Washington the US government was quite happily negotiating with the Taliban over access rights for that pipeline. That appears to have suffered a 10-year hiatus, but I am informed that everything is now on track for completion in 2014. Isn't that an extraordinary coincidence? What are we really there for?

We discover again the enormous value of the whistleblowers, publishers and journalists involved in the WikiLeaks organisation and those news organisations around the world that have chosen to publish material that shows what our leaders really think is very different to what we hear in contexts like this—that is, that there is enormous pessimism in NATO forces and Western capitals around the world. But of course this is not allowed to seep through to the public because the polls are bad enough as it is.

A number of MPs have mentioned women, Senator Johnston in particular. It is wonderful to hear the plight of women used as the justification for a military invasion and it is good that people care about such things. But we know that Afghanistan is now the most dangerous place in the world to be a woman because that survey has been done. The aid agencies working inside Afghanistan know this very well. In June this year a Trust Law report found that violence, dismal health care and brutal poverty make Afghanistan the world's most dangerous country for women. Ten years after the first bombers and the first ground forces went in it is the most dangerous country for women overall and the worst in three of six risk categories of health, non-sexual violence and lack of access to economic resources. I am dusting off some older material from a speech that I read earlier this year because it does not seem to be getting through.

I do not want hear these justifications or these extraordinary platitudes by people on the other side of the world in safe offices that if we just stay the job will get done. An extraordinary American peace activist, Kathy Kelly, who put herself on the front line—she was in Baghdad for 'shock and awe' and she has spent a huge amount of time in Afghanistan talking to people—has said:

One way to stop the next war is to continue to tell the truth about this one.

That is what the Australian Greens will continue to do until it is over.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (20:31): It is appropriate that as Parliamentary Secretary for Defence I make some comments in this very important debate. This morning the Prime Minister made a very forthright statement about our commitment in Afghanistan in the House of Representatives. She set out very clearly our mission in that country and why it is necessary that we complete that mission before we withdraw our forces. She also spoke frankly about the high price that we as a nation are paying as part of that commitment, of the 32 members of our defence forces who have given their lives in Afghanistan and of the now over 200 personnel who have been wounded there. She said with great feeling—and that is, of course, a feeling that all of us in this place share—it is a grave thing for a government to ask the young men and women of a nation's armed forces to put their lives at risk and no government should do so without a just objective, a clear objective and an attainable objective.

Those of us who hold government office need to examine our consciences before we make any such commitment. War is evil, but
sometimes war is the lesser of two evils. A war that meets certain conditions can perhaps be regarded as a just war. To my mind, on reflecting on this, I think these conditions are: firstly, that the damage inflicted by the aggressor is lasting, grave and certain; secondly, that all other means of putting an end to aggression have been ineffective; thirdly, that there are serious prospects of success; and, fourthly, that the use of arms will not produce evils worse than the evil that is to be eliminated. I believe that our commitment in Afghanistan meets all four of these conditions.

The war in Afghanistan results from the complicity of the Taliban regime with the terrorist attacks of September 11 in 2001. The damage caused by the Taliban and al-Qaeda both to the international community and to the people of Afghanistan certainly has been lasting, grave and certain. The decision of the US and its allies to intervene in Afghanistan was taken only after the refusal of the Taliban, under the regime of Mullah Omar, to hand over those responsible for those attacks. They were, of course, being harboured in Afghanistan. We have heard from Senator Faulkner about how it is that this conflict in Afghanistan as a consequence of those beginnings has been a UN mandated activity.

The prospects for success in Afghanistan are, in my opinion, very good, although the government has never pretended that achieving success would be quick or easy. We need to ask ourselves what we mean by success. I would define success not in the simple military sense of defeating the enemy but as the creation of a situation in which the people of Afghanistan can defend themselves against attempts by the Taliban to regain power. That means that there must, in the end, be a political settlement. But a settlement is a very different thing to a surrender. Whilst the use of arms always produces evils, such as death, injury and destruction, I have no doubt that even greater evils would result if we were to withdraw now and expose the people of Afghanistan to the heightened risk of the Taliban returning to power and Afghanistan once again becoming a safe haven for al-Qaeda and similar terrorist groups.

While the task of achieving our mission in Afghanistan is certainly an arduous one and fraught with moral hazards, I have a clear conscience about advocating that we stick to the task we have set ourselves, which is working with our allies and the people of Oruzgan province to create a situation where they can live in peace and provide for their own security in a reasonable period of time. But I do wonder about how some other members of the Senate square their consciences with the positions they have taken in this debate and in similar debates in this place over the past few years. I think that those who have advocated our immediate withdrawal from Afghanistan either have failed to fully appreciate what the consequences of that would be for the people of Afghanistan or have somehow decided that their own political righteousness and their persistent hostility to the United States are more important than the fate of 29 million Afghans.

I noticed that in his remarks only a few moments ago Senator Ludlam again alluded to US conspiracy theories and the eternal search of US multinationals for greater resources. But of course Senator Bob Brown regularly points out to this Senate—and rightly so—that gay men are oppressed and victimised in various countries. Let us remember what is the fate of gay men in Afghanistan. I quote from a news story from 1998:

Two men were executed for sodomy in the western Afghanistan province of Herat, the Taliban-controlled Voice of Sharia announced
March 23. Bismellah, age 22, and Abdul Sami, 18, had a wall bulldozed onto them in a traditional Islamic method of executions used only for sodomy convictions.

Those are the people who will return to power in Afghanistan if the Greens have their wish that we withdraw from there prematurely.

Senator Milne and Senator Hanson-Young both have strong views on the rights of women in various countries—again, rightly so. But have they really given thought to what would happen to the women and girls of Afghanistan if the Taliban were to return to power? Let me give them some idea. Under the Taliban, women were forced to wear the burqa in public, were not allowed to work and were not allowed to be educated after the age of eight. Women were not allowed to be treated by male doctors unless accompanied by a chaperone, which of course led to many illnesses remaining untreated or being inadequately treated. They faced public flogging and execution for violations of the Taliban's laws. The Taliban encouraged child marriage and forced marriage: Amnesty International has reported that 80 per cent of Afghan marriages were considered to be by force. Women were forbidden to ride bicycles or to ride in a taxi without a chaperone. Do Senator Milne and Senator Hanson-Young really want to return 10 million Afghan women and girls to such a regime? I recommend to them Time magazine of 29 July 2010, which featured on its cover a shocking photo of Aisha, an 18-year-old Afghan woman, who was sentenced by a Taliban commander to have her nose and ears cut off for fleeing her abusive in-laws, a consequence of one of the forced marriages which the Taliban mandate.

Senator Ludlam frequently brings cases of human rights violations in various countries to the attention of the Senate—and a good thing too. Perhaps he is not aware that under the Taliban advocating any religion other than Islam, even in a private conversation, was punishable by death, that Islamic prayer was compulsory and that those found not praying at appointed times or who were late attending prayer were punished by severe beatings. Perhaps he does not know that the Taliban outlawed music of all kinds, secular publishing of any kind, television sets, video cassettes, audio cassettes, satellite dishes and movies.

I do not pretend that all of these evils have been eradicated from Afghanistan in the 10 years since the Taliban were removed. As I said in my last remarks on this subject, in October, no-one ever said that Afghanistan would become a second Switzerland. Afghanistan is a poor country with a long and enduring history of violence and arbitrary government. Perhaps he does not know that the Taliban outlawed music of all kinds, secular publishing of any kind, television sets, video cassettes, audio cassettes, satellite dishes and movies.

Let me once again list some of the examples of that progress; I hope that those senators who think we should abandon the people of Afghanistan to their fate will take note. GDP growth has averaged 11 per cent since 2002 and was 22 per cent in 2009. This is the longest period of sustained economic growth in Afghanistan's modern history. Afghanistan of course is still a poor country, but it now has a functioning economy and good prospects for future development. Afghanistan had no effective financial system in 1991; today there are 14 banks in operation. As a result, Afghan expatriates can safely send money back to their families. In 2007 Afghanistan received some $3.3 billion in remissions income. School
enrolment is at its highest in Afghanistan's history. Currently, there are approximately six million students in school, including two million girls. By contrast, under the Taliban there were 900,000 students enrolled in school, none of whom were girls. Basic health services, which were available to less than 10 per cent of the population under the Taliban, are now extended to around 85 per cent of Afghanistan's people. There has been a 22 per cent drop in infant mortality, which means that there are now 40,000 fewer infants dying than there were in the Taliban era. Ninety per cent of children were not inoculated against polio; today, that has changed. Almost 10,000 kilometres of rural roads have been rehabilitated, supporting the employment of hundreds of thousands of local workers. Under the Taliban there were virtually no private telephones in Afghanistan; today over two million people have mobile phones and that number is growing by an extraordinary 150,000 a month.

All of these things have brought real, concrete, measurable improvements to the lives of the ordinary people of Afghanistan. They did not happen by magic. They happened because the new government of Afghanistan, for all its many and very obvious failings, has worked with its international partners and donors to make them happen. These gains were made possible only by the continuing presence of the ISAF forces, including our own forces in Oruzgan province, and future gains are dependent on that presence to maintain security. That is why I do not think we should take the advice of Brigadier General Mohammad Zafar Khan and depart now, leaving our equipment behind. Putting aside the various questions that arise about maintenance, technical capacity and sustainment of such equipment, we must also remember that Australian forces in Afghanistan comprise less than one per cent of the total ISAF forces in the country. At 1,550 personnel, the Australian commitment is a small one. When we withdraw it will be in agreement with the Afghan government and with our ISAF partners. We do not need to understand that the Taliban have not changed their policies or their priorities. If they return to power they would reimpose the same barbaric reign of ignorance and fear that they imposed when they were in power from 1996 to 2001—a period that ended with the bombing of the World Trade towers in New York and the unleashing of a global conflict.

I would like to think that it is not senators who argue we should withdraw from Afghanistan and then have to ask, 'Now what?' But I have to say that I have not heard any of them utter a word of concern for what would happen to the people of Afghanistan, and particularly the women of Afghanistan, if they had their way. All their considerable capacity for moral outrage seems to be focused on the US and its allies with none on the forces of reaction that we are fighting against. For them it seems the war in Afghanistan is 'a quarrel in a faraway country between people of whom we know nothing'. That is a quote from Neville Chamberlain and, yes, I do compare those who seek to appease the Taliban and al-Qaeda now to those who sought to appease fascism in the 1930s. I do not claim to understand this mentality, but I do understand its moral bankruptcy.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (20:46): I rise tonight to make some comment as to why we should withdraw our troops from Afghanistan as a matter of urgency. The question that needs to be asked here is this: is it morally justifiable to lose more Australian lives in a military campaign that is unwinnable, in a situation where
Afghanistan is likely to look much as it does today when, in a few years time, we eventually do as the Americans intend to do, and that is withdraw in 2014? Is it morally justifiable to lose more Australian lives in these circumstances?

I have been listening tonight to the kinds of contributions that just do not go to the detail of what is going on in Afghanistan. I have just heard Senator Feeney say that other people are not concerned as he is about Afghani lives. Is that so? I can tell you that there are currently 1.7 million to two million Afghani refugees in Pakistan. Next year, in 2012, they will lose their refugee status in Pakistan. That figure of 1.7 million to two million is probably an underestimate. Senator Feeney, who has just contributed in this debate, of course would not have those refugees come to Australia. Australia is quite happy to be engaged in a war in Afghanistan for all the reasons that he cites, but millions who are over the border will lose their status as refugees next year—and what then? What then about those Afghani people who have been forced to leave because of the dislocation, the war—all of the things that have been discussed and the atrocities that have gone on over many years? I heard from Senator Johnston tonight that this is a most noble and legitimate cause. Really, a noble and legitimate cause! And from the Prime Minister we have heard, 'We will complete our mission of training and transition.' What transition? I think it is about time we talked about what is really going on in Afghanistan as we speak.

