INTERNET
The Journals for the Senate are available at http://www.aph.gov.au/senate/work/journals/index.htm

Proof and Official Hansards for the House of Representatives, the Senate and committee hearings are available at http://www.aph.gov.au/hansard

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

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

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

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

Senate Officeholders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

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

Printed by authority of the Senate
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(1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.

(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.

(3) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Christopher Martin Ellison, resigned.

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

**PARTY ABBREVIATIONS**

AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party; FF—Family First Party; LP—Liberal Party of Australia; NATS—The Nationals

**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
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<tbody>
<tr>
<td>Prime Minister</td>
<td>Hon. Julia Gillard MP</td>
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<tr>
<td>Deputy Prime Minister, Treasurer</td>
<td>Hon. Wayne Swan MP</td>
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<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>Hon. Simon Crean MP</td>
</tr>
<tr>
<td>Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate</td>
<td>Senator Hon. Chris Evans</td>
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<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>Hon. Peter Garrett AM, MP</td>
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<tr>
<td>Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate</td>
<td>Senator Hon. Stephen Conroy</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon. Kevin Rudd MP</td>
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<td>Minister for Trade</td>
<td>Hon. Dr Craig Emerson MP</td>
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<tr>
<td>Minister for Defence and Deputy Leader of the House</td>
<td>Hon. Stephen Smith MP</td>
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<td>Minister for Immigration and Citizenship</td>
<td>Hon. Chris Bowen MP</td>
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<td>Minister for Infrastructure and Transport and Leader of the House</td>
<td>Hon. Anthony Albanese MP</td>
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<td>Minister for Health and Ageing</td>
<td>Hon. Nicola Roxon MP</td>
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<tr>
<td>Minister for Families, Housing, Community Services and Indigenous Affairs</td>
<td>Hon. Jenny Macklin MP</td>
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<tr>
<td>Minister for Sustainability, Environment, Water, Population and Communities</td>
<td>Hon. Tony Burke MP</td>
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<tr>
<td>Minister for Finance and Deregulation</td>
<td>Senator Hon. Penny Wong</td>
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<td>Minister for Innovation, Industry, Science and Research</td>
<td>Senator Hon. Kim Carr</td>
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<tr>
<td>Attorney-General and Vice President of the Executive Council</td>
<td>Hon. Robert McClelland MP</td>
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<td>Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate</td>
<td>Senator Hon. Joe Ludwig</td>
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<tr>
<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Martin Ferguson AM, MP</td>
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<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>Hon. Greg Combet AM, MP</td>
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<td>Hon. Tanya Plibersek MP</td>
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<tr>
<td>Minister for Privacy and Freedom of Information</td>
<td>Hon. Brendan O'Connor MP</td>
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<td>Minister for Sport</td>
<td>Senator Hon. Mark Arbib</td>
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<td>Special Minister of State for the Public Service and Integrity</td>
<td>Hon. Gary Gray AO, MP</td>
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<tr>
<td>Assistant Treasurer and Minister for Financial Services and Superannuation</td>
<td>Hon. Bill Shorten MP</td>
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<td>Minister for Employment Participation and Childcare</td>
<td>Hon. Kate Ellis MP</td>
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<td>Minister for Indigenous Employment and Economic Development</td>
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<tr>
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<td>Hon. Warren Snowdon MP</td>
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<td>Hon. Jason Clare MP</td>
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<td>Hon. Warren Snowdon MP</td>
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<td>Minister for Small Business</td>
<td>Senator Hon. Nick Sherry</td>
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<td>Minister for Home Affairs and Minister for Justice</td>
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<td>Minister for Human Services</td>
<td>Hon. Tanya Plibersek MP</td>
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<td>Cabinet Secretary</td>
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<td>Parliamentary Secretary to the Prime Minister</td>
<td>Senator Hon. Kate Lundy</td>
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<td>Parliamentary Secretary to the Treasurer</td>
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<td>Senator Hon. Jacinta Collins</td>
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<td>Senator Hon. Stephen Conroy</td>
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<tr>
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<td>Hon. Justine Elliot MP</td>
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<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>Hon. Richard Marles MP</td>
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<tr>
<td>Minister Assisting the Attorney-General on Queensland Floods Recovery</td>
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<td>Shadow Minister for Agriculture and Food Security</td>
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<td>Senator Marise Payne</td>
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<td>Hon. Bob Baldwin MP</td>
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<td>Shadow Minister for Ageing and Shadow Minister for Mental Health</td>
<td>Senator Mitch Fifield</td>
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<td>Senator Cory Bernardi</td>
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<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Senator Gary Humphries</td>
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<td>Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee</td>
<td>Hon. Tony Smith MP</td>
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<td>Senator Fiona Nash</td>
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<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator Hon. Ian Macdonald</td>
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<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Mr Don Randall MP</td>
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<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
<td>Senator Simon Birmingham</td>
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<tr>
<td>Shadow Parliamentary Secretary for the Defence Force and Defence Support</td>
<td>Senator Hon. Ian Macdonald</td>
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</tbody>
</table>
SHADOW MINISTRY—continued

Shadow Parliamentary Secretary for Primary Healthcare
Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health
Shadow Parliamentary Secretary for Supporting Families
Shadow Parliamentary Secretary for the Status of Women
Shadow Parliamentary Secretary for Environment
Shadow Parliamentary Secretary for Citizenship and Settlement
Shadow Parliamentary Secretary for Immigration
Shadow Parliamentary Secretary for Innovation, Industry, and Science
Shadow Parliamentary Secretary for Fisheries and Forestry
Shadow Parliamentary Secretary for Small Business and Fair Competition

Dr Andrew Southcott MP
Mr Andrew Laming MP
Senator Cory Bernardi
Senator Michaelia Cash
Senator Simon Birmingham
Hon. Teresa Gambaro MP
Senator Michaelia Cash
Senator Hon. Richard Colbeck
Senator Hon. Richard Colbeck
Senator Scott Ryan
TUESDAY, 10 MAY 2011

Chamber

COMMITTEES—
Legal and Constitutional Affairs Legislation Committee—
Meeting ................................................................. 2041

BUSINESS—
Days and Hours of Meeting .................................................. 2041
Rearrangement ........................................................................ 2041

BILLS—
Tax Laws Amendment (2011 Measures No. 1) Bill 2011—
Second Reading........................................................................ 2042
Third Reading........................................................................ 2047

Personal Property Securities (Corporations and Other Amendments) Bill 2011—
Second Reading........................................................................ 2048
Third Reading........................................................................ 2048


Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies (Consequential Amendments) Bill 2011—
Second Reading........................................................................ 2049
Third Reading........................................................................ 2049

Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010—
Second Reading........................................................................ 2050
In Committee........................................................................... 2056
Third Reading........................................................................ 2057

Human Services Legislation Amendment Bill 2011—
First Reading ........................................................................... 2057
Second Reading........................................................................ 2057
Third Reading........................................................................ 2060

Autonomous Sanctions Bill 2010—
Second Reading........................................................................ 2060
Third Reading........................................................................ 2061

Electronic Transactions Amendment Bill 2011—
Second Reading........................................................................ 2062
Third Reading........................................................................ 2063

QUESTIONS WITHOUT NOTICE—
Asylum Seekers........................................................................ 2063
Osama bin Laden........................................................................ 2064
Asylum Seekers........................................................................ 2066
Budget ..................................................................................... 2067
Asylum Seekers........................................................................ 2069
Asylum Seekers........................................................................ 2070
CONTENTS—continued

Foreign Affairs, Defence and Trade References Committee—
Economics References Committee—
Consideration of Reports and Government Responses ............................................. 2136

DOCUMENTS—
Tabling ......................................................................................................................... 2136

AUDITOR-GENERAL’S REPORT ......................................................................................... 2136

DOCUMENTS—
Tabling ......................................................................................................................... 2136
National Schools Constitutional Convention 2011 ....................................................... 2136
Electronic Transactions Amendment Bill 2011 ............................................................. 2136

COMMITTEES—
Publications Committee—
Report ......................................................................................................................... 2136
Additional Information ................................................................................................. 2137

DOCUMENTS—
Tabling ......................................................................................................................... 2137

COMMITTEES—
Membership ................................................................................................................ 2137

BILLS—
Consideration of HR Message ..................................................................................... 2137

COMMITTEES—
Foreign Affairs, Defence and Trade Joint Committee ................................................ 2138
Cyber-Safety Committee ............................................................................................... 2138

BILLS—
Assent ............................................................................................................................ 2138

COMMITTEES—
Report ........................................................................................................................... 2138

BILLS—
Australian Research Council Amendment Bill (No. 2) 2010—
Second Reading ........................................................................................................... 2139
Third Reading—
Broadcasting Legislation Amendment (Digital Dividend and Other Measures)
Bill 2011—
Second Reading ......................................................................................................... 2143
In Committee ................................................................................................................ 2154
Third Reading ................................................................................................................ 2158

Electoral and Referendum Amendment (Provisional Voting) Bill 2011—
Second Reading ......................................................................................................... 2158

BUDGET—
Statement and Documents ............................................................................................ 2162
Proposed Expenditure ................................................................................................... 2162
Consideration by Estimates Committees ...................................................................... 2162
Portfolio Budget Statements ......................................................................................... 2162

ADJOURNMENT—
Abbeyfield House ........................................................................................................ 2163
Citizenship ..................................................................................................................... 2166
Mothers .......................................................................................................................... 2168
CONTENTS—continued

Dairy Industry .................................................................................................................. 2170
Identity Theft Legislation .................................................................................................. 2172
Afghanistan ....................................................................................................................... 2174

DOCUMENTS—
Tabling .............................................................................................................................. 2177
Tabling .............................................................................................................................. 2186

Questions On Notice
Climate Change and Energy Efficiency: Hospitality—(Question No. 151) .................. 2188
Strategic Indigenous Housing and Infrastructure Program—(Question No. 213) ........ 2189
Climate Change and Energy Efficiency: Green Loans—(Question No. 220) ............. 2193
Prime Minister: Stationery—(Question No. 226) .......................................................... 2194
Veterans' Affairs: Stationery—(Question No. 259) ......................................................... 2195
Special Minister of State for the Public Service and Integrity: Stationery—
(Question No. 265) ............................................................................................................ 2196
Finance and Deregulation—(Question No. 281) ............................................................. 2196
Special Minister of State for the Public Service and Integrity—(Question No. 307) .... 2197
Special Minister of State—(Question No. 308) ............................................................... 2198
Export Finance and Insurance Corporation—(Question No. 344) ................................. 2202
Export Finance and Insurance Corporation—(Question No. 345) ................................. 2202
Export Finance and Insurance Corporation—(Question No. 346) ................................. 2203
Export Finance and Insurance Corporation—(Question No. 349) ................................. 2204
Export Finance and Insurance Corporation—(Question No. 350) ................................. 2204
Export Finance and Insurance Corporation—(Question No. 351) ................................. 2206
Automotive Industry Structural Adjustment Program—(Question No. 380) ............... 2208
Coal Seam Gas—(Question No. 406) ............................................................................... 2209
Permanent Migration Program—(Question No. 412) ...................................................... 2209
Indonesia—(Question No. 413) ....................................................................................... 2211
Hungary—(Question No. 414) ......................................................................................... 2211
Tuesday, 10 May 2011

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

COMMITTEES
Legal and Constitutional Affairs Legislation Committee

Meeting
Senator CROSSIN (Northern Territory) (12:31): 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.

BUSINESS

Days and Hours of Meeting

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (12:32): I move:
That the hours of meeting for Tuesday, 10 May 2011 be from 12.30 pm to 6.30 pm and 8 pm to adjournment, and for Thursday, 12 May 2011 be from 9.30 pm to 6 pm and 8 pm to adjournment, and that:
(a) the routine of business from 8 pm on Tuesday, 10 May 2011 shall be:
(i) Budget statement and documents 2011-2012,
(ii) adjournment; and
(b) the routine of business from 8 pm on Thursday, 12 May 2011 shall be:
(i) Budget statement and documents—party leaders and independent senator to make responses to the statement and documents for not more than 30 minutes each, and
(ii) adjournment.

Question agreed to.

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) (12:33): I move:
That the order of consideration of government business orders of the day for today be as follows:
No. 4—Tax Laws Amendment (2011 Measures No. 1) Bill 2011
No. 2—Personal Property Securities (Corporations and Other Amendments) Bill 2011
Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies (Consequential Amendments) Bill 2011
No. 14—Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010
Human Services Legislation Amendment Bill 2011 (subject to introduction)
No. 15—Autonomous Sanctions Bill 2010
No. 6—Electronic Transactions Amendment Bill 2011
No. 5—Australian Research Council Amendment Bill (No. 2) 2010
No. 1—Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011
No. 8—Electoral and Referendum Amendment (Provisional Voting) Bill 2011
No. 9—Electoral and Referendum Amendment (Enrolment and Prisoner Voting) Bill 2010
No. 16—Sex and Age Discrimination Legislation Amendment Bill 2010
No. 12—Combating the Financing of People Smuggling and Other Measures Bill 2011

Question agreed to.
BILLS

Tax Laws Amendment (2011 Measures No. 1) Bill 2011

Second Reading

Debate resumed on motion:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (12:33): The Tax Laws Amendment (2011 Measures No. 1) Bill 2011 is primarily about ensuring that the subsidies and grants given to victims of the floods and Cyclone Yasi are tax deductible, and the coalition of course supports the tax deductibility of these subsidies and grants for people who suffered such a terrible start to 2011. We are debating this bill on the day that this government is going to deliver its next budget—the fourth Labor budget, the fourth deficit budget, the fourth budget that no doubt in the great Labor tradition will deliver more wasteful spending, more taxes, more debt and yet another deficit—and of course the government will again use the floods and the cyclones as excuses for the budget being in such a disastrous position.

Floods, cyclones and bushfires are a sad part of the Australian reality. Good governments ensure that the budget and the economy are resilient enough to be able to deal with these sorts of tragedies if and when they occur, because as sure as night follows day they will occur, and a good government budgets for those sorts of contingencies. But this government has so mismanaged our public finances and so mismanaged the budget that there is no flexibility in the budget anymore. There is no resilience at all and we are now of course in a situation where, as a result of Labor's waste, mismanagement and reckless spending, our budget is already in record deficit territory yet again for this financial year.

The government for the last couple of weeks has been talking about how this is going to be a tough budget. Yet over the last five months, the budget deficit for this financial year alone has blown out by another $8½ billion. Five months ago when the government released the MYEFO, the deficit was going to be $41.5 billion. Now we are being told that it is going to be more than $50 billion. Next year's budget is going to blow out by more than $8 billion and last year we were told that the deficit would be about $12 billion plus and it now looks as if it is going to be more than $20 billion. There is no suggestion that the government is in any way, shape or form capable of ever delivering a tough budget. I draw to the attention of the chamber that, as we speak, the government is borrowing $135 million every day to fund the deficit for this financial year. When we have a cyclone or when we have a flood, like we had earlier this year, the government cannot help itself but go for yet another ad hoc tax grab—which was the $1.8 billion increase in income tax, also known as the flood tax. So here we are: it is borrowing $135 million every day. Next year the government will spend $6 billion on interest payments to service the debt that it has now accumulated. Six billion dollars worth of interest payments! Just imagine how much a prudent government, how much a good government, how much a government that spends taxpayers' money wisely, could do with $6 billion. That is six world-class public hospitals. Just imagine how many roads or how much infrastructure could be built. Imagine how much could be done in the reconstruction effort in Queensland if the government had not mismanaged the finances to the extent that it has.

Wayne Swan talks about the budget tonight as a tough budget. As I have already mentioned, this is not going to be a tough budget. I noted the description of the budget
by Senator Wong earlier this week. I think it was in the *Sydney Morning Herald*. Senator Wong said that this will be 'a Labor budget'. I took that as being a bit of a threat to the Australian people—that the budget tonight is going to be a Labor budget. If it is going to be a Labor budget, we sure know that it is going to be a budget full of wasteful spending, full of more taxes, full of higher deficits and more debt, and full of ideological attacks on those Australians who are not seen to be part of the Australian Labor Party voter support base. It will be a tax on those Australians who take additional responsibility for their own health care by taking out private health insurance. These are the sorts of things, no doubt, that we are going to see in a good old-fashioned Labor budget.

Here we are, in a circumstance where we have a budget that is an absolute mess. This is, of course, a very bad tradition of the Labor Party. This will be the ninth consecutive deficit budget of a federal Labor government. It will be the fourth consecutive deficit budget of this Labor government—four out of four. Of course, there were five consecutive deficit budgets under the previous federal Labor administration. So deficit budgets are part of Labor's DNA. Mismanaging the economy, mismanaging our public finances, is part of Labor's DNA. People across Australia know that, whatever happens, the Labor Party in government messes things up and it is the coalition that has to come in and fix it, through a sound approach to better financial management and by restoring good government. Labor always talks tough before a budget and then goes on to deliver yet another deficit. Labor does not know how to live within its means. This is no doubt going to be the way it is going to play out yet again tonight.

The other part of this legislation is an attempted fix of another Labor Party stuff-up. Remember the First Home Saver Accounts, which the Treasurer, Wayne Swan, announced back in 2008 with much fanfare? We were told as part of the budget then that the First Home Saver Accounts initiative would see 730,000 home saver accounts opened over four years. Just 24,000 people have taken it up because it is such a low-value offering, due to the way it was structured by the government back in 2008. This bill will make some changes which will make the offering slightly more attractive. In particular, the changes that will be made by this bill will allow savings to be paid into a mortgage at the end of the minimum qualifying period rather than requiring them to be transferred to a superannuation or retirement savings account. We support that change, but we make the point again that the government do not know how to manage any program competently. They do not think things through before they press ahead. Wherever you look there is failure, waste, mismanagement and incompetence. There is weakness, there is indecisiveness and there is budget mismanagement. So this is yet another fix for what was an example of Labor Party incompetence in Wayne Swan's first budget. With those few remarks, on behalf of the coalition, I indicate that we will be supporting this bill.

Senator IAN MACDONALD (Queensland) (12:42): I also want to make a few remarks on that part of the Tax Laws Amendment (2011 Measures No. 1) Bill 2011 that deals with making exempt from income tax the disaster income recovery subsidy payments made to victims of the recent floods and Cyclone Yasi. Both events were traumatic for those involved and there was loss of life in both instances. Regrettably, both happened in my home state of Queensland. I want to emphasise to anyone who might be listening to this debate that, whilst there were those disasters, they
are a matter of course—that is, nature occurring. Indeed, Queensland is open for business and always has been. We know how to deal with cyclones, particularly in the north. They cause great trauma to those directly involved, but for the rest of the North Queensland area life continues as usual. Holiday destinations along the north coast of Queensland are certainly open and very welcoming to people around Australia, and indeed the world, who may want to experience a great holiday in the North Queensland sunshine as we approach the southern winter.

I also wish to address the aspect of the bill where recovery subsidy payments are made to victims. I think it is appropriate that they are exempt from income tax. This has always been something that various governments have looked at. I think the Howard government set the scene some years ago when it declared tax exemption for payments to victims of a cyclone in Western Australia whose name I cannot recall. I think that was the first instance when the Howard government dealt with this particular problem that arises from disaster subsidy payments and set the scene for subsequent governments to follow and apply income tax relief to these payments. While I am on my feet I also want to congratulate the Greens political party for their support of legislation which effectively provided a tax on all Australians to assist with the flood recovery in my state of Queensland and elsewhere but which imposed its burden only on individual taxpayers and not upon those companies that the Greens are always railing against—those multinational mining companies that are ripping the lifeblood out of Australia. That, I mention for the benefit of the _Hansard_, is a summary of the approach the Greens political party have always made. They always look at these international investors in Australia and say how awful it is that they are digging up Australia and exporting the profits overseas. It amazes me then why the Greens supported the Labor Party in imposing a flood tax on individuals but allowed those multinational profit-taking companies, that the Greens are always so keen to talk about, to be exempt from any payment of that flood tax which would go towards recovery in Queensland and elsewhere.

I simply cannot understand, with all the rhetoric you hear from the Greens as we approach the budget on how we need to increase taxes on these mining companies and other international companies, why they exempted those very same companies from the flood levy, from the flood tax. If the Greens were genuine—and you know my view on that I do not think the Greens are genuine about too much at all except personal publicity and promotion of their ultra left-wing agenda within the Australian political scene—one would wonder why they would tax Australian individuals but let off all of those companies which make substantial profits in Australia.

I do not want to rehash the debate on the flood levy but I always thought that rather than having a flood levy it would have been better to take the money needed for the recovery from cyclones and floods from the general revenue in which case companies would pay company tax towards it, the extra wealthy would pay a higher level of contribution towards it and those with lower incomes would barely contribute at all. That is appropriate in a nation with a progressive tax system. But no, the Greens did not support that. The Labor Party and the Greens, the alliance, got together and taxed individual Australians but let companies go.

It has been brought home to me as I have toured the cyclone devastated parts of North Queensland that the local butcher and the
local baker are paying the flood recovery tax but Woolworths and Coles, their competitors in the bread and meat markets, are not paying a cent towards the flood recovery levy. How could the so-called party of the worker, the Labor Party, and the Greens, who are so keen on their left-wing agenda, possibly penalise local small businesses in North Queensland and indeed elsewhere by imposing a flood tax on them but exempt Coles and Woolworths, who compete with them in their businesses?

As we approach the budget tonight you will find a lot more of that sort of hypocrisy coming from the Greens. I say to the Greens: good on you. You are supporting a government that believes in the Pacific solution. I thought the Greens were opposed to the Pacific solution for boat people who come here without permission. I thought they were violently opposed to that and yet here they are supporting a government which is now having—

Senator Xenophon interjecting—

Senator IAN MACDONALD: Senator Xenophon interjects and says, 'It is not the Pacific solution; it is the South China Sea solution.' You are accurate as always, Senator Xenophon, but tell me the difference. If it goes to Manus Island, it will be again adopting the Pacific solution and I would not mind having a bet with you, Senator Xenophon, that eventually—

Senator Xenophon: I do not bet.

Senator IAN MACDONALD: You only bet up to a limit, I know. I would not mind betting that it will not be too long before our current Prime Minister, in spite of all of her promises, will actually do what Mr Abbott has suggested and pick up the phone to the president and have the boat people also dealt with at other places in the Pacific.

Here you have another example of the hypocrisy of the Greens and you are going to get a lot of that in the next couple of days as the Greens—they talk about how they oppose these things—support when the crunch comes their mates in the Labor Party to adopt the Pacific solution, if I may call it that. What confidence can anyone have in the Greens? I just cannot wait until the new Senate starts and we have Senator elect Rhiannon in the Greens little group here. Unfortunately you do not bet, Senator Xenophon, but I would not mind betting that she will be making a leadership bid very soon after she gets here and who would discourage her from attempting to do that and give a bit of real exposure to the Greens as to what they really stand for. I do not think Senator elect Rhiannon tries to hide where she is coming from, where she is going to or what her goals are, and that might be a refreshing change even if it is a change that is totally abhorrent to particularly those of us on this side of the chamber.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Senator Macdonald, for some time now we have been straying a long way from the question.

Senator IAN MACDONALD: You have anticipated me wonderfully, Mr Acting Deputy President. The next words to come out of my mouth were to be: 'But I think I have strayed a little from the debate before the chamber on the exemption from income tax of disaster income recovery subsidy payments.' I will conclude my remarks; I do not want to delay the chamber. I will simply say that with the victims of Cyclone Yasi this sort of legislation is well received. It is certainly supported by the coalition and, as I say, it follows an initiative started by the Howard government some time ago. There are anxieties, if I might put it that way, with the recovery effort. I was told recently that the number of suicides in the town of Tully, which was one of the towns that received the
direct brunt of Cyclone Yasi, have increased. That in itself is a tragedy.

I know a lot of small businesses in Mission Beach, Cardwell and Tully will not reopen. People had put their life savings into small businesses in those areas affected by the cyclone. In terms of being able to take advantage of the generosity of other Australians in making voluntary donations to various appeals and also of the Australian people as a whole through the flood tax—not Australian companies, I might add, but Australian people who will be contributing through the flood tax—the way that has been administered is causing some real concern and the rules relating to that have also caused some anxiety. I think it is not the time today or on this bill to go into that. Suffice to say that, as with so many things with the Labor Party at both federal and state level, the idea is good and the principle is correct but the administration of those relief schemes leaves a lot to be desired. Never is sufficient thought given to them. Never is sufficient thought paid to the importance of small business in those areas and of the small business people who create the jobs in all parts of Australia but particularly in regional Australia. As I say, I am distressed to hear that a number of them will not reopen their doors. But insofar as this legislation is concerned, as Senator Cormann has said, the coalition support the exemption from income tax of those subsidy payments and we urge support for this bill.

Senator XENOPHON (South Australia) (12:55): Mr Acting Deputy President, I will try not to be admonished by you. I will stick to the terms of the bill.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Very wise!

Senator XENOPHON: I indicate my support for this legislation, the Tax Laws Amendment (2011 Measures No. 1) Bill 2011. It seeks to implement the recent disaster related initiatives and changes to Australia's tax laws. My principal concern that I explored at the Senate Economics Committee inquiry into the flood levy legislation was for those individuals who have suffered from lesser-known disasters, such as the Stockport floods in South Australia, who have also lost their homes and whether they would be liable to the levy. I am satisfied with the response I have received from the government that those areas of South Australia that have been the subject of a declaration made under the NDRRA, the natural disaster relief and recovery arrangements, so long as one of the following conditions were satisfied: whether an individual was seriously injured; an Australian was killed, and that Australian was an immediate family member of the individual; or the individual's principal place of residence was destroyed or sustained major damage; or the individual was unable to gain access to their principal place of residence for at least 24 hours; or they were stranded in their principal place of residence for at least 24-hours. They would be fully covered—in other words, they would not be subject to any income tax levy. They would need to apply for that, so there is an administrative process, but they would clearly be eligible to be exempt from any levy.

I note that in my home state there were floods in Stockport, Riverton and Rhynie areas in early December 2010. There were also floods in the Barossa Valley in February 2011 which affected Eudunda, Swan Reach, Nuriootpa, Kapunda, Tanunda, Stockwell and Ebenezer. For the Clare and Gilbert Valleys Council the damages bill was in the order of $15 million. The Regional Council of Goyder had a damages bill of $10 million, the District Council of Peterborough had a damages bill of $2 million and as well there
were damages for councils in Orroroo, Carrington and the Flinders Ranges and for the Northern Areas Council.

I believe that the natural disaster relief and recovery arrangements cover those individuals and businesses that have been affected and I think it is entirely appropriate in the context of the administrative arrangements in this bill. Therefore, I indicate my support for the government's bill as being necessary administrative arrangements to the tax act to implement the effect of the flood levy.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:58): Firstly, I would like to thank those senators who contributed to this debate. Schedule 1 to this bill, the Tax Laws Amendment (2011 Measures No. 1) Bill 2011, amends the Income Tax Assessment Act 1997 to exempt from income tax the disaster income recovery subsidy payments to victims of the recent disasters that devastated parts of Australia during the 2010-11 summer. The amendments also exempt from income tax ex gratia payments made to certain New Zealand visa holders affected by the disaster in 2010-11 where the Australian government disaster recovery payment has been activated. Exempting these disaster relief payments from income tax is consistent with the government's response to other disasters such as the Black Saturday bushfires in Victoria—your home state, Mr Acting Deputy President Marshall—and alleviates the financial hardship being felt in affected communities.

Schedule 2 exempts from income tax category C payments made under the natural disaster relief and recovery arrangements for small businesses and primary producers affected by the 2010-11 floods and Cyclone Yasi. This measure recognises the hardship suffered by small businesses and primary producers in affected areas and provides certainty for recipients in terms of tax treatment at a time when they should not need to worry about tax matters. Schedule 3 increases the flexibility of the first home saver accounts. Individuals who purchase a home before meeting the minimum release conditions will now be able to put the money towards their new home. This change amends the tax laws to allow money in a first home saver account to be paid to a genuine mortgage, after the end of a minimum qualifying period, should the account holder purchase a dwelling in the interim. Currently, this money would go towards their superannuation balance. First home saver accounts are designed to encourage individuals, through tax concessions and government contributions, to save for their first home over the medium to long term and have been available since October 2008. This measure applies to houses purchased after the bill's royal assent. The bill deserves the support of parliament and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

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

Senator FARRELL: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Personal Property Securities 
(Corporations and Other 
Amendments) Bill 2011 
Second Reading 
Debate resumed on the motion: 
That this bill be now read a second time. 

Senator BRANDIS (Queensland— 
Deputy Leader of the Opposition in the Senate) (13:01): I am delighted to speak to this bill on behalf of the opposition because, as I think you know, very few things excite me more than legislation concerning personal property securities. 

This bill makes some minor and technical amendments to the personal property securities regime, which was introduced by the government, with coalition support, in 2009 and which comes into effect later this year. The regime rationalises the current Commonwealth, state and territory laws on securities over personal property to create one national and consistent set of rules and a single, national online register. It establishes one comprehensive law and thereby removes the doubts and confusions of at times inconsistent regimes between the various states and territories as had heretofore been the case. 

The personal property securities legislation arises from an Australian Law Reform Commission reference as long ago as 1990. The matter was pursued through COAG, which in 2007 endorsed the national system. The former Attorney-General the Hon. Philip Ruddock gave this issue particular priority. In October 2008 COAG signed an intergovernmental agreement to effect the proposed legislation as part of the Seamless National Economy agreement among the Commonwealth, states and territories. 

The amendments proposed by this bill in particular clarify that the regime does not affect a secured party's capacity to appoint or veto the appointment of a company administrator under a transitional security agreement, confirm that the rights and liabilities of receivers and administrators in respect of pre-appointment transactions are unchanged, ensure access to third-party data for consumer protection purposes and prevent access to the register for the purpose of sale of the data. 

There are also some technical amendments in respect of the powers of the registrar and to deal with accession to the regime by states which have not yet adopted the relevant version of the PPS scheme as amended in 2010 and by this bill. These amendments were recommended by the Senate Legal and Constitutional Affairs Legislation Committee report on the 2010 amendments. 

As I mentioned, the coalition has always supported the implementation of the PPS regime—indeed, this area of law reform was largely driven by former Attorney-General Mr Ruddock—and therefore is pleased to indicate its support for this bill. 

Senator FARRELL (South Australia— 
Parliamentary Secretary for Sustainability and Urban Water) (13:04): I thank Senator Brandis for his contribution to this debate and I commend the bill to the Senate. 

Question agreed to. 

Bill read a second time. 

Third Reading 

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

Senator FARRELL (South Australia— 
Parliamentary Secretary for Sustainability and Urban Water) (13:05): I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.


**Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies (Consequential Amendments) Bill 2011**

**Second Reading**

Debate resumed on the motion:

That these bills be now read a second time.


The levies will recover the costs of the National Offshore Petroleum Safety Authority, NOPSA, in undertaking its assessment, monitoring and enforcement functions in relation to the structural integrity of wells and well operations over the life of the well. The Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies (Consequential Amendments) Bill 2011 contains amendments to the Offshore Petroleum and Greenhouse Gas Storage Act 2006. These amendments will enable NOPSA, which is funded on a cost recovery basis with levies raised from the offshore petroleum industry, to collect levies to recover costs associated with undertaking its augmented integrity and well-related regulatory functions. As NOPSA is funded on a cost recovery basis, levies imposed by the Safety Levies Act are required for NOPSA to carry out its functions and responsibilities. Current levies imposed by the Safety Levies Act are not appropriate in terms of both their purpose and the entity from which they are collectable. These bills will ensure that NOPSA is able to collect levies relating to its augmented well-related functions from the correct entity, which in this case is the title holder.

We in the coalition support the government's bills. It is important to collect levies to ensure the complete operation of NOPSA and to ensure that those levies are collected right across the board in terms of the title holders of the wells as well as the company operating the drilling platforms.


Question agreed to.
Bills read a second time.

**Third Reading**

The **ACTING DEPUTY PRESIDENT** (Senator Marshall) (13:09): No amendments to the bills have been circulated. Before I call the parliamentary secretary to move the third reading, does any senator wish to have a committee stage on the bills to ask further questions or clarify further issues? If not, I call the parliamentary secretary.
Senator FARRELL: I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator BOYCE (Queensland) (13:10): I am pleased to have the opportunity to speak on the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010, although I must note that, in the explanatory memorandum circulated by Minister Macklin some time ago, she suggests that the financial impact of this bill in the year 2010-11 will be $0.4 million, with other financial impacts decreasing as the years go on. That is $0.4 million the government has saved by delaying the introduction of this bill until now. In 2008, the then Senate Standing Committee on Community Affairs inquired into this bill, and in May 2009 the government came back with its response to the bill. So, two years on, we are now looking at putting into effect the government's reaction to the committee's recommendations.

I must disclose that I was a member of the ministerial advisory group that was set up by former senator the Hon. Dr Kay Patterson to establish the legislative framework around the special disability trusts some years ago. It was thought then that about 5,000 special disability trusts would be set up over the next four years, and the budget for it was predicated on that fact. The majority of the members of that ministerial advisory group were parents of people with disabilities. While there was great enthusiasm for this development, there was also concern put to us by departmental and other groups that we needed to be sure that we did not break the budget with what was at the time a very revolutionary idea: providing extra funds to assist with the long-term care and support of people with disabilities. So, in the end, the legislation that went through erred on the side of caution. Unfortunately, as a result, only 119 special disability trusts had been taken up as at the end of last financial year, I think. Clearly, the bar had been set far too high and there were too many hoops to jump through.

This bill—the government's response to the community affairs committee inquiry—does change some of those criteria. It allows a lighter work test. It actually encourages people with disabilities to work, whether that is in the mainstream system or on a supported wage, whereas under the previous criteria, if you were capable of working, you probably could not have a speciality disability trust.

My thinking on the specialty disability trust had always been that it was in a way analogous to superannuation. We provide pensions for older people who cannot provide for themselves. We have never had a system that allowed people with a disability to do anything other than be on a pension. This system allows those with the capacity to do so to set up trusts for the long-term care and support of their relative with a disability—normally a child or grandchild. It means that these people, hopefully, have the chance to live the life of their choice, supported by their relatives. This has not happened in the past. We are talking about people with very little earning capacity of their own, with wages of perhaps $3 or $4 an hour, which never allows anyone the opportunity to develop superannuation. This
would be a way to allow those people to proceed in an environment that protected their assets. So some of the moves that are in this bill well and truly relating to special disability trusts are very, very welcome. There are one or perhaps two that I found particularly disappointing, and one was the government's response to the committee's recommendations on home ownership. A special disability trust will continue to be able to own a residence which is the residence of the person who the trust is established for and just over an indexed half a million dollars of other assets. What the committee suggested was that the home owner's grant should be available for these houses within the trust. We also suggested that if the house was sold it should be exempt from capital gains tax. If you look at the position of any Australian citizen, they are entitled, when they buy their first house, to get the first home owners grant. They are entitled when they sell that primary residence to have it exempt from capital gains tax.

The reason that people with disabilities do not buy and sell their own homes is that they have impaired decision-making capacity. That is the whole reason that you set up a special disability trust—so that that person's income and assets are protected and looked after by people who can help them to make the decisions that need to be made. So, if you have a disability and impaired decision-making capacity as a result of that, you cannot take advantage of the same benefits that are available to any other Australian. The government refused our recommendation that the first home owners grant be available for a house bought by a special disability trust. On the same basis, the government did not accede to our recommendation that that house be exempt from capital gains tax when it is sold.

I realise that what we have here is the butting up of trust legislation against disability legislation. Nevertheless, it would seem to me to be grossly unfair to say that, because a person has a disability, that means they cannot own a home in their own right, are subjected to extra capital gains tax and are not eligible for a grant that is available to any other Australian when they buy their first home. So I would urge the government to go on looking at ways to improve this legislation.

We did also recommend that if the changes that were proposed by the community affairs committee inquiry into this bill did not see a larger uptake of special disability trusts then we review, yet again, what was wrong with our legislation that is preventing people from doing this. There were two recommendations that I would like the government to follow. The government agreed that, again, it should be reviewed if it does not lead to a bigger take-up of special disability trusts. We are two years down the track and, obviously, this has not yet happened, so it will have to be 2013 or so before we can even decide whether we need to change these regulations further.

Our other recommendation was that Centrelink be used to promote the existence of special disability trusts, and on that basis I was extremely disappointed to hear Queensland's Public Trustee on radio in Brisbane last week, when asked about what was available for providing for the future of people with disabilities, not actually mention special disability trusts. What he did mention was that there are some arrangements that the federal government is sort of working on now. What he meant was this piece of legislation that will assist in making it easier for parents and other relatives to come up with a system to support and look after the future of children with disabilities. But I would urge the government to very much use...
Centrelink and other groups to push for and promote these schemes. They are known about in some areas of the disability community. Unfortunately, what has happened is that people who have looked at the trust scheme, under the previous legislation, and found that it was not wide enough to allow them to establish trusts, have told others that the trusts are useless. So the changes that happen here must be promoted and promoted well.

I noticed that Minister McLucas smiled there. I did say earlier that there was a balance of caution, when this legislation was first introduced, between the cost of it and the useability of it. And clearly—and I do not think anyone would resile from the fact—we did not get the balance right. But it was a revolutionary change and it needs to be supported and continue to be supported.

The other point I would like to make is that this is just one of the building blocks that this government needs to look at in terms of the long-term care for and support of people with disabilities. We now have the draft of the national disability insurance scheme. In some ways, it overtakes some of the concerns that parents who could not afford to set up a special disability trust had, because one hopes we are going to get to a needs-based disability system that is actually a fair, well-funded system.

However, it is not just about the money. The money is only a very small part of what people need. I had a man with an acquired brain injury and a friend of his family and an advocate for disability services come to see me last week. This man lives alone in a flat with other tenants living around him. It is low rental. His money and his food are often stolen by other tenants because he simply does not have the ability to stop this happening. He has frequent falls because his leg muscles sometimes do not react as he would want them to because of the brain injury. He often ends up in hospital because of these frequent falls.

The current response of our disability service system to this man is to give him three hours of assistance a day. Someone comes to cook his meals in the evening. He does not eat unless prompted to eat. This is part of his condition. He had lost a huge amount of weight—in fact, he was possibly going to starve himself to death—yet it was not until a family friend and the advocate brought this to the attention of the Queensland Department of Communities that anything was done to assist him to make sure that he got meals.

The family friend tells me that once he fell and broke his collarbone. He was taken by ambulance eventually to the local hospital and stayed there all day waiting for surgery on the broken collarbone. The surgery was cancelled at 6 pm and the hospital said to the family friend, who has no responsibility for this man whatsoever except that she appears to be one of the few people who cares about him, to take him home. She refused to do that. My point is that our system is not in any way conducive to helping people in those positions.

It is not about money. It would not matter how much money this man had in the bank. He could probably live in a better flat, but without people who care about him around him to see whether the services he is getting are good services, poor services or adequate services his life is going to continue to be unhappy and frustrating. So it is not just about the money. I think we need to consider further not just this piece of legislation—which assists by establishing trustees who will have a stronger interest than a state public trustee, for example, in the quality of life of the person—but also the need for a system that incorporates developing planning
options and planning services for people with disabilities so that when they no longer have family members or others who can care for them they are not left to the mercies of the disabilities system.

When we do all of this we have to take into account the need to have caring people and adequate services and services that are being advocated for by groups outside government—disability service groups such as the one involved in this case, which is SUFY, a Queensland organisation called Speaking Up For You. We need that sort of support behind people to make sure that what is being provided is not only adequate, which in many cases it is not, but also meeting the real needs of people. I think it is about time we realised that by doing this we do not just save $0.4 million, which is what has happened here by delaying the introduction of this by over a year, but also all the on-costs of people becoming sick, mentally unwell, because they did not have a small input of support when they needed it.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:26): The Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010 is a bit of a grab bag of miscellaneous measures with certain schedules in and then out, in and then out. However, I will limit my comments to those schedules that we are debating. The Greens particularly welcome the amendments to the special disability trusts, believing that this is a very important mechanism that enables parents of children with a disability to put in place provisions to make them feel more comfortable that their children will be looked after when they are no longer there. I have been particularly supportive of and continue to support special disability trusts. I was an active participant in the Senate Standing Committee on Community Affairs inquiry that took place several years ago looking into them. Having said that, I am also aware that trusts are available only to a certain number of people and that we need to be putting in place, as Senator Boyce has just said, a range of other measures to ensure that those living with a disability are supported.

We will be supporting the amendments the government has put in place. They were raised very substantially through the committee inquiry and I think they will make the trusts much more usable for those that have established them and for those that intend to establish them. As Senator Boyce also highlighted, because of some of the barriers in the current legislation, people have not been setting up special disability trusts and we hope that these provisions will enable people to use that mechanism much more effectively and efficiently.

Having said that, the government is aware that there is unfinished business on the trusts and more needs to be done. I know that in many states, particularly in my home state of Western Australia, there are people that are deeply concerned that they have already established accommodation for their son or daughter and are not able then to transfer that accommodation, those homes, into the trusts. I understand the government's nervousness about that and the belief that this would open up areas for other trusts. However, these people need our support. These people are trying to do the right thing and set up provisions to look after their son or daughter and we need to find a way to facilitate that. I for one will keep pushing until we do find a mechanism to transfer those homes—because they are people's homes—into the trusts. In Western Australia, parents are very worried that they are going to start hitting issues around asset tests et cetera. We believe more work needs to be done, so the government has a pass but 'can improve'. We look forward to the government's looking at
some of those other issues to enable the special disability trust provisions to be as effective as possible. The Greens joined with many people, including the coalition, to express our concerns with the government's original provisions under schedule 2 of this legislation. We were concerned that the provisions that dealt with the issues of change in the portability of the DSP payments would adversely affect a number of people where carers have to travel overseas for work purposes, so we are pleased that the government has now circulated amendments to this. We had serious concerns about the ramifications of the changes to the portability arrangements for recipients, particularly of course for those who are caring for somebody with severe disability who is dependent on a family carer. We had submissions from carers who are required to reside overseas for long periods. As we know, that schedule was referred to the Senate Standing Committees on Community Affairs and there was a report tabled on it.

As I said, I am glad to see that the issues arising from that have been dealt with by the government. However, we do still have some concerns that there will be people whose carers need to travel overseas for other, very legitimate reasons and not necessarily just for paid work. For example, they may already be caring for somebody in Australia but have to travel overseas for extended periods to look after sick or elderly parents or to pursue higher education. We are glad to see that the amendments now refer to carers who are family members. We believe this has brought them into the definition of the guardianship orders and better recognises family care arrangements that can be complex and often fragile.

I just referred to the fact that some carers have to travel overseas for what we believe are other legitimate reasons and that they need to take the person who they care for with them. We understand that the government has acknowledged that they will review the operation of the new portability arrangements, starting no later than one year after the commencement of this section, and will include a report as to whether granting special consideration for work purposes is too restrictive and whether it would be appropriate to extend the qualifying circumstances to cover other extended absences from Australia for non-work related purposes such as caring for other family members. We thought this was a better approach than seeking to amend the government's amendment, because we want to see how that amendment operates, but we do think that there may be other legitimate circumstances that may penalise those caring for a family member with a disability.

One of the other issues that came up during the committee inquiry was the sensitive issue of the definition around severe disability as it relates to working age provisions. This is a very touchy subject and a very important issue. One of the issues that people constantly raise with me—and it was raised again in the inquiry—is that of carers who are caring for someone with a lifelong, severe disability who receive forms every two years and have to continue to say, 'Yes, my son or daughter or the person I care for still has a severe disability.' I have described before how the system works in WA. There are adopt-a-pollie schemes, where politicians are 'adopted' by a family with a child living with disability. The family that I have been adopted by was sent a letter when the child attained driving age asking, 'Has he got his driver's licence?' This is about somebody with a severe and lifelong disability. I have described before how the system works in WA. There are adopt-a-pollie schemes, where politicians are 'adopted' by a family with a child living with disability. The family that I have been adopted by was sent a letter when the child attained driving age asking, 'Has he got his driver's licence?' This is about somebody with a severe and lifelong disability. That sort of letter can be seen to be very insensitive by families, as their child will never have any hope of being able to live unsupported, they need 24-hour care and
they will never have any hope of obtaining a
driver's licence. I think we can do better than
that in Australia. Yes, we need to have
checks and balances, but that sort of thing
should not be happening and it has been
raised with me a number of times and was
raised during the committee inquiry.

The Greens will also be supporting
schedule 2, subject to the government's
amendment, and we are pleased that the
government was responsive to the committee
inquiry. It again shows the usefulness of
committee inquiries in reviewing legislation.
I have circulated amendments to schedule 4.
Schedule 4 is no longer part of this particular
bill. I just need to highlight that I will, of
course, not be moving those previously
circulated amendments to schedule 4.

Senator McLucas (Queensland—
Parliamentary Secretary for Disabilities and
Carers) (13:35): I thank the various senators
who have made contributions on this
legislation. This bill introduces one 2010
budget measure and some other measures.
As Senator Siewert indicated, it is an
omnibus bill. The budget measure is to
enhance the existing arrangements for
special disability trusts. This is part of the
government's ongoing commitment to people
with disability and their families and carers.

Special disability trusts were established
in 2006 under the former coalition
government. Their purpose is to help
families and carers provide for the care and
accommodation needs of a family member
with a severe disability. Special disability
trusts are different from other types of trust
in that they have generous concessions from
social security means testing arrangements
for the beneficiary and eligible contributors.
The effect for a person with a disability who
is a beneficiary of a special disability trust is
that the person will not lose any of their
disability support pension unless their assets
exceed a generous assets test threshold.

The Senate Standing Committee on
Community Affairs found, in its 2008
inquiry, that the take-up of these arrange-
m ents has been lower than expected. The
arrangements were simply not working for
people with disability, their families or their
carers. The government responded to the
committee's report through the 2010-11
budget with a number of changes to special
disability trusts. More flexibility for trust
beneficiaries will be provided to make
special disability trusts more attractive to
families. At present, if a person with a
disability works for as little as one hour for
the relevant minimum wage or above, they
are not eligible to be a beneficiary of a
special disability trust.

The changes in this bill address that
incentive for people with disability to
participate in work and in the community.
The changes will allow eligible people with a
disability to work up to seven hours a week
at or above the relevant minimum wage and
still qualify as a beneficiary of a special
disability trust. There will also be a
significant expansion in the purposes that
trust funds can
be used for, such as all
medical expenses, including membership
costs for private health insurance funds and
maintenance expenses of special disability
trust properties. The trust will also be able to
make up to $10,000 a year of discretionary
spending for the beneficiary's wellbeing,
recreation and independence. This change
modifies the restrictive rules presently in
place that trust funds can be used only for
specified care and accommodation expenses
and will increase the social participation of
beneficiaries.

The changes contained in this bill build on
the taxation concessions the government
announced in the 2009-10 budget in response
to the Senate Community Affairs Legislation Committee report. In a separate measure, the bill closes a loophole in qualification for disability support pension. This loophole has meant that disability support pension has continued to be paid to people who live permanently overseas but who return to Australia every 13 weeks to retain their pension. Under this bill, except under limited and specific circumstances, only disability support pensioners currently residing in Australia will continue to get the pension. Closing the loophole will bring disability support pension into line with other workforce age payments. It will also keep the disability support pension payment system fair and effective. If a pensioner has a need to travel overseas for short periods, he or she will still have access to the 13-week temporary absence rule.

Government amendments to this measure will include a delay of the commencement from 1 January to 1 July 2011 so there will be no retrospective adverse effect on those affected. The government amendments will also introduce from 1 July 2011 an extended portability period for severely disabled disability support pensioners to address concerns raised by the Senate Community Affairs Legislation Committee. The extended portability will apply if the person accommodates a supporting family member who has been posted or seconded by their employer to work overseas for a period. Senator Siewert in her contribution raised other circumstances where a person with caring responsibilities may need to travel for reasons other than work. We undertake to conduct a review of the operations of the DSP portability measure after one year of operation to ascertain if there are circumstances which may need to be considered.

The eligibility for family tax benefit part A of some families with FTB children who are studying overseas full time will be clarified by this bill. If the courses these young people are undertaking do not link to an Australian qualification, it is not clear under the current legislation that they should attract family tax benefit part A. This bill puts that beneficial policy intention beyond doubt. It makes sure that young people studying overseas full time are treated for family tax benefit purposes in the same way as full-time students undertaking Australian study.

Further amendments in the bill are minor matters. In particular they address two minor anomalies arising from the pension reform legislation enacted in 2009. Both amendments are to make sure people get the benefit of the new provisions that they were intended to have. Amendments made in the House withdrew from the bill the two schedules relating to the Indigenous Land Corporation and the scheduling of land. This withdrawal was purely for timing reasons: to allow a particular land measurement to be clarified and an inquiry into the Indigenous Land Corporation measure by the Senate Legal and Constitutional Affairs Legislation Committee to proceed without delaying the bill unduly. Those measures will be introduced in a future bill, and this current bill should proceed without them. I commend the bill to the chamber.

Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:42): I table a supplementary explanatory memorandum and a revised supplementary explanatory memorandum relating to the government amendments to be moved on this bill. The memoranda were circulated in the chamber on 22 and 23 March 2011. I seek leave to move govern-
ment amendments (1) through (4) on sheet BM387 together.

Leave granted.

Senator McLUCAS: I move:

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

2. Schedule 1 1 January 2011. 1 January 2011
3. Schedule 2 1 July 2011. 1 July 2011

(2) Schedule 2, heading, page 8 (lines 1 and 2), omit the heading, substitute:

Schedule 2—Disability support pension
[portability of disability support pension]

(3) Schedule 2, item 7, page 9 (table item 2), after "1218AA", insert ", 1218AB".
[portability of disability support pension]

(4) Schedule 2, page 9 (before line 12), before item 8, insert:

7A After section 1218AA
Insert:
1218AB Extended portability period for

(1) The Secretary may, by written determination, extend the person's portability period for disability support pension if all of the following circumstances (the qualifying circumstances) exist:

(a) the person is severely disabled (see subsection 23(4B));

(b) the person is receiving disability support pension;

(c) the person is wholly or substantially dependent on a family member of the person (see subsection 23(14));

(d) the Secretary is satisfied that the person will be living with the family member of the person throughout the period of absence;

(e) the family member of the person is engaged in employment in Australia for an employer immediately before the start of the period of absence;

(f) the Secretary is satisfied that the family member of the person will be engaged in employment outside Australia for that employer throughout the period of absence.

(2) If the Secretary extends a person's portability period under subsection (1), the person's portability period for disability support pension, for the purposes of this Part, is the extended period.

(3) The Secretary may revoke the determination if any of the qualifying circumstances ceases to exist.

(4) A determination under subsection (1) is not a legislative instrument.

Note: The heading to section 1218AA is altered by omitting "Extended" and substituting "Unlimited".

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; 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.

Human Services Legislation Amendment Bill 2011

First Reading

Bill received from the House of Representatives.

Senator McLUCAS: I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:46): I table the revised explanatory memorandum to the bill and move:

That this bill be now read a second time.

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

Leave granted.
The speech read as follows—

I have great pleasure in introducing the Human Services Legislation Amendment Bill 2011 which integrates Medicare Australia and Centrelink into the Department of Human Services.

This Bill supports the Government's Service Delivery Reform agenda, which was announced by the former Minister for Human Services, the Hon Chris Bowen MP, in December 2009.

The Bill continues a broader program of reform that commenced in 2004 when the previous government created the Department of Human Services to place greater emphasis on the way government delivers services to Australians.

In 2007, the Department's role was expanded to reflect responsibility for the development, delivery and co-ordination of government services, and development of service delivery policy.

The continued reform of service delivery through this Bill will create a better experience for people and contribute to improved policy outcomes for government, particularly in areas such as economic and social participation, education, child care and health. These outcomes are in line with greater integration and cross-agency service provision initiatives within government.

Service Delivery Reform will significantly improve the way services are delivered by the Human Services portfolio. The progressive rollout of co-located offices will extend the portfolio's reach by providing one-stop-shops in more places. Increased self service options will allow people to manage their own affairs, including through expanded online services. People facing significant disadvantage or multiple complex challenges will be offered more intensive support through coordinated assistance with a case coordinator.

Effective and accessible service delivery is also an important element of the Government's efforts to build a more inclusive society. Service Delivery Reform will simplify people's dealings with the government and provide better support to those most in need.

A key element of the reform is the integration of the portfolio into a single department of state. Bringing together back office functions will drive efficiency, reduce the cost of service delivery for government and free up staff for more frontline customer service delivery.

Schedule 1 of the Bill amends the Medicare Australia Act 1973. The primary purpose of the amendments is to integrate Medicare Australia into the Department of Human Services. The statutory office of the Chief Executive Officer of Medicare Australia will be replaced by a new statutory position, the Chief Executive Medicare. The Chief Executive Medicare will be a Senior Executive Service officer in the Department of Human Services, who will have broad service delivery functions and will maintain statutory powers.

These administrative changes do not alter the Government's commitment to Medicare. Medicare has provided Australians with affordable, accessible and high quality health care since 1984. The integration of agencies will further extend the reach of the widely recognised and successful Medicare brand in the community. For example, through the co-location of services the number of shopfronts where Medicare services are available will double from 240 today to around 500.

The Bill also amends the investigative powers of the Chief Executive Officer of Medicare Australia, in Part HD of the Medicare Australia Act. The investigative powers will not be extended in scope. The amendments will bring the provisions into line with the Crimes Act 1914 and reduce unnecessary notifications to patients whose medical records are seized but not examined in an investigation.

Schedule 2 of the Bill amends the Commonwealth Services Delivery Agency Act 1997. Schedule 2 replicates, for Centrelink, the governance changes made by Schedule 1 for Medicare Australia. Schedule 2 integratess Centrelink into the Department of Human Services and replaces the statutory office of Chief Executive Officer of Centrelink with a new statutory position, Chief Executive Centrelink. Like the Chief Executive Medicare, the Chief Executive Centrelink will be a Senior Executive Service officer in the Department of Human Services who will have
broad service delivery functions and will maintain statutory powers.

Centrelink and Medicare Australia employees will become employees of the Department of Human Services under the machinery of government provisions in the Public Service Act 1999. Departmental employees will be able to assist both Chief Executives to perform their functions, enabling consolidation of back-office functions and greater focus on frontline service delivery.

Schedule 3 amends the Child Support (Registration and Collection) Act 1988. The amendments align the provisions for the appointment of the Child Support Registrar with the provisions for the appointment of the two Chief Executives.

The Bill also contains transitional provisions to facilitate the transition from the current governance arrangements to the new integrated Department of Human Services, with no interruption to service delivery.

Finally, Schedule 4 makes consequential amendments to a range of legislation to reflect the new governance arrangements. References in legislation to Medicare Australia, Centrelink or the Chief Executive Officers are amended to refer to the Department of Human Services and the new Chief Executives.

The secrecy provisions will continue to operate in essentially the same way under the new governance arrangements for the portfolio. To bring this about, the consequential amendments include changes to various provisions in program legislation, for example the Health Insurance Act 1973 and the Social Security (Administration) Act 1999.

The Government is conscious of the need to protect customer data, therefore only existing customer data sharing arrangements supported by legislation will continue. Importantly, any new sharing of customer data within the integrated Department of Human Services will occur only with customer consent. The Government is particularly aware of the trust Australians place in Medicare Australia's management of their clinical health information and the need for this information to be held separately and securely. For this reason clinical health information will be excluded from any data sharing under Service Delivery Reform.

The changes I have outlined today are an essential component of the Government's Service Delivery Reform agenda. Service Delivery Reform will transform the delivery of services by the Human Services portfolio and will provide better outcomes for generations of Australians. It will put people first in the design and delivery of services and will ensure services are delivered more effectively and efficiently, especially to people who need more intensive support and to those with complex needs. The Human Services Legislation Amendment Bill 2011 is a significant step towards achieving this vision.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (13:46): I rise to speak on the Human Services Legislation Amendment Bill 2011. This bill continues a program of reform that was initiated by the previous coalition government in 2004 when it created the Department of Human Services to place greater emphasis on the way government delivers services to Australians. This bill merges the back-end support services and some customer areas for Medicare and Centrelink, locating both within the Department of Human Services. The bill will achieve this through making amendments to the provisions of the Medicare Australia Act 1973 and the Commonwealth Services Delivery Agency Act 1997, which is more widely known as the Centrelink act.

It will abolish the statutory offices of the chief executive officer of Medicare Australia and the chief executive officer of Centrelink and create statutory offices of Chief Executive Medicare and Chief Executive Centrelink within the Department of Human Services. It will also abolish Medicare Australia and Centrelink as statutory agencies, and the existing functions that both
of these agencies provide will be delivered by employees of the Department of Human Services in support of their chief executives.

The inquiry into the legislation by the Senate Community Affairs Legislation Committee did raise issues regarding privacy, and this bill brings in amendments to clarify the operation of program secrecy provisions after the restructure to ensure that there is substantially no change from previous arrangements with respect to the sharing of customer data. As a consequence, the bill will bring in new defined terms of 'Medicare programs' and 'Centrelink programs' to replace the current secrecy provisions which focus on the agencies as the basis for regulating information sharing.

The bill also amends the Child Support (Registration and Collection) Act 1988 to align the provisions for the appointment of the Child Support Registrar with the provisions for the appointment of Chief Executive Centrelink and Chief Executive Medicare. It also makes consequential amendments to a number of other acts that currently refer to the agencies or statutory authorities that will be abolished. The amendments to formalise the new structure of the Department of Human Services will be implemented on 1 July 2011 and transitional arrangements have been put in place to ensure no disruption in customer service delivery occurs consequent to these changes.

The bill also amends the investigative search and seizure provisions of part IID of the Medicare Australia Act. Many of these provisions were modelled on earlier versions of the corresponding provisions in the Crimes Act 1914. Because there have been amendments to the Crimes Act over time, some of the provisions in the Medicare Australia Act are no longer aligned with provisions in the Crimes Act. The main purpose of the proposed amendments to the investigative search and seizure provisions is to bring those provisions into closer alignment with the Crimes Act provisions.

The coalition believes in smaller and more streamlined government. This bill continues in that reforming tradition. This bill, which will consolidate the back-office operations of Medicare and Centrelink into a single department, should enhance service delivery from the perspective of the taxpayer with minimum change to the interaction of the clients of Centrelink or Medicare. Clearly, it is not the intention of the opposition to oppose this bill.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:50): I thank the senator for his contribution on the Human Services Legislation Amendment Bill 2011.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Kroger): No amendments to the bills have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bills to ask further questions or clarify further issues? If not, I call the minister.

Senator SHERRY: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Autonomous Sanctions Bill 2010

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator JOHNSTON (Western Australia) (13:51): I stand to speak in support of the Autonomous Sanctions Bill
2010. The opposition supports the broad thrust of this standalone piece of legislation, which gives the government the ability to impose sanctions regimes without resorting to sometimes confusing and often messy legislation and regulations, such as in banking, customs regulations and other legislation related to the provisions of services and/or software. As I said, this is a standalone piece of legislation that brings together the Commonwealth's power to impose a vital diplomatic tool on certain circumstances arising in the international public policy arena. It also imposes standard penalties for those who contravene the provisions of the legislation and is consistent with the rules applied to the enforcement of UN Security Council sanctions.

I should pause to say that sanctions, and autonomous sanctions as set out in this legislation, are not the solution to every international and diplomatic problem. They are a very useful tool, but of course there are often unintended consequences with respect to the innocent populations within countries against which sanctions are imposed where they are deprived of certain necessities and other goods that people in Australia may wish to export. By way of a brief history, Zimbabwe, North Korea, Burma, Iraq, the former Republic of Yugoslavia and Fiji have all been the subject of Australian autonomous sanctions. North Korea has been subject to sanctions since 2006. As far back as 1992, the Federal Republic of Yugoslavia was the subject of sanctions.

As I have said, and speaking on behalf of the opposition, this is a useful diplomatic tool that is refined in this legislation and made more flexible and more effective. I pause to say that there have been some privacy concerns on the part of the opposition. The Senate committee resolved those to some extent. The Senate Foreign Affairs, Defence and Trade Legislation Committee went some long way towards setting out the problem and then indicated that it had been resolved in the legislation. I pause also to say that there appears to be no right of appeal or review with respect to an adjudication for exporters to countries that are the subject of sanction. The Defence Export Control Office is a classic example. An arbitrary decision by the Minister for Defence can inhibit the export of certain goods by Australian companies without them having any say or any right of review or appeal. That is a very unsatisfactory situation. I underline it simply to say that ministers need to engage much more with Australian industry on such matters. Having said all of that, I commend this bill to the Senate.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:54): I thank the senator for his contribution and note the support of the opposition for this legislation. I also table a replacement explanatory memorandum relating to the Autonomous Sanctions Bill 2010. The memorandum takes account of recommendations by the Senate Foreign Affairs, Defence and Trade Legislation Committee.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Kroger): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator SHERRY: I move:

That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Electronic Transactions Amendment
Bill 2011
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (13:56): The Electronic Transactions Amendment Bill 2011 updates the Electronic Transactions Act 1999 to align the legislation with the relevant UN convention of 2005. The 1999 act implemented the UN Commission on International Trade Law, UNCITRAL, model law on electronic commerce of 1996. The intention of the model law is to provide a more secure environment for electronic commerce to remove legal obstacles to its acceptance. The principal effect of the act is to provide that transactions will not be invalid merely because they have been completed electronically. Giving information in writing, providing a handwritten signature, producing a document in material form and recording or retaining information may all be done electronically.

The 2005 convention seeks to build on the model law in the light of the practical experiences of the past 15 years and in particular with respect to issues relating to the formation and performance of contracts between parties in different countries. However, it makes no substantive change to the law of contract.

Exemptions to this regime include negotiable instruments and documents of title where there is a risk of unauthorised duplication. Complex transactions, a defined term, will remain subject to their own regulatory and contractual rules. Regulations will provide that documents such as passports and statutory declarations should be in paper based form only.

This bill was drafted by the Australasian Parliamentary Counsel's Committee and was approved by the Standing Committee of Attorneys-General in May 2010. The parliaments of New South Wales and Tasmania have already passed the amendments, with the remainder of the states and territories expected to do so by the middle of the year.

The bill applies the changes proposed by the convention in respect of international contracts. It provides default rules for determining the time of dispatch and receipt of electronic communications for the purposes of formation and performance of a contract. It also clarifies the traditional contractual rules on formation in the context of electronic commerce to recognise automated message systems. It clarifies rules about invitations to treat and determining the location of the parties and updates the electronic signature provisions. The convention rules exclude personal, domestic or household contracts from its regime. However, the bill does not make any such exclusion. The reason for this is that the act does not override the consumer protection provisions of the Competition and Consumer Act, formerly the Trade Practices Act. The public consultation process called for submissions on this issue but received none. This is not surprising, because the bill makes no substantive changes to contractual rules or remedies.

It should be noted that nothing in the convention or the bill affects the principle that contracting parties should be free to agree on matters effecting the formation and performance of a contract between them. People contracting in different countries may agree on the law that is to apply to their dealings. The convention rules only apply...
when the relevant law validly chosen by the parties or otherwise deemed to apply is that of a contracting state.

The coalition supports the bill. I commend it to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Kroger): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator SHERRY: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:00): My question is to the Leader of the Government in the Senate. Will the government acknowledge that the asylum-seeker policies it has pursued for the last three years have encouraged the people smugglers and have manifestly failed; that those failed policies have encouraged thousands of people to queue-jump to try to reach this country illegally at great risk to their lives; and that those failed policies have resulted in a hugely expanded onshore detention system which is now bursting at the seams and has become the scene of riots and mayhem? Will the government now apologise to the Australian people for its failure of leadership in dealing with this issue?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:01): The simple answer is no. There is no doubt that we face a range of challenges in relation to unlawful people movement through the region. This is a problem that Australia shares in the region with countries such as Malaysia and Indonesia, and it is something that we have resolved to tackle in a regional context because we know that we have to work together to address these issues. It was a lesson that the previous government learnt as well about needing regional cooperation in order to deal with these issues.

I note in passing that this is a now huge issue around the world. We are seeing Europe responding to large numbers of people fleeing North Africa; in fact, people are demanding a review of the EU arrangements in terms of border control. There are huge issues in the United States and Canada. Unauthorised people movement and people seeking asylum is a huge issue for our century as transportation becomes more available.

So I do not accept the proposition that was put by Senator Abetz. The government is working with countries in the region to try and address the challenge of unlawful movement. We do have a huge issue in that many people are seeking refuge and fleeing persecution, and we as a region have to work to tackle those challenges. A lot of work has been done in recent times through the Bali process, which we have reinvigorated with Indonesia, and the announcement the other day regarding a framework of cooperation with Malaysia is part of that regional response to an issue we are all dealing with.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:03): Didn't the minister himself rule out ever reopening the detention centre on Manus Island, saying it would be a return to the failed strategy of
the Pacific solution, which he also said was a
cynical, costly and ultimately unsuccessful
exercise? Now that the government is
seeking to reopen Manus Island and enter a
stopgap, one-for-five refugee swap with
Malaysia, will the minister concede that he
was wrong and that his failed policies have
been a costly mistake?

Senator CHRIS EVANS (Western
Australia—Minister for Tertiary Education,
Skills, Jobs and Workplace Relations and
Leader of the Government in the Senate)
(14:03): I certainly stand by my critique of
the Pacific solution. I think it was cynical,
and it was costly. It is worth remembering
that the people who were subject to the
Pacific solution are now settled in Australia
and New Zealand; the vast majority have
settled here or in New Zealand. The Howard
government did a deal with New Zealand to
take a large number of people off the island
of Nauru in order to have political cover for
the fact that the Pacific solution had failed; it
was cynical, it was costly and the reality is
that people were resettled in Australia. The
Howard government did not like to front up
to that, they did not like to publicise that, but
the reality is that those people were settled in
Australia. So the Pacific solution was no
solution. We need regional cooperation, we
need the support of our neighbours, and that
is what this government is focused on. (Time
expired)

Senator ABETZ (Tasmania—Leader of
the Opposition in the Senate) (14:04): In
view of the government's failed and chaotic
approach on border protection, does the
government still intend to proceed with
opening its detention centre at Pontville in
Tasmania? If so, will the minister confirm
that Pontville will only operate for six
months, as promised and, if so, when will
this six-month period commence?

Senator CHRIS EVANS (Western
Australia—Minister for Tertiary Education,
Skills, Jobs and Workplace Relations and
Leader of the Government in the Senate)
(14:05): I am advised that the claims that
Senator Abetz has been making around the
Pontville-Brighton detention centre proposal
are not correct. The government's
commitment is to a short-term facility at
Pontville. The immigration department is
currently concluding relevant discussions
around approval processes before further
building and development of the site—
which, as you know, is a former Army
barracks—can continue.

Osama bin Laden

Senator FORSHAW (New South Wales)
(14:06): My question is to Senator Evans,
representing the Prime Minister. Can the
minister advise the Senate about the
government's response to the death of Osama
bin Laden?

Senator CHRIS EVANS (Western
Australia—Minister for Tertiary Education,
Skills, Jobs and Workplace Relations and
Leader of the Government in the Senate)
(14:06): I thank Senator Forshaw for his
question and his interest in these matters.
Senators will be aware that on 2 May
President Obama announced that Osama bin
Laden, the leader of the international terrorist
group al-Qaeda, had been killed in an
operation conducted by United States forces
in Pakistan. The Australian government very
much welcomes this news, as I am sure the
Senate does; it represents a great blow
against international terrorism. The Prime
Minister has spoken with President Obama
to pass on Australia's thanks and gratitude to
the United States and to their military, who
carried out the operation.

Osama bin Laden was directly responsible
for terrible acts of violence against innocent
people, and he inspired acts of violence by
others. Under his command, al-Qaeda planned and carried out the 11 September 2001 attacks in New York and Washington, in which nearly 3,000 innocent people were murdered. Bin Laden's al-Qaeda also carried out or was involved with many other terrorist atrocities in which Australians were killed and wounded. Australia remembers those who lost their lives in those attacks, and they include those in Bali on two occasions; in London; in Mumbai; in Jakarta; and, of course, in New York.

Australia's fight against terrorism does not end with bin Laden's death. We must remain vigilant against the threat posed by al-Qaeda and the groups it has inspired. We know that al-Qaeda in the Afghanistan-Pakistan border regions is not the only terrorist threat that the international community faces. Australia will continue to support the counterterrorism efforts of the United States and our partners. We remain committed to ensuring that Afghanistan never again becomes a safe haven for terrorism. This work has already cost Australian lives, and Australians remain at risk, but it is vital and we will continue the mission in Afghanistan.

**Senator FORSHAW** (New South Wales) (14:08): Mr President, I ask a supplementary question. Thank you, Minister. Just picking up on that last point of your answer, what do the recent developments mean for Australia's commitment in Afghanistan?

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:08): Australia's mission remains unchanged. The government's strong view is that it is in our national interest to be in Afghanistan with the United States and 46 other members of the international community acting under a United Nations mandate. Australia has a responsibility to fight international terrorism and ensure stability in Afghanistan. Australian forces are there to ensure Afghanistan does not again become an operating base from which terrorists recruit, train and launch attacks against us and our allies, as it was under the Taliban dictatorship. Australian forces are there at the request of the government of Afghanistan and operate as part of the United Nations mandated International Security Assistance Force. Training and mentoring the Afghan national security forces will help create the conditions for an irreversible transition of security responsibility. As the Prime Minister has said, Australia will continue to support Afghanistan in some form through this decade at least. (Time expired)

**Senator FORSHAW** (New South Wales) (14:09): Mr President, I ask a further supplementary question. Minister, could you indicate what the recent developments mean for the threat posed by al-Qaeda and other terrorist groups?

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:10): Bin Laden's death is a considerable setback for al-Qaeda and international terrorism. However, it does not mean an end to the threat of global terror posed by al-Qaeda and affiliated terrorist groups. The Australian government will continue to make proper preparations in the face of those threats. The government has issued a travel bulletin indicating that there is a risk of reprisals and that people need to be careful about their personal security and avoid large gatherings of people associated with the aftermath of this event. The government has not increased our threat alert either onshore or offshore at this stage, but people do need to be very wary. Australians should continue to monitor the DFAT website when
travelling for updates to that travel advice, and of course we always strongly recommend that Australian travellers register with the DFAT website. The threat remains from international terrorism, and we continue to urge Australians to be cautious and take due precautions. (Time expired)

Asylum Seekers

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:11): My question is directed to the Minister representing the Minister for Justice, Senator Ludwig. I refer the minister to the recent protests at the Villawood detention centre in Sydney. Can the minister explain why it took the Australian Federal Police 11 days to detain the rooftop protesters involved in the Villawood riots? Isn't the government's inability to deal with the protest emblematic of the fact that the government has lost control of the asylum seeker issue just as it has lost control of Australia's borders?

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) (14:11): I thank Senator Brandis for his question. Can I indicate at the outset that the government will not tolerate riots in immigration detention centres. On 4 May 2011, the AFP arrested and charged seven people as a result of the investigation into the disturbances at Villawood. Six people were arrested at Silverwater Metropolitan Remand and Reception Centre with cooperation from New South Wales Corrective Services personnel and transported to the AFP's Sydney offices. Of course, all were charged with a variety of offences as follows: some with affray and some with destroying or damaging property. The government will, of course, continue to take a hard line against anyone who engages in violence in the immigration detention network—all agencies. While the detention service provider has incident management plans in place to ensure appropriate responses to disturbances at immigration detention facilities, any response, of course, is underpinned by the fact that immigration detention is administrative, not punitive, in nature. The department has a well-established relationship with law enforcement agencies.

In terms of the specifics, I will seek further particulars about the time line and the chronology of events, which may assist Senator Brandis. I am advised that, of course, the department has met with senior representatives from all state and territory police—it is about ensuring that we do maintain law and order within the detention centres—and met with the Australian Federal Police on 19 April 2011. I am advised that that was a productive meeting and part of the routine and ongoing engagement between the department and law enforcement officers to ensure that issues such as that are dealt with expeditiously and early, can I say.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:13): Mr President, I ask a supplementary question. Is the minister aware that, while the government dithered in its response to the Villawood protest, it took the New South Wales police just three hours to detain rooftop protesters at the nearby office of the Minister for Immigration and Citizenship, Minister Bowen, in Sydney? Minister, can you explain why it took the Australian Federal Police 11 days to return order to Villawood while it took the New South Wales Police Force only three hours to restore order at a nearby and similar protest?

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) (14:14): The Department of Immigration and Citizenship is responsible for jurisdictional responses and investigations within and the management of immigration detention centres, IDCs, and alternative places of detention, APODs. Serco has responsibility for responding to instances within the IDCs. I just want to ensure that the facts are on the table about the circumstances. This includes trained negotiators and extraction teams. If Serco is unable to maintain good order at an IDC, Serco then may request police assistance, which is then assessed in accordance with the circumstances. Within an IDC, those are the processes and procedures that are adopted. The opposition are seeking to compare and contrast it with another incident outside an IDC, but I think it is sensible to say that these are the circumstances of how and when responses are undertaken. So it is Serco within the IDC and then, if it is a matter that requires AFP—(Time expired)

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:15): Mr President, I ask a further supplementary question. Minister, does it not follow from your previous answer that your government considers that an 11-day long rooftop protest at a detention centre and the destruction of numerous buildings at that detention centre is consistent with maintaining good order? Is this not just another example of your government's inability to manage the immigration system when a Liberal government in New South Wales is able to enforce and police a protest?

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) (14:16): I reject the proposition contained within that question. It is a comparison that only Senator Brandis would or could make. The government has made it clear that engaging in inappropriate or criminal behaviour whilst in an immigration detention centre will not be tolerated. Contingency plans are in place to respond to instances at immigration detention facilities. The immigration department works actively with Serco to review security staffing system procedures and infrastructure and the minister has already announced an independent review into these instances. In terms of the broader issue, Serco, as the detention service provider, is required to have appropriate security and emergency arrangements in place with local law enforcement agencies and the response times, as I indicated in my primary answer. I will certainly get back to you with a chronology of those events. (Time expired)

Budget

Senator HURLEY (South Australia) (14:17): My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister advise the Senate on the importance of maintaining sound financial management?

Opposition senators interjecting—

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:18): You can see how allergic those opposite are these days to the words 'sound financial management'. There is no Peter Costello over there. This is a very different Liberal opposition, one that would be in deficit in every year of the forward estimates were it in government and one that delivered an $11 billion black hole in the last election. The Treasurer will hand down his fourth budget tonight and, as we have said, Mr President—

Opposition senators interjecting—
The PRESIDENT: If people want to debate issues, the time for that is after question time.

Senator WONG: As I said, tonight the Treasurer will hand down his fourth budget. This is a budget that will get us back in the black, get more Australians in jobs and spread the opportunities of the mining boom. It will be a budget that is marked by its commitment to sound financial management, a budget that recognises the challenges of the mining boom and leverages its opportunities for the benefit of all Australians. This sound financial management will be evident in the choices that we have made in this budget and in the fastest fiscal consolidation that we have seen since the 1960s. As we know, Mr President—

Opposition senators interjecting—

Senator Brandis: Nine Labor budget deficits in a row!

The PRESIDENT: The time for debating this is after question time.

Senator WONG: Senator Brandis is so concerned about budget deficits he perhaps ought to speak to the economic spokespeople on his side who are presiding over a complete mess when it comes to their fiscal position: an $11 billion black hole in their election policies and a party that would be in deficit in every year of the forward estimates. We are very focused in this budget on our priorities, on the fiscal discipline that is required, on training the Australian workforce and on lifting participation across our economy. (Time expired)

Senator HURLEY (South Australia) (14:20): Mr President, I ask a supplementary question. Can the minister outline to the Senate the priorities which the government has worked towards in preparing the budget?

Opposition senators interjecting—

The PRESIDENT: The time for debating the issue, if people wish to debate it, is after question time. I remind senators of that.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:20): The government has made its priorities clear. This is about getting us back into the black, getting more Australians into jobs and spreading the opportunities of the mining boom, and we will outline a budget which sets out a clear path to the return to surplus, which we are committed to. But what will be interesting to see this week in this parliament is whether the opposition are prepared to apply the same discipline to themselves that they are asserting the government should adhere to. I think we should be running a bit of a wager as to whether they will front up. I wager they will not front up and do what they say they will do. Those opposite might want to know that your shadow Treasurer, Mr Hockey, has committed to bringing the budget back to surplus on your figures by next year. That is what Mr Hockey has said, but he has not done the numbers to work out how. (Time expired)

Senator HURLEY (South Australia) (14:22): Mr President, I ask a further supplementary question. Can the minister further outline to the Senate any alternative approaches that are a threat to sound economic management?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:22): The threat to sound economic management is those opposite, in particular their so-called economic team. As I said, it is interesting the shadow Treasurer has committed the opposition—I bet this was without a shadow cabinet meeting—to returning a surplus by 2011-12. That is after they have climbed out of their $11 billion
black hole. So he beat his chest and said, 'We'll make the hard yards.' When pressed he said, 'I don't know what the numbers are.' Well, he will know tonight—and I will bet those opposite will still not be able to work out how to do it. The problem those on the other side have is that Joe Hockey has led them down the garden path; he has made a promise that they will never be able to live up to. How embarrassing for the party that used to be the party of fiscal discipline—now the party of a budget black hole.

### Asylum Seekers

**Senator CASH** (Western Australia) (14:23): My question is to the Minister for Immigration and Citizenship, Senator Carr.

**Senator Wong:** He is not the minister; he is the minister representing the minister!

**Senator CASH:** The minister representing, thank you. I refer to a report in the *Daily Telegraph* on 5 May 2011 in relation to the homemade bomb found at the Villawood detention centre which stated:

Villawood staff said the fire and bomb was reported to the department but no action was taken because it was classed as a minor incident. If a fire resulting from a bomb is considered a minor incident generating no action, what would the minister consider a major incident that required action?

**Senator CARR** (Victoria—Minister for Innovation, Industry, Science and Research) (14:24): Mr President, I thank Senator Cash for her question. Following a small fire on 19 March 2011, New South Wales police took possession of what they have referred to as a bomb. Importantly, the department did act appropriately in calling the fire brigade in the first instance and then alerting the police, who are now investigating the incident. Whether the device was actually a bomb or not is a matter for police investigation.