I have heard Senator Abetz and now Senator Feeney both talk about the fact that there has been a whole explosion in cell phones in Afghanistan. According to the Washington Post, every evening the cell phone signals disappear in some portion of more than half the provinces in Afghanistan as the major carriers, under pressure from the Taliban, turn off their signal towers, effectively severing most of the connections to the rest of the world. Tactics like the cell phone offensive have allowed the Taliban to project their presence in far more insidious and sophisticated ways in 2011 using the instruments of modernity that they once shunned. The shut off sends a daily reminder to hundreds of thousands, if not millions, of Afghans that the Taliban still holds substantial sway over their future. It is just one part of a broader shift in Taliban strategy that is focused on intimidation, carefully chosen assassinations and limited, but spectacular, assaults. While often avoiding large-scale combat with NATO forces, the Taliban and their allies in the Haqqani network have effectively undermined peace talks and sought to pave the way for a gradual return to power as the American led forces begin scaling back military operations in the country. That is the fact of the matter.

There is no way that Afghanistan is going to be significantly different in a few years time from what it is now. I go to the Haqqani network because we are told that the mission is to stop terrorism in Afghanistan—there must be no safe haven for terrorists in Afghanistan. That is quite right, except that we have got the Haqqani network now operative in Pakistan, with safe havens there, who come across the border into Afghanistan and are currently working with the Taliban in Afghanistan. The US Secretary of State, Hillary Clinton, was there recently saying that we need a peace process that brings together the Taliban, the Haqqani network and the Karzai regime. Somehow, we are going to bring about peace in that regard.

In addition to that, according to the Washington Post, we now have 'uncertainty gnawing at Afghans about the looming American withdrawal, while making the most of the insurgency's limited resources'. It goes on to talk about the recent United
Nations Assistance Mission in Afghanistan reporting on torture. Senator Feeney talked about the torture of children. Let me tell you: the torture of children is currently going on in facilities in Afghanistan with the allies we are working with, overseen by President Karzai's regime. We know from the United Nations report that suspects are hung by their hands, beaten with cables and in some cases their genitals are twisted until they lose consciousness in detention facilities run by the Afghan intelligence service and the Afghan National Police. This is according to a UN study released in October, as I said. The report found evidence of a 'compelling pattern and practice of systematic torture and ill-treatment' during interrogation in the accounts of nearly half of the detainees of the intelligence service known as the national directorate of intelligence who were interviewed by the UN researchers. The national police's ill-treatment of detainees was somewhat less severe and widespread, the report found.

The report pointed out that, even though the abusive practices are entrenched, the Afghan government does not condone torture and has explicitly said the abuses found by the United Nations are not government policy. They may not be government policy, but from the point of view of Afghani people what they can see is young people being rounded up, put into these centres and then tortured by the people who are supposed to be on the side of the Afghan people against the Taliban. It is no wonder that the Afghan people see an occupying force working with a corrupt Afghan government. And so we get to this point: is it true that training the Afghan army in Oruzgan will help build a stable, pro-Western Afghanistan? No, it will not.

I heard Senator Johnston talking about the elections that were held in Afghanistan, holding that up as some kind of progress in Afghanistan. But you just have to look at Transparency International's report that tracks government corruption around the globe. It ranks Afghanistan as the world's third most corrupt country, behind Somalia and Myanmar, or Burma. In the hundreds of diplomatic cables obtained by WikiLeaks and released in December 2010, Afghanistan emerges as a looking-glass land where bribery, extortion and embezzlement are the norm and the honest official is a distinct outlier. The widespread corruption is made possible in part by the largely unregulated banking infrastructure and the ancient system of money transfer that is the method of choice for politicians, insurgents and drug traffickers to move cash around the Muslim world. Mr Karzai won re-election in 2009, but he did it by completely rigging the election and the results were overturned not long after. Of course, then there was the assassination of his younger half-brother, who was assassinated by a person working with the US special forces and the CIA.

There is also graft and corruption from the opium trade. We have a situation where the report to congress only a month ago stated that millions of dollars have been siphoned out of Afghanistan from US aid—and no doubt Australian aid. I will be very interested to know what tracking we have for the aid money that we are spending and how much of it is leaving Afghanistan through illegal sources and going elsewhere. In fact, in the US case they are saying that people associated with the Karzai government have used the money to buy luxury mansions in Dubai, for example.

So the Afghan people see a force that is working with the corrupt Karzai government against their interests and their own young people are detained and tortured in centres run by the very people we are mentoring and working with. It is time we set a date to come out of Afghanistan. It is time we
recognise that the situation is unwinnable. Other countries have withdrawn. Australia should be withdrawing its troops because it is unlikely that there will be significant shifts in such a corrupt regime. The question here is: how much better would it be if we were not an occupying force but rather assisting in a capacity other than as an occupier?

Question agreed to.

**BILLS**

**National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011**

*In Committee*

Debate resumed.

The **TEMPORARY CHAIRMAN** (Senator Cameron): The question is that the amendment on sheet 7178 moved by Senator Fierravanti-Wells be agreed to.

**Senator FIERRAVANTI-WELLS** (New South Wales) (20:57): Before the break I was speaking on this amendment and the parliamentary secretary was making comments in relation to the current Leader of the Opposition during his time as Minister for Health and Ageing. She made some misleading comments and I want to correct the record. She was clearly reading from a script that had been written for her by Minister Roxon in what I can only describe as the usual spiteful and vitriolic diatribe we know Minister Roxon for. I will correct and refute the misleading comments that those opposite keep parroting about Tony Abbott's record when he was health minister.

The claim that funding for public hospitals decreased by $1 billion under the coalition government is false. It is wrong, it is misleading and it is a lie. The Australian government's funding for health, including public hospitals, increased significantly under the coalition government. According to the Australian Institute of Health and Welfare, Australian government expenditure on public hospitals increased every year, from approximately $5.2 billion in 1995-96 to over $12 billion in 2007-08. Annual spending on health and aged care by the Australian government more than doubled, from $19.5 billion in 1995-96 to $51.8 billion in 2007-08. Australian government funding to the states under the Australian Health Care Agreements was $42 billion between 2003 and 2008 compared to $31.7 billion between 1998 and 2003, and $23.4 billion between 1993 and 1998. The 2003-08 Australian Health Care Agreements provided a 17 per cent real increase in funding compared to the previous agreement.

The constant misrepresentation of this point by the Australian Labor Party is the sort of thing one expects from a government with a Prime Minister who went to the last election saying to the Australian public, 'There will be no carbon tax under a government I lead.' That was an outright lie to the Australian public, so what else would one expect from this sort of government? It is not surprising that the parliamentary secretary was parroting misleading and wrong information. The government's claims are untrue.

In 2003, the coalition government provided an extra $10 billion for public hospitals in the Australian Health Care Agreements. Funding for public hospitals from 2003 was 83 per cent higher than under the previous Keating Labor government. A change in the growth rate of the Australian Health Care Agreements due to higher private health insurance coverage and other demographic changes was reflected in the forward estimates of 2003. However, public hospital expenditure continued to increase by 17 per cent in real terms in the 2003-08 Australian Health Care Agreements, contrary to the constant false accusations made by this government.
In relation to this, Parliamentary Secretary, I am correcting the record with respect to your misleading comments about Mr Abbott’s record. If the parliamentary secretary does not believe what has been put on the record, I refer her to the statistics provided by the Australian Institute of Health and Welfare to me and to other senators during the estimates process both at additional estimates in 2009 and on 10 February 2010. I particularly refer the parliamentary secretary to question E10-407, which provided information to me which I have already put on the record, and question E10-408, whereby documents in relation to this data were provided to me. Those documents have also been put on the record.

I really thought I should correct this situation, because it is typical of this government to constantly trumpet false and misleading information in relation to the time when Mr Abbott was health minister. Parliamentary Secretary, if you are going to come in here and give us this sort of diatribe, get your facts right. Your facts are drawn from what your government has put on the record and they are as I have stated—that is, your claims are absolutely and totally false, misleading and wrong, and it is a lie that funding for public hospitals decreased by $1 billion under the coalition government.

I now return to the coalition’s amendment. I was talking about some of the evidence that Catholic Health Australia provided in relation to this. In his evidence to the committee, Mr Laverty pointed out issues pertinent to non-government owned providers of public hospital services and he stated:

... we have to account for capital, depreciation, insurances, council rates, long-service leave and information technology, even down to whether or not a Microsoft licence per user is applied to each cost of patient admission. Different states and territories use different accounting systems, which affects whether or not these various components will ultimately make their way into what is an efficient price. For an NGO provider of hospital services, all of these form the component of what is the price or the cost of delivering a service. Some states and territories account for these things differently; indeed, within states different areas at present can account for them differently.

Coalition senators believe that this experience and perspective should be reflected in the pricing authority legislation. In further evidence to the committee, Mr Laverty stated:

... we argue that the governance of this new authority should allow for the appointment to its board of someone who has experience in the delivery of NGO hospital services. Just as clause 144 of the bill requires that at least one member of the authority has substantial knowledge or experience in the provision of health care in regional or rural areas, coalition senators support the submission of Catholic Health Australia that non-government hospitals should also be guaranteed representation.

I will now highlight in general terms some other aspects of this bill. Clearly, this bill does not match the rhetoric of the health minister and the former Prime Minister from the time the Independent Hospital Pricing Authority was first mooted. Whilst this new authority is supposed to set the national efficient price for each activity conducted in hospitals, that price will only be a guide to the Commonwealth’s contribution to growth funding for public hospitals. As was pointed out in one of the submissions to the Senate inquiry, the bill needs to be understood for what it does not do. It does not set a nationally agreed public hospital payment. As Catholic Health stated:

It is therefore understood that whereas the authority will determine a national efficient price, it will remain a responsibility of state and territory governments to determine the actual
amounts paid for hospital services. There may not be certainty on how much the states or territories will actually contribute.

So, as far as the states are concerned, the national efficient price that will be set by the pricing authority will only be advice. It will not be binding on them. The payments that the states make to their local hospital networks could be above or below that price—it is at their discretion—which will mean that all that rhetoric about ending the blame game means absolutely nothing. Australians were told that this grand hospital reform would end the blame game, but I point the Senate to the Bills Digest which says:

It is likely that debates about the adequacy of public hospital funding by each level of government will continue for some time.

That means all the hollow rhetoric about ending the blame game means absolutely nothing.

The COAG communique of April last year also had another commitment about the pricing authority that was to end the blame game. The communique makes reference to that, not that it is unexpected—another commitment that appears to have disappeared when this bill was finally brought before the parliament. I refer to the Bills Digest's assessment on this particular point. The digest says the bill empowers the pricing authority to investigate and define cost shifting and cross-border disputes, but then the digest says:

It is silent, however, on what actions jurisdictions must take if they are found to be complicit in either cost shifting or in a cross border dispute. In the event of a cross border dispute, the IHPA may provide advice to the Commonwealth about funding adjustments to relevant jurisdictions.

It goes on to say:

The Commonwealth has limited powers with regard to the operation and management of public hospitals and is unable to compel a jurisdiction to make payments to other jurisdictions or to alter their policy settings.

As the digest correctly points out, this would appear to undermine transparency and the extent to which these disputes can be resolved.