The fire was discovered and extinguished by Serco officers at 3.20 am on Saturday, 19 March 2011. Local emergency services were immediately called. The New South Wales police attended at approximately—

**Senator Cash:** Mr President, I rise on a point of order going to relevance. While I appreciate the minister's information in relation to what occurred at the detention centre, I am not asking about that. I am asking: what type of incident needs to occur for this government to consider it a major incident?

**Senator Chris Evans:** Mr President, on the point of order. It is clearly appropriate for Senator Carr, as a representing minister, to provide information from the brief he has from the responsible minister. It is directly on the topic that Senator Cash addressed to him. She has two supplementary questions to follow up with if she wishes further information. But he has been directly on the topic, providing what information he has about the incident, and it is quite outrageous to suggest that he is not being relevant. If there are other matters that are not covered in his primary answer, the senator has the opportunity to ask two supplementary questions. Senator Carr is being as helpful as he can be by providing the information that is supplied to him.

**The PRESIDENT:** There is no point of order.

**Senator Carr:** Mr President, I have been asked by Senator Cash about an incident that occurred at the centre on 19 March 2011. I am providing information. She has sought to rely on a newspaper report of the allegations as to what occurred on this occasion. I have provided information to the Senate on the basis of the information that has been provided to me by the minister. What I can indicate is that the New South Wales police are making inquiries into the
nature of the events that occurred and that no person of interest in relation to the incident has been identified at this stage. The department advised the minister’s office of the fire at the time but not of the discovery of the device or that the police had taken it for examination as possible evidence. In terms of what the senator seeks to assert is a matter of priority, that is entirely hypothetical.

Senator CASH (Western Australia) (14:28): Mr President, I ask a supplementary question. I refer to the comments made by the immigration minister, Chris Bowen, on Sydney commercial radio on 4 May 2011 that he was not aware that a homemade bomb had been found at the Villawood detention centre one month before riots at the centre which resulted in nine buildings being gutted by fire. Why was the minister not aware of the homemade bomb and what steps has the minister taken to ensure he remains fully informed on the vital issues within his portfolio?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:28): I have indicated to Senator Cash that this is a matter of ongoing police inquiry as to whether or not it was actually a bomb, and that is a matter where we will wait for police advice.

In terms of the radio interview, the minister has already expressed his view that it was unacceptable that he was not informed of the discovery of the device, and he has made his concerns very clear to the department about the discovery of this homemade incendiary. The minister has instructed the secretary of the department to investigate why he was not informed and ensure that this does not happen in the future. There is not much more I can add to assist Senator Cash in that matter.

Senator CASH (Western Australia) (14:30): Mr President, I ask a further supplementary question. How does the government expect the Australian people to have any faith in their so-called border protection policies if the minister was not even aware of a bomb in a detention centre until he was told by a talkback radio host?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:30): What I have indicated is that whether this device was actually a bomb or something other than that is the subject of an ongoing police inquiry. The fire that was the subject of the incident itself was discovered and extinguished by Serco officers at 3.20 in the morning. The local emergency services were called immediately. The New South Wales police attended at 4 am and they took possession of what is now referred to as a bomb and returned later in daylight hours to take photographs. No person of interest has actually been identified at this stage as a result of the police inquiry. The department did not advise the minister at the time and the department secretary has been instructed to find out why not.

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (14:30): My question is to the Minister representing the Minister for Immigration, Senator Carr. The Malaysian High Commissioner today declared that Australia cannot simply dictate which people will be sent to Malaysia under the Gillard government’s Malaysian solution. Will the Malaysian government officials come to Australia to select which asylum seekers they will take or will it simply be conducted through paperwork? How will the Malaysian government decide who is sent to their country?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:31): I thank the senator for her question. The government has announced that the
Australian and Malaysian governments have committed to enter into a landmark transfer agreement under the regional cooperative framework and that this process undermines the efforts of people smugglers to seek to encourage people to undertake very risky journeys to Australia. This in fact is a new initiative to ensure that we are able to take all the necessary steps to highlight the extraordinary dangers of undertaking such a voyage and to indicate to people that this is a counterproductive move and is unlikely to produce the results that people are looking for in terms of finding settlement here, because people will be sent to Malaysia, from which many of them come originally, and will be placed at the back of the queue.

What we are seeing for the first time in these arrangements is that the UNHCR will be directly involved—

Senator Bob Brown: Mr President, I raise a point of order. The minister was asked directly whether Malaysian officials would come to Australia. The question needs to be answered directly as well.

Senator Ludwig: On the point of order, Mr President, Senator Carr has been answering the question. It is a complex issue to describe in detail but Senator Carr has been working through that detail quite specifically in dealing with the issue that he has been asked to respond to. I submit that there is no point of order in this respect.

The President: Senator Carr, I draw your attention to the fact that there is 50 seconds remaining on the clock to answer the question that has been asked by Senator Hanson-Young.

Senator Carr: I have indicated that for the first time the UNHCR will be involved in the processes involving the Malaysian government. The reports today that the Malaysian High Commissioner is wanting the right to refuse people entry are inaccurate and misleading. While the government cannot comment on the specifics of current diplomatic negotiations, the reports that appeared today are incorrect. What I would have thought the Greens would be particularly interested in is that, for the first time, the UNHCR is involved in terms of the Malaysian government, a point which the UNHCR have made and indicated is a matter of some significance to them. The public comments by their spokesperson have highlighted that fact. (Time expired)

Senator Hanson-Young (South Australia) (14:34): Mr President, I have a supplementary question. Do we take it, then, that Malaysia will not refuse anybody who is sent to Malaysia under this agreement put forward by the Australian government?

Senator Carr (Victoria—Minister for Innovation, Industry, Science and Research) (14:34): I can indicate that I am advised that the reports today suggesting that the Malaysian High Commissioner is wanting the right to refuse people entry are inaccurate and misleading. While the government is not in a position to negotiate in public with the government of Malaysia, what I can say is that the reports published today are inaccurate. I remind the senator that UNHCR regional representative Richard Charles says that this is a bilateral agreement that has been negotiated within the broader regional cooperation framework with the involvement of the UNHCR, the involvement of the IOM, the International Organisation for Migration and, we hope, the involvement of other important actors as well, including non-government organisations. So it is an agreement between countries that are actively involved with refugee issues and that commonly face a refugee displacement problem. (Time expired)

Senator Hanson-Young (South Australia) (14:35): My final supplementary
question to the minister is, if Malaysia have not requested the ability to buy into the process of selecting who will be taken to Malaysia, what rights have they reserved and when will we see the signed MUA?

Honourable senators interjecting—

Senator HANSON-YOUNG: MOU. I have always been a unionist at heart. We know that the heart of the union movement is in the Greens.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:36): I have made it perfectly clear that, on the advice that I have, the reports in today’s press are inaccurate and misleading; that the government of Australia and the government of Malaysia will work towards achieving a new MOU and in the course of those negotiations will continue to work with the UNHCR and the International Organisation for Migration. These are major new initiatives, major new developments, in regard to the way the refugee conventions are being treated within our region. I would have thought that the Greens would acknowledge that and appreciate the very, very important and significant developments that have occurred.

Asylum Seekers

Senator IAN MACDONALD (Queensland) (14:37): My question is also to the Minister representing the Minister for Immigration and Citizenship. I wonder if the minister could advise the Senate of the date on which the new five-for-one proposal to take 4,000 asylum seekers from Malaysia in return for 800 sent to Malaysia will take effect?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:38): I have already indicated that the government is in the process of developing the MOU with the Malaysian government. There has been a joint statement already issued between the Prime Minister of Australia and the Prime Minister of Malaysia at the weekend. What I can say, Senator Macdonald, is that it is extraordinary hypocrisy on behalf of the Liberal Party to be arguing the case about increasing the level of support—

The PRESIDENT: Senator Carr, I draw your attention to the question. You have one minute 25 seconds remaining to address the question that was asked by Senator Macdonald.

Senator CARR: What I can indicate to you, Mr President, is the extraordinary hypocrisy for the Liberal Party to be arguing the case about increasing the refugee intake, because at the last election—

Senator Brandis: Mr President, the minister is flagrantly defying your ruling. You pulled him up when he went completely away from the answer to the question and started politically attacking the Liberal Party. You pulled him up and he has treated your ruling with complete contempt.

The PRESIDENT: Senator Ludwig.

Senator Ludwig: There is no point of order in that, in that Senator Brandis simply wants to re-agitate an issue. Of course, that gives him using a point of order as a platform to challenge your ruling. This matter is a matter for the President and the President has ruled on the matter and therefore there is no point of order.

The PRESIDENT: I had drawn the minister's attention quite clearly to the fact that at that stage he had I think it was one minute 20 seconds to answer the question. The minister now has one minute 16 seconds. I draw your attention to the question.

Senator CARR: I am delighted at the prospect of being able to answer this question, Mr President, because in the last
election the Liberal Party, who now complain about increasing our humanitarian intake, proposed to increase to 15,000—and they were prepared to double that number in their sleazy deal before the last election.

Senator Ian Macdonald: Mr President, I rise on a point of order—that of relevance. My question, as you have accepted and twice pulled the minister up, was clearly about the date upon which this took effect. It did not ask anything about the Liberal Party; it did not ask anything about philosophies or policies. I simply want to know the date on which this will take effect.

The President: I had at the one minute 16 seconds mark drawn the minister's attention to the question. The minister still has one minute and one second remaining to answer the question.

Senator CARR: Thank you, Mr President. What I have indicated is that the government will finalise the agreement with Malaysia in coming weeks, depending on resolution of certain operational matters. I also indicated that it was a bit rich to argue the toss about increasing the humanitarian target, which we are quite proud of, when the Liberal Party during the last election sought to increase it to 15,000 and double it in their conversations when they were trying to secure a majority in the House of Representatives—a proposition which would have cost $3 billion. That was the claim when they were discussing the matter with Mr Wilkie—$3 billion to get one vote. And they want to argue the toss about increasing slightly the refugee intake numbers that we are doing at the moment! We see here a little of hypocrisy even by Liberal Party standards that sinks to new depths.

Senator Brandis: Mr President, I rise on a point of order. There is hardly any time left now for the minister to address the specific question that he was asked; that is: when will it begin? The minister has persistently and wilfully disobeyed your ruling in breach of standing order 203. A ask you, Mr President, to deal with the minister under standing order 203.

The President: Minister, you have six seconds remaining to answer the question.

Senator CARR: I have indicated to you, Mr President, that the answer to the question is that we will finalise the agreement with Malaysia in coming weeks and that the Liberal Party are nothing more than hypocrites on this matter. (Time expired)

Senator IAN MACDONALD (Queensland) (14:42): Mr President, I ask a supplementary question. I thank the minister for saying initially that they were in the process of developing arrangements and later then saying that it would be a number of weeks, dependent upon certain operational matters. Thank you, Minister. What this really means is that we have no idea—it could be weeks, months, years. So I asked the minister: what additional steps is the government proposing to stop the flood of boat arrivals who will try to get in in that interregnum—that one week, three months, two years or whatever it is—until this arrangement is finalised? (Time expired)

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:43): The government will continue all its efforts to secure Australia's borders and to ensure that we treat people properly in that process. We are indicating to people who now are contemplating being in the hands of the people smugglers that it is not in their interest to engage in that action by seeking to travel to Australia by boat. We will settle the outstanding matters with Malaysia in the signing of an MOU very, very quickly. We are also in the process of engaging in ongoing talks with the Papua New Guinea
government about the establishment of an assessment centre in that country. We have a range of measures, therefore, in place where we are seeking to deal with these matters in a firm but very fair approach to ensure that Australia is able to secure, within its international treaty obligations, proper assessments of people seeking to come to this country by irregular movements.

Senator IAN MACDONALD (Queensland) (14:44): Mr President, I ask a further supplementary question. I thank the minister. I note that the minister would not assure the Senate that Malaysia would take whoever was sent to them, when Senator Hanson-Young asked, so I asked the minister: why is it that the Malaysian government can decide who comes to their country and the circumstances in which they come but the Australian government cannot?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:45): What I can draw Senator Macdonald's attention to is—and I am not quite sure what the nature of the question was—is the fact that the government will be working with the government of Malaysia to ensure that we are able to treat people properly and, as the UNHCR has indicated, that the nature of this agreement, a bilateral agreement, has been negotiated within the broader regional context with the involvement of the UNHCR and with the involvement of the International Organisation for Migration. This is the first time this has happened with respect to Malaysia and we hope that there will be other important actors as well, which will include non-government organisations. So there is a real opportunity here, an opportunity to deal with these issues in a humane and fair but firm way to ensure that the agreement between this government and other countries involved in refugee issues are treated properly. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:46): I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from the National Assembly of Malawi, led by the speaker, the Rt Hon. Henry Chimunthu Banda. On behalf of all senators, I wish you a warm welcome to Australia and in particular to the Senate. With the concurrence of honourable senators, I ask the speaker to take a seat on the floor of the Senate.

Honourable senators: Hear, hear!

Henry Chimunthu Banda was then seated accordingly.

QUESTIONS WITHOUT NOTICE

Telecommunications

Senator McEwen (South Australia—Government Whip in the Senate) (14:46): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister inform the Senate about the funding that was announced on the weekend to provide free set-top boxes to pensioners under the government's digital television switchover program?

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) (14:47): I thank Senator McEwen for her question. As I announced on Sunday, the government is determined that no pensioners are left in the dark as a result of the switch to digital-only television. The government makes no apology whatsoever for providing support to pensioners—who have worked hard all their lives and contributed to our society—to ensure that they are helped to convert to and get the full benefit of this new technology. The
household assistance scheme has been a stunning success. We have converted over 38,000—

Honourable senators interjecting—

The PRESIDENT: When there is silence, we will proceed. Senator Conroy, continue.

Senator CONROY: We have converted over 38,000 pensioner homes for digital television across regional South Australia and Victoria in the 18 months since it commenced the Mildura-Sunraysia region. Under the scheme, a government contracted installer visits the household and installs and demonstrates a set-top box specifically chosen to meet the needs of the elderly or those with a disability. Installers also conduct any cabling and antenna work where necessary. Centrelink performs checks to ensure the installations are working properly.

I note that those opposite supported our amendments to the Social Security Act in 2009 to enable this scheme. In fact, Senator Minchin said at the time, ‘For eligible households, such as pensioners, this measure will provide some certainty about their capacity to access and utilise the equipment needed to deal with digital pictures’. In the other place, the member for Mayo— (Time expired)

Senator McEWEN (South Australia—Government Whip in the Senate) (14:49): Mr President, I ask a supplementary question. Can the minister advise the Senate who will be eligible to receive a free conversion to digital television under the household assistance scheme? How is the scheme operated?

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) (14:50): In the other place, the member for Mayo actually answered this question. He said that it is right that the government does help Australians, particularly those at the lower end of the income scale, to switch over to digital television. So there is the hypocrisy. Perhaps Mr Hockey did not bother to phone Senator Minchin. Perhaps he did not bother to phone the member for Mayo, before he made his comments, because those opposite, including Mr Hockey, voted for this program.

The scheme provides essential practical in-home assistance to some of the most vulnerable people in our society, those people who may have no other means of support, to adapt to what can be a confusing new technology for some. A household is eligible to receive assistance under the scheme where at least— (time expired)

Senator McEWEN (South Australia—Government Whip in the Senate) (14:51): As a further supplementary question: can the minister also inform the Senate on the progress of the digital switchover in those areas already converted and what benefits are being provided to viewers as a result of the switchover program?

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) (14:51): I am delighted to inform the Senate that the Gillard government's digital switchover program is making a real difference to the lives of people in regional Australia where we have commenced switching off analog TV. One of the key features of the government's digital switchover program is that we have finally brought viewers in regional and remote Australia access to the same number of TV channels as are available in capital cities—something long thought impossible and
certainly never attempted by those opposite.

Last week we turned off the analog signals in regional Victoria. More than 455,000 households across the state have made the move to digital-only television. We have had less than 100 complaints in the five days since the switch. (Time expired)

Asylum Seekers

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:53): My question is to the Minister representing the Prime Minister. I refer the minister to the so-called 'Malaysian deal'. Can the minister guarantee that unaccompanied minors arriving in an unauthorised fashion in Australia will be exempted from the Malaysian deal?

Senator Cameron: You hypocrite!

The PRESIDENT: Senator Cameron, you will need to withdraw that.

Senator Cameron: I withdraw.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:54): Mr President, I can say that I understand that the Prime Minister has indicated that the details of the arrangements for Malaysia remain to be finalised. When asked about those issues she indicated that that was one of the issues that would be reflected upon when those arrangements were finalised. So that agreement and the MOU will reflect the finalised arrangements in relation to returns to Malaysia. I might point out, though, that it was the Liberal Party that used to detain children in detention centres. This government has ensured that children are not in detention centres but are in alternative arrangements, where they are allowed to live with their families. I think we all support that as a much more humane and appropriate way of dealing with children.

Can I indicate that the minister has also been seeking to make alternative arrangements, particularly for families, with the support of community groups, like the Red Cross, to ensure even better arrangements. Given that we are dealing with larger numbers of both accompanied and unaccompanied minors, we have been looking for better alternatives than existed previously, and I would just like to acknowledge the work of those community groups, churches, the Red Cross and others who sought to support the government in providing better alternatives for unauthorised arrival families which have children and of course for unaccompanied minors. In terms of the primary point of Senator Abetz's question, those details will be finalised as part of the MOU.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:56): Mr President, I ask a supplementary question. I remind the minister that it has been the Keating and Gillard governments that have had the most children in detention. But what non-negotiable preconditions have been sought from the Malaysians to ensure that minors are protected? It is all well to talk about 'the deal', but surely there must be some fundamental preconditions that are non-negotiable. Are there any such
preconditions that have been put to the Malaysians?

Senator CHRIS EVANS (Western Australia— Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:57): As I said, Mr President, I did receive some advice, which was that we will not be taking lessons in compassion from the Liberal Party. Senator, your record on children in detention is an appalling one. Even John Howard was finally embarrassed out of that position. So do not try to lecture me on compassion for children. We actually put in place better arrangements for children so that they receive proper care. What is absolutely central to the arrangement with Malaysia is that the government has made it very clear that there be no refoulement of those who are transferred under the scheme.

Opposition senators interjecting—

Senator CHRIS EVANS: Senator, do you want to withdraw that? You do not want to withdraw that. Senator, that stands as a mark about you. (Time expired)

Senator ABETZ (Tasmania— Leader of the Opposition in the Senate) (14:58): Mr President, I ask a further supplementary question. If there are no non-negotiable preconditions in relations to minors, can I ask: are there any non-negotiable preconditions that Australia has put to Malaysia in this five-for-one Malaysian deal? Or is everything negotiable?

Senator CHRIS EVANS (Western Australia— Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:59): As the Prime Minister has been at pains to explain, there will be no refoulement. Malaysia will commit to no refoulement of persons who are transferred. A precondition of the arrangement is that those who will be transferred will be treated with dignity and humanity, as they have been under this government and will continue to be so. As a mark of that, we have asked for the UNHCR and the IOM to be involved in the handling of those people transferred to Malaysia. The UNHCR and IOM will not be involved—

Senator Brandis: I rise on a point of order on relevance, Mr President. The question was: are there no non-negotiable conditions? This is all context and background; it is not directly relevant to that which was asked: are there no non-negotiable conditions?

The PRESIDENT: There is no point of order. Minister, you have 24 seconds remaining to address the question.

Senator CHRIS EVANS: Senator Brandis clearly does not listen. The point I was making was that a non-negotiable condition is that there be no reform and that people be treated with dignity and humanity. I was outlining two of those conditions. As I indicated, we have sought to involve other agencies, like the UNHCR and IOM, to ensure that there is appropriate input from those organisations with these arrangements. (Time expired)

Economy

Senator BILYK (Tasmania) (15:00): My question is to the Minister for Small Business, Senator Sherry. Can the minister outline to the Senate how the Gillard government is meeting its commitment to providing ongoing support for small businesses affected by last summer’s natural disasters? How is the Gillard government making it easier for small business to access the right assistance and advice during the difficult recovery process?

Senator SHERRY (Tasmania— Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for
Tourism) (15:01): I thank my colleague, Senator Bilyk, for the question. I do have some additional news about new support for small business in the areas of Australia that have been devastated by the recent natural disasters, floods and Cyclone Yasi. Of course, the Gillard government remains focused, as an ongoing priority, on the recovery of these regions and the businesses and individuals that have been affected. The government is providing an additional $3.3 million funding boost to small business support groups to help them deliver additional services to assist Australia's disaster-affected small business.

Senator Ian Macdonald: Who's that—the ACTU?

Senator SHERRY: No, it is not the ACTU, Senator Macdonald. You trivialise the very important work of the BECs, the business enterprise centres. They are dedicated, hardworking and committed. They worked, and are still working, enormously long hours to assist in the disaster-affected areas to provide additional assistance, ongoing support, counselling, business recovery and advice to the many small businesses affected. For Senator Macdonald to trivialise with that sort of silly interjection the enormous commitment and hard work that the BECs are doing on behalf of small businesses in these disaster areas is a reflection on Senator Macdonald.

Senator Ian Macdonald: Why are you shutting them down if they are doing such a good job?

Senator SHERRY: Again, a trivial interjection. We are not shutting them down. There might be some state governments shutting them down, but we have expanded the funding. I am very proud that it is this government that introduced funding for the business enterprise centres. It was an election commitment in 2007 and it was delivered by my predecessor, Dr Emerson. We are very proud of the work the BECs have done. They deserve the additional funding, even if Senator Macdonald and the Liberal Party do not think it is deserved.

Senator BILYK (Tasmania) (15:03): Mr President, I ask a supplementary question. Minister, in what other ways has the Gillard government been supporting small businesses to recover? Is this new funding a part of this year's budget announcements?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (15:03): The additional funding is part of the ongoing Small Business Advisory Services Program. That is a $42.5 million commitment from the government. The program makes it possible for some 37 business enterprise centres across Australia to operate.

I had the pleasure to launch the latest centre in Cairns, Senator Macdonald. You are obviously not looking at what is happening in Northern Queensland. We are actually expanding the services being offered, Senator Macdonald, contrary to the silly interjection you made earlier and the quite false claim that we are cutting back on the centres. We are expanding the reach of these centres. Senator Macdonald would be well advised to go and visit some of the small businesses that have been receiving advice from the new centre in Cairns. You are obviously so divorced from the issue and from your own community that you have got no appreciation of the work of these centres. Many of the advisers are formerly small business operators, and they are referred to small business operators.

Senator Chris Evans: While I would like to hear more from Senator Sherry, I ask
that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Health

Family Relationship Services

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) (15:05): I seek leave to incorporate two responses to questions taken on notice during question time. The first relates to a question Senator Williams asked me, as Minister representing the Minister for Health and Ageing, on Thursday, 24 March 2011, relating to the Gulgong hospital. The second relates to questions Senator Fielding asked the Minister representing the Attorney-General on 24 March 2011 in relation to concerns about Centrecare.

Leave granted; the document read as follows:

As part of a suite of health reform measures, the Commonwealth is providing $120 million in capital finding over four years to the states and territories for an additional 286 beds/bed equivalents to expand subacute care capacity in Multi-Purpose Service (MPS) facilities in rural and remote areas. This will be done under the National Partnership Agreement for the Expansion of Subacute Care in Multi-Purpose Services (the NPA).

The total funding available for New South Wales (NSW) under the NPA is $38.8 million. Following agreement of the NPA, funding will be provided based on an approved Implementation Plan, which will outline activities and required funding. NSW will distribute the funding according to local needs, based on this Implementation Plan.

The Department of Health and Ageing has also received a proposal from the NSW government seeking funding for a number of aged care places at a multi-purpose service in Gulgong. This proposal is currently being considered by the Department against the criteria listed in the Aged Care Act 1997.

Negotiations with the states and territories on the NPA will commence shortly.

In terms of recurrent funding for the residential aged care places, if the NSW government proposal seeking aged care places is successful, the funding for these places would be provided from the time the service (and places) became operational.

Senator Fielding asked the Minister representing the Attorney-General on 24 March 2011:

Q: Is the Government aware of concerns by Centacare? In particular that there is an eight week waiting period on post-separation services and that a decrease in funding will increase waiting periods further?

The Senator also referred to a lack of consultation regarding funding cuts.

Senator Ludwig -

The Attorney-General has provided the following answer to Senator Fielding’s question:

- The Government is aware of Centacare’s concerns about waiting times in post separation services. The Government has received and responded to correspondence from Centacare about this issue. Waiting times for post separation services vary and can occur for many reasons, unrelated to funding cuts, including:
  - that clients need to go through a comprehensive intake and assessment process before the intervention can commence;
  - that group programs that run over a number of weeks may only be scheduled on a periodic basis;
  - it may take some time to locate, invite and assess the other party as suitable for the dispute resolution process; and
  - a clinical decision may be made to refer the client elsewhere for another intervention (for example, related to family violence)
before it would be suitable to provide the family relationship service to that client.

The Attorney-General's Department will continue to monitor waiting times for post separation services.

- Last year, the Government announced that some funding from within the Family Relationships Services Program would be redirected to provide legal assistance and advice to help separating families resolve disputes with targeted legal assistance delivered by organisations such as community legal centres.

- This included reallocating $48.4m from the Family Relationship Services Program over four years, with a total investment of $51.8m to help separating families resolve disputes with targeted legal assistance through community legal services.

- However, the Government continues to provide more than $200 million in funding each year for the Family Relationship Services Program. This includes an annual investment of more than $90 million per annum for mediation services under the Family Support Program which supports separating families to resolve issues around children's matters.

- Early indications since redirecting the funding indicate that this new approach to providing legal assistance for couples attending Family Relationship Centres has been positive and demonstrated that early and targeted legal advice can help couples resolve their disputes without resorting to the courts.

- The Government has consulted extensively with the family relationship services sector on changes to their funding arrangements.

- Further, the Government has also decided to defer the measures that apply to Family Relationship Centres until January 2012 to assist in transitioning to the new funding arrangements.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Asylum Seekers

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (15:05): I move:

I move:

That the Senate take note of the answers given by Senators Evans, Ludwig and Carr to questions without notice asked in question time today.

It is an interesting day today because, to be honest, very few people are going to be watching us; they have got other things on. But people stopped listening to the Labor Party long ago. I came to parliament this week thinking that maybe things would settle down, and then all of a sudden we had what would have to be one of the most peculiar decisions that has ever been foisted on this nation—the so-called Malaysian deal.

To throw further light on the Malaysian deal today, we had Senator Carr's response to the 'little bomb' issue. They had a little fire and they found a little bomb and they got a little inkling that something was going on. They found a little bomb at one of the detention centres. But don't worry—it was not a big problem; it was only a little problem as it was only a little bomb. There was a little fire going at the same time. There was a much bigger fire earlier on—a really big fire. That was a big problem, but then they had a little problem. Unfortunately, the peptic ulcer inside the government's stomach started to give a bit of a twitch and they realised that they had to do something. So the thought police, the brains trust, of the Labor Party got together and worked out this deal. They got on the blower and started ringing people all around the world to see if they could come up with a deal to cover up for the fact that the budget was going to be a disaster and that they also had a bit of a problem because people keep burning down
buildings in the middle of Sydney—burning them down, mind you, when Australians are sleeping on the street merely miles away. That is the more sobering side of the problem that they have.

Apparently we are sending to Malaysia 800 people and then they are sending back to us 4,000 people. There is logic in that somewhere, apparently. It started off as a one-to-one deal, but it has somehow changed while Julia Gillard was negotiating. She cannot say it and she cannot do it, but she decided that she was going to negotiate her way out of the problem and this is how she would do it. Not only are we sending Malaysia 800 people and getting 4,000 in return but we are also sending them about $292 million. This sounds like the deal of the century. This is Labor Party politics. Now we also find that there will be a trail fee, a sort of trail commission, on this and apparently we are going to have to pay them another lazy $200 million to look after the problem. So it is about half a billion dollars and rising for this complete and utter fiasco.

On a deal like this, I expect the phones to be running hot in Julia Gillard's office. We will have Hugo Chavez on the phone saying, 'Mate, I can do a better deal for you. How about you send me 50 and I will send you 10,000. And I'll cut the price: I'll do it for a lazy 100 mill.' President Koroma of Sierra Leone—another country that is not a party to the United Nations refugee convention—will be on the phone: 'Don't worry, Julia; I'll help you out. I've got a few refugees here. How about we park a couple of hundred thousand over there. We could send you a couple of hundred thousand refugees, because we've got them in bulk. We've got a civil war on; we can park them over there.' Maybe we could go to the former Prime Minister of Somalia, Haji Hussein. He has probably got a few refugees. He should be in the market. It could be one of their biggest exports—exporting refugees to Australia. It is just so bizarre. You have become so bizarre. You have become so strange that if you did not laugh you would cry. And we get all this for the lazy sum of $292 million.

It should be noted just before the budget that a good bloke called Kenneth Rogoff from Harvard University has been listing the countries that have had the greatest cumulative increase in real public debt since 2007. I will go through the top three because we do not want to mention every country in the world: No.1, Iceland—we all know about Iceland; No. 2, Ireland; and No. 3, Australia. You get yourself into debt like that when you come up with ludicrous, mind-numbing solutions such as spending half a billion dollars on making your problem of 3,200 people bigger. We pay them half a billion dollars and the net effect in Australia is that we are 3,200 people worse off.

Who thought that up? Who is the plant from the Liberal Party or the National Party in Julia Gillard's office giving her this advice? Own up—who are you? Stop giving her this advice. Stop making it easy for us, please. This is what is happening. This is the manic world of the Labor Party. (Time expired)
support vulnerable refugees. Our resolve to end the dangerous transport of so many vulnerable lives in shonky boats is one that I support. You need look no further than at the loss of nearly 30 lives before last Christmas off Christmas Island.

Malaysia has taken a much greater burden on it as a nation in terms of managing asylum seekers, with an estimated 100,000 people seeking refuge there. A fundamentally important part of this arrangement is that the UNHCR, the United Nations High Commissioner for Refugees, will be working to process the 800 refugees that Australia will send to be processed in Malaysia and will work closely with us to resettle the 4,000 that will come here as part of this increased humanitarian intake.

In my mind, this is no small thing. I am but one of thousands of Australians who make a small monthly donation to the United Nations High Commissioner for Refugees fund, which works to support, resettle and process refugees. The UNHCR has a very difficult job and has been encouraging of Australia and other countries seeking to work together to find regional solutions on this issue, to support vulnerable people who need our protection.

Our arrangement with Malaysia is something we have been working on over the last six months as part of a regional cooperation framework. Very sadly, Mr Tony Abbott and Mr Scott Morrison have turned a blind eye to the facts when mounting their scare campaign on these issues. Frankly, I am surprised that Mr Abbott objects to an increase in the humanitarian intake. He showed he was prepared to support such an increase and in fact double the intake to win Mr Andrew Wilkie's support in the House of Representatives.

This government is committed to delivering on regional cooperation. This may be hard—it may be difficult—but ultimately it is the only path which will see better outcomes for asylum seekers throughout the region. We will see better outcomes for people who would otherwise languish in our detention centres. This arrangement is but the first step, and we need to keep talking to countries in the region. It is no easy task. We are working through the Bali process, we are talking to Papua New Guinea and we are working with the United Nations High Commissioner for Refugees. Such approaches were never a real prospect under the Howard government. Mr Abbott has simple rhetoric—'Stop the boats,' he says—but he has no credible plan to enhance the capacity of refugees to get the protection to which they are entitled throughout the region in an orderly fashion.

Senator BERNARDI (South Australia) (15:15): May I issue an apology to all the Australian people listening to this broadcast for wasting five minutes of their lives listening to a bunch of nonsense from Senator Pratt. It was just extraordinary that Senator Pratt was interjecting on Senator Joyce during his speech, saying, 'This is not a joke,' and yet everything that Senator Pratt has said makes an absolute mockery of what the government has been saying for the last three years and the 10 years previously. During this time our discredited Prime Minister—and I say she is discredited because we cannot believe a word that comes out of her mouth now—has duped an increasingly sceptical and disillusioned public by saying that offshore processing is inhumane, it is wrong and it has no place here in Australia. The only thing she has not acknowledged in the entire thing is that offshore processing actually stops the trade in people smuggling and it stops the boats from coming.
But according to the government the boats were coming due to push factors and it had nothing whatsoever to do with the soft treatment they have received in Australia since the government changed the laws. The facts speak for themselves: since 2008, 224 boats have come to this country, entering Australian waters illegally and carrying 11,246 arrivals seeking asylum. Since the last election we have had nearly 4,500 people arrive, and still the government said that nothing was wrong and that they would not go back to the inhumane treatment of refugees. There is nothing more inhumane than having people in a detention centre who are threatening the lives of other people by setting it on fire, by having riots and by planting bombs.

The government would not acknowledge these risks, but all of a sudden it has now done a deal. It has ditched the East Timor solution, which it has been defending for months since the last election, and it has cooked up the Malaysian solution. I say 'cooked up' because it has been cobbled together, clearly at the last minute. But the government's representative, Senator Pratt, has just told us that the government has been working on this for many months. They have been negotiating with themselves, because they have talked themselves out of a one-for-one deal to a one-for-two deal, a one-for-three deal et cetera, until they got a one-for-five deal. But let me tell you: that is not all you get, and it is not all that Malaysia get. They also get hundreds of millions of Australian taxpayer dollars.

The Australian people are very sympathetic to the plight of those who are in need. That is why we have a humanitarian refugee program. What they do not like are those people who are seeking to jump the queue and bypass the system. Yet this government seem to want to encourage that. They have said that they will not deal with an offshore processing centre on Nauru because it is not a signatory to the UNHCR—and yet they go off and deal with Malaysia, which is also not a signatory to the UNHCR. Is there any wonder that the Australian public are questioning the very legitimacy of this government?

Since when have we had a circumstance where the Australian people cannot believe a word that comes out of the Prime Minister's mouth? Since when have we had a circumstance where the Australian people believe that everything their government tells them is based on spin and lies? And they have got good reason to be suspicious of everything this government says, because not only do we know that the Prime Minister is an illegitimate prime minister but we also know that this government is so bereft of any structure and of any substance that it cannot manage the most simple policy decisions. It has put at risk Australia's border security. We know that; the evidence speaks for itself.

And now the government expect the Australian public to believe that they have done a good deal on our behalf, because when we get the next 800 people arriving in this country illegally we are going to swap them for 4,000 people who are in Malaysia seeking asylum. Eight hundred for 4,000—I would love to play poker with our Prime Minister. Whatever money she has got left after squandering it on so many bad programs would soon be in my pocket, because she cannot even carry off a bluff adequately. This is the problem we have: we have a government that do not know what they believe in and we have a Prime Minister who does not believe in anything. She has put everything on the shelf—everything that she has spent her entire life defending. And you wonder why the Australian people say, 'Enough is enough; we need to go to an election'.

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CHAMBER
Senator HURLEY (South Australia) (15:20): The opposition are certainly full of sound and fury today. I think they must have spent the last few weeks listening to the more extreme radio shock jocks and reading emails from the more extreme right-wing groups. They seem very buoyed up, comparing finding a solution to the refugee issue in our region with poker games where people are swapped like betting chips; yet, in the same breath, they criticise the Australian government for their reaction to it.

The thing that the opposition clearly does not understand is this concept of a regional framework. I understand that the Howard government rhetoric was framed in these terms. It is not just about Australia and the refugees who make it to our shores; it is about the number of refugees coming to our region. It is not solely our problem; refugees are also coming to our neighbours in the area. They come to Malaysia, they come to Indonesia and they come to other countries in the region. It is a proposal that rather than deal separately and inefficiently with this issue we look at it as a region and try to develop a framework that will begin to address the problem; deal with refugees with dignity and humanity—not compare them to poker chips; look at decent solutions in conjunction with the UNHCR and the office of the International Organisation for Migration; and find a way to talk about the overall problem and how we can sort it out among ourselves and assist genuine refugees who are fleeing from countries—and there are a number of such countries around the world—where there is severe repression and threats to people's lives. We are dealing with increased numbers of refugees around the world.

As part of that solution, we have agreed to take an extra number of refugees. Clearly, there are some in the community that are going to dislike that. But what is the alternative? We leave refugees to pile up in Malaysia or Indonesia under very poor conditions? What is the serious proposal of other parties in this discussion? It is to go back to a solution that they found useful a decade ago. It is no longer useful. It is important now to look at the current situation and look at a way to address the situation that gives due respect to other countries in the region that are also experiencing an increase in the number of refugees and gives due respect to those refugees. It is, in the end, a practical solution to the problem. This is what the Gillard government has attempted to do. This arrangement will provide a method by which the refugee cases will be processed according to the UNHCR, which, as has been pointed out by the opposition, Malaysia has never been a party to. It now will be. Surely that is an advance which should get some recognition from the opposition. But no, they go onto these fantastic flights of fantasy about other countries joining in. This ignorance stems from a refusal to listen or to give good analysis to a situation.

No government would expect an opposition party not to critique its policy, but a nation would expect an opposition to be able to seriously address the issues and come up with a reasonable, sensible alternative proposal if necessary. It is clear, from today anyway, that the opposition has got nowhere near that state of affairs.

Senator BACK (Western Australia) (15:25): To paraphrase the now Prime Minister: another 224 boats, another 224 policy failures. When Ms Gillard was the shadow minister for immigration, not often did she have to come up with that line 'Another boat, another policy failure'. Regrettably, there have been 83 boats since she became Prime Minister on 24 June and 69 since the election of last year when Labor reversed what was a successful policy of the
last coalition government, handed to them on a plate and rejected. That equates since 2008 to no less than 11,246 asylum seekers who have arrived on these shores. What we see yet again today is failure by an incompetent Prime Minister and an incompetent Minister for Immigration and Citizenship in this latest effort—that is, to try and strike a deal with Malaysia.

It was in March of this year that the asylum seekers rioted on Christmas Island. What was the reward after the first night of riots for those who led it? They in fact got their wish and they were air-transported to Darwin on the mainland. So what happened the next night on Christmas Island? The riots naturally extended and expanded to where others in detention, staff and people on the island were at risk. We now move forward to April this year, a continuing policy of a failed incompetent minister, to Villawood. As others have said, we saw not only firefighters, staff and others in Villawood put at risk but the destruction of Australian government property in this effort led by the allowance of an incompetent minister. What action have we seen taken? As spelt out here this afternoon, 11 days it took for the Federal Police to get these people down off the roof of that detention centre. Australians are heartily sick and tired.

We now see the latest knee-jerk reaction. Nobody believed that East Timor was going to participate in this so-called regional solution. There has now been a suggestion of Manus Island. That is probably a smart one because it is a return to the Howard government solution. We have just heard Senator Hurley, the previous speaker, making reference to involving and including those in the region. We now know, of course, that Nauru itself is willing to sign up to the UNHCR. We already have the assets available to us in that country. It only requires the Prime Minister and her incompetent minister to swallow their pride, pick up the phone and get on with what worked in the past.

We have seen a billion dollar blowout in the budget for immigration during the current financial year—budgeted at $200 million but will cost over $1 billion. One can only wonder what we are going to see this evening.

I have spent much time in Malaysia. I have even spent a brief time as a guest of the corrective services department in Malaysian detention centres. I can assure you they are not a place you would want to spend more time than is necessary. For those who do not believe that, they need to consult nobody else other than Anwar Ibrahim. But we have also now learnt that the Malaysians quite correctly will reserve for themselves the right to actually determine who of the 800 come to this country. So let us see the scene: the asylum seekers leave their home country, they go through Malaysia—incidentally, they have a passport when they go through Malaysia—they get on a boat, they come down here, they are processed, nobody likes them, so what happens? They go back to Malaysia and guess what happens to the people smugglers: they get to sell a second ticket, because they will leave that detention and once again return to Australia. The merry-go-round created by this incompetent government will only continue. The people smugglers are the ones who probably are smiling the most. Naturally those who do end up coming down on the boats a second time will destroy their identification papers and their passports, which gives us more work to do.

I conclude my comments with the observation that when the Howard government stopped the boats they continued the level of migration by genuine refugees, those who had been waiting for years and
continue to wait for years in camps and who are currently being put further to the back of the queue because of these queue jumpers, most of them well-heeled, who are making a mockery of this country and its citizens.

Question agreed to.

CONDOLENCES
Choules, Mr Claude
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) (15:32): by leave—I inform the Senate that on Thursday, 5 May 2011, the last known allied veteran of World War I, Mr Claude Choules, passed away at the age of 110.

The DEPUTY PRESIDENT: I understand it is the wish of the Senate to observe a minute’s silence to mark the passing of Mr Claude Choules. I ask all senators to stand as a mark of respect to the deceased.

Honourable senators having stood in their places—

Cowan, Mr David Bruce
The DEPUTY PRESIDENT (15:33): It is with deep regret that I inform the Senate of the death on 7 April 2011 of David Bruce Cowan a member of the House of Representatives for the division of Lyne, New South Wales, from 1980 to 1993.

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

Carbon Pricing
To the Honourable President and members of the Senate in Parliament assembled:
This petition of the undersigned shows:
During the 2010 election campaign the Prime Minister of Australia stated without qualification that her Government would not introduce a Carbon Tax while she is Prime Minister.

The Prime Minister promised to hold a consensus on climate change before proceeding with any legislative change.

We the petitioners believe the Prime Minister has misled the people of Australia and does not have a mandate to introduce a Carbon Tax.

We the petitioners believe former Prime Minister Howard set a precedent by stating clearly during an election campaign that he would introduce a Goods and Services Tax.

Your petitioners ask/request that the Senate:
Vote against the Carbon Tax before a general election in 2013

by Senator Johnston (from 8 citizens).

Wine Grape Growers
To the Honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows:
The current low price for fruit within the wine grape industry is unacceptable. Wine grape growers should have the right to negotiate a price for their fruit, not be forced to sell it for whatever the purchaser will take it for, which on some occasions has been below running costs.

The petitioners request that the Senate enforce the Australian wine industry code of conduct as compulsory legislation for all wine grape transactions.

from Senator Ludwig (from 658 citizens).

Live Animal Exports
To the Honourable President and Members of the Senate in the Parliament assembled:
This petition of undersigned citizens of Australia calls on the Australian government to end the export of live animals from Australia to the Middle East.

Australia has strict laws to protect the welfare of animals - based on sound scientific research and community expectation. It is therefore ethically and morally unacceptable to export Australian animals long distances to countries where they will endure
practices and treatment that would be unacceptable or illegal in Australia.

We the undersigned therefore call on the Australian government to end this trade and in doing so restore Australia's reputation as a compassionate and ethical nation.

from Senator Siewert (from 1,223 citizens).

Live Animal Exports

To the Honourable President and Members of the Senate in the Parliament assembled.

This petition of undersigned citizens of Australia calls on the Australian government to end the export of live animals from Australia to the Middle East.

Australia has strict laws to protect the welfare of animals - based on sound scientific research and community expectation. It is therefore ethically and morally unacceptable to export Australian animals long distances to countries where they will endure practices and treatment that would be unacceptable or illegal in Australia.

We the undersigned therefore call on the Australian government to end this trade and in doing so restore Australia's reputation as a compassionate and ethical nation.

from Senator Siewert (from 3,326 citizens).

Live Animal Exports

To the Honourable President and Members of the Senate in the Parliament assembled:

This petition of undersigned citizens of Australia calls on the Australian government to end the export of live animals from Australia to the Middle East.

We the undersigned therefore call on the Australian government to end this trade and, in so doing, restore Australia's reputation as a compassionate and ethical nation.

from Senator Siewert (from 797 citizens).

Petitions received.
Hall Council; Geelong Trades Hall Council; Newcastle Trades Hall Council; South Coast Labour Council; Queensland Council of Unions; UnionsACT and branches of the Australian Services Union; Teachers’ Union; Liquor, Hospitality and Miscellaneous Workers Union; Construction, Forestry, Mining and Energy Union; Maritime Union of Australia; Australian Manufacturing Workers Union; Communications, Electrical, Plumbing Union; Electrical Trades Union; Finance Sector Union; Health and Community Services Union; and Rail, Tram and Bus Union;

(c) calls on the Australian Council of Trade Unions to oppose this campaign; and

(f) in light of events and information available to the Senate since 23 March 2011, reaffirms its decision that Israel is a legitimate and democratic state and a good friend of Australia.

Senator BOB BROWN: To 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. Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011.

Senator BOB BROWN: To move:

That the Senate opposes the Government’s move to impose an efficiency dividend on Australia’s cultural institutions such as the National Gallery of Australia, the National Library of Australia, the National Portrait Gallery and the National Museum of Australia.

Senator IAN MACDONALD: To move:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 27 January 2012:

The incidence of international child abduction to and from Australia, including:

(a) the costs, terms and conditions of legal and Commonwealth departmental assistance for parents whose child has been abducted overseas;

(b) the effectiveness of the Hague Convention in assisting the return of Australian citizens abducted overseas;

(c) the roles of various Commonwealth departments involved in returning Australian citizens;

(d) policies, practices and strategies that could be introduced to aid the return of abducted children; and

(e) any other related matters.

Senator BILYK: To move:

That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 15 June 2011, from 10.30 am to noon, to take evidence for the committee’s inquiry into multiculturalism in Australia.

Senator BILYK: To move:

That the Senate—

(a) notes that:

(i) 25 years have passed since an explosion and fire destroyed the number four reactor at the nuclear power plant at Chernobyl, on 26 April 1986,

(ii) 28 deaths are directly attributable to the incident, although the World Health Organization estimates that thousands of additional cancer deaths, including deaths from thyroid cancer and leukaemia, may result from the incident,

(iii) 116 000 people were immediately evacuated following the incident and another 230
000 people were relocated in subsequent years,
(iv) an estimated 200,000 clean-up workers
from the army, power plant staff, local police and
fire services were initially involved in containing
and cleaning up the radioactive debris during
1986-87,
(v) more than 5 million people still live in
areas of Belarus, the Russian Federation and
Ukraine that were contaminated by radiation from
the incident,
(vi) Ukraine has shut down (in 1991, 1996
and 2000) the three remaining reactors at the
Chornobyl site and constructed a sarcophagus
over reactor number four, and
(vii) nuclear power accounts for
approximately one-third of Ukraine's electricity
production, it has 15 nuclear power plants in
operation and 2 under construction, and its
nuclear power plant operators follow the
internationally agreed nuclear safety standards of
the International Atomic Energy Agency;
(b) commemorates the 25th anniversary of the
Chornobyl disaster; and
(c) acknowledges the importance of nuclear
safety.
Senator FIFIELD: To move:
That the time for the presentation of the report
of the Finance and Public Administration
References Committee on the administration of
health practitioner registration by the Australian
Health Practitioner Regulation Agency be
extended to 3 June 2011.
Senator BERNARDI: To move;
That the time for the presentation of the report
of the Standing Committee of Senators' Interests
on the development of a draft code of conduct for
senators be extended to 7 July 2011.
Senator BERNARDI: To move:
That the time for the presentation of the report
of the Legal and Constitutional Affairs
References Committee on Water Act 2007
provisions relating to the development of a Basin
Plan be extended to 6 June 2011.
Senator BOYCE: To move:
That the Parliamentary Joint Committee on
Corporations and Financial Services be
authorised to hold a private meeting otherwise
than in accordance with standing order 33(1)
during the sitting of the Senate on Thursday, 12
May 2011, from 11.30 am.
Senator FISHER: To move:
That the Environment and Communications
References Committee be authorised to hold a
private meeting otherwise than in accordance
with standing order 33(1) during the sitting of the
Senate on Thursday, 12 May 2011.
Senator CAMERON: To move:
That the Environment and Communications
Legislation Committee be authorised to hold a
private meeting otherwise than in accordance
with standing order 33(1) during the sitting of the
Senate on Thursday, 12 May 2011.
Senator CAMERON: To move:
That the Environment and Communications
Legislation Committee be authorised to hold
public meetings during the sittings of the Senate
on Wednesday, 15 June 2011, and Thursday, 16
June 2011, to take evidence on matters arising
from consideration of the 2011-12 Budget
estimates.
Senator LUDWIG: To move:
That—
(1) On Tuesday, 14 June and 21 June 2011:
(a) the hours of meeting shall be 12.30 pm to
8 pm;
(b) the routine of business from 4 pm shall be
valedictory statements; and
(c) the question for the adjournment of the
Senate shall be proposed at 7.20 pm.
(2) On Wednesday, 15 June and 22 June 2011:
(a) the hours of meeting shall be 9.30 am to
8 pm;
(b) the routine of business from 4 pm shall be
valedictory statements; and
(c) the question for the adjournment of the
Senate shall be proposed at 7.20 pm.
(3) On Thursday, 16 June and 23 June 2011:
(a) the hours of meeting shall be 9.30 am to
8.40 pm;
(b) the routine of business from not later than
3.45 pm shall be:
(i) any proposal pursuant to standing order
75, and
(ii) government business only;
(c) 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;
(d) divisions may take place after 4.30 pm; and
(e) the question for the adjournment of the Senate shall be proposed at 8 pm.

(4) In making valedictory statements, a senator shall not speak for more than 20 minutes.

Senator BOB BROWN: To move:
That the Senate supports the aspirations and rights of the Palestinian people to an independent state, living in peace and free of the threat of invasion from its neighbours.

Senator HANSON-YOUNG: To move:
That the Senate—
(a) condemns the Gillard Government’s deal with Malaysia that would see 800 asylum seekers intercepted in Australian waters and sent to Malaysian detention camps; and
(b) calls on the Government immediately to abandon this proposal.

Postponement
The following item of business was postponed:

General business notice of motion no. 199 standing in the name of Senator Cormann for today, relating to a proposed tax summit, postponed till 14 June 2011.

BUSINESS
Leave of Absence
Senator McEwen: by leave—I move:
That leave of absence be granted to the following senators:
(a) Senator Stephens from 10 May to 12 May 2011, for personal reasons; and
(b) Senator Furner on 11 May 2011, on account of parliamentary business.

COMMITTEES
Community Affairs Legislation and References Committees
Meeting
Senator McEwen: by leave—I move:
That the Community Affairs Legislation and References Committees be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 5.30 pm.

Question agreed to.

Rural Affairs and Transport Legislation Committee
Reporting Date
Senator McEwen: by leave—I move:
That the time for the presentation of the report of the Rural Affairs and Transport Legislation Committee on the exposure draft and explanatory memorandum of the Illegal Logging Prohibition Bill 2011 be extended to 27 May 2011.

Question agreed to.

Electoral Matters Committee
Meeting
Senator McEwen: by leave—I move:
That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 11 May 2011, from 9.30 am till 11 am, to take evidence for the committee’s inquiry into the conduct of the 2010 federal election and matters related thereto.

Question agreed to.

Gambling Reform Committee
Meeting
Senator McEwen: by leave—I move:
That the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question agreed to.
MOTIONS
Humpback Whales

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:37): I move:

That the Senate—

(a) notes—

(i) the humpback whale is listed as a threatened species,

(ii) human generated habitat degradation is identified as a major threat to humpback whales by the Department of the Environment and Heritage's Humpback Whale Recovery Plan 2005-2010,

(iii) the plan notes the following forms of possible habitat degradation:

(a) acoustic pollution, for example, commercial and recreational vessel noise and seismic survey activity,

(b) entanglement, for example, in marine debris, fishing and aquaculture equipment,

(c) physical injury and death from ship strike,

(d) built structures that impact on habitat availability and/or use, for example, marinas, wharves, aquaculture installations, mining or drilling infrastructure,

(e) changing water quality and pollution, for example, runoff from land based agriculture, oil spills, outputs from aquaculture, and

(f) changes to water flow regimes causing extensive sedimentation, and

(iv) building a gas hub at James Price Point, Western Australia, could result in habitat degradation for humpback whales who can typically be found along various parts of the Kimberley coastline for up to 9 months of the year from April to December; and

(b) calls on the Government to invest in more scientific research into the effect of development on the Kimberley coast on the humpback whale.

Question negatived.

BUSINESS
Withdrawal

Senator FIFIELD: At the request of Senator Brandis, I move:

That general business order of the day no. 54, relating to the Assisting Victims of Overseas Terrorism Bill 2010, be discharged from the Notice Paper.

MATTERS OF PUBLIC IMPORTANCE
Asylum Seekers

The DEPUTY PRESIDENT (15:38): The President has received a letter from Senator Fifield proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

The Gillard government's continued failure to secure Australia's borders to secure Australia's borders and introduce policies to deny people smugglers the product they sell.

I call upon those senators who approve of the proposed discussion to rise in their places.

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 CASH (Western Australia) (15:39): I listened very carefully to the Minister representing the Minister for Immigration and Citizenship in his answers to some of the questions he was asked today in question time, and I caught the phrase 'sleazy deal', which I will have another look at when I review the Hansard tomorrow. But I have to say for the minister's information that the only sleazy deal that is actually being done is the deal that is being done by
the Gillard government with the government of Malaysia: 'We'll give you 800; however, in return we'll take another 4,000.'

This government has shown the people of Australia that there is no principle that it is not willing to break, no promise it is not willing to not keep and no policy that it is not willing to shred in the interests of staying in power. Based on what we have seen with the latest thought bubble coming out of the Prime Minister, the Malaysian deal, Australians can only assume that the Prime Minister of Australia must wake up each morning and say to herself: 'What do I believe in today? What spin or tall story can I give to the media so that they can tell the people of Australia that maybe I have some form of idea or policy, even if those ideas or policies have a shelf life of approximately 24 hours?' This is no better reflected than in the deal that has been done by the Gillard government, the so-called Malaysian deal: the deal where we send one asylum seeker to Malaysia and in return the Malaysian government sends us five back. That is the deal that has been struck by the Gillard government.

I have to say the absolute absurdity of this deal was summarised quite beautifully today in a cartoon in the Advocate newspaper on page 15. The cartoon is of the Prime Minister, and it has a thought bubble coming from her head which says: 'Hee hee! We trade their 4,000 for our 800 and we throw in $290 million, and the Malaysians fell for it.' That sums up the state of this deal that the Gillard government has done with the Malaysians.

But, on top of that, what Australians need to understand is that they pay for everything under this deal. The Malaysians are not going to be paying for anything. We have negotiated a deal whereby we give, we take back even more and we pay for both the giving and the taking. For every refugee that we are going to be giving back to Malaysia, Australians will have paid $90,000, and for every refugee that we will be taking from Malaysia to Australia Australian taxpayers will have paid approximately $54,000. That is absolutely absurd, but I have to say that, if I were the government of Malaysia, I would have snapped up the deal. I would have snapped it up and then I would have turned to the Prime Minister and I would have said, 'Are there any other deals that you'd like to do today?' because I am quite sure that, with the way that that Prime Minister negotiates, there was certainly a deal to be had by the Malaysian government.

The coalition is not against genuine refugees seeking asylum in Australia. What we are against, however, is an incompetent government that has absolutely no idea whatsoever about maintaining the integrity of Australia's borders. The so-called Malaysian deal—on top of the potential to do the deal with PNG, on top of the fact that the Nauruan government would actually like the phone picked up for a call to them and on top of the fact that we also had East Timor thrown in the mix at one stage—represents nothing more and nothing less than a panicked announcement by a Prime Minister who realised that she was running out of options very quickly and the only policies that actually worked were the policies of the former Howard government. Because the details are so lacking under the Malaysian deal, the Prime Minister of Australia cannot even tell the Australian people which refugees we will be getting from Malaysia and, more so, which refugees we will be sending to Malaysia. The Prime Minister of Australia has refused to rule out whether or not pregnant females, children, the elderly and people who have disabilities seeking asylum in Australia will be sent to Malaysia as part of the deal that was struck with them.
If this is true, it is possibly the most inhumane move I have ever heard from any government. It is an absolute disgrace.

What is worse is the utter hypocrisy from the Labor Left, because it was reported in the newspapers today that this Malaysian deal—despite the lack of detail, despite the obvious flaws and despite the complete disregard of a humanitarian approach—has been accepted by the left wing of the Labor Party. If that is true—and we have no reason to doubt it is not—there is only one conclusion that can be reached about the Labor Left: they have trashed their principles and they have let the Prime Minister of Australia walk all over them and throw out their core values. Clearly, they do not have the guts to stand up to the Prime Minister and tell her that she is wrong. The members and senators of the Labor Left should be ashamed. They are being ignored and they are being ridiculed by the Prime Minister of Australia. In fact, the *Australian* newspaper today reports that left faction convenor Doug Cameron initially had reservations about the plan but Senator Cameron, who tackled Ms Gillard on the issue at yesterday’s caucus meeting, said he had come to see it as an innovative solution. It must have been a pretty pathetic tackle if the outcome is that the Labor Left have rolled over, had their tummies tickled by the Prime Minister and have accepted that the Malaysian deal is in some way innovative.

Which part of the deal do the so-called Labor Left see as innovative? Is it the part where for every one asylum seeker we get five back? They probably do like that part of the deal. Is it the part where the Prime Minister has refused to rule out the deportation of pregnant women and children and has refused to rule out the deportation of the elderly or the infirm? Perhaps the Labor Left really like the part where the Prime Minister of Australia said, 'We are going to do a deal with Malaysia, even though last year I am on the record as saying that I will rule out anywhere that is not a signatory to the refugee convention.' We all know that Malaysia is not a signatory to the refugee convention. Perhaps the Labor Left were won over by Malaysia’s alleged undertaking that asylum seekers will not be sent back to the country that they are fleeing from. All I can say to the left wing of the Labor Party is that I hope that statement by the government of Malaysia is not one with the same substance as the statement by Prime Minister Gillard the day before the scheduled election last year when she said to the people of Australia, 'There will be no carbon tax under the government I lead.' We all know what happened as soon as the Prime Minister assumed office—she changed tack.

To the Labor Left: you have rolled over just like you did on the pay equity deal. You rolled over and you played dead. You did not have the guts to stand up and, just like that, you have done the same here. You have rolled over and you are betraying your constituency by agreeing to the Malaysian solution. You are now endorsing the Prime Minister of Australia’s game of Pacific bingo. What Pacific island will the Prime Minister come up with next? We have had East Timor for months and months. East Timor was the be-all and end-all for the Labor Party. That was going to be the saviour policy for the Labor Party. We on this side had consistently said it was never going to happen, and every time we said that what did the Labor Party tell us? We were wrong. And now it has been absolutely, completely and utterly ruled out not only by the East Timorese but also by the Minister for Immigration and Citizenship, Mr Bowen. East Timor is done and dusted.

What did we have in the press the other day? We had PNG. We had the Secretary of the Department of Immigration and Citizenship, Andrew Metcalfe, making a quick and
quiet trip up to PNG to have a chat with the PNG government about whether or not we should reopen Manus Island, despite what the Labor Party has said about Manus Island in the past. Lo and behold! Before the dust had even settled on the newspapers, the Malaysian deal was struck, allegedly. According to the Minister for Innovation, Industry, Science and Research, Senator Carr, it is going to be struck within the next few weeks—signed, sealed and delivered. On top of that, we have Nauru in the mix—the only country that wants the Prime Minister to pick up the phone and say, ‘Can we bring refugees to you?’ The Prime Minister refuses to deal with them.

This is a government that is in complete disarray. This is a government that has a minister whose department is failing to tell him what is going on in the detention centres. We have a Prime Minister and a Labor government that is so desperate that it will do anything and say anything and accept any deal in an attempt to get itself out of the mess it is in.

Senator MOORE (Queensland) (15:51): I did check the diary today to see what day it was just to remind myself which particular section 75 debate we would have, because if you look at the record over the last several months one day per sitting we have had words very similar to those used today. I think there are three words that are different today but it is the same process.

Senator Cash interjecting—

Senator MOORE: I’m sorry; maybe you should check for the next sitting Tuesday so that we can get those words accurate—so we know, so we can get the rhetoric right. I have listened to the debates very carefully, I have taken part in a few of them, and it is really great to have the consistency of the rhetoric, even down to the point of making sure that someone, somewhere gets some guts. We are consistently reminded of that.

I really strongly believe that these issues are so important that we must continue to discuss, we must continue to find a solution that will be something that the whole of the parliament can share. But, in that process, what truly disturbs me is that, every time the opposition put up this motion, they begin with an announcement that we have to secure Australia’s borders and the process seems to indicate, and we have seen it over many years, a visual picture of Australia being under attack, being invaded. They build up the fear, they build up the rhetoric and they put in place a view that any discussion of the serious issues of asylum seekers in our nation and in our world should be derailed by the premise that we are already in a warlike situation.

This is not new from the opposition. We have seen elections fought using this process. At no time has there been any attempt to hide the number of boats, to mislead with numbers. In fact, what we see is an agreed process whereby when a boat is found to be coming towards Australia that is announced openly to the world. We are told that a boat has been found, we are told how many people are on it and we are told what the process will be. It is not exactly a clandestine, secret operation. In terms of the numbers that have been thrown around in this chamber, we can determine exactly what numbers there were, how many people were involved. These are people who are seeking asylum; we must remember that. We are looking at that issue, and as a country and as a parliament we need to come up with a process under which we take due responsibility as a nation. We must take that responsibility. There is no doubt about that.

I cannot explain how pleased I was to have a lecture in this asylum debate today.
about compassion in processing people. I totally support that. That word, that process and that value should have seen a higher level of debate in this place over the past number of years. That needs to be on the agenda—treating people with compassion. Certainly that is something that will be part of any decision, of any agreement.

Once again, the rhetoric is very important. In the previous speaker's contribution we did not hear about international negotiations, we did not hear about discussions that were held openly between nations to come up with a solution, including at the recent Bali conference. That was a conference; it was not some kind of poker game where people were sitting around making deals. Again, colouring the debate, ensuring that instead of listening to what was happening, instead of understanding the seriousness of the issue, it is better to marginalise, to use rhetoric which takes the focus away from the issue, and also to give those quick one-liners that can be picked up so easily in the media, that can be used to scare, to terrify, to make people genuinely afraid.

What we have had over the period of the Rudd and Gillard governments is an acknowledgement that there is a real issue of asylum seekers in our region. We have also identified as a country that, based on international circumstances, it is an issue not only in our region. The issue of asylum seekers, people fleeing to seek another place to live because of conditions in their homelands, is something that countries are struggling with, making negotiations about and working to come to solutions on across the whole world.

It is no different in the Asia-Pacific region. In fact, what has been acknowledged in the Asia-Pacific region is that because of a number of key issues over the past few years in our region—including the continuing war on Afghanistan, the issues in Sri Lanka, what is happening around the Iranian issue and, most particularly in the past couple of years, the uncertainty in Pakistan—more people are fleeing into the Asia-Pacific area.

So what has our government done? We have said that we wish to work with the other countries in our region to come up with a regional solution. This is similar in some ways to the negotiations, the commitment that governments have made towards the good work that has been done in the past on trafficking and people-smuggling, where we have been able to work with other nations to make sure that everybody has acknowledged and accepted their own responsibilities. What has been referred to as the Malaysian deal, which is an agreement between two countries, is premised on the fact that there is an issue in our region. No-one denies that one of the key points in the journey that people take in this region is Malaysia. They have a significant problem. More than 90,000 people in the Malaysian Peninsula have been identified as seeking asylum.

There is a real need for all countries in our region to understand their responsibilities. We have made a commitment that we will, as a signatory to the international convention, work within that framework to come up with a solution. It is true Malaysia and other nations in our region have not yet signed up to that convention, and that is a serious gap in the process. Labor was absolutely scathing of the coalition government and our policies, especially the Pacific solution, and vowed to end them in government. The fact is they worked. We controlled our borders and it was the Australian government who decided who was to come to Australia. An the infamous words from some, but for us a statement of how it is, I can recall John Howard's words:

We will decide who comes to this country and the circumstances in which they come.
Of course, we look back now. That is not the case at all, is it? It is not only the people smugglers that are going to make this decision nowadays—we know that the responsibility has now gone to them—but now it is also, I understand, the Malaysian government. They have obviously done a pretty good deal on this.

I would like to touch for a moment on the contribution from Senator Moore in regard to our policies and that somehow they lack compassion. I would remind Senator Moore and those on the other side that I do not think there is a lot of compassion in a policy that allows people to place the lives of women, children and men on boats that we saw demonstrated at Christmas Island in December on that fateful, tragic day. As a consequence of getting on their boat, so many lives were lost in a pretty horrific way. I do not think you can say that it is not compassionate to ensure that under the UNHCR those people with the highest priority in the world come first. That is the idea. There are 50 million people seeking a migration outcome. We must give the priority to those most in need, and we have identified those people who are leading in abject poverty and misery in the Horn of Africa. The majority of those refugees on boats are not priority refugees, because they can least afford to get on a vessel and to pick a forum.

So what is the latest bumbling attempt to empty our detention centres with the proposal to ship 800 asylum seekers to Malaysia? Well, in return we are going to receive 4,000 refugees picked for us specially in Malaysia. If this plan were cooked up by anyone else, people would have dismissed it as a bad joke. Unfortunately, it is real and only could be put down to a desperate and incompetent government. A one-off deal: 800 out, 4,000 in and, by the way, we get to pay every single way. Who could possibly have sat down and said, 'This is in Australia's national interest. You can have 800 of ours, we'll take 4,000 yours and we'll pay everything that is going for.'? I mean, really, spare me.

I understand that the media originally said that this was going to be a two-for-one swap, but such was the strength of the negotiating capacity of the Labor Party, we actually managed to back it up to five to one! If that is not an act of desperation I don't know what is. Malaysia seriously saw the Prime Minister and Minister Bowen coming. That is a complete act of desperation. They have actually got to settle 4,000 refugees in another country at no cost and only had to take 800 people in return, with Australia also footing the bill for that process. Wouldn't it be great if we could do a deal like that?

I can recall them saying that this is going to stop the boats. I can tell you what it will do. It will make sure that boats arrive in a different place—called mainland Australia, mark my words. This is a sophisticated place to play in and you need sophisticated policies that are able to respond. They will not be going to Christmas Island; they will be coming to mainland Australia. If you live where I live—in Darwin—or in Broome in Western Australia, they will be the sort of things to look out for. I am not sure, again, that that is in our interests.

It does appear to be that, once again, it is only really pride and vanity that prevent this hopeless, incompetent, weak and indecisive government from picking up the phone and actually doing a deal that has been there forever. Ring up the President of Nauru. They have the facilities—again, run by IMO. We have a senator shaking his head on the other side—'No doubt it is because they are not actually a signatory of the convention.' Well, sir, neither is Malaysia.
I think the meltdown of the borders is completely emblematic of the government's weak, indecisive nature. You are not capable of making a decision—we know that right across the board. But even when it you come to make decisions you give away our national interest in the process. Weak and indecisive. It will never do. (Time expired)

Senator O'BRIEN (Tasmania) (16:07): You have to give the opposition some credit for trying. They are desperately trying to do everything they can and say everything they can to try and make the arrangements that this government has entered into with the Malaysian government not work. They are desperately hoping that they do not work, and they are desperately hoping that there is no way that this government can intercept the intentions of the people smugglers. I have to disappoint the opposition. If they do not understand how this system is going to work, let me tell them. The point of the arrangements—

Senator McGauran interjecting—

Senator O'BRIEN: Senator McGauran, with his interjection just then, clearly does not understand the logistics a people smuggler will have to deal with. That is, they will have to convince clients in Indonesia that paying the people smuggler money to put them on a boat to Australia will not have them end up in Malaysia. It is curious, isn't it, that there has been a focus on the numbers as if this is some sort of slave trade—as if it is trading person for person. This government is serious about—

Senator Brandis interjecting—

Senator O'BRIEN: Perhaps, Senator Brandis, you will shut your mouth and listen for a change. You are pretty good at opening it.

Senator Brandis interjecting—

Senator O'BRIEN: Yes, it is pretty ugly, Senator Brandis, when you yell across the chamber persistently.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Order! The interjections are just far too much. I would ask senators to desist.

Senator O'BRIEN: Thank you for your protection, Mr Acting Deputy President. The fact of the matter is that this opposition is treating the arrangements as if it is some human bargain—as if a person-for-person arrangement is a fair trade. This is not about a trade. This is, on the one hand, this government accepting Australia as a developed country with substantial resources has the capacity to receive refugees who have been through the appropriate process—and, after all, wasn't that the proposition which the former government advanced as justifying the Pacific solution? This government is saying: 'Let's get the UNHCR working in Malaysia. Let's get the UNHCR involved in Malaysia—and the IOM. Let's get an assessment of people who have been waiting there for years—and we are told there are over 93,000 of them—and let's make a small contribution and accept 4,000 of them and for Malaysia to make a contribution to what has been agreed on a regional basis in the Pacific region, and that is: let's find a way to disrupt the people smuggler arrangements which lead to a train of people moving from Sri Lanka, Afghanistan, Iraq, Iran through this region looking for sanctuary, predominately in Australia.' So there is nothing wrong with the government's proposal to find a way to get the Malaysian government to become involved in a regional solution to disrupt the activities of people smugglers. But, of course, we are reminded of the coalition's Pacific solution—we were told that all we had to do was pick up the phone and we could have returned to it. We could have made an arrangement with Nauru about
what was once perhaps but is not now a ready-to-function destination for potential refugees.

What did the UNHCR say about the Pacific solution anyway? I think it was Richard Towle, the spokesman for the UNHCR who said:

Australia was obviously looking at ways to divest itself of some of the responsibilities of dealing with refugees.

That is: the former government was seeking to divest Australia of its responsibilities to deal with refugees. That is what he said. He went on to say:

The countries that were negotiated, Nauru and PNG at that time, did not have a refugee issue of their own and largely became places where Australia was able to manage its own protection responsibilities under the convention.

So it was not a regional burden-sharing arrangement at all. It was much more of a responsibility-shifting arrangement. And that's why we think they are not only philosophically but also in the way they were implemented they're quite different types of arrangements.

He said the latter reflecting on the proposed arrangements, those to which there has been in-principle agreement between the Australian government and the Malaysian government. I say again: Australia is in the position to accept refugees and there are refugees who satisfy the test and are waiting for an opportunity and looking for an opportunity to come to a country such as Australia. Over many years Australia has accepted its responsibility. I believe—unless someone tells me this is not the case—that this is a bipartisan policy between the opposition and the government. We both agree that this country has the capacity to accept refugees, has a responsibility to accept refugees and is prepared to accept refugees who go through a process of seeking asylum from outside of our borders.

What has this put in place? It puts in place arrangements where, on the one hand, those refugees languishing in Malaysia will get an enhanced opportunity to come to Australia if they satisfy the necessary tests. On the other hand, people smugglers, particularly in Indonesia, will be faced with the problem of convincing those who hitherto would have paid the money to come to Australia that in fact they are not paying the money to go backwards and end up in Malaysia. Self-evidently, that is a proposition which will cause a great deal of trouble to the people smugglers in Indonesia.

Of course it was the government's hope to negotiate such an arrangement with East Timor. I am happy to say that, although East Timor does not find itself able to move down that path, Malaysia does. The government has also announced that it has in train discussions with other countries about broadening the scope for such a policy, because, at the end of the day—and I think this was also the policy of the coalition—this problem is not just an Australian problem; it is a problem for the region. There are refugees in Indonesia. There are refugees in Malaysia. In the future, one suspects, there will be refugees looking to go to countries such as Papua New Guinea as their economy improves, particularly as the mining sector grows and there is more wealth and opportunities there. There will be other islands in the Pacific which will be seen as destinations for refugees.

So it is a regional problem and it is a problem that is developing. It is a problem that is not going to go away just by Australia trying to shift its responsibilities, as the Pacific solution did, by shifting those people to places of detention in Nauru and PNG with no other solution available.

The fact that the UNHCR and the Malaysian government have embraced this
approach, given Malaysia's history on refugees, shows just what a substantial breakthrough this arrangement is and just what sort of deterrent this will be for the people smugglers in the future.

On 8 February, the UNHCR spoke about the previous Nauru situation and the then closure of that centre the UNHCR said:

… in our view, today's closure of the centre on Nauru signals the end of a difficult chapter in Australia's treatment of refugees and asylum seekers. Many bona fide refugees caught by the policy spent long periods of isolation, mental hardship and uncertainty – and prolonged separation from their families. The reality was of course that many of those people ultimately found their way either to Australia or New Zealand. So all that that arrangement did was defer the inevitable—that genuine refugees would find a location and that, being in our region, the likelihood was that it would be Australia or New Zealand.

I note Senator Scullion talked about the cost of arrangements with Malaysia. We were paying substantial amounts of money to the Nauruan government and the government in PNG for them to operate facilities on our behalf as well as paying for the cost of the operation. So let them not say on the one hand that we are spending money on arrangements with Malaysia, when they spent money, on just the same basis, when they wanted to locate refugees in Nauru and PNG when they were in government. So it really is a bit hypocritical of those who would argue that we should not be paying that money, when one looks at the performance of the previous government.

Senator McGauran (Victoria) (16:22): There was a senator whose term finishes on 1 July, like mine does. Senator O'Brien, you did not have to lapse into every single cliche—
What a shame, because you know as well as everyone—everyone on that side knows—that this is a case of 'here we go again'. This is not the East Timor solution. This is not the people's assembly. This is not the Papua New Guinea deal. This is the Malaysian deal. It is a new one. It is a brand new deal that you knew nothing about. Cabinet did not know. You are taking it all over again from your leadership. You do not have to; you should not. It is no way to run a government, it is no way to run a country and it is no way to serve in public office at all. Sooner or later you have got to stand up to that.

I heard one speaker mention the 'consistency of this debate'. You bet it is consistent; it has been going on for years. Let me read to you, for the purposes of those on broadcast, what this debate is about. They will recognise the terms of this debate, because it has been going on since 2008. It reads: 'The Gillard government's continued failure to secure Australia's borders and introduce policies to deny people smugglers the product they sell'. It is a consistent debate, and we have been consistent in putting up the policies to fix the problem. We have been consistent in bringing the government to account. It is the government's inconsistency and policy failure after policy failure. The only consistency is that the leadership will announce it, when you know nothing about it, and within 24 hours you have to walk in here and defend it. You are given your riding instructions, you are given your dot points and you dutifully undertake the defence of the indefensible.

Quite often I come into this place singing the praises of Senator Doug Cameron. He is on a different political spectrum from me, but I have always looked for what Senator Doug Cameron has said in the newspapers. I always like to cut these things out and put them into my top pocket for moments like this. I have always thought, 'Here's a man, unlike the other weaklings across the other side, who will stand up to the Prime Minister, who will raise things in the caucus meetings.' But that is just a perception. I have now been disappointed by Senator Cameron. His latest foray in the caucus room—and it always manages to get into the newspaper, I should add—was to pretend that he was standing up to the Prime Minister, Ms Gillard, and ask about this latest deal, the so-called Malaysian solution. Senator Cameron quickly, as it was rightly described, rolled over. I have worked Senator Cameron out. He is a big disappointment. I am going to have to find another hero on the other side now, in the limited time I have—but I will be watching on A-PAC.

Senator Lundy: You are really just filling in time.

Senator McGauran: All he does is put it up—so the media think he is a grandstander—and just rolls over, just like very other person. And don't you talk, Senator Lundy! I remember coming into this place—

The ACTING DEPUTY PRESIDENT: Senator McGauran, please address your remarks through the chair.

Senator McGauran: She is interjecting and provoking.

The ACTING DEPUTY PRESIDENT: I will ask senators to cease interjecting.

Senator McGauran: The night that Julia Gillard—oh, what was her name?

Senator Lundy: Oh, come on. Show some respect!

Senator McGauran: I have no respect! How is that? I just want to make this point before I get on to the substance of my address. On the night that Ms Gillard took over the prime ministership there was an adjournment debate in this House. I spoke on
it and so did Senator Lundy. On that very night, or perhaps it was the night after, Senator Lundy came into this chamber and dripped with praise for the new prime minister, because she was all part of that plot. She was out for a promotion. Get her the Hansard. It is disgraceful. It is terrible that anyone could be as greasy as Senator Lundy. Heaven forbid if that is how she treats her public office. And she—who does nothing in this chamber—has the audacity to interject on me and say that I am just filling in time. Rubbish! You are the greatest filler I have ever met.

The gravity of this issue does require someone from the front bench, other than an interjector, to come in and speak on this issue. But they never do. They always leave it to the hapless backbench, who know nothing about what is going on. They were warned about the softening of the laws by the Labor Party in 2008. They were warned by their own department. Senator Evans was warned by the department that this would lead to a surge and he was warned by the Federal Police that this would lead to a surge. And that is exactly what happened. But due to the false piety of the other side trying to claim some delusional moral high ground, they maintain this soft policy. What is so moral, I ask them—and I ask the next speaker to answer this question—about giving succour to the people smugglers? What is so moral about inducing people to cross the seas on treacherous journeys where many are lost? What is so moral about denying those in the detention camps, who rightly apply and queue up, their chance to come out to Australia? These are the true moral questions that those on the other side ought to address. You have a policy that is in shambles. You are in denial. (Time expired)

Senator WORTLEY (South Australia) (17:52): In rising to speak in this discussion can I first say that this matter of public importance was proposed by those opposite, yet we have had Senator McGauran stand here and waste eight minutes speaking about nothing. He would have had plenty of time to prepare if he had a case, but he does not have a case.

Unlike Senator McGauran, I welcome the opportunity to set the facts straight about what this government has done, and is doing, in the critical area of border protection and, importantly, to set the facts straight about the global context that has given rise to the displacement of people of many nations, some of whom are fleeing civil wars and the like to seek safe haven for themselves and for their families.

The issue of unauthorised boat arrivals and irregular migration is not confined to Australia; it is a global problem which many countries around the world have been experiencing for some time now. These countries include Denmark, Sweden, Greece, Italy, Belgium, France, Germany, the United States, Austria, Norway and the United Kingdom. In March this year, the UNHCR released a report showing that during 2010 an estimated 358,000 people fled persecution in their homelands to seek asylum in industrialised countries. The total number of claims made in Australia remains well below levels seen in many other countries. It represents two per cent of total applications for asylum in the industrialised world, according to the report. In 2010, the main destination countries for asylum seekers were the United States, with 55,500 claims; France, with 47,800 claims; Germany, with 41,300 claims; Sweden, with 31,800 claims; and Canada, with 23,200 claims. In comparison, in Australia we received 8,250 claims, and these were largely from people coming from the most troubled and conflict-ridden regions of the world.
Let me be clear: border protection is indeed a matter of public importance. This government has a long-held commitment to addressing the serious nature of people-smuggling activities and to targeting those criminal groups who seek to organise, participate in and benefit from people smuggling. For the record, the Labor government has devoted unprecedented resources to protecting Australia's borders and developing intelligence on people-smuggling activities. It has worked cooperatively with Australia's regional partners to disrupt people-smuggling ventures overseas, and we are subjecting people smugglers to the full force of Australian law.