There we have it—empty rhetoric. The blame game will continue and there is nothing that can be done in relation to price shifting. Throughout this odyssey of grand reforms under both the Rudd and Gillard governments, all these measures have been trumpeted to the public as increasing transparency, accountability and all sorts of things. It is very clear that the stakeholders do not agree with this. Throughout the submissions this perceived lack of both transparency and accountability of the pricing authority was very evident. For example, the Australian Private Hospitals Association in its submission says:

APHA believes these provisions fall a long way short of the practice of the board of the Reserve Bank of releasing its decisions and its monthly minutes publicly with no prior commitment by the executive.

So, when making the comparison with other disclosure regimes, it is very clear that this authority falls short.

The other main concern in the submissions was the burden of compliance on hospitals. The Heath Care and Hospitals Association—the peak body of public hospitals, which will be affected by the pricing authority—warned in its submission that the government must take care because the authority's decisions would have immediate and wide impacts on hospital services. In my previous comments, I mentioned duplication or even triplication. As the Australian Institute for Primary Care and Ageing stated:

There is very little integration between the statutory bodies. There is a risk of duplication or even triplication, which could create a significant
burden for health services. Their isolation from each other is counterproductive. These are comments which the coalition certainly agrees with. (Time expired)

**Senator DI NATALE** (Victoria) (21:12): I rise to speak against the coalition amendment to the National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011. The Australian Greens certainly understand the reasons for the coalition suggesting that someone of significant standing, experience or knowledge in the provision of services in non-government hospitals be included as a member of the pricing authority. We also accept that the regional and rural health community has been acknowledged as another area of expertise. In fact, there is a requirement for someone with that background to be included as a member of the pricing authority.

We are worried that with this amendment we are starting to become very prescriptive about the make-up of the pricing authority. There are a number of other groups that could potentially be included. We know that there are people with clinical expertise—surgeons, anaesthetists, nurses and so on—who would have a legitimate claim to be included to make sure that we have somebody with clinical experience as part of the pricing authority. We could go further and suggest that somebody who has significant experience in the field of health economics be included as well.

For that reason, we believe that the regional and rural health community, which has already been acknowledged, be the limit to which we prescribe the particular expertise, skills and experience on the pricing authority. It should be restricted to that group only. We certainly understand the reasons for wanting to include additional groups. It is reasonable, when determining the make-up of the authority, that consideration be given to people with experience in the non-government hospital sector, but we do not think it is the role of this bill to list those specific areas. As I said earlier, there are a number of other areas that we would also need to consider if we were going to go down that track. For that reason we have decided that we will not support the coalition's amendment.

**Senator XENOPHON** (South Australia) (21:15): I indicate that I will be supporting the coalition's amendment. It makes good sense to support the amendment moved by Senator Fierravanti-Wells on behalf of the coalition. I think it is quite reasonable that there should be at least one person at the pricing authority who has substantial experience and knowledge in the private hospital system.

Some time ago in relation to the Medicare levy surcharge—three years ago, although it seems longer—the government, as part of the negotiations for my support, agreed to a comprehensive study by the Productivity Commission on the comparative efficiencies between private and public hospitals systems. That was a very good exercise and the Productivity Commission produced a lot of useful information. It underscored where there would be unanimity in relation to that report and it underscored the importance of having both a robust public health system and a robust private health system, and the interaction between the two, to get the best possible outcome for health consumers, for the people of Australia. I note the figures given by Senator Fierravanti-Wells. Some 43 per cent of hospital beds relate to the private system. I think it would be remiss of us not to have a representative of the private hospital sector on such a pricing authority. If it is to be truly independent, truly inclusive and truly representative, this amendment ought to be supported and I do so.
Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (21:17): The government do not support the amendment proposed by the opposition, as we do not believe that it would enhance the provisions of the bill. Currently there is a provision for one member to have rural and regional experience with flexibility for other members agreed between the states and territories and the Commonwealth to ensure a variety of experience and expertise for the membership. The Council of Australian Governments has already announced the chair and the deputy chair of the IHPA. The chair will be Mr Shane Solomon, who gained experience in the provision of public hospital services from non-government operators when he was the group chief executive officer of Mercy Health and Aged Care Victoria.

While other appointments are under consideration by COAG, the government expects at least one other member to have the experience the opposition seeks. That has been explained to the office of the shadow health minister. While we agree with the outcome the opposition is seeking, we see no reason to diverge from the National Health Reform Agreement in this case. The way the amendment is drafted would potentially include a person with purely private hospital experience in the definition of membership, even though they are not covered by the authority and have very different pricing models from public hospitals. Private and NGO operated public hospitals will be able to and will be encouraged to direct their recommendations direct to the authority during the public consultation.

Senator EGGLESTON (Western Australia) (21:19): It is very important that we recognise the need for different kinds of experienced people on this pricing authority board. We have heard already in the course of this debate that there will be somebody with regional and rural experience. People who have anything to do with medicine know that regional and rural hospitals are different kinds of places from the big metropolitan hospitals, especially the big public hospitals. If recognition has been given to the fact that there is a need for somebody with regional and rural experience on this pricing authority board, we really have to think also about the need, as the Catholic Health Australia spokesman Martin Laverty has said, for someone who has operating experience in the private hospital sector.

Private hospitals are very different from public hospitals. Public hospitals work on public money, obviously, which is not accounted for in the same way as is money in a private hospital. Martin Laverty, CEO of Catholic Health Australia, made the point that the Catholic hospital system represents about 10 per cent of hospital beds in Australia, amounting to something like 2,700 Catholic hospital beds, mostly on the east coast but very strongly represented in Western Australia where we have two St John of God hospitals which are major, very large private hospitals in the metropolitan area, one in Subiaco and a new one south of the river in Murdoch. There is also St Anne's hospital, formerly the Mercy Hospital and another big Catholic hospital. St John of God has hospitals in the major regional centres of Western Australia in Bunbury, Geraldton and Kalgoorlie. So St John of God is a major hospital provider. Its funding models and business models are quite different to those of the public hospital system, where there is obviously a bigger flow of money coming in.

Private hospitals have to account for capital depreciation, insurance, council rates, long service leave, information technology—even down to whether or not a Microsoft licence per user is applied to the cost of each patient's admission—because the private
hospital system requires cost accountability, which really is not an issue in a government run system. There are very different considerations when you come to the private system and, given that, the case for having a person on the board with private hospital, private sector, experience is very hard to argue with. In the end, in the private sector every cost has to be recovered. You have to work out each individual item of cost within the whole system because in the end that cost has to be recovered in the fees charged to the patients. That requires a different approach altogether. You cannot just assume that some things will be 'given', that some services will be provided because they always are in a big government hospital. In the private system they are not. You have to think of the cost of every towel by a basin, every needle and every syringe, the cost of electricity for the use of electrical goods within a hospital—it all has to be accounted for.

The entire approach in a private sector operation is very different to that in a government sector operation, where people are less concerned about costs. They probably should be more concerned but, because it is a government operation, nobody bothers too much about the use of power or the provision of drugs, dressings and supplies, which can be done in a fairly easygoing way. The cost of the nursing staff required to support a surgeon in an operation is not taken into consideration as much, in the sense that the cost is borne by the government and it does not have to be accounted for in the same way. In the private sector, just as in any other private business, every item of cost has to be considered in terms of the ultimate unit cost to the patient. It is a very different approach.

For that reason the coalition's proposition that there be a person on this board who has private sector experience is one that, in terms of simple common sense, is very hard to argue against. These hospitals are major organisations incurring, day by day, very high costs, and in the end it has to be brought down to a unit cost for an individual patient for their day in the hospital. I strongly support this coalition amendment and trust that the committee will find it does as well.

Senator XENOPHON (South Australia) (21:26): With the indulgence of the chamber, because I note that there will be a guillotine on this bill at 9.30, I need to—

Senator Cormann: And a whole series of other bills at the same time, without debate. It is a disgrace.

Senator XENOPHON: I know that. Senator Cormann should know that I am very unhappy about it as well, but if I reflect too much on Senator Cormann's—

The TEMPORARY CHAIRMAN (Senator Cameron): Senator Xenophon, I would be pleased if you did not engage in a debate with Senator Cormann.

Senator XENOPHON: I will not engage in a debate, because time is incredibly short. Can I indicate that I have an amendment on file, one that has been recirculated, that I propose to move in two parts. There are two parts to the amendment. One says that the pricing authority must not report publicly unless a period of 30 days has elapsed since a report has been given to the minister or, if the report has not been given to the minister and each state and territory health minister, a period of three months has elapsed since the report was completed. I will not seek to divide on that. I understand I do not have support for it.

The other part, which I will be dividing on, says that, if a report is given to the minister, the report contains one or more recommendations and the minister does not agree to adopt one or more of the recommendations, the minister must publish on the internet his or her reasons for not
adopting the recommendation or recommendations. The reason I will move this is that the minister, in the second reading speech to the bill, said:

The Authority will have strong independent powers: it will be for public hospitals what the independent Reserve Bank is for monetary policy. This is unprecedented for the public hospital system.

The result will be a thorough and rigorous determination without fear or favour to Governments. The Government is confident that the Authority will provide the health system with the stability and robustness that the Reserve Bank has provided for monetary policy for decades.

If that is the case, let it be truly independent; let it be properly transparent. If the minister does not agree with any or all of the recommendations, the minister ought to give the reasons for doing so, given that we are setting up this truly independent body akin to the Reserve Bank in its robust independence. This amendment relates to transparency. The reasons for a recommendation not being supported, not being adopted by the minister, ought to be given by the minister. I think what I am proposing is an important transparency and accountability mechanism.

I do note that both the coalition and the Australian Greens supported an amendment to the Australian National Preventive Health Agency Bill 2010 which said the CEO of that organisation:

... must cause a copy of any advice given or recommendations made in undertaking the CEO’s functions ... to be published on the ... web site within 12 months of providing the advice or making the recommendations.

That is not quite the same as this recommendation but is similar in spirit and similar in terms of the process of transparency and accountability. I think that if we are setting up these bodies there ought to be some transparency and accountability. The minister of the day ought to give reasons why any recommendations are not followed through. That is why I urge my colleagues to seriously consider this amendment. It is consistent with the amendment supported by the coalition and the Greens on 17 November 2010, just over a year ago.

The TEMPORARY CHAIRMAN (Senator Cameron): The time allotted for the consideration of the remaining stages of the National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011 has expired. The question is that amendment (1) on sheet 7178 moved by Senator Fierravanti-Wells be agreed to.

The committee divided. [21:34]

(The Chairman—Senator Parry)

Ayes ......................31
Noes ......................36
Majority...............5

AYES

Abetz, EBernardi, CBrandis, GHCash, MCCornann, MEggleston, AF ierravanti-Wells, CHumphries, GJoyce, BMacdonald, IMDNash, FPayne, MARyan, SMSinodinos, AXenophon, N

NOES

Arbib, MBishop, TMBrown, RJCollins, JMACrossin, PFarrell, DFeeney, DGallacher, AMLudlam, SLundy, KA

Back, CJBirmingham, SJBushby, DCColbeck, REdwards, SFawcett, DJFifield, MPJohnston, DKroger, H (teller)Madigan, JIMcKenzie, BParry, SM Ronaldson, MScullion, NGWilliams, JR

Bilyk, CLBrown, CLCameron, DNCroony, SM Di Natale, RFaulkner, JFurner, MLHanson-Young, CLudwig, JWMarshall, GM
NOES
McEwen, A (teller)  McLucas, J
Milne, C  Moore, CM
Polley, H  Pratt, LC
Rhiannon, L  Sherry, NJ
Siewert, R  Singh, LM
Stephens, U  Sterle, G
Thistlethwaite, M  Urquhart, AE
Waters, LJ  Wright, PL

PAIRS
Adams, J  Carr, KJ
Boswell, RLD  Evans, C
Boyce, SK  Hogg, JJ
Heffernan, W  Wong, P

Question negatived.