We know that people smugglers are motivated by greed and we know that they work in sophisticated cross-border crime networks. We know also that they have little regard for the safety and security of the people being smuggled, endangering their lives in unseaworthy and overcrowded boats.

The Gillard government believes the way to respond to what is a regional problem is to develop regional solutions. Irregular migration and people smuggling are global and regional problems that cannot be tackled by acting alone. These issues must be tackled in partnership with other countries. Under the Howard government, Australia took a unilateral approach. The Howard coalition government acted alone. It is a fact that genuine regional cooperation was never a prospect under the Howard government, and Senator McGauran knows that.

Protecting Australia's borders and airports from threats of terrorism, people smuggling, organised crime, illegal foreign fishing and the trafficking of illicit goods continues to be a top priority of the government. Those opposite know that the Labor government introduced legislation, including the Anti-People-Smuggling and Other Measures Bill 2010, which reflects this. This bill ensures that people-smuggling activities are consistently and comprehensively criminalised and it makes it an offence to provide material support for people smuggling. It also equips our law enforcement and national security agencies with effective investigative capabilities to detect and disrupt people smuggling. It is just one example of the government's commitment to addressing the serious nature of people-smuggling activities and targeting those criminal groups who seek to organise, participate in and benefit from it.

On Saturday, the Prime Minister and the Minister for Immigration and Citizenship announced new measures as part of a regional cooperation framework that aims to put people smugglers out of business and prevent asylum seekers making the very dangerous journey to Australia by boat. The bilateral arrangement will take the form of a cooperative transfer agreement that will see asylum seekers who arrive in Australia by sea being transferred to Malaysia. In exchange, Australia will expand its humanitarian program and take on a greater share of the burden of responsibility for resettling refugees currently residing in Malaysia. The core elements of this bilateral arrangement will include a provision that 800 irregular maritime arrivals who arrive in Australia after the date of effect of the arrangement will be transferred to Malaysia for refugee status determination. In return, over four years Australia will settle 4,000 refugees already residing in Malaysia. Transferees will not receive any preferential treatment over asylum seekers already in Malaysia. Transferees will be provided with the opportunity to have their asylum claims considered, and those in need of international protection will not be refouled. So no-one who is transferred will return to their country of origin while their claims are being
assessed or if they are found to be in need of protection. Transferees will be treated with dignity and respect in accordance with human rights standards. In addition, the UNHCR will be responsible for the processing of applicants involved in this process and a robust, independent advisory board will be established to oversee the implementation of the agreement.

Unfortunately, today most of the world's refugees are living in countries that have not signed the UN refugee convention. In the case of Malaysia, there is agreement to abide by key parts of the convention. Australia and Malaysia are working closely with the United Nations High Commissioner for Refugees and the International Organisation for Migration to operationalise the arrangement.

In response to the government's announcement, UNHCR regional representative Richard Towle said the scheme has the potential to improve the way the region manages refugee flows. In an interview published on the ABC online website, he says:

... it's very important that this agreement is appropriately monitored and is seen to deliver not only outcomes for governments in terms of dealing with human smuggling and trafficking movements but also is seen to deliver improved protection for people in the region.

I think in that sense it has the potential to ... make a significant practical contribution to what we're trying to achieve in the region.

And if it's a good experience other countries can look at it and say yes, that's a positive way of managing these issues. Perhaps we want to embark on similar or other initiatives under a regional cooperation framework.

Mr Towle goes on to say that there are significant differences between the current deal and the Howard government's Pacific solution. He says:

This is an agreement, it's a bilateral agreement that has been negotiated within a broader regional cooperation framework with the involvement of UNHCR and the involvement of IOM ... and we hope the involvement of other important actors as well, including non-governmental organisations.

So it is an agreement between countries that are actively involved with refugee issues and both commonly face a refugee displacement problem. Mr Towle points out that the Howard government's push to house asylum seekers in countries without a refugee problem was about shifting responsibility. He says:

Australia was obviously looking at ways to divest itself of some of the responsibilities of dealing with refugees. The countries that were negotiated, Nauru and PNG at that time, did not have a refugee issue of their own and largely became places were Australia was able to manage its own protection responsibilities under the convention.

So it was not a regional burden-sharing arrangement at all. It was much more of a responsibility-shifting arrangement. And that's why we think they are not only philosophically but also in the way they were implemented they're quite different types of arrangements.

**MINISTERIAL STATEMENTS**

Senator LUNGY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (16:40): I present three ministerial statements relating to:

The economic impact of recent natural disasters, Afghanistan, and recent developments in the Middle East.

**DOCUMENTS**

Tabling

The ACTING DEPUTY PRESIDENT (Senator Marshall) (16:40): Pursuant to standing orders 38 and 166, I present documents listed on today's Order of
Business at item 15 which were presented to the President, the Deputy President and 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.

The list read as follows—

(a) Committee reports


2. Environment and Communications Legislation Committee—Report, together with submissions received by the committee—Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010 (presented to the President on 25 March 2011, 10.05 pm).

3. Education, Employment and Workplace Relations References Committee—Final report, together with the Hansard record of proceedings and documents presented to the committee—Primary Schools for the Twenty First Century Program (presented to the President on 25 March 2011, 10.05 pm).

4. Economics Legislation Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Benchmark Interest Rate for Capital Protected Borrowings: Provisions of Schedule 2 of the Tax Laws Amendment (2010 Measures No. 5) Bill 2010 (presented to the President on 25 March 2011, 10.05 pm).


Final report, together with the Hansard record of proceedings and documents presented to the committee (presented to temporary chair of committees, Senator McGauran, on 8 April 2011, 3 pm).

8. Economics References Committee—Augmented tax assessments (aka amendments proposed by Senator Cormann on sheet 7010 [Tax Laws Amendment (2010 Measures No. 4) Bill 2010])—Interim report (presented to the Deputy President on 31 March 2011, 1.25 pm CDST).

Final report, together with the Hansard record of proceedings and documents presented to the committee (presented to temporary chair of committees, Senator McGauran, on 8 April 2011, 4 pm).

9. Rural Affairs and Transport References Committee—Interim report—Science underpinning the inability to eradicate the Asian honey bee (presented to temporary chair of committees, Senator Boyce, on 7 April 2011, 12 pm).

10. Environment and Communications References Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Adequacy of protections for the privacy of Australians online (presented to temporary chair of committees, Senator Pratt, on 7 April 2011, 1.27 pm WA time).

11. Environment and Communications Legislation Committee—Product Stewardship Bill 2011—

   o Interim report (presented to temporary chair of committees, Senator McGauran, on 14 April 2011, 10.12 am).

   o Final report, together with the Hansard record of proceedings and documents presented to the committee (presented to the President on 9 May 2011, 4.52 pm).

13. Community Affairs References Committee—Interim report—Planning options and services for people ageing with a disability (presented to temporary chair of committees, Senator McGauran, on 14 April 2011, 10.14 am).

14. Rural Affairs and Transport References Committee—Sale of timber assets by the South Australian Government—
   Interim report (presented to the Deputy President on 15 April 2011, 9.30 am CST).
   Final report, together with the Hansard record of proceedings and documents presented to the committee (presented to temporary chair of committees, Senator Fisher on 29 April 2011, 3.19 pm CST).

15. Economics References Committee—Impacts of supermarket price decisions on the dairy industry—
   Interim report (presented to the Deputy President on 20 April 2011, 9.25 am CST).
   Second interim report (presented to the President on 9 May 2011, 1.34 pm).

16. Economics References Committee—Competition within the Australian banking sector—
   Interim report (presented to the Deputy President on 20 April 2011, 9.25 am CST).
   Final report, together with the Hansard record of proceedings and documents presented to the committee (presented to temporary chair of committees, Senator McGauran, on 6 May 2011, 12.10 pm).
   Corrections (presented to temporary chair of committees, Senator McGauran, on 6 May 2011, 3.15 pm).

17. Economics References Committee—Interim report—State government insurance and the flood levy (presented to the Deputy President on 20 April 2011, 9.25 am CST).

18. Foreign Affairs, Defence and Trade References Committee—Interim report—Requests for Tender for aviation contracts (presented to the temporary chair of committees, Senator Crossin on 27 April 2011, 1.21 pm).

19. Rural Affairs and Transport References Committee—Interim report—Pilot training and airline safety, including consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010 (presented to temporary chair of committees, Senator Ludlam, on 4 May 2011, 3.30 pm).

20. Legal and Constitutional Affairs Legislation Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010, together with the amendments on sheet no. 7031 circulated by the Australian Greens (presented to temporary chair of committees, Senator Hurley, on 4 May 2011, 3.55 pm).


(b) Government responses to parliamentary committee reports

1. Select Committee on Regional and Remote Indigenous Communities—Reports—
   Second report (presented to temporary chair of committees, Senator Boyce, on 6 April 2011, 10.15 am).
   Third report (presented to temporary chair of committees, Senator Boyce, on 6 April 2011, 10.15 am)

2. Foreign Affairs, Defence and Trade References Committee—Reports—
   Economic challenges facing Papua New Guinea and the island states of the southwest Pacific (presented to temporary chair of committees, Senator Ludlam, on 4 May 2011, 3.30 pm).
Security challenges facing Papua New Guinea and the island states of the southwest Pacific (presented to temporary chair of committees, Senator Ludlam, on 4 May 2011, 3.30 pm).

Note: one response covers both inquiries of the committee

3. Rural Affairs and Transport References Committee—Report—Australian horse industry and an emergency animal disease response agreement (presented to temporary chair of committees, Senator Kroger, on 5 May 2011, 10.55 am).

(c) Government documents


2. Department of Finance and Deregulation—Campaign advertising by Australian government departments and agencies—Report for the period 1 July to 31 December 2010 (presented to the Deputy President on 31 March 2011, 9.50 am CDST).


Report for 2008 (presented to the Deputy President on 20 April 2011, 9.25 am CST).


5. Department of Broadband, Communications and the Digital Economy—Investigation into access to electronic media for the hearing and vision-impaired—Media access review, final report—Correction (presented to temporary chair of committees, Senator McGauran, on 20 April 2011, 2.47 pm).


(d) Reports of the Auditor-General


3. Report no. 37 of 2010-11—Performance audit—Management of explosive ordnance held by the air force, army and navy: Department of Defence (presented to temporary chair of committees, Senator Kroger, on 19 April 2011, 10.55 am).


5. Report no. 39 of 2010-11—Performance audit—Management of the aviation and maritime security identification card schemes: Attorney-General's Department; Department of Infrastructure and Transport (presented to temporary chair of committees, Senator Kroger, on 5 May 2011, 10.55 am).

(e) Tabling of guidelines pursuant to an Act

Return to order

Environment—Tasmanian forestry negotiations—Interim report (motion of Senator Colbeck agreed to 24 March 2011) (presented to temporary chair of committees, Senator Ludlam, on 5 April 2011, 11.03 am WST).
Statements of compliance with Senate orders

Indexed lists of departmental and agency files (continuing order of the Senate of 30 May 1996, as amended on 3 December 1998):

Education, Employment and Workplace Relations portfolio (presented to temporary chair of committees, Senator Forshaw, on 30 March 2011, 10.12 am).

Sustainability, Environment, Water, Population and Communities portfolio (presented to temporary chair of committees, Senator Barnett, on 4 April 2011, 10.50 am).

Lists of contracts (continuing order of the Senate of 20 June 2001, as amended on 27 September 2001 and 18 June, 26 June and 4 December 2003):

Regional Australia, Regional Development and Local Government portfolio (presented to temporary chair of committees, Senator Pratt, on 7 April 2011, 1.27 pm WA time).

Foreign Affairs and Trade portfolio (presented to temporary chair of committees, Senator McGauran, on 20 April 2011, 2.46 pm).

List of departmental and agency appointments and vacancies (continuing order of the Senate of 24 June 2008, as amended):

Foreign Affairs and Trade portfolio* (presented to temporary chair of committees, Senator Boyce, on 12 April 2011, 12.50 pm).

* Two covering letters with one attachment.

List of departmental and agency grants (continuing order of the Senate of 24 June 2008):

Australian Organ and Tissue Donation and Transplantation Authority (presented to temporary chair of committees, Senator Ludlam, on 4 May 2011, 3.30 pm).

Ordered that the committee reports be printed.

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

The documents read as follows—

SENATE SELECT COMMITTEE ON REGIONAL AND REMOTE INDIGENOUS COMMUNITIES
SECOND REPORT 2009
WHOLE OF GOVERNMENT RESPONSE

Recommendation 1

3.27 The committee recommends that COAG make a concerted effort to improve the quality and scope of existing data collections on regional and remote Indigenous communities and urges all departments and agencies to routinely utilise the expertise of dedicated statistical agencies such as the ABS and AIHW when collecting and analysing data to ensure that it is consistent and accurate across all jurisdictions.

Government response:

Under COAG's National Indigenous Reform Agreement (NIRA) the Commonwealth and States and Territories have agreed to 11 actions to improve Indigenous data collections including the data required under the NIRA. As a part of the National Integrated Strategy for Closing the Gap on Indigenous Disadvantage, the Commonwealth is to provide an additional $46.4 million over four years to fund work undertaken by national data agencies, such as the Australian Bureau of Statistics (ABS) and the Australian Institute of Health and Welfare (AIHW), to improve the evidence base and address data gaps.

A key agreed data quality improvement is to achieve consistency and accuracy of Indigenous data across jurisdictions. This involves the adoption by all jurisdictions of standard ABS Indigenous status questions and recording categories on data collection forms and information systems for key data sets. In addition, all jurisdictions will improve data collection procedures for health and education data through staff training and awareness of the importance of quality Indigenous information.

All data sources are affected by the collection of information which identifies Indigenous status, particularly data obtained from administrative datasets. Census data is particularly important; given the information collected on the Indigenous population is used in many other dataset calculations.
The most critical data quality improvements relate to improvement in the count of the Indigenous population in the Population Census, and the improvements in the identification of the Indigenous population in key datasets across all the States and Territories. Work on this, primarily through the AIHW and the ABS is ongoing. Many of these improvements will lead to longer term benefits which will lead to improved estimates in mortality and life expectancy through the identification of Indigenous people in the Population Census and changes in health administrative datasets.

The work to improve data quality across the Commonwealth, State and Territory governments is being coordinated through the cross-government NIRA Performance Information Management Group, chaired by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

Details of agreed data quality improvements are set out in Schedule F of the NIRA, available through the COAG website.

Broader government review processes have implications for data collections on regional and remote Indigenous communities. These reviews include:

- The Report of Government Services (ROGS) Steering Committee Review of performance indicators—this will review the ROGS performance indicator framework and individual performance indicators to determine their consistency with the characteristics of performance indicators as defined in the Intergovernmental Agreement on Federal Financial Relations (report due early 2011);
- In developing and overseeing a new National Performance Reporting System the Ministerial Council for Federal Financial Relations will review reporting requirements and existing processes and oversee progress in improving data quality, timeliness and collection processes, and performance reporting;
- The Heads of Treasuries Review—this will review COAG National Agreements, National Partnerships and Implementation Plans for consistency with COAG’s Intergovernmental Agreement, as well as clarity, quality and quantity of performance indicators and benchmarks (report due early 2011).

Recommendation 2

4.71 That the Commonwealth Government increase access to alcohol and other drug detoxification, treatment and rehabilitation services across the Northern Territory, ensuring that there is ongoing support for individuals after they have accessed programs and services.

Government response:

The Australian Government supports this recommendation and notes the substantial additional funding recently provided to this purpose.

The Australian Government acknowledges that the misuse of alcohol and other drugs is a significant issue affecting health outcomes of Indigenous Australians.

In collaboration with the Northern Territory Government and key stakeholders, the Australian Government is contributing to a range of initiatives which are enhancing drug and alcohol services across the spectrum of care. This includes increasing substance use services within primary health care, enhancing the capacity of residential and non-residential treatment services, and developing new transitional after care services which support people returning to the community after a period of residential rehabilitation.

Since 2007, the Australian Government has allocated more than $45 million to improve drug and alcohol services in the Northern Territory (NT) through the Aboriginal and Torres Strait Islander Substance Use Program, the two Council of Australian Government initiatives, the Northern Territory Emergency Response (NTER) Drug and Alcohol Measure and subsequent Closing the Gap measures. This includes:

- $15.9 million over four years under the 2006 Council of Australian Governments (COAG) measure to address violence and child abuse in Indigenous communities —drug and alcohol treatment and rehabilitation services for Indigenous Australians in remote and regional communities. There will be ongoing recurrent
funding for the NT of up to $2.6 million from 1 July 2010.

$8 million over three years under the 2007 COAG measure to reduce alcohol and substance abuse and its impact on families, safety and community wellbeing in remote Indigenous communities (also referred to as the Closing the Gap Indigenous Drug and Alcohol Services measure). Jurisdictional allocations have yet to be determined.

From July 2007 to July 2010, $16 million has been provided under the NTER and subsequent Closing the Gap measures to continue NTER drug and alcohol activities. These measures provided a health response to alcohol restrictions introduced under the NTER. Activities continuing from 2008-09 include Alcohol and Other Drug (AOD) positions in primary health care services in regional centres, workforce training and support including creation of an AOD Clinical Director position, and additional support for selected substance use rehabilitation services. These activities continue to be funded and supported in 2010-11.

In addition, there is ongoing funding for Indigenous substance use services provided under the Aboriginal and Torres Strait Islander Substance Use Program ($5.1 million in 2010-11 supporting 15 organisations across the NT).

Recommendation 3

4.203 The committee recommends that the Commonwealth Government review its overall communication strategy for regional and remote Indigenous communities with the view to making information available to communities on an ongoing and regular basis and in an accessible way. In the instance of the SIHIP program the communication strategy should provide information on how the decision to fund housing in the priority communities was made, as well as regular information on how the construction of this new housing is progressing.

Government response:

The Government recently asked the Indigenous Communication Coordination Group (ICCG), chaired by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), to examine the effectiveness of coordination arrangements for market research and development of communication strategies, particularly in remote locations. The Executive Coordination Forum for Indigenous Affairs (comprising senior Commonwealth officials) endorsed a principles-based framework in-principle on 13 August 2010. The framework outlines processes for ensuring the Australian Government presents a uniform message to the Australian community as it progresses its work to close the gap. It also includes common messages to help staff explain Closing the Gap to Indigenous people and communities, and to other stakeholders with an interest in the Government’s work in Indigenous affairs.

In particular, agencies agreed to abide by the following principles with direct relevance to regional and remote communities:

- Closing the Gap communication is tailored to the particular audience and places its major focus not on programs or processes, but on:
  - the reasons for Closing the Gap-related work;
  - what it means for people on the ground; and
  - the projected outcomes of work.
- Communication products for use in remote communities are developed as close to their ultimate audiences as possible (enabling communication needs identified at the community level to inform communication strategies, processes and products).
- The complexity and time consuming nature of communication with Aboriginal and Torres Strait Islander people, particularly but not solely in remote parts of Australia, is recognised and planned for.
- Communication approaches with many Aboriginal and Torres Strait Islander communities prioritises preferred forms of communication and existing information channels, and gives due consideration to the need for interpreters (especially but not solely in remote communities).

In addition, as the lead Commonwealth agency for Indigenous Affairs, the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) has developed two new whole-of-government products —
Consistent with the findings of the review, the Australian Government now has a direct role in delivering the program. The Australian Government Program Director is now jointly managing the program with the Northern Territory Government Program Director. The review also recommended that Australian Government staff, including; GBMs, IEOs, and Northern Territory Government regional staff assume a stronger and more proactive role in communicating information directly to communities about SIHIP and about delivery of housing services. This includes how decisions regarding funding priorities communities have been made, decisions about scheduling and scope of works and progress of the construction works.

Housing Reference Groups are being established in each community where SIHIP is operating by the Northern Territory Department of Housing Local Government and Regional Services (DHLGRS). These groups are made up of community residents who advise on how housing services, including the construction program and tenancy management, should be delivered in their community. GBMs and IEOs collaborate with DHLGRS staff to ensure information is communicated effectively to the Housing Reference Groups and that delivery of housing services is responsive to the needs of local residents.

Recommendation 4

4.228 That in communities without access to a local store licensed to accept the Basics Card, alternative arrangements should be made so that people are able to access income managed funds at their local store. This could be in the form of a temporary arrangement with the store until the licensing process can be completed.

Government response:

The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) works closely with Centrelink to ensure that people who are on income management can access their income managed funds at their local community store. As at 17 December 2010, 91 community stores (including stores such as station stores that have been specified as community stores by the Minister for FaHCSIA) in the NT are licensed. When people
who are income managed travel interstate, they are encouraged to contact Centrelink before travelling, to ensure that they can access their income managed funds. They can also use their BasicsCard at approved merchants nationally.

There may be cases where a business meets the definition of a community store under Part 7 of the Northern Territory National Emergency Response Act 2007, and seeks to become a BasicsCard merchant, but may not reasonably be expected to meet licensing requirements. In these rare instances, the Minister can make case-by-case decisions to allow consideration of the community store to become a BasicsCard merchant without having a community store licence. The FaHCSIA Secretary may take into account the level of turnover of the store, and whether this is sufficient to support compliance with licensing requirements.

In cases where a store is not (or no longer) eligible to participate in the income management regime, and there is no alternative store for the community, FaHCSIA and Centrelink develop contingency plans for the community which may include arrangements for bush orders, one-off payments by Centrelink and/or transport to a nearby community.

**Recommendation 5**

4.232 The committee recommends that in order to be licensed as a merchant for the Basics Card, FaHCSIA make it a condition of license that roadhouses within the Petrol Sniffing Strategy Central Desert Region and feeder sites to this region sell Opal fuel.

**Government response:**

The Department of Families, Housing, Community Services and Indigenous Affairs and the Department of Health and Ageing have agreed on a process whereby provision of Opal fuel is taken into account in BasicsCards approval for petrol stations, while still ensuring sufficient availability of petrol to income managed customers in the relevant region. This is intended to balance the objectives of both programs.

**Recommendation 6**

4.256 The committee recommends that the Commonwealth commit to longer term program funding so that organisations can enjoy greater funding certainty and offer staff greater job security. This is especially the case in relation to organisations who have established relationships with funding bodies and good risk management strategies in place.

**Government response:**

The government supports longer term funding arrangements, within the constraints of practicalities and program issues. It is accepted that longer term funding arrangements provide benefits to organisations, including greater certainty, the opportunity to develop longer term strategies, greater ability to build long term partnerships and trust, and develop capacity within their own organisation. However, there are a number of practical and program issues that affect the length and nature of funding arrangements including: the nature of the program and program objectives, the duration of specific budget measures, compliance with existing funding agreements and, in particular, risk management (including the assessed level of program and provider risk).

Commonwealth Departments that have established or are committed to three year funding agreements include: the Department of Education, Employment and Workplace Relations (for example; the Parent and Community Engagement Program, under the indigenous Education (Targeted Assistance) Act 2000, as well as the Job Services Australia Employment Services Deed which has a number of Indigenous organisations contracted), the Department of Families, Housing, Community Services and Indigenous Affairs (for example; under the reformed Community Development Employment Projects (CDEP), the Family Violence Partnership Program and the Family Violence Regional Activity Program), the Office of Aboriginal and Torres Strait Islander Health (Department of Health and Aging) and the Department of Environment, Water, Heritage and the Arts (for example; under the Indigenous arts and culture programs, from 2009-10 and multi-year contracts under the Working on Country program).

Issues of longer term funding of Government programs have emerged more broadly through the National Compact consultations and the current
Productivity Commission Inquiry into the Contributions of the Not for Profit Sector.

**Recommendation 7**

5.31 That the Commonwealth and South Australian Governments provide additional funding and appropriate support to the Homemakers Centre in the APY Lands so that all seven centres are operating at an effective level and that the Commonwealth Government consider supporting similar Homemakers Centres in other remote indigenous communities as a matter of priority.

**Government response:**

The Commonwealth Government provided funding to the South Australian Government for the delivery of a Home Living Skills Assistance program from 2005 to 2008. At the time, the South Australian Department of Families and Communities (DFC) was administering a Homemaker program in the APY Lands, which involved a service delivery model for assisting children 'at risk' through the delivery of family support services. The program focused on nutrition to tackle the 'failure to thrive' for infants and babies and provided meals and assistance for elderly members of the community delivered through the Homemaker centres. While it was recognised that the focus of the Homemaker program was working with parents, children, youth and older persons, the Commonwealth's funding was provided to improve housing management, as a complementary measure to the existing housing programs being administered by DFC. The Home Living Skills Assistance program was a distinct initiative separate to the operation of the Homemaker centres. The cessation of funding for the Home Living Skills Assistance program was mutually agreed between Commonwealth and South Australian Government officials on the basis of new improved arrangements to be negotiated through the National Partnership Agreement for Remote Indigenous Housing.

Under the National Partnership Agreement for Remote Indigenous Housing, the Commonwealth Government provides funding to the South Australian Government who is responsible for the provision and support of Indigenous housing (including on the APY Lands). This includes responsibility for tenancy management and assisting tenants to understand their rights and responsibilities. The tenancy management arrangements include offering all prospective tenants of new houses living skills support training to assist families to create a safe and healthy home environment. The South Australian Government has engaged Uniting Care Wesley to establish and deliver the Home Living Skills program on the APY Lands.

**Recommendation 8**

5.49 That the Commonwealth Attorney-General's office undertake discussions with the South Australian Government with a view to the South Australian Government undertaking a review of the Magistrates Court Circuit on the APY Lands to ensure its ongoing effectiveness.

**Government response:**

The Commonwealth Attorney-General's Department has discussed this issue with the South Australian Government which has now confirmed that, in relation to the APY Magistrates Court Circuit, it is currently developing a Magistrates Court Service Plan. This project will model the expected workloads across the state and identify and analyse options for improvement to the efficiency and effectiveness of court services. All regional and remote circuits will be examined as part of that planning process.

The South Australian Magistrates Court circuit roster for 2011 includes 15 visits to the APY Lands. A Court User Group (which the Women's Legal Service and NPY Women's Council have been invited to join) has recently been established for the APY Lands and has met twice. The purpose of User Groups is for stakeholders, court staff and Magistrates to discuss court arrangements and issues to improve the coordination and operation of the court circuit.

**Recommendation 9**

5.112 Recognising that access to numeracy and literacy training in regional and remote Indigenous communities is limited but given that it plays a fundamental role, the committee recommends that the Commonwealth Government, in consultation with state and territory governments, prioritise the implementation of basic and appropriate adult literacy and numeracy...
programs in order to address the current identified need.

Reforms to the Indigenous Employment Program (IEP) administered by the Department of Education, Employment and Workplace Relations, were announced in December 2008 following extensive consultations around Australia throughout 2008. The reformed IEP was implemented on 1 July 2009 and complements the services offered by Job Services Australia and Community Development Employment Projects (CDEP) program.

The reformed IEP offers tailored solutions to assist employers to recruit, train and provide sustainable employment for Indigenous Australians. The program can also support Indigenous Australians pursue self-employment and business development opportunities.

During the consultations, lack of English literacy and numeracy skills was identified as a significant barrier to Indigenous job seekers gaining employment, particularly in remote areas. The reformed IEP offers additional funding for literacy and numeracy assistance and increased access to the Workplace English Language and Literacy (WELL) program.

In the 2009 Budget the Australian Government committed:

- $21.6 million over four years for 6,000 WELL places for IEP participants.
- $3 million over three years for an additional 162 LLNP places for Indigenous Australians across nine Indigenous communities under the Northern Territory Emergency Response (NTER) using innovative community-based projects for delivery.

In the 2010 Budget, the Australian Government provided a further $120 million to provide more places for adult language, literacy and numeracy training nationally. Indigenous clients, including those living in regional and remote areas, are potentially eligible for these programs:

- WELL program: $15.7 million for an additional 9,500 mainstream places over four years.
- Foundation Skills Taster Course program: $13.1 million for an additional 8,000 training places over four years.

In addition, in 2010:

- $67 million over four years was committed to strengthen the Language, Literacy and Numeracy Program in order to better equip over 70,000 job seekers with critical language, literacy and numeracy skills. These job seekers will include Indigenous Australians, young people, mature aged and people in regional and remote locations.
- $23.5 million over four years for the National Foundation Skills Outreach and Leadership program to implement a suite of initiatives aimed at addressing existing structural issues within the national training system to improve foundation skills for adult Australians. The Project will support an over-arching National Foundation Skills Strategy (NFSS), which will provide a national framework for approaches to the provision of foundation skills (including English literacy and numeracy) for the period 2012 -2022. The NFSS will be developed in consultation with states, territories and key stakeholders.

Recommendation 10

5.125 The committee recommends that the Northern Territory government review the high levels of custodial sentences in the Northern Territory and the reasons for recent increases as well as determine whether the non-custodial options available to magistrates and judges are sufficient.

Government response:

While this is a matter for the NT Government, the Australian Government funds a number of programs that seek to reduce the degree of contact that Indigenous people in the Northern Territory have with the criminal justice system and the type of sentences that they receive. In particular the Attorney-General's Department administers funding for a range of programs to address Indigenous overrepresentation in the Northern Territory justice system:

- Aboriginal and Torres Strait Islander Legal Services—The Government has committed $10.7 million in 2010-2011 to two community-
based organisations to provide legal advice, assistance and representation on criminal, civil and family law matters and community legal education in the NT. A further $3.5 million has been allocated to June 2012 to assist with NT-specific legal matters and welfare rights (provided on an outreach basis).

- Family Violence Prevention Legal Services—the Government has committed $11.19 million over three years for three organizations to provide legal assistance and other services to help victims/survivors of family violence and/or sexual assault in remote Northern Territory Indigenous communities.

- Northern Territory Law and Order measures—The Government has committed $83 million over three years (2009-10 to 2011-12), to support Closing the Gap in the NT, Law and Order Measures including night patrol services, Indigenous interpreter services, additional Indigenous legal services and the Welfare Rights Outreach program.

- Indigenous justice Programs—The Government has provided funding of $1.4 million in 2010-11 for a number of projects throughout the Territory to rehabilitate prisoners and to divert youth from offending.

- Sworn Community Engagement Officers—The Government has committed $3.4 million over two years for eight police officers to undertake an innovative policing model in remote Northern Territory Indigenous communities.

In a policy context, the Australian Government, through the Attorney-General's Department, has led the development of the National Indigenous Law and Justice Framework 2009-2015, endorsed by all Governments in November 2009. The Framework proposes a number of strategies for improving custodial and non-custodial responses to offending. In addition, the Attorney-General's Department, through the Standing Committee of Attorneys-General, is currently leading the development of the Aboriginal and Torres Strait Islander Safer Communities Strategy for proposed inclusion as a schedule to the National Indigenous Reform Agreement.

Recommendation 11

5.133 The committee recommends that the Commonwealth Government coordinates, in cooperation with the relevant states and territories, a review of the number of deaths and serious injuries caused by family violence in Indigenous communities as well as the current unmet need for appropriate facilities and resources in the Ngannyatjarra Pitjan tjatjara Yankunytjatjara cross border region.

Government response:

The National Framework for Protecting Australia's Children 2009-2020 is a national strategy to achieve a substantial and sustained reduction in child abuse and neglect in Australia over time.

The National Framework has six Supporting Outcomes:

1. Children live in safe and supportive families and communities
2. Children and families access adequate support to promote safety and intervene early
3. Risk factors for child abuse and neglect are addressed
4. Children who have been abused or neglected receive the support and care they need for their safety and wellbeing
5. Indigenous children are supported and safe in their families and communities
6. Child sexual abuse and exploitation is prevented and survivors receive adequate support.

Measurement of the implementation of the National Framework includes 28 indicators of change across areas of health and safety, early childhood development, education, child protection, homelessness and carers. Indicator 16 will measure the rate per 1,000 children living in households where family violence occurs. The data is being collated by the National Framework's Performance and Data Sub-Working Group and will be reported in the annual report to COAG.

The National Framework will be implemented through a series of three year action plans. The 2009-2012 action plan includes twelve national priority projects.
National Priority — Enhancing the Evidence Base aims to enhance the knowledge of children’s interaction with the child protection system. It will involve the review and improvement to data collections (e.g. data definitions and unit record data) relating to child protection, homelessness and juvenile justice across all jurisdictions.

National Priority — Information Sharing aims to increase the sharing of appropriate Commonwealth information with state and territory child protection agencies to better protect vulnerable children. Information sharing protocols have so far been signed by the Commonwealth agencies of Centrelink, Medicare and Child Support Agency.

The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) provides funding through the Indigenous Family Safety program to support individuals affected by family violence and to address the high rates of family violence in Indigenous communities. Funded projects focus on four priority action areas:

- Addressing alcohol abuse;
- More effective police protection to reduce incidents of violence;
- Strengthening social norms against violence; and
- Coordinating support services to aid in the recovery of people who experience violence, including children who experience or witness violence.

The Indigenous Family Safety program funds projects aimed at reducing the incidence of Indigenous Family Violence across Australia, including the Ngaanyatjarra Pitjantjatjara Yankunytjatjara cross border region. For example:

- The NPY Cross Border Project delivered by SA Department of Correction Services provides culturally and linguistically appropriate early intervention programs targeted to perpetrators of family violence and measures repeat offending. The project covers 24 communities in the NPY region and has a 70 per cent success rate in stopping reoffending; and
- The Family Violence Services for Northern Territory NPY communities delivered by the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council to provide support for women and children affected by family violence. Funding was also provided for a client/patient management IT system to enable better record management and the ability for the organisation to share information with other service providers and police to help reduce the incidence of family violence.

In response to the recently released report from the Board of Inquiry into the Northern Territory Child Protection System, the Commonwealth Government has allocated $7.54 million over two years for an additional 15 Mobile Child Protection Workers and for up to 22 Remote Aboriginal Family and Community Workers and $25m over four years for additional family support services to support families referred to income management.

**SENATE SELECT COMMITTEE ON REGIONAL AND REMOTE INDIGENOUS COMMUNITIES THIRD REPORT 2009**

**WHOLE OF GOVERNMENT RESPONSE**

**Recommendation 1**

2.42 The committee recommends that COAG consider at its first meeting in 2010 how communication and consultation with all relevant stakeholders in the delivery of the COAG targets can be improved. Furthermore, progress in improving communication and consultation should be publicly reported.

**Government response:**

The Australian Government notes this recommendation and advises that both the COAG Reform Council and the Coordinator General have responsibility for publicly reporting on COAG Indigenous reform activities.

Communication and consultation with stakeholders in the delivery of the COAG targets is taking place under the auspices of the National Indigenous Reform Agreement, the National Integrated Strategy for Closing the Gap in
Indigenous Disadvantage and the Remote Service Delivery National Partnership Agreement.

The National Integrated Strategy for Closing the Gap in Indigenous Disadvantage provides for an engagement and partnership approach in delivering the Closing the Gap reforms.

For example, the National Partnership Agreement on Remote Service Delivery is changing the way governments deliver vital services and infrastructure to Indigenous communities in remote Australia. Local Implementation Plans, tailored to the specific needs of each community, are being developed through consultations and planning workshops which are taking place in each priority location, supported by Regional Operations Centres. These plans will continue to be monitored to make sure they are on track and delivering agreed priorities throughout the life of the agreement.

**Recommendation 2**

2.68 The committee recommends that the Commonwealth government take a more active role in driving reform of the criminal justice system with the aim of reducing the alarmingly high level of contact of Indigenous Australians, particularly Indigenous young people.

**Government response:**

The Australian Government accepts the recommendation in principle. While criminal justice matters are primarily the responsibility of State and Territory governments, the Australian Government Attorney-General's Department is leading cross government work to reduce the high level of contact that Indigenous people have with the criminal justice system.

The Government is providing funding for additional community engagement police officers in remote Northern Territory Indigenous communities. These eight additional police officers will focus on community engagement to build trust and confidence in the justice system in order to strengthen local safety and security.

The Government has committed $2 million for a series of outcomes evaluations of Indigenous justice programs. The first tranche of evaluations will focus particular on youth and perpetrators initiatives. These results of these evaluations will provide a strong contribution to the body of evidence about what measures are most effective in the Indigenous community safety sector.

The Australian Government worked closely with State and Territory governments, through the Standing Committee of Attorneys-General to develop the National Indigenous Law and Justice Framework. The Framework, which was endorsed by all jurisdictions in November 2009, provides a comprehensive national approach to addressing the serious and complex issues that mark the interaction between Aboriginal and Torres Strait Islander peoples and the justice system in Australia. The Framework's goals are to:

- improve all Australian justice systems so that they comprehensively deliver on the justice needs of Aboriginal and Torres Strait Islander peoples in a fair and equitable manner;
- to reduce over-representation of Aboriginal and Torres Strait Islander offenders, defendants and victims in the criminal justice system;
- to ensure that Aboriginal and Torres Strait Islander peoples feel safe and are safe within their communities;
- to increase safety and reduce offending within Indigenous communities by addressing alcohol and substance abuse; and
- to strengthen Indigenous communities through working in partnership with government and other stakeholders to achieve sustained improvements in justice and community safety.

The Government recognises that the rate at which young people from an out-of-home care background come into contact with the criminal justice system is unacceptably high. The National Framework for Protecting Australia's Children recognises Indigenous children are overrepresented in all parts of the child protection system, and that closing the gap on the areas of disadvantage is critical to addressing the factors that place Indigenous children and young people at risk of abuse and neglect.

**Recommendation 3**

3.142 While recognising that some measures contain specific strategies to address workforce
shortages, the committee recommends that the Commonwealth and Northern Territory governments develop a comprehensive strategy to address workforce shortages in all areas associated with the NTER measures.

**Government response:**

The Australian Government supports the recommendation in principle. The Australian Government recognises that workforce shortages continue to be a key issue in the Northern Territory.

Specific whole of government policies for dealing with workforce shortages in the Northern Territory are already being considered through a number of bilateral partnerships between the Australian and Northern Territory Governments.

The Australian Government has a firm commitment to workforce development and workforce productivity including through the Productivity Places Program, which will deliver 711,000 qualification commencements nationally over 5 years.

The Australian Government has additional teachers and a Quality Teaching Package as specific measures under the agreement. The Australian Government is working with education providers in the Northern Territory to place up to 200 additional teachers in hard to staff remote Northern Territory schools. The Government is providing around $100 million over five years from 2008 to recruit, deploy and retain teachers in Indigenous communities to help improve learning outcomes for Indigenous students.

The Australian Government has committed an additional $44.3 million over three years from 2009-10 to support the Northern Territory in managing the Quality Teaching Package and Enhancing Literacy measures in remote communities in conjunction with activities under the three Smarter Schools National Partnerships.

The Quality Teaching Package is a professional development framework designed to build the capacity of the existing education workforce in remote Northern Territory communities to accelerate student learning outcomes. The Quality Teaching Package is targeted primarily at up-skilling local Indigenous staff who are more likely to stay long term in communities. Opportunities include teacher qualifications upgrades, Masters and Graduate Certificate courses, completion incentives, and leadership development programs.

The National Partnership Agreement on Remote Service Delivery focuses on the coordination of government services in 29 communities, 15 of which are prescribed under the NTER.

This agreement aims to implement a new remote service delivery model to ensure that Indigenous Australians living in remote communities receive and actively participate in services to close the gap in Indigenous disadvantage. A Board of Management comprised of Australian Government and State/Territory officials has been established in each jurisdiction to take a whole of government approach and solve implementation issues such as workforce shortages.

The Strategic Indigenous Housing and Infrastructure Program, monitored under the National Partnership Agreement on Remote Indigenous Housing, is another major initiative in the Northern Territory. One of the program's key outcomes is a skilled Indigenous workforce enabling local people to maintain and develop new infrastructure and housing in remote communities.

The Australian Government also works in partnership with the NT Department of Business and Employment, who administer the jointly funded NT Indigenous Training for Employment Program (ITEP). Australian Government funding is provided through the Government's Training Initiatives for Indigenous Adults in Regional and Remote Communities Program.

A priority for the ITEP program is projects to develop industry-specific workforce development strategies to support Indigenous employment and career development.

In December 2009, Senator the Hon Mark Arbib and the Hon Paul Henderson MLA endorsed a Memorandum of Understanding (MoU) to support collaboration across the employment and training agenda.
The MOU will drive the engagement of industry in skills and workforce development as well as assist employment-disadvantaged individuals, particularly in the remote areas of the Northern Territory, to overcome barriers to their participation in the labour market. Progress against the outcomes identified in the MOU will be reported to Ministers annually.

The Australian Government, through the Department of Health and Ageing, has several measures in place to address workforce shortages including the very successful Remote Area Health Corps which has deployed more than 600 health professionals on short-term assignments in the Northern Territory since commencement in late 2008.

Recommendation 4
3.143 The committee also recommends that progress made in addressing workforce shortages should be included in the Monitoring Report.

Government response: The Australian Government accepts this recommendation in principle. Progress made in addressing workforce shortages is already reported through a range of processes. Considerable work has been undertaken and additional resources allocated to address issues raised in the Recommendation.

For example, reporting on State and Territory delivery for the Productivity Places Program will occur through the COAG process for monitoring the implementation of all national partnerships. The Australian Government is intending to make information on progress across all elements publicly available in an Annual Report on the Productivity Places Program. The first report is expected to be available in late 2010 and will also cover 2008 and 2009 delivery.

In addition, implementation of the Quality Teaching Package and Enhancing Literacy measures is bound by the conditions set out in the Northern Territory Smarter Schools Bilateral and Implementation Plan. Progress against the Implementation Plan is provided to the Department as a mid-year progress report and Annual Report. The Northern Territory has committed to releasing the Annual Report and the 2009 Smarter Schools and Closing the Gap in the NT Annual Report is available at: http://www.deewr.gov.au/Schooling/Programs/SmarterSchools/Documents/NTSSNPRreport2010.pdf •

Recommendation 5
4.22 The committee recommends that the Commonwealth support the Western Australian Police in continuing to ensure that the message to use greater discretion in policing in remote communities is communicated to and well understood by officers in the field and that they have the appropriate guidelines, training and support to do so.

Government response: The Government notes this recommendation. The resourcing and management of policing services is a State government responsibility and it would not be appropriate for the Australian Government to become involved in operational policing matters in Western Australia. The Australian Government has provided capital funding to Western Australia in recent years to support the Multi-Function Policing initiatives in Blackstone, Burringurrah, and Looma. This initiative was implemented to provide a more holistic approach to community safety for regional and remote communities by co-locating police with other justice and support services.

The Australian Government supports greater transparency in the allocation of police in remote communities. At its meeting on 2 July 2010, the Ministerial Council for Police and Emergency Management — Police (MCPEMP) discussed the issue of transparency in allocating policing resources in remote and very remote communities and resolved to commission research to get a better understanding of the key drivers and agreed that jurisdictions will provide regular reports.

Recommendation 6
4.46 The committee recommends that all Commonwealth, state and territory government departments provide appropriate remuneration packages to staff in remote communities in order to attract and retain a skilled workforce.
Government response:
The Australian Government accepts this recommendation in principle. The Commonwealth has a presence in a significant number of remote areas across Australia. Departments offer conditions packages to assist in attracting and retaining suitable employees to remote localities. Such conditions can include:
- additional leave entitlements;
- remote locality leave fares;
- compassionate/emergency leave fares;
- assistance with relocation expenses;
- remote locality allowance; and
- staff housing in some locations.

Recommendation 7
4.55 The committee recommends that the Western Australian government consider conducting a comprehensive analysis of non-custodial sentencing options to reduce the unacceptably high incarceration rates in regional and remote Indigenous communities, with particular attention to the social and economic costs and benefits of alternatives and the factors driving significantly high rates of reoffending.

Government response:
This recommendation is for the Western Australian government.

Recommendation 8
4.66 The committee recommends that the Western Australian government consider undertaking an audit of the substance and scale of rehabilitation programs and post-custodial release programs to address the unacceptably high rate of Indigenous recidivism in the state.

Government response:
This recommendation is for the Western Australian government.

Recommendation 9
4.67 The committee recommends that the Western Australian government consider developing a comprehensive, culturally appropriate strategy to address Indigenous incarceration rates and recidivism that is based on sound international and domestic evidence.

Government response:
This recommendation is for the Western Australian government.

Recommendation 10
4.78 The committee recommends that COAG increase the level of consultation and engagement with local governments in formulating its strategy to deliver cost-effective and appropriate municipal services to remote communities and develop an explicit communication strategy to ensure that local government in Western Australia is aware of its responsibilities.

Government response:
The Australian Government accepts the recommendation in principle, noting that it is primarily a matter for the Western Australian government to engage with local government in its state.

The Australian Government is working in partnership with Western Australia through the Remote Service Delivery National Partnership and the East Kimberley National Partnership.

In the COAG meeting of 19-20 April 2010, the Council agreed to amend the National Partnership on Remote Service Delivery "to recognise the important role local government or other municipal service providers have in ensuring the effective delivery of the Partnership in each priority community, with the detail of these service provider commitments to be captured in a Local Implementation Plan for each priority community".

Recommendation 11
4.102 As a matter of urgency, the committee recommends that all levels of government clarify who is to provide municipal services to remote Indigenous communities and arrange for the adequate resourcing of these services.

Government response:
The Australian Government accepts this recommendation. Under the National Partnership on Remote Indigenous Housing, the Australian, States and the Northern Territory Governments have agreed to work towards clearer roles and responsibilities and funding for municipal services and the ongoing maintenance of infrastructure and essential services in remote
Indigenous communities, with new arrangements to be in place from 1 July 2012.

Under this National Partnership it was agreed that a national audit of municipal and essential services would be undertaken to assess the level of outstanding need for these services in remote Indigenous communities. The audit will assist in informing roles and responsibilities for the delivery of municipal and essential services into the future.

**Recommendation 12**

4.157 The committee recommends that the Commonwealth work with the Western Australian government to support the development of an explicit plan to ensure that alcohol restrictions in regional and remote communities, including Fitzroy Crossing and Halls Creek, be supported by adequate rehabilitation and community support services to address alcohol addiction and problem drinking.

4.158 The committee further recommends that the plan include a consistent approach to alcohol management that includes effective community consultation and decision making.

**Government response:**

The Australian Government accepts the recommendation in principle. The Government believes that measures to reduce the harm caused by alcohol should be designed and implemented in close consultation and partnership with Indigenous people. The joint Commonwealth/State Regional Operations Centre in the Kimberley works with the residents of Fitzroy Crossing, Halls Creek and other Kimberley towns to provide the most appropriate services in a timely manner. The Office of Aboriginal and Torres Strait Islander Health, Department of Health and Ageing, is funding 120 organisations in 2009-10 to provide, or support, Indigenous substance use services across Australia. Funded services include residential rehabilitation and day centres; Aboriginal Medical Services; sobering up shelters; multidisciplinary teams specialising in substance use and related issues; outreach services and transitional aftercare services.

**Recommendation 13**

4.163 The committee recommends that the Commonwealth and Western Australian governments work together to ensure that adequate and long term funding and support for the youth service in Balgo is provided.

**Government response:**

The Australian Government supports this recommendation in principle. The Australian Government is investing in the Balgo Youth Development Program under the Australian Government’s Petrol Sniffing Strategy. The program consists of funding for one male and one female youth worker and associated equipment to support the provision of youth services to the community. The Attorney-General’s Department has agreed to fund these positions to 30 June 2012.

The Balgo Youth Development Program is one component of a broader initiative to improve the quantity and quality of youth services throughout the East Kimberley region. The initiative is being lead by the East Kimberley Substance Use (Petrol Sniffing) Implementation Working Group which is comprised of representatives from Australian, State and Local government agencies; Indigenous organisations; providers of alcohol, other drug and youth services.

**Recommendation 14**

4.184 The committee recommends that the Commonwealth considers the development of a communication strategy to provide simple, practical advice to parents and guardians caring for a child with Foetal Alcohol Spectrum Disorder, and that the status of FASD as a recognised disability is clarified to ensure that parents, caregivers, schools and communities are able to provide adequate support to children with FASD.

**Government response:**

The Australian Government notes the recommendation. The Government recognises the unacceptable impact of foetal alcohol spectrum disorder (FASD) on children, families and communities and is committed to working with State and Territory Governments to develop further options for reducing the incidence of FASD and options, including communication tools, for supporting parents and other caregivers of children affected and their communities.

It is expected that the monograph will identify action that is required in prevention, screening, diagnosis, models of care and workforce capabilities, and illustrate the complex, multifaceted nature of FASD.

The Australian Government Department of Health and Ageing (DOHA) is currently considering the possibility of providing additional support for remote communities to adapt existing materials on FASD prevention to make them culturally appropriate and appropriate to local circumstances.

As FASD involves agencies and intergovernmental bodies beyond DOHA, which have responsibility for managing the impact of FASD, the Monograph has been forwarded to the Disability Services Ministers Conference and the Early Childhood Development Ministers for consideration.

RESPONSE OF THE AUSTRALIAN GOVERNMENT TO THE SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE REPORT

VOLUME I: ECONOMIC CHALLENGES FACING PAPUA NEW GUINEA AND THE ISLAND STATES OF SOUTHWEST PACIFIC

Recommendation 1

The committee recommends that the Australian Government continue to fund research and development on sustainable development in Pacific island countries. The committee recommends further that the government through AusAID ensure that individual research projects working to improve agriculture and land use practices are part of a wider strategy that enables the results of research to reach a broader range of producers including those in remote areas.

Response

Accepted

Australia will continue to fund research and development on sustainable development in Pacific island countries. Australian assistance to agricultural research and development is largely conducted by the Australian Centre of International Agricultural Research (ACIAR). ACIAR's mandate is aimed at developing research and development capacity building in partner developing countries (including the Pacific) and targeted research and development interventions aimed at sustainable development. In 2010-11, 17.8 per cent ($10.1 million) of ACIAR's research and development project budget was allocated to PNG and the Pacific.

ACIAR plans to continue research and development activities in the areas of improving food and nutritional security; integrated and sustainable agriculture, fisheries and forestry resource management and development; improved biosecurity; and increased trade in agriculture, fisheries and forestry products. ACIAR will continue to collaborate with AusAID to ensure that research projects working to improve land use practices are part of a wider strategy that enables the results of research to reach a broader range of producers including those in remote areas.

Recommendation 2

The committee recommends that the Australian Government take an active advocacy role in the Western and Central Pacific Fisheries Commission urging Distant Water Fishing Nations to make a greater contribution, commensurate with their fishing operations in the southwest Pacific, to the costs of managing fish stocks in the region.

Response

Accepted

The Government supports the aspirations of Pacific islands countries to develop their domestic tuna fisheries and maximise the flow-on benefits from both domestic and foreign fishing operations in the region. The Government is working through the Western and Central Pacific Fisheries Commission (WCPFC) and a number of other bodies to strengthen the engagement of Pacific islands countries in the management of Pacific
tuna resources, which are fished by some of the world's largest fishing nations.

The financial contributions by members of the WCPFC are largely commensurate with their catch, with the most active and developed fishing nations contributing the largest amount. In 2007-08, the distant water fishing nations—Japan, Chinese Taipei, Republic of Korea, United States of America, European Community, China and Canada met 71 per cent of the WCPFC's budget, while taking 52 per cent of the total catch in the Convention area for the same period. Australia contributed 1.9 per cent of the WCPFC budget in 2007-08 and took 0.24 per cent of the total catch.

The Government is supportive of further voluntary contributions by distant water fishing nations targeted at improving the conservation and sustainable use of highly migratory fish stocks in the western and central Pacific.

1 2009 catch figures were not available at the time of publication.

Recommendation 3a

The committee recommends that the Australian Government consider whether it may be necessary to review the legal and policy framework required in the event that regional communities may be forced to resettle as a consequence of changes in climate.

Response

Accepted

The Government fully supports the Niue Declaration on Climate Change, agreed by leaders of all Pacific Islands Forum countries in August 2008, which recognises the desire of Pacific peoples to continue to live in their own countries, where possible. Australia will support them to do this by helping shape a global solution to reduce emissions and providing practical assistance for building resilience to the impacts of climate change.

The Government routinely assesses the capacity of Australia's legal and policy frameworks to deal with potential challenges arising from climate change and its relationship to population movement. In the longer term, the situation may arise where permanent migration could become an option for some Pacific islanders. In these circumstances, Australia will work in close consultation with the region to ensure that Pacific islanders' vital interests—economic, social and cultural—are paramount.

Recommendation 3b

The committee also notes that currently AusAID is reviewing its Humanitarian Action Policy. The committee recommends that AusAID take this opportunity to consider whether it is necessary to incorporate in its Humanitarian Action Policy emerging legal and humanitarian matters associated with climate change.

Response

Accepted

Australia's Humanitarian Action Policy will recognise the significant challenge of climate change in the Pacific and elsewhere, and the need to enhance and adapt Australian and international humanitarian preparedness and response capacity to meet this challenge.

Recommendation 3c

The committee recommends further that the Australian Government review the need for an education and training program designed specifically to assist those communities in the region most at risk from the damaging effects of changes in climate. The intention would be to determine how best to assist people to remain productive members of their community in a changing environment.

Response

Accepted

In 2008 the Government announced its International Climate Change Adaptation Initiative to support adaptation-related capacity building at national and community levels. In the Pacific this includes support for higher education and scholarships to the University of the South Pacific. The first 10 scholarship holders commenced study in 2010. Up to 26 scholarships (10 masters and 16 postgraduate diplomas) will be provided over two years.

Through the Initiative, the Government is also contributing $6 million to the Mekong and Asia-Pacific Community-based Adaptation Program including approximately $4 million for Pacific
islands countries and East Timor. This program will implement small-scale, local community-based adaptation measures. This is complemented by the Government's Community-based Adaptation Activity Grants made available to Australian and international NGOs to work with local organisations in the Pacific to scale up current successful community-based adaptation activities or to build an adaptation component onto existing activities.

**Recommendation 3d**

Finally, the committee recommends that the Australian Government ensure that environmental matters including climate change be integrated more effectively throughout its aid programs to the region. This means that prevention and adaptation measures addressing the adverse effects of natural disasters and climate change would be considered when formulating policy and designing ODA projects, for example in the resource development, infrastructure, education, health and governance sectors.

**Response**

Accepted

The Government has prioritised the integration of environment and climate change considerations across its development assistance program in the Pacific, with the purpose of protecting and improving the environment and reducing the risks of climate change and environmental degradation to vulnerable communities.

AusAID is working to improve each stage of the design and implementation of development assistance through training, guidance material and expert advice on integrating environment and climate change concerns. AusAID's quality processes and environment management system are being updated. In-house training for staff based in recipient-countries and in Canberra is being conducted to improve staff knowledge and skills. Support for climate change adaptation will also be integrated into Australia's Partnerships for Development with Pacific islands countries, through which mutually agreed priorities for Australia's development assistance are determined.

The Government recognises the close links between disaster risk reduction and climate change adaptation approaches. The Government will ensure that all support under its Disaster Risk Reduction policy is closely aligned with Australia's approach to the environment and climate change, and implemented coherently. Australia will integrate disaster risk concerns into existing environmental assessment tools and planning mechanisms in the Pacific to ensure coordinated climate change adaptation and disaster risk reduction programming.

**Recommendation 4**

The committee recommends that the government continue to support the work of the Institute for International Trade in conducting training modules for Pacific islanders. It recommends also that the government consider expanding these courses to include more of the technical issues associated with the non-tariff barriers to trade in the region. Further, that the Department of Agriculture, Fisheries and Forestry and the Australian Quarantine and Inspection Service assist as partners in the development and delivery of such training modules.

**Response**

Accepted

The Government funds the Institute for International Trade's (IIT) Trade Fellowship Course for Pacific islands country trade officials. The initial Course concluded in August 2010. Following strong endorsement from the region, including at the April 2010 PACER Plus trade officials meeting, AusAID is working with IIT to develop options for further training. Expanding the training to include officials from other trade-related areas, such as customs and quarantine, is under consideration.

AusAID will work closely with other relevant government departments and agencies, including DFAT, DAFF, AQIS and the Australian Customs Service, in relation to future training in the Pacific on technical issues associated with non-tariff barriers to trade.

**Recommendation 5**

In light of the growing awareness among major donors (EU, US and New Zealand) of the value of using sustainable tourism to assist developing countries alleviate poverty and promote broad-based economic growth, the
committee recommends that the Australian Government incorporate this sector as an identifiable program in its ODA policy framework for the region.

**Response**

Accepted

The Government is supporting the development of the tourism sector in the Pacific on a number of fronts. Australia has partnered with the International Finance Corporation (IFC) to implement a Pacific Tourism Diagnostic Program. The Program is designed to identify critical impediments to investment in tourism and provide a structured approach to addressing these constraints, including the design of possible reform responses. In 2010, tourism diagnostic studies were undertaken in six Pacific countries, to provide a base for dialogue and demand-driven development assistance. Leveraging on its global expertise, the IFC has also been working with tourism operators in the Solomon Islands to develop electronic tourism booking systems.

The Government recognises the importance of a skilled labour force to support a growing tourism industry in the Pacific. Specialised training is being provided through the AusAID-funded Australia Pacific Technical College’s School of Tourism and Hospitality at campuses in Fiji, Samoa and Vanuatu.

The Government also supports regional institutions such as Pacific Islands Trade and Invest and Pacific Islands Private Sector Organisation, which represent all private sector interests including tourism operators. Tourism operators such as Carnival Australia in Vanuatu and Wilderness Lodge in Solomon Islands have been awarded grants under AusAID’s Enterprise Challenge Fund.

**Recommendation 6**

The committee notes the positive results from the two-year trial of an Australian Pacific Investment Commissioner and recommends that the Australian Government give serious consideration to the re-appointment of, and funding for, a Pacific Investment Commissioner.

**Response**

Accepted

In November 2008 an independent review of the Pacific Investment Commissioner noted potential benefits from the Commissioner, but recommended a number of changes including addressing its 'stand alone nature'.

Pacific Islands Trade and Invest (PITI) is undertaking a review and developing a ten-year strategic plan which will be presented to Pacific Islands Forum Trade Ministers in 2011. Future Government support will be considered in the context of this ten-year strategic plan.

**Recommendation 7**

The committee recommends that the mid-term review of the Australia–Pacific Technical College (APTC) give careful and explicit attention to the criticisms raised by international institutions and by witnesses to this inquiry that regional training institutions are not meeting or anticipating the needs of local business or industries.

**Response**

Accepted

The mid-term review of the Australia Pacific Technical College (APTC) considered all comments made to the inquiry. This expansion will include a strong focus on the linkages between APTC and industry to ensure that APTC can be more fully responsive to demand from local businesses, including industry. Partnerships between the APTC and national training institutions are also important to the success of APTC. This will be taken into account in the design of the next phase of assistance of the APTC.

AusAID is ensuring that a growing number of bilateral technical training initiatives with Pacific islands countries strengthen the capacity of both public and private national training institutions in the Pacific. The aim of these initiatives will be to strengthen local training providers' capacity to provide regionally-valued qualifications, by upgrading the skills and qualifications of their staff and providing the basic equipment necessary to train Pacific islanders for national, regional and international labour markets.

**Recommendation 8**

The committee notes the important role of the non-formal education sector, particularly in PNG, and recommends that AusAID give attention to
the role of informal education in formulating and implementing its education assistance policy.

**Response**

Accepted

Australia responds to Pacific islands country priorities in education, and provides assistance to prepare young Pacific islanders for later life and help them to continue their education or training. Where appropriate and possible, Australia's development assistance responds to requests to strengthen non-formal systems and providers and aligns this assistance with other aid provided to the education and training sectors.

**Recommendation 9**

The committee recommends that the Australian Government ensure that its scholarship scheme for Pacific islanders complements the education and training priorities as determined by Pacific island countries.

**Response**

Accepted

The priority fields and levels of study for AusAID's bilateral development scholarships for study in Australia and in the Pacific region are agreed with Pacific islands countries through annual negotiations. Partner governments are represented on selection panels for all bilateral development scholarship programs. In some Pacific islands countries, selections for AusAID scholarships are fully integrated into the partner government's processes. The AusAID Australian Leadership Awards address regional development priorities with candidates selected to undertake relevant study in fields that align to their country's needs.

**Recommendation 10**

The committee recognises the problem of brain drain in the Pacific region and recommends that the Australian Government fund a study of both its scholarship recipients from the region and graduates from the APTC to obtain a greater understanding of the nature and extent of brain drain and of the incentives required to retain knowledge and experience in the region.

**Response**

Not accepted

The Australian Pacific Technical College (APTC) program provides Pacific islanders with Australian qualifications to increase numbers of skilled workers in the Pacific and allows workers to benefit from national, regional and international employment opportunities. Tracer studies are conducted to survey APTC graduates about their work experiences 6-12 months after completing training. Of the relatively small number of survey responses received to date, graduates and employers report that the training has enabled them do their jobs better. Migration figures are not available but anecdotal evidence suggests that it is low.

AusAID's review of the APTC in 2009 concluded it was highly relevant to the Pacific, is responsive to local industry and contributes to the development of a skilled workforce. It found that the APTC was a best practice model for local training providers of technical skills.

Another study on this issue is not likely to tell us more than we already know or to change the measures currently built into scholarships and training programs. All AusAID scholarship awardees are required to return home on completion of their studies for a minimum of two years. In addition, AusAID targets Pacific islands candidates who are most likely to contribute to their country's development.

**Recommendation 11**

The committee recommends that the review of the Pacific Seasonal Labour Pilot Scheme to be undertaken 18 months and 30 months after its commencement state explicitly in its terms of reference that the review is to consider the following aspects of the scheme:

- the adequacy of pre-departure and on-arrival briefings;
- the cost-sharing arrangements between employers and workers, the costs of sending remittances home, and the effectiveness of the Reducing the Cost of Remittances Program;
- the success of the training component and the transfer of skills and how these aspects of the scheme could be enhanced—the skills attained in Australia and their relevance to the workforce of the guest workers' home countries;
the economic and social implications for the workers, their families and home countries;

the extent to which the scheme is integrated into Australia's official development assistance program for the region and the Pacific Partnerships for Development;

the potential to expand the guest worker scheme.

Recommendation 12
The committee recommends that the Australian Government direct AusAID to formulate a strategic single policy framework to guide its governance program in the Pacific region. The emphasis would be on integrating more effectively the activities of the different departments and agencies engaged in promoting good governance in the region.

Response
Not accepted

The Government has not formulated a single policy framework on governance, as 'governance' is a general term that covers a broad range of activities including law and justice, economic and budgetary arrangements, strengthening civil society organisations and improving public sector effectiveness. Given the diverse range of Australian governance activities across the Pacific in these areas, a single policy framework may not be a useful tool to guide the strategic direction of these activities in the short-term.

Two policy documents provide Australia's framework for key elements of governance: Australia's Framework for Law and Justice Engagement with the Pacific, which was launched on 15 June 2010, and the Pacific Public Sector Strategic Framework.

Recommendation 13
The committee recommends that the Australian Government establish a strategic framework that encourages the private sector to get involved in providing microfinance and other financial services in Pacific island countries.

Response
Accepted

The AusAID paper on Financial Services for the Poor: A Strategy for the Australian Aid Program 2010-15 provides a framework to achieve broader access to financial services in developing countries, including the Pacific. The
Strategy recognises the multiple layers involved with building financial systems that serve the poor, including private sector suppliers of financial services.

**Recommendation 14**

The committee recommends that the Australian Government provide for longer-term funding for projects that are to span a number of years, as distinct from year-to-year funding approvals, in order to provide greater certainty in the financial flows to them.

**Response**

Partially accepted

The Government's Pacific Partnerships for Development are improving the predictability of funding, through the inclusion of indicative allocations in the implementation schedules attached to Partnership agreements. Multi-year allocations will generally be specified for between three and five years. Predictability of aid will also be discussed as part of the annual Partnership talks with each Pacific islands country. Support to sector based approaches with long-term timeframes is another way AusAID is providing greater certainty about aid flows.

While Australia aims to provide long-term indicative amounts, actual allocations are dependent on annual Australian Budget appropriations which are announced in May and cover the financial year July to June.

**Recommendation 15**

The committee recommends that the Australian Government take decisive steps to encourage and support state, territory and local governments to participate in Australia's ODA. Further, that Australia's aid policy framework not only recognise the work of all levels of government its ODA program, but includes their activities as a vital part of Australia's whole-of-nation contribution to the region.

**Response**

Partially accepted

State, territory and local governments are already encouraged to participate in the Australian aid program.

The AusAID-funded Pacific Public Sector Linkages Program provides grants to Commonwealth, state and territory government agencies to undertake development projects with their Pacific counterparts. The program was first opened to state/territory governments in 2009-10. Four projects proposed by state governments were selected in 2009-10. Five applications have been received from state governments for the 2010-11 funding round, on which outcomes will be decided in the first quarter of financial year 2010-11.

Australian local government involvement in the Pacific is supported through AusAID-funded Commonwealth Local Government Forum Pacific Project. Nine Australian local councils have partnerships with seven local government authorities in Papua New Guinea, Tuvalu and the Solomon Islands to improve governance and service delivery.

**Recommendation 16**

The committee recommends that the Australian Government through AusAID produce a bridging document for its ODA in the Pacific that connects the immediate objectives of specific programs with higher level objectives—as articulated in the White Paper, the MDGs and the Pacific Plan. It should be a strategic plan with an emphasis on 'how' in practical terms the immediate objectives of programs would make a tangible contribution toward achieving these higher level goals.

**Response**

Accepted

The Government's 2008 Port Moresby Declaration focuses on higher-level development outcomes while the Partnerships for Development and Security Partnerships provide a framework for Australia to commit jointly with Pacific partners and articulate the mutual commitments made at the prime ministerial level to achieve these goals.

The Partnerships identify priority areas for Australian aid and other assistance alongside Pacific partner engagement, in areas such as education, public sector reform, transport infrastructure and law and justice. Each priority area has an implementation strategy for how the outcomes are to be practically achieved. These implementation strategies provide the link
between the higher level objectives and the practical efforts of Australia through its aid program and Pacific partner governments.

Recommendation 17
The committee also expressed concern about assistance not reaching those most in need. In light of the large proportion of Australian funding to the region that goes to governance, the committee recommends that the strategic plan demonstrate how this aid relates directly to improvement for people in need of assistance.

Response
Accepted
AusAID focuses its governance activities on improving government effectiveness, reducing corruption and maintaining the rule of law. This policy direction is based on international evidence which clearly shows that better governance means higher growth, which in turn means better development outcomes. World Bank analysis suggests that 10 per cent overall improvement in government effectiveness is associated, on average, with a 14 per cent increase in GNI per person. Therefore, improvements in governance, including improving the quality of public services and the capacity of the public service, will positively affect the lives of Pacific populations, including those in most need.

Recommendation 18
The committee recommends that the Australian Government ensure, largely through AusAID, that the plans for any future development assistance project for the region:
- recognise and explain the project's role as part of a coherent strategic development plan;
- identify companion projects or projects that are complementary and how they are to interact with such projects;
- explain measures taken to ensure that when the project ends, the benefits will not fade, including not only the maintenance and upgrading of equipment or infrastructure but capacity building;
- take account of forward funding needs;
- ensure that the project aligns with the development plans and priorities of the recipient country—that there is no mismatch in objectives; and
- demonstrate that close consideration has been given to the activities of foreign donors with a view to achieving greater complementarity and coordination between them.

Response
Partially accepted
AusAID has recently released a new policy and guidance on the development of country strategies. This will provide greater discipline for AusAID, in collaboration with whole-of-government partners, to develop coherent, focused, manageable and effective strategies for development assistance. Strategy development will focus on agreed development outcomes and the contribution of the aid program to these. It will emphasise the importance of linkages within country programs and the role of external relationships and policy dialogue to build clearly defined, scalable and less fragmented programs.

The Government has taken steps to better coordinate and target its development assistance in the Pacific. Former Prime Minister Rudd joined Leaders at the Pacific Islands Forum in Cairns in August 2009 in endorsing the Cairns Compact on Strengthening Development Coordination in the Pacific. As the Forum Chair, Australia introduced the Compact to drive more effective coordination of development resources in the Pacific. The Compact reinforces shared responsibility and accountability between Pacific islands countries and their development partners. It aims to bolster efforts to use national development plans to guide budget and donor support, better coordinate aid, and strengthen Pacific islands countries' delivery systems and development data. This will contribute to more effective, coherent and sustainable development assistance in the Pacific and support existing regional initiatives such as the Pacific Plan. Australia and New Zealand are working closely
with the Pacific Islands Forum Secretariat to implement the Cairns Compact.

The Government has established Pacific Partnerships for Development with eleven Pacific islands countries (Kiribati, Nauru, PNG, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, the Federated States of Micronesia, Republic of Marshall Islands and Palau). These Partnerships provide frameworks for Australia and Pacific governments to work in close cooperation to meet common challenges and achieve better development outcomes for Pacific islanders. The priorities outlined in the Partnerships form the basis of policy dialogue and program development and align with the priorities identified in national development plans. Schedules to the Partnerships determine the priority sectors for engagement and take into account other development partners' activities.

**Recommendation 19**

The committee fully supports the work of the Office of Development Effectiveness and recommends that it continue.

**Response**

Accepted

**Recommendation 20**

The committee recommends that the Office of Development Effectiveness evaluate the success of a few projects two to three years after their completion and use them as case studies on the durability of Australia's assistance to the region. The office's analysis and findings on these case studies are to be included in its annual review.

**Response**

Accepted

**Recommendation 21**

The committee recommends that AusAID review its training programs for all Australian officers deployed overseas as part of Australia's ODA effort. The review should give particular attention to managing conflicts of interest, working in environments where corruption exists and maximising skill and knowledge transfer.

**Response**

Accepted

AusAID is currently reviewing its approach to learning and development. Pre-posting training has been revised and a new program focusing on program and personal effectiveness piloted. Pre-departure and in-country training for whole-of-government officials has also been reviewed and strengthened. Officers attend sessions on APS Code of Conduct and Values prior to departure. On-line training and in-country workshops on anti-corruption are available to staff through the U4 Anti-Corruption Resource Centre set up to support donors to address corruption challenges. AusAID also offers cultural awareness training programs for deploying officials which expands capacity development skills.

**Recommendation 22a**

The committee recommends that the Australian Government make a commitment to strengthening the relationship between the Asia-Pacific Civil-Military Centre, the deployable civilian capacity and the other bodies involved in training Australians engaged in ODA. The intention would be to establish a visible and well-integrated network of training institutions concerned with the broad issue of human development and security in the region. It would bridge any potential gaps between the immediate recovery phase and long-term development and conflict prevention phases.

**Response**

Accepted

AusAID, the Asia Pacific Civil-Military Centre of Excellence (APCM COE), the Australian Federal Police (AFP), and the Australian Defence Force are collaborating in the provision of training for Australian officials and civilians deployed in the delivery of ODA and
other programs and activities related to development and security in the Pacific.

To fulfil its responsibility in fragile and conflict-affected states, AusAID recently established the Crisis Prevention, Stabilisation and Recovery Group (CPSRG) to provide high quality advice across AusAID to support the delivery of effective policies and programs in those environments.

The recently established Australian Civilian Corps (ACC), which operates within AusAID, has developed a comprehensive training curriculum for individuals on the ACC register which enhances the Government's capability in this area. The APCM COE was involved in the development and delivery of some elements of the curriculum, along with the CPSRG, the AFP and other government agencies.

In addition, the APCM COE facilitates dialogue and practical measures to strengthen the pre-deployment preparation of military and civilian personnel for peacekeeping operations, including those deployed from the ACC. The APCM COE is working closely with AusAID and the AFP on the civil-military training needs for civilians deployed overseas, and with the ADF (including the ADF Peacekeeping Centre) to ensure the inclusion of civil-military perspectives within military deployment training and exercises.

**Recommendation 22b**

Furthermore, it recommends that the Australian Government appoint a central body to oversee this network and ensure that adequate funding, if needed, is available to establish and maintain this network. The Prime Minister's proposal for a new reinvigorated strategic relationship established between the ANU and the Australian Government provides the opportunity for the establishment of such a body.

**Response**

Not accepted

The strength of the Australian whole-of-government process is the Development Effectiveness Steering Group and the Development Effectiveness Working Group which supports aid coordination and the integration of training concerned with the broad issue of human development and security in the region. Establishing a new body to oversee the network of training institutions would establish an additional layer of bureaucracy for little added benefit. The existing Committee system can oversee the network to ensure that it receives appropriate guidance and funding sources identified.
requirements of individual Pacific islands countries, in consultation with law and justice officials from each country. Training and development exercises relevant to RAMSI may be included in PPDP activities where Pacific islands countries identify a relevant need and a RAMSI-related training exercise proves to be the most effective means to deliver such programs.

**Recommendation 3**

The committee notes that the Defence White Paper 2009 indicates that Australian government departments are developing a framework for enhancing regional maritime security. The committee sees potential for other donors to make a valuable contribution in this area. It therefore recommends that, in developing this framework, these departments consider the advantages of elevating the Pacific Boat Patrol Program [sic] into a regional initiative, supported by the Pacific Islands Forum and other donors.

**Response**

Accepted

The Government is committed to continuing to assist Pacific islands countries to protect their maritime security, including through the Pacific Patrol Boat Program, as indicated in the statement made by the Prime Minister at the 2009 Cairns Pacific Islands Forum Leaders Meeting. The Government is in the early stages of undertaking an assessment of the development of a new maritime security program to follow the Pacific Patrol Boat Program at the end of its projected life-span.

Australia's strategic partners in the Pacific, including the individual Pacific islands countries, the Pacific Islands Forum, the Forum Fisheries Agency, and our defence cooperation and donor partners will be consulted during the course of the assessment.

The assessment will take into account the experience, lessons and limitations of the existing Pacific Patrol Boat Program. It will be based on an analysis of maritime security needs and challenges in the Pacific and of existing capabilities and opportunities. Options to be canvassed will include the benefits of a regional approach to maritime security and the potential role of other donors.

**Recommendation 4**

The committee has noted the limited maritime surveillance capability of Pacific island states. It therefore recommends that the Australian Government give specific attention to the way the region could improve information sharing and develop a 'supra-national' enforcement capability through, for example, the proposal for a Regional Maritime Coordination Centre. In so doing, the committee suggests that the government give particular attention to the ability of states to maintain and contribute to such a facility, as well as the importance of avoiding duplication in Australia's security assistance initiatives.

**Response**

Accepted

The Government is committed to the strengthening of maritime security in the Pacific through improved information sharing and law enforcement capability for fisheries and transnational crime. This is being pursued through a variety of means.

Following the Joint Ministerial Meeting of Pacific Islands Forum fisheries and law enforcement ministers hosted by Australia in July 2010, Leaders endorsed a framework for negotiations on new legal arrangements to improve regional fisheries information sharing and enforcement capacity at the Pacific Islands Forum meeting in Port Vila, August 2010.

As indicated above, the Government is currently in the early stages of assessing the most effective approach to a new maritime security program to follow the Pacific Patrol Boat Program at the end of its projected life-span. This assessment will take account of existing sources of law enforcement information and capability, and will consider possible means to improve these, including through the development of regional maritime security arrangements.

Australia is an active member of, and provides core funding to, the Forum Fisheries Agency (FFA). Australia is working closely with the FFA in its efforts to develop an enhanced regional fisheries monitoring, control and surveillance strategy in the Pacific. Australia has seconded a Royal Australian Navy officer to support FFA work on fisheries protection.
Australia is an active member of the Pacific Islands Forum Regional Security Committee's Working Group to strengthen information management across a range of regional peak law enforcement networks and bodies.

Australia also provides substantial technical and financial support to the Pacific Transnational Crime Network which enables police, customs and immigration agencies across the Pacific to collect and securely disseminate transnational crime intelligence.

**Recommendation 5**

The committee repeats its recommendation from Volume I that the Australian Government provide for longer-term funding for projects that are to span a number of years, as distinct from year-to-year funding approvals. This would provide greater certainty for AUSTRAC projects in the region.

**Response**

Partially accepted

The Government’s Partnerships for Development with Pacific islands countries are improving the predictability of aid funding through the inclusion of indicative allocations in the implementation schedules attached to agreements. Multi-year allocations will generally be specified for between three and five years. Predictability of aid will also be discussed as part of the annual Development Partnership talks with each country.

While the Government aims to provide long-term indicative amounts, actual allocations are dependent on annual Australian Budget appropriations which are announced in May each year and cover the financial year July to June.

**Recommendation 6**

The committee recommends that the relevant Australian government agencies (Attorney-General’s, AUSTRAC and AFP) investigate ways to eliminate overlap and duplication in delivering their responses to combat transnational crime. In particular, the committee recommends that the Australian Government examine the possibility of integrating existing initiatives to deal with transnational crime, such as the Financial Intelligence Units and Transnational Crime Units.

**Response**

Partially accepted

The Government is continuously looking for synergies and efficiencies in the delivery of assistance to combat transnational crime in the Pacific. There is a clear division of responsibilities between the Australian agencies involved in this. AUSTRAC provides operational assistance to Financial Intelligence Units (FIUs). The Attorney-General’s Department (AGD) provides legal assistance to police, prosecutors, judges and policy officers. The AFP manages, coordinates and enhances law enforcement intelligence, collaboration and capacity building through the Pacific Transnational Crime Network (PTCN). The PTCN is a multi-agency network connecting national transnational crime units (TCUs) in 12 countries across the Pacific and which aims to engage with law enforcement secretariats across the Pacific.

In order to identify potential areas of collaboration and avoid duplication, AUSTRAC and AGD coordinate their assistance through the Asia Pacific Group on Money Laundering Donor and Provider Group, and with the AFP through TCUs in individual Pacific islands countries. Australian support for measures to combat transnational crime in the Pacific will also be coordinated as part of the development of bilateral Security Partnerships between Australia and Pacific islands countries, which commenced in 2010.

With respect to the possible integration of TCUs and FIUs, it is a matter for Pacific islands countries to determine the structure of their own government bodies. While information sharing for law enforcement is vital, there can be good legal and policy reasons for separating the two functions. The Financial Action Task Force standards do not require FIUs to be integrated with police agencies and indeed Australia maintains separate police and financial intelligence structures, and has established robust secrecy and access legislative provisions to ensure the holding and distribution of financial intelligence is restricted. Furthermore, financial intelligence can have benefits for agencies beyond law enforcement, such as taxation and revenue, and governments may choose to
establish an FIU with treasury or financial regulation oversight.