Senator XENOPHON (South Australia) (21:37): I seek leave to have the question put for the amendment on revised sheet 7180 standing in my name and, further, I ask that the question be put separately in relation to subsection (2) of the amendment.
Leave not granted.

Senator XENOPHON: That is a bit cruel, Mr Chairman!

The CHAIRMAN: But leave is not granted, cruel or otherwise, Senator Xenophon.

Senator XENOPHON: It is cruel and unusual, Mr Chairman. Nevertheless, I move the amendment standing in my name:

(1) Schedule 1, item 21, page 47 (lines 1 to 8), omit section 211, substitute:

211 Conditions to be met before public reporting

(1) The Pricing Authority must not report publicly (whether on the internet or otherwise) unless:

(a) if the report has been given to the Minister and each State/Territory Health Minister—a period of 30 days has elapsed since the report was so given; or

(b) if the report has not been given to the Minister and each State/Territory Health Minister—a period of 3 months has elapsed since the report was completed.

(2) If:

(a) a report is given to the Minister and each State/Territory Health Minister under paragraph (1)(a); and

(b) the report contains one or more recommendations; and

(c) the Minister or a State/Territory Health Minister does not agree to adopt one or more of the recommendations;

the Minister or State/Territory Health Minister must publish on the internet his or her reasons for not adopting the recommendation or recommendations.

(3) Subsection (1) does not apply in relation to a report under section 212.

The CHAIRMAN: The question is that the amendment circulated by Senator Xenophon on sheet 7180 be agreed to.

The committee divided. [21:40]

(The Chairman—Senator Parry)

Ayes ...................... 2
Noes ..................... 54
Majority ............... 52

AYES
Madigan, JJ  Xenophon, N (teller)

NOES
Abetz, E  Back, CJ
Bernardi, C  Bilyk, CL
Bishop, TM  Brown, CL
Brown, RJ  Bushby, DC
Cameron, DN  Cash, MC
Colbeck, R  Collins, JMA
Cormann, M  Crossin, P
Di Natale, R  Edwards, S
Eggleston, A  Farrell, D
Faulkner, J  Fawcett, DJ
Feeney, D  Fierravanti-Wells, C
Fifield, MP  Furner, ML
Gallacher, AM  Hanson-Young, SC
Humphries, G  Kroger, H
Ludlam, S  Ladwig, JW
Lundy, KA  Macdonald, ID
Marshall, GM  McEwen, A (teller)
McKenzie, B  McLucas, J

CHAMBER
The DEPUTY PRESIDENT: Senator Macdonald, there is no point of order. The Senate passed a motion earlier today indicating this would be the outcome of today.

Question agreed to.

Bills read a third time.

ADJOURNMENT

Senator McLUCAS: I move:

That the Senate do now adjourn.

Same-Sex Relationships

Senator URQUHART (Tasmania) (21:46): In this the week before the Australian Labor Party's national conference I rise to express my full support for marriage equality. The momentum is building to change this anachronistic policy, which cements the last pillar of legalised discrimination and, I believe, fuels homophobia. I stand together with a clear majority of Australians in calling for the Australian Labor Party national conference and the members of this place to take the necessary steps to amend the Marriage Act to allow any two adults, regardless of sex, sexuality or gender identity, the honour and privilege of standing in front of their family and friends and making a commitment to each other; to allow the children of people in same-sex relationships the stability of knowing that their family is just as special in this country as are all other families; and to allow the community to celebrate the love and commitment of two Australians that no doubt are good citizens, pay their taxes and abide by the laws of the land.

Tonight I will share a few stories told to me by Tasmanians about why marriage equality is so important to them. I optimistically hope that their struggles may assist those sitting on the fence in this debate to realise that marriage equality will strengthen the institution of marriage and our
communities. I begin with the story of a child that does not tell his friends about his mum’s relationship. Although this nine-year-old boy should be worried about what games he will play with his mates and how to pass his tests at school, he is burdened with a fear that he will be bullied if his mates find out about his mum, who is in a loving relationship and does everything for him. Not being able to marry is very sad for her, but what is sadder is that her son cannot tell his peers about her relationship because, even at his young age, he realises that he will be bullied. He does so many amazing and exciting things with his mum and her partner, like camping, bird watching, hiking and boating — like any other family — but it concerns him that he has to censor his life.

It is so sad that a little boy already knows, and has to live with, discrimination. Marriage equality can help to put an end to this for this boy and many others in his situation. This is a boy whose childhood should be about instilling in him the skills and dreams that will see him become a good Australian. This is a boy who should be worried about what games to play with his friends, what he needs to do for his next school assignment and whether he got a few kicks in his last footy game. This boy should not be burdened with the fear of bullying if he shares stories of his weekend with his mum and her partner. Opponents of marriage equality use the pretence of protecting children as one of their major arguments. I challenge them to look a child like this brave boy in the eyes and say that the current laws are protecting him. I challenge them to move beyond their belief of what they see as a traditional family unit.

We must accept that our society is comprised of many family structures and we must enshrine in our laws a safe environment for all. That includes people whose anatomic gender is different to the gender they identify with. I move to share the story of a transsexual Tasmanian. If this woman was not honest with herself, she would be allowed to marry. She told me that she has twice been in love — once as a man and once, since transitioning, as a woman. Both relationships were exactly the same. Both had highs and lows. Both were founded on love. The first of these relationships was able to be celebrated publicly. They married, and thus the relationship gained society’s blessing. After the death of his wife, who was the only person he had previously told of his struggles with his gender, he decided to transition. Since transitioning, she found love again, and again with a woman, but no matter how this relationship is valued by her family, friends, colleagues and community it is somehow less valued.

She explained that she is still the same person she was when married many years ago but that she is more honest now, with herself and with her community. If the first relationship deserved recognition as a marriage, it is only just that the second one does too. The only difference is her gender. In her current life, she has chosen to be more honest with society about who she is. Remarkably, if she had not undergone transitioning therapy and legally changed her sex, she would be legally allowed to marry. This great country rewards people for their honesty. We must remove this barrier that prevents decent people from being fully honest with themselves and their community.

As Australians we pride ourselves on our abilities on the sporting field. I recently learnt of the discrimination a Tasmanian couple faced at their local golf club, which is always looking for new members, when they decided to join as partners. One was a successful golfer, having represented Tasmania on a number of occasions. Her new partner was also keen to join as she knew quite a number of the members and
thought it would be fun. The behaviour from some of the club members, who had previously known her partner when she was a married straight woman, was extremely hurtful to them both. Although they acted no differently to any other couple at the club, her partner was never welcomed as a new member. The club has a membership discount for married couples and of course these women could not qualify for it. They told me that it was not the money that hurt; it was the attitude that they were lesser members of the club even though one had been a champion many times and the other was known and liked by many members outside of this setting. As you might expect, the burden of continual exclusion and snide remarks resulted in the women resigning from the club. This provides another example of how continuing to deny marriage equality instils discrimination within our society.

But attitudes change with time. At the Tasmanian Labor state conference there was a contribution in support of marriage equality from a man who formerly looked upon homosexuality as wrong. He spoke of his struggle when his son came out, a struggle to comprehend his son's sexuality that soon turned to how he could best support his son. As his son is now in a loving relationship, he spoke of his wish for his son to be able to marry the partner that he loves in front of his family and friends. We must remember that it was only in 1997 that sodomy was decriminalised in Tasmania. But only seven years later Tasmania became the first state in Australia to recognise same-sex couples. The state continues to lead the country with support for same-sex couples. Now, in Senator Carol Brown's recent survey of over 1,000 Tasmanians, over 55 per cent of respondents were in favour of marriage equality.

In Australian law there has always been a clear distinction between civil and religious marriages. People are able to be wed in a civil ceremony. A religious body is able to choose not to wed a couple and should remain free to have this choice. People of different religions are able to be wed and not all forms of marriage are permissible under law even if they are allowed under a religious text. In recent years two-thirds of marriages have been conducted in a civil ceremony with no involvement or mention of religion. However, people are currently not free to have a wedding without discrimination. A marriage celebrant must, regardless of the wishes of the bride and groom, include in the monitum the Marriage Act's current definition of marriage. Without these words a marriage cannot be solemnised. A marriage celebrant recently highlighted to me the growing dissatisfaction of brides and grooms that these words must be used on their special day. That a phrase a majority of our society feel is discriminatory and should be repealed must be recited for a marriage to be solemnised is so unfortunate. Is it not enough that same-sex attracted people are prohibited from marriage in this country?

I acknowledge that this debate is difficult, that the community is divided and that, for many, overcoming long-held prejudices is tough. But that is why we need strong leadership from the Labor Party at our national conference next week. We need the government to stand united on this issue, recognising that one of the Labor Party's great strengths is its unity in fighting to promote equality, fairness and dignity for all. This is the time to remove the last piece of legislation that fuels that discrimination in this country.

I thank Jenny, Jen, Peter, Martine and Maxine for sharing their stories with me. I hope that this place will do our little bit to make their lives that bit better. Let us finish
the great work done in 2008 when this parliament removed discrimination against same-sex de facto couples in over 85 pieces of Commonwealth legislation. Let us change the Marriage Act to support equality for all and to give Jen, Jenny, Peter, Martine and Maxine that equality that they long for and so richly deserve.

**White Ribbon Day**

**Australian Netball Awards**

Senator CASH (Western Australia) (21:56): I rise this evening to speak in support of the United Nations International Day for the Elimination of Violence against Women, or White Ribbon Day, as it is now known, which this year occurs on Friday, 25 November. Statistics continue to show that one in three women over the age of 15 experiences violence in their lifetime, and one in five experiences physical violence. It is widely known that domestic violence is not just physical violence. It also encompasses sexual, emotional and psychological forms of violence. According to findings of the National Council to Reduce Violence against Women and their Children:

... a central element of domestic violence is that of an ongoing pattern of behaviour aimed at controlling one's partner through fear (for example, by using violent or threatening behaviour) ... the violent behaviour is part of a range of tactics used by the perpetrator to exercise power and control ... and can be both criminal and non-criminal in nature.

The awful truth is that domestic violence also kills women. The most likely scenario for the homicide of an Australian woman is at home at the hands of an intimate partner. This might be something that Australians do not want to think about or do not want to concede is happening, but the reality is that violence against women is happening in the suburbs and towns each one of us lives in. Of 260 Australian homicides tracked by the National Homicide Monitoring Program of the Australian Institute of Criminology in 2007-08, 52 per cent were classified as domestic homicides.

A third of women who were interviewed by the International Violence Against Women Survey felt their lives were in danger in the most recent incident of domestic violence. And research from VicHealth showed domestic violence is the leading risk factor contributing to death, disability and illness in Victorian women between the ages of 15 and 44—a higher risk than from smoking, from alcohol use, from high blood pressure or from heart disease.

It is not just the social devastation that pervades our communities; the evidence of the economic damage is also significant. In 2002-03, the cost of domestic violence to Australia was estimated at $8.1 billion, $3.5 billion of which was attributable to pain, suffering and premature mortality, according to Access Economics. Domestic and family violence is also the major cause of homelessness for women and their children. Victims will often cycle in and out the doors of homelessness services as they return home to try to reconcile with their partner.