On 15 June 2010, the Government launched Australia's Framework for Law and Justice Engagement with the Pacific to promote a cohesive and coordinated approach to combating transnational crime. The Government supports efforts to enhance liaison and cooperation between the Pacific FIUs and TCUs on financial investigations and intelligence sharing, and is prepared to examine the possibility of providing assistance to any Pacific islands countries which might wish to integrate their FIUs and TCUs.

**Recommendation 7**

The committee recommends that the Australian Government, through the Asia Pacific Civil–Military Centre of Excellence and the Deployable Civilian Capacity (DCC) give priority to assisting Pacific island states develop their emergency response capacity. Experts from the Centre of Excellence, and attached to the DCC, could raise awareness of tsunami and cyclone behaviour, assist in the development of emergency response plans and work with Pacific Islanders to develop more resilient critical infrastructure.

**Response**

Accepted

The Government is committed to assisting Pacific islands countries to develop their emergency response capacity. The Asia Pacific Civil–Military Centre of Excellence (APCM COE) has been created to strengthen civil-military efforts for conflict prevention and responses to natural disasters in the region, including the Pacific. The APCM COE works closely with the Australian Civilian Corps (ACC) – formerly known as the Deployable Civilian Capacity (DCC) – in developing and providing training and education modules on civil-military issues to ACC participants. A core function of the APCM COE is to assist government departments and agencies (including the ACC), to develop Australia's civil-military capability for overseas deployment through training, education and research, and to strengthen Australia's integrated and coordinated government and civilian (including non-government organisation) response to conflict and disaster management.

**Recommendation 8**

The committee recommends that as the Asia Pacific Civil–Military Centre for Excellence and the Deployable Civilian Capacity (DCC) develop, the Australian Government take steps to ensure that they operate as an integrated and coordinated whole-of-government and civilian response to conflict and disaster management.

**Response**

Accepted

The Asia Pacific Civil–Military Centre of Excellence (APCM COE) works closely with the Australian Civilian Corps (ACC) – formerly known as the Deployable Civilian Capacity (DCC) – in developing and providing training and education modules on civil-military issues to ACC participants. A core function of the APCM COE is to assist government departments and agencies (including the ACC), to develop Australia's civil-military capability for overseas deployment through training, education and research, and to strengthen Australia's integrated and coordinated government and civilian (including non-government organisation) response to conflict and disaster management.

**Recommendation 9**

The committee reiterates the recommendation made in Volume I (recommendation 3), that the Australian Government ensure that environmental matters including climate change be integrated more effectively throughout its aid program to the Pacific.

**Response**

Accepted

The Government has prioritised the integration of environment and climate change considerations across its development assistance program in the Pacific, with the purpose of protecting and improving the environment and reducing the risks of climate change and environmental degradation to vulnerable communities.

AusAID is working to improve each stage of the design and implementation of development
assistance through training, guidance material and expert advice on integrating environment and climate change concerns. AusAID's quality processes and environment management system are being updated. In-house training for staff based in recipient-countries and in Canberra is being conducted to improve staff knowledge and skills. Support for climate change adaptation will also be integrated into Australia's Partnerships for Development with Pacific islands countries, through which mutually agreed priorities for Australia's development assistance are determined.

The Government recognises the close links between disaster risk reduction and climate change adaptation approaches. The Government will ensure that all support under its Disaster Risk Reduction policy is closely aligned with Australia's approach to the environment and climate change, and implemented coherently. Australia will integrate disaster risk concerns into existing environmental assessment tools and planning mechanisms in the Pacific to ensure coordinated climate change adaptation and disaster risk reduction programming.

Recommendation 10
The committee recommends that in developing its Pacific Partnerships for Development and Partnerships for Security, the Australian Government ensure the link between development and security is strong. Moreover, it recommends that close attention be given to developing Partnerships for Security which:

- enhance the level of cooperation, collaboration, coordination and interoperability between Australia's various security-related initiatives;
- work with bilateral partners to develop security assistance that is appropriate to Pacific nations' level of development and commensurate with their technical and material capacity; and
- complement the work of regional organisations and become instrumental in forging much closer cooperation and coordination with other donors to the region.

Response
Accepted

The Government's new Pacific Security Partnerships provide a link between Australia's development and security goals in the Pacific by providing the opportunity to create a better coordinated, whole-of-government approach to Australia's security-related activity in Pacific islands countries. Security support provided by other donors and by regional organisations will be taken into consideration in developing mutually-shared security priorities and activities within each Partnership.

SENATE RURAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE
INQUIRY REPORT: AUSTRALIAN HORSE INDUSTRY AND AN EMERGENCY ANIMAL DISEASE RESPONSE AGREEMENT

Recommendation 1
The committee recommends that, consistent with the outcome of the consultation process, the horse industry should sign the EADRA based on the establishment of the levy at a zero dollar amount.

Response: The Government notes this recommendation. Animal Health Australia has received applications from the four peak horse industry representative bodies to become Parties to the Emergency Animal Disease Response Agreement.

The Government has accepted a submission from the horse industry identifying two emergency animal disease levy options proposed to be set at a zero rate.

Recommendation 2
The committee recommends that, notwithstanding the informal review mechanism provided for in the Levy Principles and Guidelines, specific legislative provision be made for periodic review of the implementation of the levy.

Response: The Government accepts this recommendation. A periodic review requirement will be included in the supporting legislation.

Recommendation 3
The committee recommends that the industry aspires to the compilation of more complete data
on the size and scope of the Australian horse population.

Response: The Government notes this recommendation. Actions under this recommendation fall wholly within the responsibilities of representatives of the Australian horse industry. The Committee's report has been brought to the attention of the peak horse industry representative bodies.

Recommendation 4
The committee recommends that the introduction of property identification codes be further explored by states and territories.

Response: The Government notes this recommendation. Actions under this recommendation fall wholly within the responsibilities of the states and territories. The Committee's report has been brought to the attention of appropriate state and territory agencies.

Senator CAROL BROWN: I move:
That the committee reports be printed in accordance with usual practice.

Question agreed to.

The reports being printed were as follows—
Foreign Affairs, Defence and Trade Legislation Committee
Environment and Communications Legislation Committee – reports x2 and a correction
Education, Employment and Workplace Relations References Committee
Economics Legislation Committee
Standing Committee of Senators' Interests
Legal and Constitutional Affairs References Committee
Economics References Committee – reports x3 (second interim report re dairy is substantive)
Rural Affairs and Transport References Committee—reports x2 (Asian honey bee is a substantive interim report)
Environment and Communications References Committee
Legal and Constitutional Affairs Legislation Committee
Joint Select Committee on Gambling Reform

COMMITTEES
Rural Affairs and Transport References Committee
Community Affairs References Committee
Economics References Committee
Foreign Affairs, Defence and Trade References Committee

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:42): by leave—On behalf of the chairs of committees, I move:
That:
(a) Rural Affairs and Transport References Committee on the science underpinning the inability to eradicate the Asian honey bee be presented by 30 June 2011;
(b) Community Affairs References Committee on the impacts of rural wind farms be presented by 1 June 2011;
(c) Community Affairs References Committee on the options and services for people ageing with a disability be presented by 31 May 2011;
(d) Economics References Committee on the impacts of supermarket price decisions on the dairy industry be presented by 1 October 2011;
(e) Economics References Committee on the State government insurance and the flood levy be presented by 30 June 2011;
(f) Foreign Affairs, Defence and Trade References Committee on the Department of Defence's request for tender for aviation contracts and associated issues be presented by 23 June 2011; and
(g) Rural Affairs and Transport References Committee on pilot safety, including consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010 be presented by 15 June 2011.

Question agreed to.
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:43): by leave—I move:

That consideration of each of the committee reports and government responses to committee reports tabled today be listed on the Notice Paper as orders of the day.

Question agreed to.

Economics References Committee
Consideration of Reports and Government Responses

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:43): by leave—I move:

That the Senate adopt the recommendation of the Economics References Committee on the impacts of supermarket price decisions on the dairy industry relating to the provision of a government response.

Question agreed to.

DOCUMENTS
Tabling
The ACTING DEPUTY PRESIDENT (Senator Marshall) (16:45): I present responses to various Senate resolutions as listed at item 16 (a) on today's Order of Business.

- from the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to a resolution of the Senate of 9 February 2011 concerning the bund at Narrung in South Australia
- from the Minister for Foreign Affairs (Mr Rudd) to a resolution of the Senate of 10 February 2011 concerning human rights in Uganda
- from the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to a resolution of the Senate of 2 March 2011 concerning the Dampier Archipelago
- from the New Zealand acting High Commissioner (Mr Vitalis) to a resolution of the Senate of 21 March 2011 concerning the earthquake in Christchurch
- from the Attorney-General (Mr McClelland) to a resolution of the Senate of 24 March 2011 concerning the 20th anniversary of the release of the report of the Royal Commission into Aboriginal Deaths in Custody in 1991

AUDITOR-GENERAL'S REPORT


DOCUMENTS
Tabling
National Schools Constitutional Convention 2011


Electronic Transactions Amendment Bill 2011

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (16:46): I table an addendum to the explanatory memorandum relating to the Electronic Transactions Amendment Bill 2011.

COMMITTEES
Publications Committee
Report

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:46): Pursuant to order and at the request of the chairs of the respective committees, I
present the fifth report of the Publications Committee.

Ordered that the reports be printed.

**Additional Information**

**Senator CAROL BROWN** (Tasmania—Deputy Government Whip in the Senate) (16:47): Pursuant to order and at the request of the chair of the respective committees, I present additional information received by the committees relating to estimates hearings:

- Finance and Public Administration—2010-11 additional estimates
- Rural Affairs and Transport—2010-11 supplementary budget estimates

**DOCUMENTS**

**Tabling**

The Clerk: Documents are tabled in accordance with the list circulated to senators.

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

**COMMITTEES**

**Membership**

The **ACTING DEPUTY PRESIDENT (Senator Marshall)** (16:48): The President has received letters from party leaders seeking to vary the membership of committees.

Senator LUNDY: I move:

- That Senator McEwen replace Senator Ludlam on the Legal and Constitutional Affairs References Committee for the committee's inquiry into Water Act 2007 provisions relating to the development of a Basin Plan, and Senator Ludlam be appointed as a participating member of the committee.
- That Senator Colbeck replace Senator Heffernan on the Rural Affairs and Transport Legislation Committee for the period of 30 May to 3 June 2011, and Senator Carol Brown be appointed as a participating member of the committee.

Question agreed to.

**BILLS**

**Consideration of HR Message**

The **ACTING DEPUTY PRESIDENT (Senator Marshall)** (16:49): Messages have been received from the House of Representatives informing the Senate that the House has agreed to the following bills without amendment:

- National Vocational Education and Training Regulator Bill 2010 [2011]
- National Vocational Education and Training Regulator (Consequential Amendments) Bill 2011

The **ACTING DEPUTY PRESIDENT**: Messages have been received from the House of Representatives informing the Senate that the House has agreed to the amendments made by the Senate to the following bills:

- National Broadband Network Companies Bill 2011
- Telecommunications Legislation Amendment (National Broadband Network Measures Access Arrangements) Bill 2011
COMMITTEES
Foreign Affairs, Defence and Trade Joint Committee
Cyber-Safety Committee

The ACTING DEPUTY PRESIDENT:
Messages have been received from the House of Representatives informing the Senate of the appointment of members to the Joint Standing Committee on Foreign Affairs, Defence and Trade and the Joint Select Committee on Cyber Safety.

BILLS
Assent
Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

22 March 2011—Message No. 2—
Telecommunications Interception and Intelligence Services Legislation Amendment Act 2011 (Act No. 4, 2011)
Statute Law Revision Act 2011 (Act No. 5, 2011)
Water Efficiency Labelling and Standards Amendment Act 2011 (Act No. 6, 2011).
31 March 2011—Message No. 3—
Appropriation Act (No. 3) 2010-2011 (Act No. 7, 2011)
Appropriation Act (No. 4) 2010-2011 (Act No. 8, 2011).
8 April 2011—Messages Nos—4—
National Health and Hospitals Network Act 2011 (Act No. 9, 2011)
5—Education Services for Overseas Students Legislation Amendment Act 2011 (Act No. 11, 2011).
12 April 2011—Messages Nos—6—
National Vocational Education and Training Regulator Act 2011 (Act No. 12, 2011)
7—
Tax Laws Amendment (Temporary Flood and Cyclone Reconstruction Levy) Act 2011 (Act No. 16, 2011)
Civil Dispute Resolution Act 2011 (Act No. 17, 2011).
8—
Australian Civilian Corps Act 2011 (Act No. 18, 2011)
Screen Australia (Transfer of Assets) Act 2011 (Act No. 20, 2011)
Evidence Amendment (Journalists’ Privilege) Act 2011 (Act No. 21, 2011).
9—
National Broadband Network Companies Act 2011 (Act No. 22, 2011)
Corporations and Other Legislation Amendment (Trustee Companies and Other Measures) Act 2011 (Act No. 24, 2011).
21 April 2011—Message No. 10—
Family Assistance Legislation Amendment (Child Care Rebate) Act 2011 (Act No. 25, 2011)

COMMITTEES
Reports
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:50): Pursuant to order at the request of the chairs of respective committees, I present
reports and legislation from the Legal and Constitutional Affairs Legislation Committee, the Finance and Public Administration Legislation Committee and the Education, Employment and Workplace Relations Legislation Committee, as listed at item 20 on today's Order of Business, together with the Hansard records of proceedings and documents presented to the committees.

Ordered that the reports be printed.

**BILLS**

**Australian Research Council Amendment Bill (No. 2) 2010**

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator MASON (Queensland) (16:51): The coalition supports the Australian Research Council Amendment Bill (No. 2) 2010. It essentially appropriates an extra year of funding for the Australian Research Council for the 2013 year as well as providing for indexation of the funding in the forward estimates. Other than that, the bill makes no substantial amendments to the ARC Act.

However, it is worth briefly giving some context to why research matters. Research is the engine of innovation, productivity and, of course, growth. In a modern advanced economy, research is essential to maintaining the edge over our competitors and improving the lives of Australians. Virtually every technology we use, every convenience we take for granted, has its roots in research. We might not see or think much about research, but its benefits are all around us. Spending on research is, quite simply, one of the best investments a government can make. In purely monetary terms, it produces a better return on every dollar spent than just about every other way the government can spend money. It advances human knowledge, produces countless direct benefits and spin-offs and, when commercialised, brings a wealth of benefits to our country, our economy and our people.

In all fairness, I am starting to sound like my friend Senator Carr, the Minister for Innovation, Industry, Science and Research, in expanding the benefits of research. In a sense I raise this because of mooted cuts to the budget of the National Health and Medical Research Council, the NHMRC. I know that Senator Carr and I am sure Senator Evans as well—being responsible for tertiary education—would agree with me that the funding of research is critical. It is a pity that the government is considering cutting those funds. I am hoping that Senator Carr, Senator Evans and others in the government that care about these things will make sure that Mr Swan and the bean counters do not get away with too much. I think it is fair to say that with research you cannot just cut it and then pick it up the next day, because when you cut it people leave, contracts are broken, relationships are destroyed and expertise often goes overseas.

Just the other day I was at the well-named Menzies Research Institute at the University of Tasmania where they are doing great work in the areas of cancer, heart disease, diabetes, arthritis, Alzheimer's disease and multiple sclerosis. They have 150 researchers there and it is one of the Australia's great medical research institutes. I am really concerned about what might happen to that institute among others if those cuts that are being mooted in fact occur.

One of the great interests of former Prime Minister Mr Howard was medical research. Senators will remember that, between 1995 and 1996 and up until the 2008 budget, the coalition provided a fivefold increase in medical research funding with funding...
increasing to about $700 million annually. It was one of Mr Howard's great passions. I was told when I was at the Menzies Research Institute that the then Prime Minister spent nearly an entire day at the institute looking at the projects and the medical research being undertaken at the University of Tasmania. That is a long time for a prime minister to spend in one spot looking at one particular project. To the coalition, this is very important research not just for the researchers in Tasmania but for the Australian people.

I know the budget is being delivered tonight and I know there are financial constraints on the budget. I accept that and I think the country knows that. Suffice to say that cutting medical research at this time would be the wrong move because the benefits it brings to all Australians has great multiplier effects. I am hoping tonight that Mr Swan does not take an axe to that. I commend the bill to the Senate.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (16:56): The Australian Research Council is a statutory authority within the Australian government's Innovation, Industry, Science and Research portfolio. Its mission is to deliver policy and programs that advance Australian research and innovation globally and benefit the community. In seeking to achieve its mission, the ARC provides advice to the government on research matters and manages the National Competitive Grants Program, a significant component of Australia's investment in research and development. Through the National Competitive Grants Program, the ARC supports the highest quality fundamental and applied research and research training through competitive selection processes across all disciplines, with the exception of clinical medicine and dentistry.

This is an appropriation bill to support the ongoing operations of the ARC. It will fund the high-quality research we need to address the great challenges of our time, to improve the quality of people's lives, to support the development of new industries and to remain competitive in the global knowledge economy. Bills to amend the Australian Research Council Act 2001 to receive administered funding occur each year. This is to apply indexation to existing appropriation amounts, create an additional forward estimate and may also contain new funding for new initiatives. The current bill updates the special appropriation funding cap amounts administered by the Australian Research Council to include indexation adjustments to three existing financial year appropriation amounts and adds a forward estimate year in the Australian Research Council Act 2001. The bill adjusts the Australian Research Council's funding cap for the financial years beginning on 1 July 2010, 2011 and 2012 in line with indexation and sets the funding cap for the financial year beginning on 1 July 2013. Indexation adjustments and adding an additional forward estimate are part of the standard budget process and are administrative in nature. The proposed amendments change only the administered special appropriation; they do not alter the substance of the act or increase departmental funds.

The ARC is the major source of funding for the innovative, investigator driven research that has underpinned inventions ranging from the bionic ear to the Jameson flotation cell which saves the coal industry hundreds of millions of dollars each year. ARC centres of excellence provide key science and policy advice on the management of coral reefs, are developing automated control systems for the mining
industry and agricultural sector and are taking some big challenges in medicine such as applying nanobionics to regenerate spinal cord injuries. ARC funding has enabled regional centres such as the Cairns campus of James Cook University to attract Australian and international leaders in tropical rainforest ecology to build world-class teams of researchers and postgraduate students. Ongoing funding for the Australian Research Council is essential to the vitality of the Australian higher education system. Excellent researchers across all areas of the university system must be able to compete for funding if we are to keep world-class academics in Australia working in our universities and teaching the next generation. Since 2007 the Australian Research Council has delivered on our 2007 election commitment of 1,000 Future Fellowships. The Australian government will provide, over five years, up to $844 million and will award up to 1,000 of these midcareer research fellowships. The inaugural 200 future fellows were announced in September 2009 and a second round of 200 was announced in October 2010. Sixty of the fellowships announced last October identified environment and climate change as a target research area.

In July 2010 we announced the establishment of the ARC Centre of Excellence for Climate System Change to address uncertainties in regional climate science. This world-class research centre, hosted by the University of New South Wales, will receive $21.4 million over seven years. The centre's research programs will investigate the effects of tropical convection on Australia's climate; risks; mechanisms and attribution of changes in Australian climate extremes; the role of land surface forcing and feedbacks for regional climate; drivers of spatial and temporal climate variability in extratropical Australia; and mechanisms and attribution of past and future ocean circulation change.

In January 2008 we announced the establishment of the ARC Advisory Council and a range of other measures to enhance the independence of the ARC. In January 2011 six new members were appointed to the council, increasing its overall size from seven members to 10, to enhance its range of expertise and experience and ensure it is well placed to provide strategic and policy advice.

In February 2008 we announced that the ARC would deliver the Excellence in Research for Australia framework. This is a world-leading research evaluation framework reflecting the Australian government's commitment to a transparent, streamlined evaluation of the quality of research undertaken in Australia's universities. The Australian government has provided $35.8 million over four years. Since 2008 the ARC has undertaken three years of comprehensive and widespread consultation with the higher education research sector on the development of ERA. The first full round of evaluations for ERA took place in 2010. The ARC delivered the ERA 2010 national report on 31 January 2011. This landmark report highlights both Australia's research strengths and areas with potential for further development. It will allow the Australian government to plan the future of research investment in Australia. It provides assurance to government, industry and the Australian public of the quality of research conducted in Australian higher education institutions and the value of government investment in the research sector. For ERA 2010 the ARC received data in relation to some 330,000 unique research outputs and over 55,000 researchers.

The ERA initiative is a key element of the government's agenda for the reform of Australia's higher education system,
articulated in *Transforming Australia’s Higher Education System* (2009), and its innovation agenda, expressed in *Powering Ideas: An Innovation Agenda for the 21st Century* (2009). ERA gives Australia, for the first time, the capacity to rigorously measure our achievements against our peers around the world. It draws together rich information about discipline-specific research activity at each individual institution, as well as information about the contribution to the national landscape of each discipline in each institution.

In March 2008 the government announced the opening of all ARC grant schemes to international competition and in July 2008 the government announced the opening of the ARC schemes to the Australian Institute of Aboriginal and Torres Strait Islander Studies. The ARC continues to work closely with Indigenous researchers on a range of new initiatives for those Indigenous researchers.

In September 2008 the ARC introduced the Australian Laureate Fellowships Scheme to build strong teams around our very best research leaders. The Australian government will provide, over five years, up to $239 million and will award up to 75 fellowships. The inaugural 15 laureate fellows were announced in June 2009. In November 2010 the Prime Minister announced two additional laureate fellowships—the Kathleen Fitzpatrick Australian Laureate Fellowship in the Humanities, Arts and Social Sciences; and the Georgina Sweet Australian Laureate Fellowship in Science and Technology—for female researchers and research leaders of international repute. The new ARC scheme 'Researchers in Industry Training Awards', part of the government's Clean 21 initiative, will focus on increasing industry engagement in research and development projects through funding research student stipends in industry sectors vital to Australia's future. Up to 200 awards will be available—100 each in 2012 and 2014—an investment of $23.4 million over six years. The targeted industry sectors include built environment, clean energy, future manufacturing, industries supporting innovative regions and the marine and maritime industry.

The new Discovery Early Career Researcher Award scheme will provide more focused support for researchers and create more opportunities for early-career researchers in both teaching and research positions and research-only positions. It is expected that up to 200 three-year awards will be available each year, commencing in 2012.

The ARC has also introduced Research Opportunity and Performance Evidence to enable assessors to take into account any career interruptions, including those for childbirth and caring responsibilities—very welcome news. In November 2010 the Australian government approved $21 million in funding for the ARC Special Research Initiative in Stem Cell Science and announced the successful proposal of Stem Cells Australia, who will conduct world-class research and create a public awareness unit to provide public education and encourage public debate into the ethical, legal and public policy issues associated with stem cell science.

In July 2010, 13 new centres of excellence were announced, with total Australian government support of $255.9 million over seven years. This was in addition to the Australian government's announcement in February 2009 of an additional $82.25 million to extend the funding of the 11 existing centres of excellence.

Through this important legislation, the ARC will continue to advance our efforts to build a fairer and more prosperous Australia
through innovation and education. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Kroger): As no amendments to the bill have been circulated, I shall 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 LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (17:09): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator BIRMINGHAM (South Australia) (17:09): I rise to speak on the Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011. This bill has two main components, one being to effect a reorganisation of digital television channels to realise what is commonly referred to as the 'digital dividend', and the second being to deal with amendments to the regulatory framework which provide free-to-air television via the new VAST satellite service as part of the digital television switchover. The switch to digital-only television will make the present spectrum used for television in the analog space in the frequency ranges between 694 and 820 megahertz available for other uses.

Beyond that is a capacity and opportunity to restack the spectrum used in the digital space, further making capacity available.

Spectrum is of course a valuable commodity, and I expect significant competition for this spectrum including from providers of superfast broadband, which we all know is increasingly the internet platform of choice for many Australians. This will of course provide a windfall of sorts to the government when that spectrum is allocated, auctioned or otherwise disposed of. I wish that I could say I have confidence that when this government receives windfall gains such as from the sale of spectrum it knows how to use the money wisely. However, I can but hope—given its history in pink batts, school halls or other areas—that there is a change of government in place by the time the dividend in financial terms to government from this spectrum reallocation is made available.

To enable this digital dividend, a more efficient organisation of broadcasting services spectrum is required, which will be overseen by the Australian Communications and Media Authority, otherwise known as ACMA, through a process, as I mentioned, known as restacking. This reorganisation requires amendments to the Broadcasting Services Act and Radiocommunications Act, which are presented in this bill. The coalition recognises the need to provide ACMA with the regulatory changes it needs to complete the restacking process effectively. However, as coalition senators outlined in their additional comments to the report of the Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011 inquiry, the coalition does have some concerns in relation to the realignment of the broadcast licence areas. Before I move onto those concerns, I place on record my thanks to the members of that committee for their work in that inquiry and, of course, to the committee secretariat as always.
The concerns raised by coalition senators in particular highlight the power that the amendments in this bill provide to the minister to direct ACMA to make or vary television licence area plans. These licence area plans, of course, set the boundaries into which different television broadcasters operate. While it is likely that there will be some change to licence areas, it appears the powers provided by these amendments offer, to some degree, free rein to the minister and ACMA in terms of those boundary changes, with few restrictions put in place. While I would not expect ACMA to just draw random maps for the sake of it, this is still a concern in terms of the lack of boundary and direction provided for in the bill. I also note that ACMA could allocate additional licences in some broadcast areas, potentially to significant industry players, which of course would come with a detrimental effect on existing broadcasters. In fact, in the Senate inquiry, the Department of Broadband, Communications and the Digital Economy testified that the bills contained:

… no express prohibition on ACMA allotting broadcasting spectrum in whatever way it sees fit.

Of course, these are important issues, and local stations with local programming content and local advertising provide a great community benefit and help to foster strong, vibrant regions. They are good for regional business, good for regional people and good for regional communities as a whole. While the legislation and these amendments that provide for this capacity may all be of good intention, sometimes good intentions go astray and there is nothing wrong, of course, with taking a precautionary approach in relation to such amendments. On this basis, I would invite the minister to provide some response to those issues raised by coalition senators and to provide some comfort in regard to the overall capacity of the minister and ACMA to exercise these powers in relation to the boundaries and the allotting of broadcasting spectrum.

Prior to the finalisation of the restacking exercise and to achieving the entire dividend, critically related to this is the switch-over itself—the switch-over from the analog signal to the digital signal, which has already taken place in parts of my home state of South Australia as well as parts of Victoria and Broken Hill. It is quite clear that the planning for the switch-over and preparation for it has—certainly in my experience dealing with parts of regional South Australia—been somewhat lacking. Hundreds if not thousands of people in the regional switch-over area in SA are experiencing problems. They have contacted my office; I have spoken to them through media outlets and received their calls in many, many cases. We have written on many, many occasions detailing dozens and dozens and dozens of particular examples—and I am sure there are many more for all those who have contacted my office—in regard to problems people are having with the switch-over. Many of these problems remain and we are still getting new calls and inquiries some six months after the analog signal was switched off in parts of regional South Australia.

Unfortunately, the government seems to have failed to provide sufficient information to many households about how their antennas are set up and what things are needed for the switchover other than just getting the technology of a box or a new television in place. This failure has left them with poor or no television reception. In other cases there are technical reasons for why people are not getting the quality of television service that they previously enjoyed under the analog system. While Senator Conroy is well aware of my concerns in this area, I hope he is aware that these concerns are shared by many of my coalition colleagues, especially surrounding
the preparation of further communities for the switch-over in regional areas. There is a real concern in many communities that not all current analog terrestrial transmission sites will be replaced with digital terrestrial transmission facilities. This, of course, will mean that many people who currently receive a terrestrial signal will have to switch to the VAST satellite service.

The government's VAST satellite service program—to cost some $375 million over 12 years—replaces community funding models which allow communities to invest in self-help transmission or retransmission services that allowed them to access terrestrial facilities. The minister ought to be aware, and others have made these points, that of the 680 current self-help sites it is estimated that around 570 will not be upgraded to provide for digital retransmission. This will affect hundreds of communities in regional Australia and will see some 127,000 households move from a terrestrial television service to a satellite television service, losing the local connections and content which, as I highlighted earlier, are so significant and important for many regional communities. With another budget to come this evening—another budget, no doubt, of further waste and incompetence on the government's part—you would think that Senator Conroy and the government might have paid some attention, and I can live in the hope that perhaps they have, to the views and submissions of the Local Government Association of Queensland, which stated in its submission to the exposure draft of this bill:

… converting many if not most existing analogue self-help transmission sites to digital is a more convenient and cost effective way to approach a conversion to digital TV.

Indeed, moving from terrestrial to satellite television will not be a cheap exercise for taxpayers, households or, in particular, for many small businesses—especially for retirement homes, motels and caravan parks. Last week I was in Georgetown, in Northern Queensland, where the motel owners expressed their concerns about the expense of changing over from a terrestrial service that they currently have on a self-help basis to a satellite service that will cost them greatly to transform every room in their motel. With no subsidy scheme for businesses, unlike for households, there is a real question for people like the motel in Georgetown as to how such businesses are to provide television services and, in doing so, fund the considerable cost of the new satellite equipment. Many simply will not be able to afford the expense or will see it as another hit to the bottom line, especially in the tourism industry, as well as for all those other small businesses.

There is an alternative that others have outlined, and that is that the government should move to allow communities to pool their VAST subsidies to pay for upgrades to their existing retransmission sites to a digital retransmission service. This would be a sensible win-win outcome for communities who would get to keep a terrestrial service and in many cases for many taxpayers who would actually save on cost. For instance, in Normanton, also in Queensland, some 552 households will be eligible for the $700 Satellite Subsidy Scheme, which, in addition to the householder co-payment of between $200 and $350, could total up to $600,000 in costs for Normanton households to access the VAST satellite system. Meanwhile, the minister himself has stated that setting up a digital terrestrial facility to retransmit all of the VAST channels would cost between $110,000 and $270,000. I think we can see in this example that there are opportunities to save money in relation to this switchover from the types of programs the government has proposed.
Also, on the total cost for households, it is likely that in many instances the $200 to $350 co-payment, which applies to upgrading only one household appliance, will not be enough given that we know many households have multiple televisions as well as recording devices, so this will be a considerable cost to households in those communities as well. Keeping a terrestrial signal in place wherever possible is simply good for communities, good for small businesses and good for tourism operators in particular. It is unfortunate that the government is not taking this approach and I would again urge the minister and the government more generally to reconsider and to look at ensuring, wherever possible, that it does support the maintenance of terrestrial facilities.

Communities are not just concerned about the cost of the switch-over; many are also worried about the time they have to prepare. Broadcasters who have undertaken to convert existing analog transmission facilities to digital are required to do so six months before the switch-over date in any particular given region. This is to ensure that households have enough time to ensure that their digital reception equipment is working correctly. Without this time, many people are left with no TV services when the analog signal switches off. Indeed, my office has received calls from many people who, following the switch-off of the analog signal in South Australia, were left with no signal and felt they had little information about what to do to upgrade and in some instances had not had access to a digital signal so far in advance. In fact, the six-month rule was not observed in South Australia or in Mildura, and I would hope the government does ensure in future that it is observed in all switch-over areas in all cases. The six-month opportunity for people is important if they are to ensure that all of their equipment is working correctly before the switch-off occurs. It is simply not good enough and, as I indicated before, my office is still receiving many, many calls from South Australians receiving poor reception who really could have done with extra time to ensure their equipment was working before the switch-over.

The coalition does recognise the need for the switch-over to digital-only television and we recognise this bill's role in this process. We do, however, implore the government to look at some of the measures I have outlined today that would enable more people to receive a terrestrial signal, would save taxpayer dollars and would ensure that people could continue to receive the terrestrial signal as well as ensure that those matters that have been debated in this place previously, such as the six-month rule for the switch-over, are maintained and observed by the broadcasters and by the government in the setting of the switch-over dates.

The coalition also recognises the importance of local content wherever possible, and this is another reason why the opportunities of terrestrial services should be maintained. Overall we do not oppose this bill. We do recognise that it provides the necessary framework measures, particularly to achieve the financial dividend for taxpayers and the benefits of the spectrum becoming available for new technologies and new uses and to ensure that we get out of that public good of spectrum the best available return for all Australians in an economic sense, in a social dividend sense and also for taxpayers. We would urge the government, in relation both to how it manages that process and in particular to how it continues in managing the digital switch-over, to heed some of the concerns, to look for opportunities for cost saving and to show us that it is up to managing this process effectively into the future.
Senator LUDLAM (Western Australia) (17:26): I rise to add some comments on behalf of the Australian Greens, and I advise the Senate at the outset that the Greens will be supporting this bill. We have a number of concerns, which Senator Birmingham has outlined, and the concerns that we raise are very similar. I will give advance warning that I will be moving two second reading amendments that address in particular one of the issues that Senator Birmingham just raised.

This bill amends the Broadcasting Services Act 1992 and the Radiocommunications Act 1992. It has come in consequent to a process that we do support. The switch-over to digital television has been a long time coming. It has been delayed; it is probably running about a decade behind schedule considering when it was first proposed. It is appropriate that we are debating this legislation now with the process of the rollout where it is. The amendments introduce measures to effectively implement the reorganisation of digital television channels, to realise the digital dividend and to improve the regulatory framework for free-to-air digital TV services provided on the VAST satellite service and the switch-over to digital-only television.

The Australian Greens welcome the government announcement that 126 megahertz of broadcasting spectrum will be released as a digital dividend. This dividend will be released as a contiguous block of spectrum in the UHF band in the frequency range of 694 to 820 megahertz. The spectrum will become available as a result of the switch to digital-only television and the release of spectrum currently used for analog television. Digital switch-over will be completed in Australia, we understand, if all goes according to plan, by 31 December 2013.

The Greens have asked the government to estimate the overall revenue that will be raised by the auctioning of the digital dividend band, which of course is now an important and extremely valuable piece of taxpayers' property effectively. We have asked the government whether any sections of the band will be allocated for use by the emergency services or by other non-commercial services. I missed the first few minutes of Senator Birmingham's speech. I am not sure whether this is an issue that the coalition have taken an interest in or not. The Australian Communications and Media Authority should be able to tell us the commercial value of the 20-megahertz spectrum requested by the Police Federation of Australia on behalf of emergency services organisations, and we think that this information would be useful as the debate unfolds with regard to who gets what in the digital dividend.

We understand the government is still considering whether or not to reserve part of the digital dividend in the 700 megahertz band for police and emergency services, and if so how that will be organised. I will indicate now I have a number of questions with regard to this issue and a couple of others, and that I will be proposing that we take this bill into the committee stage so that we can debate some of these issues with the minister. We want to put on the record that the Greens' view is generally supportive of the proposal that we understand came forward from the Attorney, Mr McClelland, that 20 megahertz or thereabouts be reserved for these public safety agencies because it is vital for the services that Australians need during natural disasters and other critical events such as terrorist incidents, bushfires and so on, and that there are particular technical reasons why emergency service organisations are requesting that particular band of that particular part of the spectrum.
As I understand it, all of Australia's police commissioners support the Attorney-General's proposal, including the New South Wales commissioner, who is the spokesperson on the matter, and the government's own chief commissioner, Tony Negus of the AFP, who in March 2011 told the Parliamentary Joint Committee on Law Enforcement how important access to that particular band is for police and emergency services workers. I understand the proposal is also backed by peak bodies representing fire authorities, ambulance services and so on across the country, and that the issue was raised at the February 2011 COAG meeting. So I suppose I am inviting at this stage the minister, if he is able to, to provide us with an update as to how that is going.

A hundred and twenty-six megahertz in the 700-megahertz range, the digital dividend, will soon be available for new users when Australia moves from analog to digital television, and of course police and emergency services are seeking 20 megahertz of that available spectrum, around 16 per cent of it. The remaining 84 per cent would then be available for auction to the big telecommunications carriers. I understand that there is resistance to the Attorney-General's proposal from the carriers and there has been a certain amount of debate in the public domain as to whether emergency services need that band, whether they are requesting something in the wrong place or whether it is irrelevant. Of course the carriers all want the available spectrum for commercial purposes, so they are just doing their jobs as well. I understand there is probably some contention even within the government, and maybe the minister can spell out for us what the views of the government are in this regard. I understand that the Attorney has a report from Access Economics which says that setting aside 20 megahertz of spectrum for natural disasters may not reduce the proceeds from auction because of the scarcity value of the spectrum, so in effect it decreases the amount that is available for bidding, which has been described as the waterfront property of radio spectrum.

There are essentially two alternatives to the Attorney's proposal. One is to insist that police and emergency services buy their communication services from commercial carriers. In effect, that means they would at this stage be reliant on Telstra, which is the only carrier in this space which has the reach that they need right across the country. This is the 'leave it to the free market' option that leaves our public safety agencies potentially at the mercy of Telstra, whose systems are not really built to importance level 1, which these services require for reliable, robust communications that survive natural disasters, to have that highest degree of network resilience that they obviously require.

The other option is to impose conditions on the commercial carriers which are successful in buying spectrum in this range at the forthcoming auctions. Such conditions would aim to ensure that the carriers meet the needs of police and emergency services, whether it be robustness, priority, security and so on. This approach was tried by the Obama administration in the States in 2008 and it failed because the carriers did not want to take on the onerous requirements that were necessary to meet the needs of first responders, quite understandably again. Their interests there are actually quite different. So subsequently President Obama reserved 20 megahertz for first responders in January 2011. They have rolled back in the US to the approach that the police and emergency services organisations are proposing here in Australia. If only mild conditions were imposed on the commercial carriers, the needs of first responders would
not necessarily be achieved, and that is obviously something that they have great concerns about. We know the carrier systems regularly fail during natural disasters. Recognising that the NBN rollout will change the picture substantially, it is not going to change the underlying dynamic of the divergence of interests between the commercial carriers and emergency services personnel. So we believe that the Attorney-General's proposal probably has merit and is the only option that will ensure that police and emergency service authorities have the high-speed mobile broadband communications that they effectively need in situations like natural disasters.

I understand that COAG has endorsed the need for these public safety agencies to achieve interoperability so as to protect the community in the range of circumstances that are foreseeable. I again give the minister notice now that I will be asking about that in the committee stage. This is a case obviously where the government's first priority, in our view, should be public safety and it should be the national interest rather than the interests first of the telecommunications carriers to maximise the value of the spectrum auction. I understand that a number of independent MPs are supporting the Attorney's proposal to reserve spectrum for natural disasters and other critical incidents. So we believe that public safety should come first and we are interested in pursuing the proposal to reserve spectrum for law enforcement agencies.

We come now to the other area that we addressed during the Senate inquiry earlier this year, which Senator Birmingham touched on in his remarks. It goes partly to the issue of pooling the Satellite Subsidy Scheme. During the caretaker period last year a letter from the department said the following concerning pooling:

The subsidy will be provided by way of a procurement model under which contracted satellite installers will be engaged to provide the equipment and installations for eligible households. It will not be paid directly. Because of this it does not lend itself to pooling of payments.