A World Health Organisation study on Women's Health and Domestic Violence Against Women has found:

Each culture has its sayings and songs about the importance of home, and the comfort and security to be found there. Yet for many women, home is a place of pain and humiliation. … violence against women by their male partners is common, wide-spread and far-reaching in its impact. For too long hidden behind closed doors and avoided in public discourse, such violence can no longer be denied as part of everyday life for millions of women.

White Ribbon is Australia's campaign to stop violence against women. White Ribbon Day targets all Australians, but especially men and boys, and asks them to swear an oath
'never to commit, excuse or remain silent about violence against women'.

The Western Australian Women's Council for Domestic and Family Violence Services describes White Ribbon as:

... the only national violence prevention campaign, and it is unique in that it aims to raise awareness among Australian men and boys about the roles they can play to prevent violence against women ...

In swearing and wearing a white ribbon, men and boys can act as positive role models and advocates for change by challenging behaviours and attitudes that have allowed violence against women to occur.

There are currently around 1,600 White Ribbon ambassadors nationally, and about 130 of those are from my home state of Western Australian. The Leader of the Opposition, Tony Abbott, is a White Ribbon ambassador, as are Western Australians such as my state colleagues Christian Porter, the Western Australian Treasurer, and Michael Mischin MLC, former Governor of WA Dr Ken Michael, West Coast Eagles footballer David Wirrpanda and Chief Justice Wayne Martin. There is no limit to the capacity of men to educate others and drive the cultural change towards total condemnation of all forms of violence against women. I would encourage more men to consider what positive change they can make by becoming an ambassador or signing up to take the oath, which in itself is a very strong message and a big commitment.

The private nature of domestic relationships means that data collection of domestic violence is difficult and also that a great number of women who are victims are unlikely to report the abuse. Women are less likely to consider violence or abuse from their partner as criminal behaviour compared with violence or abuse from strangers. The coalition has, and has always maintained, a zero tolerance approach to violence against women. The coalition believes that keeping women and their families safe from violence is central to ensuring their security and prosperity. Violence devastates our social fabric and prevents women from achieving social and economic equality.

The safety of women was a top priority for the former Howard government. Through the Women's Safety Agenda, the former Howard government committed $75.7 million over four years, from July 2005, to prevent, reduce and respond to domestic and family violence and sexual assault. The Women's Safety Agenda addressed four broad themes: prevention, health, justice and services. The initiatives included the national Violence Against Women—Australia Says No campaign and the national 24-hour helpline.

In 2005, former federal Sex Discrimination Commissioner and shadow minister for women and community services in New South Wales, Pru Goward, said:

As Sex Discrimination Commissioner I am often asked what is the greatest challenge for women's human rights in Australia—the answer has to be violence against women. If women cannot expect to be safe in their own homes and communities, how can they expect equality in society? The idea that what happens behind the closed door of a family home or a private residence is the business of its occupants has long passed. The private realm is not outside the bounds of the law. This cultural change has begun, but the stark reality is that domestic violence destroys lives, families and communities, and there is still much work to be done to change attitudes and behaviours. The coalition fully supports White Ribbon and all the work that it is undertaking.

On another topic, I had the privilege of representing the Leader of the Opposition at the Australian Netball Awards of 2011 on Saturday night in Melbourne. The dinner, aptly themed 'Our time to shine', was a
special night for netball where Netball Australia recognised past and present achievements both on and off the court. I have spoken of the exceptional achievements of the Australian Diamonds and Netball Australia previously in this chamber, but I would like to reafﬁrm that it was an outstanding year for Australian netball with the Diamonds claiming their 10th World Netball Championship title, defending the Constellation Cup and heading into 2012 as the No. 1 team in the world. That is right—the Australian Diamonds are the No. 1 netball team in the world. This is an achievement that all Australians should be proud of.

As set out on the Netball Australia website in relation to the award ceremony, Australian Diamonds defender Laura Geitz capped off a remarkable 12 months by winning the coveted Liz Ellis Diamond and ANZ Championship Player of the Year honours at the award ceremony. Laura Geitz is just 24 but is a remarkable role model for Australian women and girls. She adds to her 2011 ANZ Championship premiership Network Ten’s 2011 ANZ Championship Player of the Year and the 2011 World Netball Championship winner’s medallion. The highest individual honour in Australian netball, the Liz Ellis Diamond, is named after former captain and most capped Australian player of all time, Liz Ellis, who was on hand to present Geitz with a $5,000 cheque and the superb one-carat diamond from Michael Wilson Diamond Jewellers.

Kimberlee Green was named Holden Australian International Player of the Year, recognising her outstanding performance during the Holden Netball Test Series when she stepped in to the centre position following an injury to captain Natalie von Bertouch. Diamonds shooter Catherine Cox was named New Idea’s favourite Diamond by the publication’s readers.

In closing, I echo the comments of Noeleen Dix, President of Netball Australia, who thanked everybody for being part of the special evening, extending her thanks to everyone in the netball community—the players, coaches and umpires—whose dedication and passion have allowed them to reach the pinnacle in their sport, being the world champions.

Africa

Senator MARK BISHOP (Western Australia) (22:05): As a member of the Joint Standing Committee on Foreign Affairs, Defence and Trade, earlier this year I participated in a delegation to Africa. That formed part of the committee’s inquiry into Australia’s relationship with the continent. Together we visited South Africa, Zimbabwe, Ghana and Ethiopia. The committee’s comprehensive report was tabled back in June.

Tonight I will address one of the recommendations of the committee. While not forming a central theme within the committee’s report, it is nevertheless of vital importance to Australia’s mining industry. Let me first provide some context on what I suspect is a little known feature of Australia’s relationship with Africa. In this time of global financial insecurity, we are blessed with a wealth of mineral riches in Australia. We are also blessed, thanks to generations of good government, with sound governance arrangements, allowing for the extraction of minerals in a socially and economically responsible way, providing financial returns for the common good. We have efﬁcient transport, good technology, environmental safeguards, and the protection of the public interest in a free market economy, all of which we take for granted. Yet across the Indian Ocean the African continent is only opening the first chapter on perhaps the same experience. Let us hope that it can be,
because on the proper development of minerals in Africa rests the greatest contributor to its political, economic and social salvation.

It is estimated Africa has about 30 per cent of world mineral resource production, broken up as follows: bauxite, 43 per cent; copper, 13 per cent; diamonds, 27 per cent; gold, 21 per cent; iron ore, 17 per cent; nickel, 6.5 per cent; platinum, 78 per cent; and uranium, 38 per cent. Goodness knows what the potential resource base might be, as survey work is probably best described as being in its infancy. In commodities such as bauxite, iron ore, copper and uranium, Africa has the potential to be a major competitor to Australia. This is especially true of trade with China, with which it is already deeply engaged. Australia’s interest in Africa, however, is much more. It is reported that 150 ASX listed mining and exploration companies are active in 40 African countries. Others estimate that as many as 230 companies could be involved in a wide range of interests. Of these companies, 30 are estimated to have African based operations, with a further 50 routinely involved on assignments. It is a very active part of the Australian mining industry, with estimates of $24 billion in investments.

At government level there has also been a longstanding association. The Department of Resources, Energy and Tourism has an active remit for advice. The Department of Foreign Affairs and Trade is engaged, particularly in conjunction with Austrade and AusAID. State agencies also have an important role to play overseeing mining industry development, extraction and export. More than any other country in the world, we have a long history of the institutional stability and know-how African countries crave. There are myriad ways Australia can assist African countries to maximise the benefits of a profitable mining industry. The obvious area for many is skills transfer, in which we are rich. More-stable African countries, such as Ghana, are said to have that capacity.

However, the area which most caught my attention is that of legal regimes and the appropriate regulatory framework. The importance of a stable institutional framework and sound regulatory frameworks for Africa cannot be underestimated. In fact a key recommendation in the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade was that:

The Department of Foreign Affairs and Trade and the Department of Resources, Energy and Tourism should establish and fund a special unit tasked with establishing a regulatory framework model for the mining and resources sector which African countries could consider adopting according to their requirements

I quote that in full knowledge of the massive demands it would place on the aid budget. This is especially true in areas of humanitarian effort such as health, education and other social infrastructure assistance.

However, to repeat my earlier point, nowhere could assistance have more long-term economic benefit than in addressing regulatory regimes. The fact is that since the time of early multinational colonial settlement, the attitude to mining in Africa has been one of crude exploitation. Indeed it is still said that the greatest attraction of mining in Africa is that returns can be in excess of 100 per cent. That is, of course, if the appropriate risks are taken. As WA exporters to Africa, who currently have a trade valued at $427 million annually, have found, those risks are many. The most serious risk of course is political instability. This is fed by serious levels of corruption and the lack of simple and transparent legal regimes, occurring across the board. Added to that is limited financial capacity, poor infrastructure, clogged and inefficient ports...
and poor transport. There is also ineffective
government administration.

Yet, with respect to mining in particular,
some African nations are looking for
assistance. Some are already engaged with
government mining regulators in both
Western Australia and Queensland. They
speak highly of the codes in these two states.
They speak highly of the state agreements
system in Western Australia. Indeed, during
the committee's visit African officials and
ministers could not have made their request
more strongly—hence the committee's
recommendation. They know that without
such legal foundations the benefits flowing
from mineral riches cannot be tapped for the
national good. They know that without those
foundations foreign investment is difficult to
attract. They know that control over
exploration and development is needed to
ensure investment in economic and social
infrastructure and to generate worthwhile
jobs. Therefore the need for regulatory
investment is paramount. Addressing social
symptoms is worthy and understandable,
although it is a poor alternative to building
economic capacity. That is a simple truism.
At the same time, the difficult nature of the
task should not be underestimated. I am
indebted to the 2009 submission by
Geoscience Australia to AusAID in which
the complexity of such regulatory regimes is
explained in detail.

The effects of the 'resources curse' are
well understood: exploitative behaviour
leads to poor financial practices, corruption,
environmental degradation and social unrest.
It is recognised that, in the short term, the
successful growth of mining industries
depends on the good practices of
international companies. I acknowledge the
evidence that companies such as BHP
Billiton, Paladin, Rio Tinto and others adopt
the same standards that apply in Australia
when local standards are inadequate, in the
knowledge that international standards are
also. Here I should note that many Australian
companies are signatories to the Extractive
Industries Transparency Initiative. The
Gillard government has joined 11 other
countries to support the initiative on a pilot
basis. The announcement was made on 4
November by the Minister for Foreign
Affairs, Mr Rudd, and the Minister for
Resources and Energy, Mr Ferguson.
Funding of over $12 million will support the
initiative.

Proper governance has its roots in political
stability, strong institutions, full transparency
and effective accountability. A tall order for
some, but there is growing evidence of
success that now needs to be built upon with
adequate regulation. The emphasis must be
on sustainability, certainty in the investment
environment and strong commitment to
economic infrastructure. A good regulatory
environment can provide all of this.

Most important for investment certainty is
the need for established law and regulation
on granting mining tenements—that is, after
granting exploration permits, the issue and
certainty through legal protection of mining
leases for the long term. There also needs to
be certainty around the application of royalty
regimes. Underpinning all is the means by
which mining companies and governments
agree on both exploration and development.
The process must be transparent, consistent,
fair and predictable in such a way that long-
term investment is low and financial risk is
low. Hence, the importance of what
Geoscience calls a draft template, so gaps
can be identified and filled from ready-made
examples.

This is a large and complex area crying
out for Australian assistance. We have the
corporate support and wealth of operational
knowledge. I have spoken to my colleagues
the Minister for Foreign Affairs and the
Minister for Resources and Energy, who are both very committed to this process. (Time expired)

The DEPUTY PRESIDENT (22:16): Before I call Senator Macdonald, it is encouraging to know that senators are included in Foreign Affairs, Defence and Trade Committee delegations.

Bonner, Former Senator Neville, AO

Senator IAN MACDONALD (Queensland) (22:16): I recently received an invitation from the Board of Directors of the Tweed Aboriginal Cooperative Society to attend the 50th anniversary celebration luncheon honouring a Miss Margaret Kay and to pay tribute to the first Aboriginal senator appointed to the Australian parliament some 40 years ago in 1971. Indeed, that celebration will recognise the birthplace of former Senator Neville Bonner AO. Unfortunately, because of prior commitments I was unable to accept the invitation but I have sent my best wishes.

I do not know Miss Kay, but clearly she is a community leader of note and has obviously done much for the people of her community over many years. However, tonight I want to speak in the Senate to acknowledge the 40th anniversary of the appointment by the government of Queensland, on the nomination of the Queensland division of the Liberal Party of Australia, of Neville Bonner to fill the vacancy in the Senate caused by the resignation of Senator the Hon. Dame Annabelle Rankin, thus marking the first person of Aboriginal descent to become a member of the parliament of Australia.

I knew Neville Bonner reasonably well in those days following his appointment to the Senate. I was always impressed with his ability, his genuineness, his care for others and his determination to help all Australians regardless of background or race. In doing that he helped improve the lives and futures of the people of Aboriginal descent. I well remember Neville always insisting to me as a young Liberal, in the early days of his term as a senator for Queensland, that he was a senator for Queensland and not a senator for any one particular cause or group of people. He was obviously very proud of his Aboriginal heritage and wanted to do everything he could to help that disadvantaged group, but he was always insistent that he was a senator for all Queenslanders.

I assisted Neville in his campaigns for election to the Senate in the years following his appointment in 1971, and I was always pleased to welcome him to North Queensland. I fondly remember one night when he was visiting Ayr, but for some reason did not have any accommodation, and he accepted my invitation to stay in my bachelor's pad for the night. My place in those days was party central in Ayr, and I was always proud and even a little nonplussed that Neville had chosen to stay in my flat, notwithstanding its local reputation.

I fondly remember in later years when Neville, by accident, came into a room in the Innisfail Conservatorium building where the Apex service club—the young men's service club—was having its annual zone convention. Neville came in by a side door of the room where Apexians were holding their convention and was so well and favourably known that the convention stopped its business and, as one, started applauding Senator Bonner, who then immediately walked onto stage to deliver his address. It was only after he had been going for a little while that the chairman of the Apex meeting interrupted him and pointed out that he had actually come into the wrong room in the building and that he was scheduled to speak to another group of people in another part of the complex. But having done that he was then invited to
speak to Apexians off the cuff about his work to assist disadvantaged people, and he won the hearts of all Apexians with his genuine compassion and concern.

Neville Bonner was born in 1922 in Ukerebagh Island at Tweed Heads in northern New South Wales, and I am delighted that the Tweed Aboriginal Cooperative Society has chosen to acknowledge Neville’s election to the Senate with this function on 8 December this year. During his life, Neville had many jobs around Queensland. Even though his formal education was very brief—basically one year at the Beaudesert State School in 1935—he was clearly prepared to work. In his life he worked as a dairy hand, station hand, stockman and vegetable picker. He did tree clearing, ring barking and fencing. He worked as a cane cutter around Ingham and as a native policeman. He then managed a dairy farm and worked as a labourer on the Brisbane City Council. He had his own business manufacturing boomerangs under the trade name of Bonnerang. He also worked as a carpenter for the Moreton Shire Council. He attempted to enlist during World War II but at the time, unfortunately, army enlistment was not encouraged by people of Aboriginal descent.

Neville and his wife spent a significant part of their lives on Palm Island off the coast of Townsville, where their children were born and where, apart from a brief stint on the mainland, they lived from 1945 to 1960. Neville is perhaps best known for his involvement in a OPAL, the One People of Australia League, which was formed in 1961 to channel Queensland government assistance to areas of Aboriginal need. As he says in his recorded conversation, ‘OPAL’s ultimate goal was to weld the coloured and white citizens of Australia into one people.’ In 1965 he was elected to OPAL’s state committee and served as the league’s president from 1968 to 1974. Neville once accepted an invitation by some friends to attend a Liberal party meeting and, although he always considered himself a Labor voter, he went along and was impressed with the party documents and particularly a statement of liberal beliefs by the late Sir Robert Menzies. During the campaign of May 1967, leading up to the successful referendum by the Liberal government to change the Constitution to give the Commonwealth the power to make laws for Aboriginal people, Bonner handed out how-to-vote cards for the Liberal Party. He says in his recorded story that he was challenged by the local MHR, Bill Hayden—later Labor leader and Governor-General—who argued that the ALP did more for Aboriginals than the Liberals did. Bonner was annoyed that Labor should presume the automatic support of Aboriginal people and decided to join the Liberal Party, becoming a member of the One Mile Branch in 1967. From there Neville became very involved in the Liberal Party organisation and was elected to the state executive of the party. He stood for preselection for the half Senate election in 1970 but as No. 3 on the ticket was unsuccessful. But in 1971, on the retirement of Dame Annabelle Rankin, he obtained the party’s nomination for the casual vacancy in the Senate.

Senator Bonner, whilst a loyal member of the Liberal Party, did not always vote with the party. He crossed the floor of the Senate on some 34 occasions during his term. Of course, as a Liberal he was able to do that. Had he been a member of the Labor Party he would have been expelled after the first show of independence. Senator Bonner had a very auspicious and distinguished career in the Senate and by the power of his argument, and the fact that he crossed the floor on many occasions to get a better deal for the causes he espoused, he was able to
implement a number of changes for the benefit of Australians. As Neville Bonner said in his maiden speech on 8 September 1971:

I assure honourable senators that I have not attended a university or a high school and, for that matter, I do not know that I can say that I have spent very much time at a primary school. But this does not mean that as a Senator from Queensland I am not able to cope. I have graduated through the university of hard knocks. My teacher was experience. However, I shall play the role which my State of Queensland, my race, my background, my political beliefs, my knowledge of men and circumstances dictate. This I shall do, through the grace of God, to the benefit of all Australians.

As he concluded his maiden speech:

I look forward to my association with my fellow senators. I trust that our deliberations will be, in fact, for the true welfare of all Australians. There are many books written about Neville Bonner to which senators may care to refer. Indeed, there is an article by Tim Rowse which describes a great person and a great career.

On 5 February 1999 Neville Thomas Bonner AO passed away. There are very fitting tributes made to Neville Bonner by then Prime Minister John Howard, opposition leader Kim Beazley and the late David Jull—a good mate of Neville Bonner's—recorded in the Hansard of 8 February 1999. There was an equally significant speech by the then Leader of the Government in the Senate, Senator Robert Hill, on 15 February. These tributes give a snapshot of the very high regard in which Neville Bonner was held by all sides of Australian politics.

I was very proud to have known Neville as a member of the Liberal Party. Although he fought some tough preselection battles, and did succeed, it was the double dissolution of 1983 that led to him being dropped from first position to third position on the Liberal Senate ticket. This unwinnable spot caused Neville to resign from the Liberal Party and run as an independent, and he only just missed out on being elected. I was ever so delighted in 1998 to be present at a national convention of the Liberal Party held at that time in Queensland when the Prime Minister was able to confer upon him life membership of the Queensland division of the Liberal Party, an honour that he accepted warmly.

Neville Bonner was a great Australian, a great Queenslander and a leader of his people. In my view he started the public push to restore Aboriginal people to their rightful place in this country. Indeed I think his very strong involvement in the One People of Australia League says it all. For me it was an honour and a privilege to have known this fine man, the first Aboriginal person ever to be elected to the parliament of Australia.

Senate adjourned at 22:26

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Acts Interpretation Act—Statements pursuant to subsection 34C(6) relating to the extension of specified period for presentation of reports—
AAF Company—Report for 2010-11.
Airspace Act—Airspace Regulations—Instruments Nos CASA OAR—
152/11—Determination of airspace and controlled aerodromes etc [F2011L02379].
153/11—Designation of air routes; Determination of conditions for use of air routes [F2011L02377].

Australian Meat and Live-stock Industry Act—


Civil Aviation Act—

Civil Aviation Order 100.6 Repeal Instrument 2011 [F2011L02390].

Civil Aviation Regulations—Instruments Nos CASA—

461/11—Instructions – for approved use of P-RNAV procedures – Execujet Australia Pty Limited [F2011L02368].

462/11—Instructions – for approved use of P-RNAV procedures – Sundown Pastoral Co Pty Ltd [F2011L02367].

Civil Aviation Regulations and Civil Aviation Safety Regulations—Instrument No. CASA 442/11—Instructions and exemption – B767-300 RNAV (RNP-AR) approaches [F2011L02376].

Civil Aviation Safety Regulations—Revocation of Airworthiness Directives—Instrument No. CASA ADCX 024/11 [F2011L02319].

Commissioner of Taxation—Public Rulings—

Class Rulings—CR 2011/72.

CR 2011/96.


Goods and Services Tax Industry Issue—

Addendum, dated 2 November 2011.

Product Rulings—


PR 2011/18.

Corporations Act—

Accounting Standard AASB 2011-10—Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [F2011L02334].

ASIC Class Order [CO 11/1140] [F2011L02348].

Customs Act—

Tariff Concession Orders—

1045334 [F2011L02327].

1100793 [F2011L02322].

1105243 [F2011L02338].

1105427 [F2011L02324].

1105487 [F2011L02347].

1105579 [F2011L02332].

1106403 [F2011L02323].

1109274 [F2011L02352].

1111591 [F2011L02316].

1111661 [F2011L02349].

1111756 [F2011L02320].

1112020 [F2011L02337].

1112267 [F2011L02335].

1112365 [F2011L02359].

1112409 [F2011L02326].

1112412 [F2011L02340].

1112481 [F2011L02342].

1112568 [F2011L02362].

1112633 [F2011L02343].

1112959 [F2011L02321].

1113035 [F2011L02350].

1113295 [F2011L02331].

1113301 [F2011L02333].

1113307 [F2011L02361].

1113321 [F2011L02339].

1113893 [F2011L02351].

1113932 [F2011L02360].

1114141 [F2011L02314].

1114144 [F2011L02355].

1114304 [F2011L02358].

1114653 [F2011L02313].

1114753 [F2011L02329].
Tariff Concession Revocation Instruments—
31/2011 [F2011L02353].
33/2011 [F2011L02356].
34/2011 [F2011L02365].
150/2011 [F2011L02357].


Education Services for Overseas Students Act—Education Services for Overseas Students (Designated Authority) Determination 2011 (No. 2) [F2011L02388].


Excise Act—
Excise (Volume of Liquid Fuels—Temperature Correction) Determination 2011 (No. 1) [F2011L02373].
Excise (Volume of LPG—Temperature and Pressure Correction) Determination 2011 (No. 1) [F2011L02378].

Federal Financial Relations Act—Federal Financial Relations (General purpose financial assistance) Determination No. 31 (October 2011) [F2011L02346].

Fisheries Management Act—NPF Direction No. 154 [F2011L02369].

Food Standards Australia New Zealand Act—


Food Standards (Application A1041—Food derived from SDA Soybean Line MON 87769) Variation [F2011L02372].

Food Standards (Application A1046—Food derived from Herbicide-tolerant Soybean Line DAS-68416-4) Variation [F2011L02370].

Food Standards (Application A1047—Sodium Carboxymethylcellulose as a Food Additive in Wine) Variation [F2011L02371].

Radiocommunications Act—
Radiocommunications Licence Conditions (Aeronautical Licence) Amendment Determination 2011 (No. 1) [F2011L02383].

Radiocommunications Licence Conditions (Aircraft Licence) Determination 2011 (No. 1) [F2011L02381].


Sydney Airport Curfew Act—Dispensation Report 07/11.

Telecommunications Act—

Indexed Lists of Departmental and Agency Files

The following document was 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 2011—Statement of compliance—Commonwealth Ombudsman.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Carbon Pricing
(Question No. 1018)

Senator Abetz asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 22 August 2011:

In regard to the Clean Energy Future document, 'What a carbon price means for you', which was sent to all households:

(1) In relation to the paper used for the document:
   (a) where was the paper sourced;
   (b) was the paper made in Australia, if not, where was it made;
   (c) where did the pulp that made the paper originate;
   (d) what was the type of paper used;
   (e) what was the total cost of the purchase of the paper; and
   (f) which company was successful in providing the paper.

(2) With reference to the statement 'China is now the world's largest manufacturer of both solar panels and wind turbines’ (p. 5), what quantity of these solar panels and wind turbines are manufactured for export to other countries in the world, including Australia.

(3) With reference to the statement that 'by 2020 the carbon price package will take 160 million tonnes of pollution out of the atmosphere every year' (p. 6), does that statement take into account the possibility of any carbon leakage whatsoever from manufacturing moving from Australia to other countries.

(4) With reference to the statements 'average incomes grow strongly' and 'national employment is projected to increase by 1.6 million jobs by 2020' (p. 7), does this modelling indicate that the growth in average incomes and employment will be slower than if there had not been a carbon price imposed; if so, why was this not stated in the document.

(5) With reference to the statement 'some businesses will pass on the carbon price' (p. 8), can a detailed list be provided of businesses which are anticipated will not pass on the carbon price.

(6) Does the document refer to the increased marginal tax rates increasing:
   (a) if not, why not; or
   (b) if so, by how much will the marginal tax rates increase.

(7) With reference to the statement that 9 in 10 households will receive tax cuts, increased payments, or both’ (p. 14):
   (a) is it acknowledged that not all of those 9 in 10 households will in fact be better off; and
   (b) is it a fact that less than 50 per cent of the population will be better off if Treasury's modelling and assumptions are accepted.

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

(1) In relation to the paper used for the Clean Energy Future: What a carbon price means for you document:
   (a) The paper was sourced from Australia.
(b) The paper was made at the Australian Paper Mill in Maryvale, Victoria.

(c) The pulp originated in Australia and was manufactured at Australian Paper Maryvale from wood sourced from VicForests and Hancock Victorian Plantations. Both suppliers hold Programme for the Endorsement of Forest Certification chain of custody and both suppliers are accredited to the Australian Forestry Standard.

(d) The type of paper used was 100 grams per square metre Envi offset Carbon Neutral.

(e) The total cost of the purchase of the paper was $1,080,000.00 (GST exclusive).

(f) Australian Paper was successful in providing the paper.

(2) According to the International Energy Agency document Technology Roadmap: Solar photovoltaic energy, 95 per cent of China's photovoltaic systems are manufactured for export. According to the Renewable Energy Policy Network for the 21st Century document Renewables 2011: Global status report, China was the top installer of wind turbines and by the end of 2010 had the largest renewable energy capacity (including hydro) in the world.

(3) The statement, 'by 2020 the carbon price package will take 160 million tonnes of pollution out of the atmosphere every year', refers to the reductions in Australia's net national emissions.

(4) As stated in the Treasury modelling report Strong Growth, Low Pollution: Modelling a carbon price, the modelling shows that with a carbon price real wages grow slightly more slowly than without a carbon price and the level of employment is largely unaffected. However, this exercise modelled the impact of a carbon price on the economy but did not model the impact of climate change on the economy. For a net assessment of the impacts of climate change policy on both the economy and people's welfare, both would need to be taken into account. Previous studies which have done this, such as the Garnaut Review (2008) and the Stern Review (2006), both conclude the costs of action are smaller than the costs of inaction. The Clean Energy Future: What a carbon price means for you document only provides a summary of the modelling results. The reader is directed to the Treasury modelling report, Strong Growth, Low Pollution (2011), for more information.

(5) The Treasury modelling was undertaken at an industry level. As a result, it is not possible to provide details of individual businesses. However, businesses which are not anticipated to pass on carbon price impacts are in heavily trade exposed industries and for this reason will receive assistance through the Jobs and Competitiveness Program.

(6) Page 12 of the Clean Energy Future: What a carbon price means for you document states, 'While some statutory tax rates will be higher, the combined changes mean this will better match the effective rate that a lot of taxpayers are actually paying at the moment. All taxpayers under $80,000 will pay less tax, and those on higher incomes will pay no more tax than they do now.' The document further directs readers to the Clean Energy Future website at: www.cleanenergyfuture.gov.au/wp-content/uploads/2011/08/What_a_carbon_price_means_to_you.pdf, where more information about the changes to the statutory personal tax rates and thresholds is available.

(7) (a) Page 14 of the Clean Energy Future: What a carbon price means for you document states that 'around 90 per cent of households will receive assistance to help meet the impact of the carbon price on their costs of living.' The inside cover states that, 'almost 6 million households will be assisted to meet their average price impact', of which, 'over 4 million households will get assistance that is at least 20 per cent more than their average price impact'.

(b) Two in three households will get some combination of tax cuts or increased payments that cover their expected average price impact.
Asylum Seekers  
(Question No. 1206)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 15 September 2011:

(1) How many asylum seekers were transferred in the first group, and can a detailed breakdown be provided of the cost of transporting the first group to the centre.

(2) What is the anticipated total cost of transporting asylum seekers to the centre.

(3) Will the centre still close in October, as initially committed to by the Government; if not, why not, and when.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

The first group of 35 asylum seekers were transferred to Pontville Immigration Detention Centre (IDC) on 1 September 2011.

The total cost for transporting this group via charter flight from Curtin IDC to Pontville IDC was $185,900.

Decisions to transfer asylum seekers between immigration detention facilities are based on careful consideration of a range of factors, including individual client circumstances; the overall capacity and occupancy of facilities within the detention network; staffing; interpreter and service provider requirements; the good order and safety of each facility; and appropriate management of any health or security risks to the community.

Due to the dynamic nature of the immigration detention population, and associated accommodation requirements, it is difficult to estimate specific anticipated transport costs for asylum seeker transfers to particular facilities.

As the Minister has said, Pontville IDC will close on 1 March 2012, six months from when it opened on 1 September 2011.

Tertiary Education, Skills, Jobs and Workplace Relations  
(Question No. 1213)

Senator Abetz asked the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, upon notice, on 19 September 2011:

In relation to the Minister's media release entitled 'New health and safety regulations to boost national productivity' issued on 14 September 2011:

(1) On what date and time was the media release placed on the Minister's website.

(2) On what date and time was the attachment, the Decision regulation impact statement for national harmonisation of work health and safety regulations and codes of practice uploaded to the website.

(3) Why does this statement not appear on the Safe Work Australia website.

(4) On what date and at what time was it decided to release the report to the public and who made the decision and on whose advice.

(5) Did the Minister or his office receive any requests for a copy of the report on 14 September 2011; if so, how many requests were there received and in each instance, were copies of the report provided; if not, why not.

(6) Which industry stakeholders were provided with advance copies of the statement and when were they provided.
(7) Did the Workplace Relations Ministers Council resolve to release this report; if not, under whose authority was the report released.

(8) What consultation with other members of the Workplace Relations Ministers Council, if any, was done on the release of the report prior to release.

(9) Under whose direction was the report released to select journalists prior to the public release of the statement, and in each instance, on what date and time was the copy provided and what was the name of the journalist.

(10) Had any party or stakeholder requested an advance copy of the report; if so: (a) who and how many; (b) were any of these requests granted; if so, on what grounds, who received an advance copy and on what date was it provided; and (c) for those requests that were not granted, on what basis were they rejected.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

The Regulation Impact Statement for the Model OHS Regulations and First Stage Codes of Practice was prepared by Safe Work Australia. Safe Work Australia consists of representatives of the Commonwealth, state and territory governments as well as ACCI, Ai Group and the ACTU.

Consistent with the requirements of the Office of Best Practice Regulation, the Minister provided copies of the approved Regulation Impact Statement for the Model OHS Regulations and First Stage Codes of Practice to members of the Workplace Relations Ministers' Council (WRMC) on 13 September 2011.

At 8.38am on 14 September 2011, Safe Work Australia provided its members with a copy of the approved Regulation Impact Statement. At 9.18am on the same day, the Minister issued a media release announcing the findings of the Regulation Impact Statement.

The approved Regulation Impact Statement (RIS) was attached to the media release on 15 September 2011 at 10.45am.

As is the usual practice, the Office of Best Practice Regulation will publish a copy of the approved Regulation Impact Statement on its website once WRMC has made its decision. At this point, Safe Work Australia will also publish a copy on its website.

The approved Regulation Impact Statement is not a confidential document. If members of WRMC wish to provide copies of the Regulation Impact Statement to stakeholders, then that is a matter for them.

Climate Change and Energy Efficiency

(Question No. 1216)

Senator Boswell asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 19 September 2011:

In regard to cost estimates of the Coalition's direct action scheme:

(1) Given that on 2 March 2011, the Minister put out a press release on cost estimates of the 'Coalition's Direct Action policy', citing analysis undertaken by the Department, is the Minister familiar with that analysis?

(2) Given that the Minister's statement claimed that the department's figures showed that the Coalition's Direct Action policy would cost more than $30 billion by 2020 rather than the claimed $10.5 billion, is the Department comfortable that the figures in its analysis are reliable?

(3) With reference to evidence given in a Senate hearing on 10 August by Treasury officials that, on Treasury advice, the Gillard Government had not prepared fiscal impact estimates of the Clean Energy Future package beyond the forward estimates (e.g. beyond 2014-15), and in particular, Ms Luise
McCulloch, General Manager, Industry, Environment and Defence Division at Treasury who stated that estimates of fiscal impact beyond the forward estimates were 'unreliable' and 'misleading':

(a) does the Department agree with Treasury that any fiscal estimate of climate policy proposals beyond 2014-15 would be 'unreliable' and 'misleading'; and

(b) why has the Department issued cost estimates of the Coalition/Direct Action policy through to 2020 when Treasury has concluded that any fiscal estimate of climate policy proposals beyond 2014-15 would be unreliable and 'misleading'?

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

(1) The Minister is aware of the analysis contained in his media release of 2 March 2011.

(2) The Department considers that, based on the information available at the time, its analysis that the Coalition's Direct Action policy would be unlikely to achieve sufficient abatement to meet Australia's 2020 emissions targets remains valid. The Department's estimates of the fiscal cost of the Direct Action policy were based on the following public information sources from the Coalition and the Department:

- the Coalition's Emissions Reduction Fund policy as outlined in the Coalition's Direct Action Plan;
- the Coalition's policy to achieve a 5 per cent reduction in Australia's emissions as outlined in the Coalition's Direct Action Plan;
- the most up-to-date emissions projections released by the Department; and
- departmental analysis of the abatement potential of the Direct Action policy.

The Department's analysis of the cost of the Coalition's Direct Action policy comprised two elements: the estimated cost of the Emissions Reduction Fund and the cost of purchasing international abatement to achieve the 5 per cent reduction.

(3) (a) The Department agrees with the Treasury that longer-term fiscal costings have a lower reliability than those over the forward estimates. The Department agrees with the Treasury that the fiscal estimate of climate change policies can only be prepared to budget quality over the forward estimates period.

(b) The Department analysed the Coalition's Direct Action policy to the year 2020 in order to determine whether the policy would deliver Australia's 2020 bipartisan greenhouse gas emissions reduction target. The Department's analysis showed that the Direct Action policy could achieve approximately 25 per cent of the required emissions reduction. In the absence of further action, the Department considered the cost of achieving the shortfall in abatement through the purchase of international carbon permits.

Tertiary Education, Skills, Jobs and Workplace Relations
(Question No. 1241)

Senator Abetz asked the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, upon notice, on 21 September 2011:

Are all aspects of the Fair Work Act 2009 working as intended; if not:

(a) what sections or aspects of the Act are not working as intended;
(b) what has the Government done to correct these areas; and
(c) how does the Government intend to correct any areas of concern.
The answer to the honourable senator's question is as follows:

Available evidence indicates that the Fair Work Act is working as intended. However, the Government notes concerns raised by some stakeholders. The scheduled review of the Fair Work Act will provide an opportunity to further examine the evidence relating to the operation of the Fair Work Act.

Tertiary Education, Skills, Jobs and Workplace Relations

(Question No. 1242)

Senator Abetz asked the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, upon notice, on 21 September 2011:

(1) What preparatory work is being done by each of the following for the review of the Fair Work Act 2009:
   (a) the department;
   (b) Fair Work Australia;
   (c) Fair Work Ombudsman;
   (d) Australian Building and Construction Commission; and
   (e) Safe Work Australia.

(2) Will the review occur as foreshadowed in the Fair Work Act, as a review on the principles of the Act or as a review with separate terms of reference.

(3) Who will conduct the review, and will it be conducted independently.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

(1) The preparatory work being done by the Department of Education, Employment and Workplace Relations for the post-implementation review (the 'Review') of the Fair Work Act 2009 includes:
   • monitoring developments in relation to the operation of the legislation;
   • monitoring stakeholder commentary in relation to the operation of the legislation;
   • identifying data sources for use in evaluating the operation of the legislation; and
   • liaising with the Office of Best Practice Regulation (within the Department of Finance and Deregulation) about the requirements of the Review.

Fair Work Australia, the Office of the Fair Work Ombudsman, the Office of the Australian Building and Construction Commissioner and Safe Work Australia have not undertaken specific preparatory work for the Review.

(2) The Review will involve an evidence-based assessment as to the operation of the legislation. Terms of reference for the Review will be settled in due course.

(3) The Review will be conducted independently, with further details to be announced in due course.

Tertiary Education, Skills, Jobs and Workplace Relations

(Question No. 1267)

Senator Abetz asked the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, upon notice, on 5 October 2011:

Can the Minister confirm no judicial consideration has been given to sections 357 to 359 inclusive of the Fair Work Act 2009?
Senator Chris Evans: The answer to the honourable senator's question is as follows:

There has been some judicial consideration given to these provisions. My Department is aware that section 357 of the Fair Work Act 2009 (FW Act) has received judicial consideration in the following cases:

- On Call Interpreters and Translators Agency Pty Ltd v Commissioner of Taxation (No 3) [2011] FCA 366 (13 April 2011).
  - The Federal Court held that interpreters had been wrongly classified as independent contractors and had consequently been deprived of the benefit of five years of employer superannuation contributions. The principal question in this case was whether On Call was an employer and the relevant interpreters were employees within the meaning of section 12 of the Superannuation Guarantee (Administration) Act 1992.

  - The Federal Magistrates Court held that Rapid Formwork Constructions and its director breached section 357 of the FW Act when they misrepresented employment contracts as independent contracting arrangements to two young workers. My Department is not aware of any judicial consideration of sections 358 and 359 of the FW Act.
  - My Department is aware that the provisions have also been referred to, but without substantial consideration being given to their meaning and effect, in:
    - Lend Lease Project Management & Construction (Australia) Pty Ltd v Construction, Forestry, Mining and Energy Union (No 3) [2011] FCA 912 (11 August 2011); and

Human Services
(Question No. 1272)

Senator Abetz asked the Minister representing the Minister for Human Services, upon notice, on 11 October 2011:

With reference to the answer to question on notice no. 689 (Senate, Hansard, 17 August 2011, p. 4762) and specifically (a) (viii):

(a) what was provided for the sum of $7 880;

(b) did this include the camera and camera personnel; and

(c) can a list be provided of all that was bought for the sum of $7 880.

Senator Arbib: The Minister for Human Services has provided the following answer to the honourable senator's question:

(a) Production support on 30 occasions in respect of information and training videos for Department of Human Services customers and staff. Services provided are a package which includes autocue operation and make-up services for major audio visual productions.

(b) No.

(c) See (a).

Families, Housing, Community Services and Indigenous Affairs
(Question No. 1274)

Senator Fifield asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 12 October 2011:
(1) In regard to expenditure, can a breakdown be provided of total expenditure (departmental and administered) by program component and service within outcome 5 for:
   (a) the 2010-11 financial year; and
   (b) the forward estimates.

(2) In regard to staff, for the 2010-11 and 2011-12 financial years can a breakdown be provided of the number of staff that worked within each program, program component and service within outcome 5 by Australian public service level.

(3) In regard to regulations, can a breakdown be provided of the number of regulations that are associated with each program, program component and service within outcome 5.

(4) In regard to staff travel, for the 2010-11 financial year, can a breakdown be provided for each program, program component and service within outcome 5 of the following:
   (a) the total value of flights (domestic and international) flown by employees who have the entitlement to travel, broken down by class (economy, premium economy, business, first); and
   (b) the total value of accommodation expenditure by employees employed who have the entitlement to travel.

(5) In regard to advertising, for the 2010-11 financial year, can a breakdown be provided of the total value of advertising expenditure by program, program component and service within outcome 5.

(6) In regard to hospitality and entertainment, for the 2010-11 financial year, can a breakdown be provided of the total value of expenditure on hospitality and entertainment (food, beverages, alcohol, catering, room hire) by program, program component and service within outcome 5.

(7) In regard to information and communications technology, for the 2010-11 financial year, can a breakdown be provided of the total value of expenditure on information and communications technology including equipment (computers, ipads, phones) and services (contractors), by program, program component and service within outcome 5.

(8) In regard to consulting, for the 2010-11 financial year, can a breakdown be provided of the total value of expenditure on consulting by program, program component and service within outcome 5.

(9) In regard to staff education and training, for the 2010-11 financial year, can a breakdown be provided of the total value of expenditure on staff education and training (university courses, classes, seminars, workshops) by program, program component and service within outcome 5.

(10) In regard to external accounting, for the 2010-11 financial year, can a breakdown be provided of the total value of expenditure on external accountants by program, program component and service within outcome 5.

(11) In regard to external auditing, for the 2010-11 financial year, can a breakdown be provided of the total value of expenditure on external auditing by program, program component and service within outcome 5.

(12) In regard to external legal advice, for the 2010-11 financial year, can a breakdown be provided of the total value of expenditure on external legal advice by program, program component and service within outcome 5.

(13) In regard to memberships, for the 2010-11 financial year, can a breakdown be provided of the total value of expenditure on memberships to stakeholder organisations by program, program component and service within outcome 5.

(14) Can a list of all office locations used by the department under outcome 5 be provided, by program, program component and service, indicating:
   (a) whether the office location is leased or owned;
   (b) its size (in square metres);
   (c) the value and depreciation of the buildings that are owned; and
(d) the rent per square metre of the buildings that are leased.

**Senator Arbib:** The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator's question:

(1) (a) and (b), (2) to (3), (4) (a) and (b), (5) to (13) and (14) (a) to (d) To provide the information sought would entail a significant diversion of resources and I do not consider the additional work can be justified.

**Fair Work Ombudsman**

**(Question No. 1310)**

**Senator Abetz** asked the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, upon notice, on 31 October 2011:

In regard to the Fair Work Ombudsman, has any advice been provided to Fair Work Inspectors on their 'ethical obligations'; if so, what ethical obligations are Fair Work Inspectors advised to observe.

**Senator Chris Evans:** The answer to the honourable senator's question is as follows:

Section 700(2) of the *Fair Work Act 2009* provides that the Fair Work Ombudsman may appoint a person as a Fair Work Inspector only if the Fair Work Ombudsman is satisfied that the person is of good character.

In order to meet this requirement, nominees for appointment as Fair Work Inspectors must sign a 'Good Character Declaration', a declaration that they have been informed of, and will perform their duties as inspectors in accordance with, their obligations under the *Public Service Act 1999*, the *Fair Work Act 2009* and the APS Values and APS Code of Conduct. They must also declare that they are not engaged in any activities which would constitute any potential conflict of interest with respect to their duties as inspectors and that they are aware of the need to disclose any potential conflict of interest in relation to a particular case to their supervisors. They must also declare that they are not aware of any personal activities which, if made public, would bring their good character into question or compromise the activities of the Fair Work Ombudsman.

The nominee's reporting manager must also sign a declaration that to the best of his or her knowledge the nominated Fair Work Inspector is of good character. The manager must also declare that the applicant is aware of the powers and responsibilities in exercising the powers of a Fair Work Inspector under the *Fair Work Act 2009*.

'Fair Work Inspectors must also attend an induction training program which teaches the general skills, expectations and knowledge required of a Fair Work Inspector.' The training includes a practical exercise regarding ethical challenges faced by Fair Work Inspectors.'

The Australian Public Service (APS) Code of Conduct, set out in section 13 of the *Public Service Act 1999*, specifies the standards of behaviour and conduct that are expected of all APS employees. The APS Code of Conduct incorporates the APS Values set out at section 10 of the Act. The APS Code of Conduct and APS Values apply to all APS employees including Fair Work Inspectors.

The Australian Public Service Commission's Ethics Advisory Service provides advice and resources to APS employees for the application and interpretation of the APS Values and Code of Conduct. It is available to all APS employees seeking advice on ethical issues in the workplace. All Fair Work Inspectors can contact the Ethics Advisory Service either directly or via the Fair Work Ombudsman's Ethics Contact Officer.

The Fair Work Ombudsman has a policy on 'the APS Code of Conduct' and a guide on 'Handling Breaches of Conduct'.

All Fair Work Inspectors are required to identify and manage conflicts of interest.
Under the Fair Work Ombudsman’s Risk Management Policy, all managers and staff are required to integrate risk management procedures and practices into their daily activities.

All SES employees, including those acting in SES jobs for longer than three months, are required to make a written declaration of financial and personal interests. Some non-SES employees whose responsibilities also require them to be particularly transparent about their private financial and personal interests, are required to make the declaration.

The Employee Assistance Program (EAP) is a confidential counselling service available to assist all Fair Work Ombudsman employees including Fair Work Inspectors, with a wide range of personal and/or work related concerns. It is a free service. It is available to give assistance for personal and work related concerns, including interpersonal conflicts and work environment problems.

The Fair Work Ombudsman provides ongoing training and education on ethical issues, such as a recent three-part video chronicle published on the intranet, about a fictional character Billy, who was found to be in breach of the APS Code of Conduct for sending inappropriate work emails.