On 15 November last year I wrote again to the minister suggesting again the concept of pooling the SSS payments. This time the minister replied sometime around 21 December and in respect of the pooling matter a new series of arguments against pooling were raised. They were essentially twofold. Firstly:

Under the funding arrangements agreed to by the government for the satellite subsidy scheme, it is not possible to redirect funding from the scheme for other purposes such as making payments to councils to upgrade self-help facilities. Secondly, the minister wrote:

I am also advised that pooling of the SSS funding in some areas could have the effect of increasing both the cost of the scheme to government and the copayment by individual households. This is because—I am paraphrasing slightly here—of the model used maximising benefits from economies of scale that come from being able to contract for a specified number of households on a state-wide basis. If the number of households is reduced, the contractor's price might be expected to rise.

The Environment and Communications Legislation Committee report of March this year shows in a bit of detail the objections and the counterproposals that were put in this matter by the Local Government Association of Queensland, Broadcasting Australia in particular and the Remote Area Planning and Development Board of Queensland, who took a particular interest in these issues. They provided responses within their submissions to the Senate committee as the
same points were made by the minister in a letter of 9 December to the chairman of RAPAD. On the first point we believe that, just as the cabinet submission in relation to the scheme may have specified it being used only for DTH reception, so a subsequent cabinet decision could sensibly alter such a restriction if the arguments were made and if they were accepted. On the second point the department and the minister have said that such a procedure would distort the SSS scheme and result in higher copayment charges for the few remaining homes within the SSS VAST conversion structure. It is a reasonable argument, but we respectfully disagree. No bidder to an SSS tender can alter any quoted price on the basis of changes to the predicted number of homes regardless of the reason. This is reasonably well established. The exact wording from schedule 3, which is the pricing schedule for the required RFT response, says:

The exact number of Registered Households that will participate in the scheme may be higher or lower (than outlined in the Schedule) … The list of locations participating in the scheme may also vary due to decisions by the broadcasters to, or not to, convert self-help sites to digital …

So people coming into this process are well aware that the numbers of households can change. The second argument that the minister put to us in his letter does not actually hold water according to the documents. It is clear that broadcasters can quite freely decide to upgrade a self-help facility or not to upgrade one that they previously said they would at any time. The department does not seem to be concerned at this significant potential for a rise or fall in SSS participation and any effect on remaining homes. This already happened at Orroroo in regional South Australia after, we understand, the regional contract was signed with Skybridge. They lost more than half the predicted regional South Australian business.

The same happened with Cohuna in regional Victoria. This town of 1,800 residents was removed from the department's scheme town list early in December 2010 after the broadcasters decided to upgrade the self-help transmitter at the end of November. We understand that that occurred after the contract with Skybridge had already been signed. Finally, we understand that total SSS business in regional Victoria is only running at about a third of the original predicted rate in the RFT documentation.

The pooling concept is fairly simple. Funds equivalent to the Commonwealth contribution for the relevant location—whether it be 400, 550, 700 or 980, depending on location—plus the management fee which is paid to the contractor for every eligible home serviced multiplied by the expected eligible household numbers for the location would be handed to the relevant council. This is something that councils are requesting to at least have the option to be able to do. If the Commonwealth were concerned about such a transfer, it could certainly coordinate an RFT process for such self-help upgrades, resulting in the relevant councils or the local government association and the Commonwealth entering into a bulk contract for all such regional—but mostly remote Queensland—self-help upgrades. I think this is a good model that could be extended elsewhere. The relevant local council would be responsible for all the extra initial establishment costs and continuing maintenance and operational costs—which is what the local government authorities up there are actually proposing. I understand that the LGAQ and RAPAD have been conducting tests of various digital terrestrial self-help technical models, the aim being to demonstrate, for example, a remote Indigenous community self-help transmission model. Again, as Senator Birmingham outlined for the chamber, this is about retaining
local programming and local terrestrial transmission. It is not about constricting choice or taking money off people making the government's life more complicated but about preserving the local broadcasters that people are used to.

Clearly, once technical feasibility, bulk costs and ongoing maintenance are identified, the next issue will be: can we pool the contingent SSS to assist the initial rollout cost? The Greens believe there are justifiable concerns from those who have questioned the logic of requiring the 265-odd self-help licensees, involving around 460 facilities, to examine digital terrestrial self-help options during the period 30 March to the end of January 2011. It was impossible for such an examination to be undertaken when the equipment necessary for such endeavours was not actually available. So we note the department's comment during the inquiry that they are willing to accept the position taken by some councils in rural and remote areas who have said that they were opting for the subsidy but if they subsequently find that there is a better terrestrial solution which proves cost-effective they will be able to implement that and they would actually prefer to do that for their communities.

The Greens recognise that there has to be a mixture of solutions to get television to people across Australia—part of that being satellite, part of it terrestrial. The question, obviously, is how services can be delivered most effectively. These issues were very well canvassed in the committee report. We remain concerned, however, that some viewers may be forced to receive a VAST service in rural and remote regions before alternatives have been tested. We understand that government may consider lengthening the time frame for consideration of self-help solutions and application for the scheme.

We have a second reading amendment which calls on the government to do this and I will move that shortly. We also have another second reading amendment that calls for an independent review. We may have created a certain amount of confusion in calling for a review that will actually be conducted before the rollout has concluded by 2013. That is intentional. Because it is a phased rollout, we will have a great deal of operational experience and we will have a very good idea of how the process has worked for the earlier regions once they have been bedded down, which we think will be useful to be conducted during the rollout in later regions, particularly as we start getting into the big metro areas. So we have some concerns remaining about the impact that these changes will have on the community and we believe that a review on the impact of delivery of television services to viewers across Australia, but in particular to regional and remote areas, should be undertaken no later than 24 months after the legislation has been put in place, which, as I say, will probably bring us in some time before the rollout has concluded. That is actually intentional. I move the two Greens amendments:

(1) At the end of the motion, add:

but the Senate is of the opinion that the Government should extend the timeframes for the consideration of self-help solutions and applications in subsidy areas of the Satellite Subsidy Scheme.

(2) At the end of the motion, add:

but the Senate is of the opinion that the Government should cause an independent review of the impact of the delivery of television services under this legislation on viewers across Australia, and in particular in regional and remote areas, to be undertaken no later than 2 years after the commencement of this legislation.

I conclude my comments and will come back with some questions for the minister,
depending on the comments that he offers now.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:43): Firstly let me indicate on behalf of the government that it is our intention to oppose both of the second reading amendments that Senator Ludlam is proposing. It is our view that the proposed amendments would not have any practical effect upon the bill nor any practical effect in terms of constraining or obliging the government to do anything. We see them as being of no effect and we will oppose them.

In summing up on behalf of Minister Conroy, firstly let me say thank you to all honourable members for their contributions to the debate on the Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011. After its introduction in the House on 24 February 2011, the bill was referred to the Senate Environment, Communication and the Arts Legislation Committee for inquiry, as Senator Birmingham touched upon. The committee tabled their report in the Senate on 21 March 2011 and it recommended that the bill be passed.

The bill introduces amendments to the Broadcasting Services Act 1992 and the Radiocommunications Act 1992 that are crucial to effectively implementing the restack of digital television channels needed to realise the digital dividend. On 24 June 2010, the government announced that 126 megahertz of broadcasting spectrum would be released as a digital dividend as a result of the switch-off of analog television services. The switch to digital-only television will be completed in Australia by 31 December 2013, releasing the channels used for analog television. The digital dividend will be released as a contiguous block of spectrum in the ultra-high frequency, or UHF, band. The UHF spectrum currently used for broadcasting services is highly valued for delivering wireless communication services, including superfast mobile broadband. The government aims to auction the digital dividend spectrum in the second half of 2012.

In order to release this highly valued spectrum, digital broadcasting services will need to be relocated—or, as Senator Fifield prefers, 'restacked'—out of the digital dividend spectrum and organised more efficiently within the remaining spectrum. The government intends that the digital dividend spectrum be cleared by 31 December 2014. While ACMA has some scope under its existing powers to commence digital channel restack planning, the bill would give it more flexible planning powers and allow the restack of digital television channels to occur in a timely and efficient manner. The proposed amendments will also improve the regulatory framework for digital switchover and the delivery of both terrestrial and satellite free-to-air digital television services.

During the inquiry of the Senate Environment and Communications Legislation Committee into the provisions of the bill, some submissions raised concerns that the bill favoured satellite conversion over terrestrial conversion. The government recognises that both terrestrial infrastructure and a satellite service are required to provide all Australians with access to the full range of digital television services. Government policy does not advocate a preferred method of digital television reception. I might also take this opportunity to respond to Senator Birmingham's concerns regarding regional Australia by simply saying that this government is very proud indeed to have finally brought to viewers in regional and remote Australia, through our switchover program and the launch of a new satellite service, access to the same number of digital
television channels as people in the capital cities enjoy. This is a historic outcome for viewers in regional and remote Australia, who for decades have received less choice and arguably lower quality reception in their television viewing than people have in the capital cities.

The bill will amend the conditional access scheme to provide commercial broadcasters in remote Western Australia with the opportunity to roll out their terrestrial digital television services before viewers they intend to serve can access the VAST satellite service. This will help to protect the integrity of the larger terrestrial television markets in remote Western Australia and avoids the need for viewers to purchase satellite reception equipment unnecessarily. The bill also proposes to allow viewers access to the VAST satellite service after a specified time after switchover in their licence area if it provides a superior number of commercial digital television services, including digital multichannels that are otherwise available terrestrially in their area. These provisions will provide the commercial broadcasters with the incentive to roll out all of their terrestrial digital television services before viewers in the area will be able to automatically access VAST.

Although commercial and national broadcasters can apply to the minister for exemption from converting terrestrial digital transmission sites under very limited circumstances, it is important to note that this exemption is not automatic. It is within the minister's discretion, having regard to the statutory criteria outlined in the bill, whether to grant a broadcaster an exemption. An exemption cannot be granted where a service has already commenced transmitting in digital. These provisions are intended to, amongst other things, minimise situations where consumers need to purchase both satellite and terrestrial reception equipment to receive the full suite of digital television channels. The bill will progress the government's digital television switchover program and will help realise the digital dividend, bringing significant social and economic benefits to all Australians. On behalf of the government, I commend the bill to the Senate.

Senator BIRMINGHAM (South Australia) (17:50): I seek leave to make a brief statement with respect to the amendments.

The ACTING DEPUTY PRESIDENT (Senator Kroger) (17:50): Leave is granted for two minutes.

Senator BIRMINGHAM: Thank you. I shall make it brief and try to cover both amendments at once. In relation to the amendment that I think we are considering first—that is, the one relating to self-help solutions and sites and the potential to be able to pool funds—this was an area that I spent some time discussing in my remarks during the second reading debate. The coalition are favourably disposed to support the motion of the Greens in that regard. We think that it makes a lot of sense, that it provides positive outcomes for communities in terms of increasing the scope of terrestrial services and has the opportunity to provide positive outcomes for taxpayers by minimising the amount spent on satellite subsidies. So I indicate our support in that regard.

In relation to the amendment relating to a review, which I think we will deal with subsequently, the coalition will not be supporting that amendment. I hope the government are in a process of, shall I say, 'continuous learning' with regard to the digital switchover—that is, that as problems are uncovered in each region, they actually learn the lessons and address them before the next region, and in particular address them...
before we get to the 2013 switchover of metropolitan areas around Australia. I do not know that a formal review part-way through the process is going to add to this. I think it is far more important for the government to actually be learning those lessons as they go, fixing it as they go and getting it right as they go. That is what the coalition would be urging them to do. Therefore we will not be supporting the amendment on sheet 7053 pertaining to a review.

Senator LUDLAM (Western Australia) (17:52): I seek leave to make a short statement.

The ACTING DEPUTY PRESIDENT (Senator Kroger) (17:52): Leave is granted for two minutes.

Senator LUDLAM: Then we can go into committee and we can leave these issues be. I thank Senator Birmingham for his support on at least one of these, as I think the issues that we were concerned about are substantially pretty similar. It is about giving people time to make better arrangements, since they seem to be technically and economically feasible. I would invite the minister and maybe call him on his response when he spoke briefly to these amendments, saying—I am paraphrasing—'You are not compelling us to do anything so these amendments are irrelevant.' I think that is a rather cavalier attitude to take to an amendment which I believe the chamber will shortly carry that 'the government should extend the timeframes—as this amendment proposes—for consideration of self-help solutions and applications in subsidy areas of the SSS'. That is inviting the government to do something constructive.

We have moved this in the form of a second reading amendment, and perhaps I should get it drafted as a committee amendment to compel the government to do exactly that. But I thought that, as a sign of goodwill, particularly with coalition support, a second reading amendment effectively advises the government that the chamber wishes it to take action in a certain way. I do not think we are asking anything unreasonable at all. It does not compel the government to unpick the structure of the subsidy scheme. We are inviting the government to take another look at some of the constructive proposals that have been set forth by local government associations and Broadcasting Australia. I wonder whether the minister might indicate that the government would be prepared to take this amendment in the spirit in which it is proposed.

Question agreed to.

Senator LUDLAM: by leave—I move second reading amendment on sheet 7053:

At the end of the motion, add:

—but the Senate is of the opinion that the Government should cause an independent review of the impact of the delivery of television services under this legislation on viewers across Australia, and in particular in regional and remote areas, to be undertaken no later than 2 years after the commencement of this legislation.

Question negatived.

Original question, as amended, agreed to.

In Committee

Bill—by leave—taken as a whole.

Senator LUDLAM (Western Australia) (17:56): As I foreshadowed in the second reading debate, I have a number of questions that I would like to put to the minister relating to requests by emergency services authorities for the quarantining of 20-odd megahertz of the spectrum that is proposed to go to auction. I will not elaborate unless the minister wants me to. I just invite him to respond to those concerns.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence)
(17:56): I thank Senator Ludlam. As I comprehend it, the issue here is state and territory public safety agencies seeking an allocation of digital dividend spectrum as a means of meeting their wireless broadband capability requirements. I think it is important for me to stress that the government understands the critical importance of supporting our public safety agencies with the best possible communications networks.

The options for the best way to achieve the new mobile broadband capability sought by public safety agencies are—as you have touched upon—being looked at by the Attorney-General's Department. Senator Conroy's department and the Australian Communications and Media Authority, ACMA, are of course assisting the Attorney-General's Department in that endeavour. In fact, a roundtable meeting was held only this morning, on 10 May 2011, and that meeting was attended by public safety agencies, industry and Commonwealth agencies. In fact—this is hot off the press—I can advise that that meeting was also attended by the Attorney-General and Minister Conroy. At that meeting, agreement was reached to establish a steering committee with representatives from all interested parties to determine the best way to meet the spectrum needs of police and emergency services. This will involve ACMA working with police and emergency services to identify the appropriate spectrum to be reserved in the 800 band—which has been identified for public safety purposes in the harmonised band plans for the Asia-Pacific region. This is the appropriate and agreed process to address this issue, and I understand that there are no measures in this bill that in any way impede or otherwise affect that process.

Senator LUDLAM (Western Australia) (17:58): I have a couple of questions, but I first ask the minister whether or not he would be willing to table the document that he was reading from just then.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:59): It is my handwritten notes on the basis of a conversation. It is not such a glamorous document.

The ACTING TEMPORARY CHAIRMAN (Senator Kroger): It may not be decipherable other than to Senator Feeney.

Senator FEENEY: It is probably not the smoking gun you might be looking for, Senator Ludlam.

Senator BIRMINGHAM (South Australia) (17:59): In relation to the issue of emergency service networks and their access to spectrum, the coalition have been particularly aware of this issue and concerned for some time now. We are aware that people raised issues in relation to this legislation. We believe that there is some merit in ensuring that particular consideration be given to this issue, and that is why we moved to establish terms of reference on it for the Senate Environment and Communications References Committee, which is undertaking an inquiry into the capacity of communication networks and emergency warning systems to deal with emergencies and natural disasters. They are broad terms of reference that have the capacity to deal with a range of potential issues, but it is important to note that the terms of reference also include a capacity and requirement for the committee to look at new and emerging technologies, including digital spectrum, that could improve preparation for responses to and recovery from an emergency or natural disaster.

The coalition sees this as an important issue. We are encouraged that the chamber—including, indeed, Senator Ludlam—supported us in ensuring that these terms of
reference were passed through to the committee. We do think that it is critical that the concerns of those state and territory agencies as well as the concerns raised by many other groups about spectrum access for emergency services be heard and properly considered. We trust that the government, as part of their responsibility, will do that, and this chamber is already doing that through the Senate Environment and Communications References Committee. We think that that is an appropriate forum in which to air all of those issues properly and to ensure that, if the case for particular spectrum to be allocated is valid, the committee will make recommendations to the government for that spectrum to be allocated. We would hope that the government would look favourably upon such recommendations.

Senator LUDLAM (Western Australia) (18:01): I thank Senator Birmingham for that contribution. You are quite correct: we did support that committee reference. I think it is timely and it is certainly a very good idea. But does not go to the heart of the issue that I am raising here, so I will perhaps put a question to the minister. I understood that what you told us just then was that the roundtable, or however you defined it, had convened to discuss the allocation of spectrum in the 800-megahertz range—I think that is what you just said—which is not actually what they are asking for, and I wonder whether you would like to clear up that discrepancy before we move ahead.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:02): I guess, Senator Ludlam, that you are interested in the 400-megahertz band. On the 400-megahertz band the government has already made significant progress through the COAG process—which I think you touched upon, Senator Ludlam—to deliver an agreed national framework for improved radio communications interoperability. In April 2010, the ACMA announced arrangements for the provision of harmonised spectrum for use by government agencies in the 400-megahertz band. Under those arrangements, several segments in the 403-megahertz to 470-megahertz frequency range were identified for the exclusive use of government. That exclusive use is primarily to support national security, law enforcement and emergency services but is also available to support broader government use once those core requirements have been comprehensively met. Provision of this dedicated spectrum for emergency services requirements in the 400-megahertz band will ensure interoperability of voice networks between different state jurisdictions. These arrangements complement the objectives developed by COAG under the national framework.

In conclusion, the government remains committed to supporting the needs of public safety agencies, and the government will continue to work with the states and territories to determine the most efficient and effective communications network to meet Australia's emergency management and public safety needs.

Senator LUDLAM (Western Australia) (18:04): Actually, the issue that I addressed and my understanding of the area of spectrum that these organisations are most concerned about is in the 700-megahertz band, so it is well outside 400 megahertz. They are seeking a 20-megahertz slice of that spectrum, which, as I understand it, for technical reasons—and this is obviously not my specific area of expertise—carries further. It is a better piece of spectrum for the kind of equipment that these people seek to operate in that it can penetrate buildings and so on and not be subject to rain, other weather conditions or that kind of thing.

The question I put to you, and I would be happy if you could just give us a yes or no.
answer, is this: is the government committed to resolving these issues through the roundtable process that you have established prior to undertaking the auction—that is, will you commit to ensuring that the organisations that you are with now at the table will have their concerns addressed before you give up that slice of what is effectively taxpayers property?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:05): I am advised that the answer to that is yes. The issues will be resolved prior to auction.

Senator LUDLAM (Western Australia) (18:05): That was a succinct answer. I am a little bit taken aback and surprised. I thank the minister for that. I again invite the minister—through you, Senator Feeney—to resume communications with some of the local government authorities and other agencies who have been working on pooling the SSS, because I think there is potentially a good outcome there for everybody. Would the minister like to briefly address the question that I raised right before I moved the amendment? It was about the government's attitude—and I certainly do not want to misquote the government's intentions—to the second reading amendment that the chamber just passed.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:06): I am happy to do that, Senator Ludlam. I think you quite accurately characterised those two amendments put by you, one of which was passed only a few moments ago, as an expression of the will and sentiment of the Senate—and I think that is right. Those amendments do not amend the bill or impose any legal obligations on the government; rather, they are an opinion of the Senate expressed by the Senate. As a consequence of that, together with the fact that I am advised that a second reading amendment for a bill has no consequences for the House of Representatives and is rather an expression of opinion by the Senate, I said something to the effect—I cannot quite remember the phrase I used, forgive me—that these amendments would have no effect upon the bill. That was really what I was saying. I guess I made the remark on those two grounds. I cannot quite remember my phraseology, forgive me, but I guess I said something to the effect that these amendments would have no effect upon the bill. That is really what I was saying. I hope that is of assistance.

Senator LUDLAM (Western Australia) (18:07): That was certainly more politely worded than your comments prior to closing the second reading debate. I wonder whether the government can offer a commitment, then, whether or not they will extend time frames for the consideration of self-help solutions and applications in subsidy areas of the scheme. That is effectively what we are asking. Your response is, 'We're not legally obliged to do anything, so we're feeling free to ignore it'—again, I am paraphrasing. Can you offer a commitment as to whether the will of the Senate will be respected in this instance?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:08): Notwithstanding your vicious paraphrasing, Senator Ludlam, the government's answer is that it is and remains committed to working with local communities. It has already granted extensions to local governments. It appreciates that there are particular concerns and it will regularly review the progress of this work.

Senator LUDLAM (Western Australia) (18:08): Can I just say by way of closing that I greatly preferred it when you stood up...
and just said yes. I have no other questions on this matter.

Bill agreed to.

Bill reported without amendments; report adopted.

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

Electoral and Referendum Amendment (Provisional Voting) Bill 2011
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (18:09): Lovely to see you, Mr Acting Deputy President McGauran.

The ACTING DEPUTY PRESIDENT (Senator McGauran): Likewise.

Senator FIFIELD: I rise to speak on the Electoral and Referendum Amendment (Provisional Voting) Bill 2011. The coalition’s key concern when it comes to electoral legislation is that the integrity of the electoral roll is maintained and strengthened. This bill does neither of those things.

In 2006, the Howard government introduced legislation that required provisional voters to produce evidence of identity within seven days of a federal election or referendum. This legislation was introduced because the then government identified a loophole in the rules that surround provisional voting whereby the integrity of the electoral roll could be compromised by people enrolling in marginal electorates to influence the result in that seat, despite actually residing elsewhere.

Now, with this bill, the government seeks to repeal the evidence of identity requirements introduced by the coalition to ensure that the Australian electoral system is not rorted and to deter people from failing to comply with Electoral Act. This government wants to water down legislation that was introduced with the express purpose of strengthening the accuracy and integrity of the electoral roll, and the coalition will not support it in doing so. The coalition is opposed to any measure that would weaken the proof of identity requirements relating to provisional voting because it would remove an important deterrent that is designed to prevent voters from failing to maintain an accurate enrolment. Weakening proof of identity requirements will also remove an important measure that acts to deter those who may seek to engage in electoral fraud through multiple voting.

The government’s stated reason for this bill is that getting rid of the proof of identity requirements will mean that provisional votes will be treated the same as other classes of votes such as postal votes, pre-poll votes and absent votes. This, in the eyes of the Labor Party, is a good thing. That attitude, we believe, is misguided. Votes cast as provisional are provisional for a reason—often because the voter is not found to be on the roll or because two people present to vote under the same name.

In both these scenarios it is entirely reasonable to expect the voter to provide evidence of their identity. Without such evidence, the accuracy of the electoral roll is fundamentally compromised and the accuracy of election results could become compromised as well. If a voter is found not to be on the roll, it could be the result of their failure to maintain an accurate enrolment. If two people present to vote under the same name, it is clearly necessary and entirely
appropriate for some proof of identity to be sought.

To quote my coalition colleagues' dissenting report to the Joint Standing Committee on Electoral Matters 2007 report:

Given that failure to properly maintain one's enrolment is a breach of the Act, it is not unreasonable for such persons to be subjected to a more stringent procedure to admit their vote, as a result of neglecting their responsibilities under the Act.

It is also not unreasonable for a more stringent procedure to apply before a vote is admitted for counting if two people are presenting to vote under the same name. The coalition believes that there must be consequences for people who fail to meet their obligations under the Electoral Act to maintain an accurate enrolment. If this bill passes through the parliament, there will be little incentive for people to uphold obligations surrounding their enrolment. If people have no incentive to maintain an accurate enrolment, then the integrity of the electoral roll as a whole will be compromised. The number of people casting provisional votes has increased over the past recent years. Between 1994 and 2004 the number of provisional votes rose from 112,344 to 180,878. In 2007 nearly 80 per cent of voters who wanted to cast a provisional vote presented evidence of identity. In 2010, 96 per cent of people seeking to cast a provisional vote presented evidence of identity. The high rate of compliance with these regulations demonstrates the effectiveness of the coalition's 2006 legislation.

It is interesting to note that although 81.65 per cent of provisional votes were rejected in 2010, only 28,000 out of a total of 203,488 provisional votes lodged were rejected as a result of a failure to produce evidence of identity. That is under 14 per cent of provisional votes. The rest of the votes were rejected due to other issues that did not relate in any way to evidence of identity. And less than half of those 14 per cent of voters were subsequently found on the certified list. So this bill can hardly be supported on the grounds that the 2006 legislation resulted in the exclusion of a huge proportion of eligible voters from participating in elections.

The coalition's position on the issues surrounding the electoral role has been consistent and justified over many years. The Liberal and National parties are committed to ensuring that electoral fraud is minimised and that the integrity of the electoral roll and electoral system are maintained and strengthened.

The 2006 legislation which this bill seeks to repeal was introduced not for partisan political reasons but with the very best of intentions. The coalition sought to strengthen the electoral system's defences against reporting by those who may seek to multiple vote, and to reinforce the integrity of the electoral roll. This bill, by repealing the proof of identity requirements currently in place for those who wish to place a provisional vote will leave the electoral system open to manipulation, and will compromise the integrity of the electoral roll.

It is entirely appropriate that a voter's failure to maintain an accurate enrolment as per the obligations under the Electoral Act result in them being subject to a slightly more stringent process. And the experience of the last election has shown that 96 per cent of those who seek to place a provisional vote do not find it to onerous a task to have to produce identification when presenting at the voting booth.

The opposition will support measures that allow the electoral roll to be maintained as accurately and truthfully as possible. But the coalition will continue to oppose any measures that will weaken the deterrents to
fail to comply with the Electoral Act. This bill does exactly that, and will likely damage the integrity of the electoral roll. As such, the coalition will be opposing this bill.


Essentially, the bill will repeal the requirement for provisional voters to provide evidence of their identity before the votes are admitted to preliminary scrutiny. As senators in this place would be aware, a provisional vote is a type of declaration vote cast by an elector at a polling place on polling day. Like all declaration votes, it is a vote that is sealed inside an envelope. After this, the elector's details, including name, address, date of birth and signature are written on the outside of the envelope.

There are four main reasons an elector may be required to cast a provisional vote: the elector's name cannot be found on the certified list, the elector's name is marked on the certified list indicating that the elector has already voted, the polling official has doubts regarding the elector's identity or the voter is a registered silent elector whose address does not appear on the certified list. Currently, the Electoral Act determines that an elector who casts a provisional vote must provide a polling official with proof of identity at the time of voting, or to the Australian Electoral Commission—the AEC office—by the first Friday following polling day. If the proof of identity is not provided by the deadline, the envelope containing the ballot paper is excluded from the preliminary scrutiny and is not counted.

As the Special Minister of State, the Hon. Gary Gray MP, rightly points out, this requirement was put in place by the previous government in 2006. It resulted in a situation where provisional votes were dealt with in a way that was inconsistent with the treatment of other kinds of declaration votes, namely, absent, postal and pre-poll votes. This legislation will repeal the proof of identity requirement and ensure that all declaration votes are treated equally.

This bill will replace the proof of identity provision with a test which has been used in previous elections. The test which has been previously used is conducted by the divisional returning officer—the DRO. The DRO compares the signature on the provisional vote with the signature of the elector on their previously lodged enrolment form if there are any queries about the identity of the elector. Currently, the requirement for only provisional voters, and not other categories of declaration votes such as absent, postal and pre-poll, to provide proof of identity leads to inconsistencies in the treatment of different types of declaration votes. Essentially, the current arrangement means that an elector who is eligible to vote, and who only has a provisional vote rejected at preliminary scrutiny because of failure to provide evidence of identity would have their vote counted if they had instead voted by absent vote, postal vote all pre-poll declaration. There is no reason why otherwise valid provisional votes should be treated differently to other forms of declaration voting.

As a provisional vote can be cast in a referendum, this bill also amends the referendum act to be consistent with amendments made to the Electoral Act. At the 2007 federal election over 27,000 provisional votes were rejected at preliminary scrutiny because the voter did not provide evidence of identity by the first
Friday following polling day. At the 2010 federal election over 28,000 provisional votes were rejected for the same reason. There are a number of reasons why electors may not provide proof of identity by the first Friday after the election. One reason is that electors may not be motivated to provide evidence of identity because the result of the election is already known. It does not necessarily indicate an attempt by electors to fraudulently vote.

The AEC has undertaken further examination of the 28,000 provisional votes cast at the 2010 election and identified 12,000 instances where the name of the voter was subsequently found on the certified list. So these people were in fact eligible voters, highlighting that the 2006 amendments are simply unworkable. What we are doing in this bill is making an amendment to restore the custom and practice of dealing with provisional votes.

The Australian Electoral Commission has provided support for this amendment bill through their submission to the current inquiry of the Joint Standing Committee on Electoral Matters into the 2010 federal election. The AEC has recommended that the requirement for production of evidence of identity by provisional voters should be repealed. The AEC believes that details provided by the elector on the outside of the envelope, such as the voter's name, address, date of birth and signature, allow the Electoral Commission to determine the voter's eligibility to have their vote included without the requirement for additional proof of identity.

It is important that we pass this measure to avoid inconsistencies with other forms of declaration voting. This is to ensure that our electoral system supports all eligible voters having their votes counted. This legislation clears up the unworkable 2006 amendments by repealing the proof of identity requirement for provisional votes and ensures that all declaration votes are treated equally. This is an amendment, as I have said, that is recommended by the AEC. I would urge all those opposite to support this legislation.

I want to recap exactly what this bill seeks to do because the opposition, as I understand it, will not be supporting this piece of legislation. I ask that they go back and have a look at exactly what the legislation seeks to do, and that is to increase the franchise. The Electoral and Referendum Amendment (Provisional Voting) Bill 2011 will repeal the requirement for provisional voters to provide evidence of identity before their votes are admitted to preliminary scrutiny so that they are treated no differently to absentee votes and other declaration type votes. The bill also will implement recommendation 2 of the report of the Joint Standing Committee on Electoral Matters on the conduct of the 2007 federal election and matters related thereto, which has been tabled. This measure was also one of the federal Labor government's 2007 election commitments. This piece of legislation delivers on that commitment.

Basically, we have an election commitment that this bill seeks to deliver on, we have the Joint Standing Committee on Electoral Matters recommending it in their 2007 report and we have the AEC suggesting that this provision needs to be repealed. As I said earlier, of the 28,000 votes that were set aside from the 2010 federal election, 12,000 were found, after a check on the certified roll, actually to be on the roll. That result is not particularly surprising, as a polling official will put the vote in an envelope if they have any doubts, as people in this chamber well know.
There is no real reason for us to treat this type of declaration vote any differently to other types of declaration votes. It is well known on this side of the chamber that these amendments were put in the act in 2006 for political reasons. It was a decision by the then Howard government to make it as hard as possible for people to cast a valid vote, for people to have their democratic say in an election. What this says to people is, 'If you are left off accidentally or the polling official just cannot find your name then we are going to place more onerous task on you than we would on any other elector.' We say to them: 'We will put your vote in an envelope. We will take your name, address, date of birth and then we are going to set that aside and you have until the Friday following the election to come down and show us proof of identity that you are indeed this person.' It is something we do not do for any other type of declaration vote.

Those changes were made by the then Howard government to make it harder for a certain group of electors, probably because they felt they were less likely to vote for them. (Time expired)

Sitting suspended from 18:30 to 20:00

Budget statement and documents 2011-12
Budget speech 2011-12—Statement by the Treasurer (Mr Swan), dated 10 May 2011.
Budget papers—
No. 1—Budget strategy and outlook 2011-12.
No. 2—Budget measures 2011-12.
No. 3—Australia's federal relations 2011-12.
No. 4—Agency resourcing 2011-12.
Ministerial statements—
Australia's international development assistance program 2011-12
Investing in regional Australia
Investing to close the gap between Indigenous and non-Indigenous Australians
National mental health reform 2011-12
Our cities, our future—a national urban policy for a productive, sustainable and liveable future
Debate (on motion by Senator Wong) adjourned.

Proposed Expenditure
Consideration by Estimates Committees

Senator Wong (South Australia—Minister for Finance and Deregulation) (20:00): I table particulars of proposed and certain expenditure in accordance with the list circulated in the chamber and seek leave to move a motion to refer the documents to legislation committees.

Leave granted.

Senator Wong: I move:
That the documents be referred to legislation committees for the consideration of estimates.

Question agreed to.

Portfolio Budget Statements

The Acting Deputy President (Senator Trood): I table the portfolio budget statements for 2011-12 for the Department of the Senate and the Department of Parliamentary Services.
Copies are available from the Senate Table Office.

Senator WONG (South Australia—Minister for Finance and Deregulation) (20:01): I table portfolio budget statements for 2011-12 for portfolio and executive departments in accordance with the list circulated in the chamber. I can advise the chamber that copies are available from the Senate Table Office.

The list read as follows—

Budget Related Documents—10 May 2011
2011-12 Portfolio Budget Statements (PBS)
1.1 Agriculture, Fisheries and Forestry portfolio
1.2 Attorney-General's portfolio
1.3 Broadband, Communications and the Digital Economy portfolio
1.4 Climate Change and Energy Efficiency portfolio
1.5A Defence portfolio
1.5B Defence portfolio (Department of Veterans' Affairs)
1.6 Education, Employment and Workplace Relations portfolio
1.7 Families, Housing, Community Services and Indigenous Affairs portfolio
1.8 Finance and Deregulation portfolio
1.9 Foreign Affairs and Trade portfolio
1.10 Health and Ageing portfolio
1.11 Human Services portfolio
1.12 Immigration and Citizenship portfolio
1.13 Infrastructure and Transport portfolio
1.14 Innovation, Industry, Science and Research portfolio
1.15APrime Minister and Cabinet portfolio
1.15BPrime Minister and Cabinet portfolio (Department of Regional Australia, Regional Development and Local Government)
1.16 Resources, Energy and Tourism portfolio
1.17 Sustainability, Environment, Water, Population and Communities portfolio
1.18 Treasury portfolio

ADJOURNMENT

Abbeyfield House

Senator BILYK (Tasmania) (20:02): On 6 March this year, I had the opportunity to visit McMullen Abbeyfield House in Huonville in southern Tasmania for its 10th birthday celebrations. McMullen Abbeyfield House, in Huonville, is part of Abbeyfield Australia, which is the peak national body that represents 26 affiliated Abbeyfield associations. Across Australia, there are 23 Abbeyfield houses and three hostel aged care facilities. These facilities are located in Tasmania, Victoria, South Australia, New South Wales, the ACT and Queensland. Tasmania has five Abbeyfield houses, with the others being in Burnie, Launceston, Chigwell and Glenorchy. Tasmania is certainly well represented in Abbeyfield houses, given the state's small population, but bearing in mind the percentage of the population over 65 this is possibly not surprising.

McMullen Abbeyfield House is a group home that encourages independent living in a supportive environment. Residents come and go as they please, retaining their independence and personal interests, but they have the company of others if they choose to socialise in shared areas of the home. McMullen House has a wonderful vegetable garden and many fruit trees. Many of the residents enjoy harvesting the wide variety of vegetables and fruit grown and also cook and preserve much of the produce. Indeed, I was quite envious of the many preserve jars on the wall unit.

The residents have a real sense of pride and belonging in their home. They have a housekeeper and are provided with home-cooked meals. The residents tell me the food is wonderful, and if they want to cook they are encouraged to do so. I think this is one of
the aspects that makes the facility a real home for many: the fact that they can make a cake, cook a dinner or just be in the kitchen with the housekeeper.

Costs are met by residents paying 70 per cent of the base pension plus 100 per cent of their rent assistance to Abbefield. Payments cover food, accommodation, cleaning, materials and power, plus a gardener for those bigger gardening jobs, and rates on the building. If family visit and wish to stay overnight, there is a guest room, and family and friends can stay for meals, both at small cost. This is a real sense of home; it is not at all institutionalised. There is a real sense of warmth and personality, and the residents really enjoy the mix of independence, while still feeling supported. A couple of the residents told me it was the best move they had ever made. McMullen Abbefield House was largely funded by a private estate. Land and the equivalent costs of seven rooms and en suites were included. The remaining three rooms were funded by the state government and the normal public housing eligibility criteria apply.

There is another Abbefield House, in the northern suburbs of Hobart. Abbefield Glenorchy was developed with funding under the Local Government Community Housing Program, and a contribution from the Commonwealth government, at the time the Keating government. The Commonwealth government funding came in the form of two separate grants, $440,000 in the 1992-93 financial year and $40,000 in the 1993-94 financial year. This project was also greatly supported by Rotary, Lions and the Trust Bank Foundation.

While I am mentioning Abbefield Glenorchy, I would like to congratulate the five people who were awarded life membership of Abbefield Glenorchy Inc. for their service last year. They are Mrs Anne Gunn, Mrs June Flood, Mrs Merle Diakovksy, Mr Max Maynard and Mr Leo Hurst. Mr Hurst is also a director on the Abbefield Australia board. He is joined there by fellow Tasmanian David Kay, who is the national treasurer.

Abbeyfield's focus has been providing assisted group housing for Australians aged 55 and over. However, there is now also accommodation for people with mild to moderate intellectual disabilities. This change in direction has occurred as a result of need in the community.

Abbeyfield Australia is part of a worldwide movement with 18 countries using the concept of group housing, which began in the United Kingdom in 1955. The concept came about when Richard Carr-Gomm volunteered his services to help elderly people needing practical assistance and companionship. Mr Carr-Gomm went further than just being a helper and companion. He purchased a house, made it available for people to live in and became the housekeeper, although this was only for a very short time. Mr Carr-Gomm then founded the Carr-Gomm Society, which operated on the same principles. Abbeyfield in Australia began in 1986 with a home in Melbourne. Other countries using the concept include Belgium, Canada, France, Germany, Ireland, Italy, Japan, Jersey, the Netherlands, New Zealand, Poland, South Africa, the United States of America, and an associate member, Mexico. At present more than 9,000 people live in 850 Abbeyfield houses worldwide. Abbeyfield Australia is a registered not-for-profit company and registered charity.

The national peak body advocates for all Abbeyfield houses and helps to maintain a management and support framework for all associations. This includes providing: legal and governance advice; national repre-
sentation and advocacy; planning, building design and project management; a national framework of policies and operational procedures; a comprehensive suite of targeted insurance policies; affiliation and management agreements; ongoing operational guidance; and collegial support and volunteer networking opportunities.

Abbeyfield Australia understands that Australia's demand for affordable housing will continue to increase at a rapid rate as the 'baby boomer' generation ages. They also recognise that group living is a highly cost-effective way in which to provide quality community based accommodation. Abbeyfield Australia has both the capacity and the experience to assist in meeting the demands of the nation's changing population.

Each Abbeyfield house is managed by a local incorporated association with its own volunteer committee of management. The local association must manage the house in line with the Abbeyfield Australia governance principles and procedures. The association is responsible for: compliance with tenancy legislation and food safety standards; induction and continuing liaison with residents; employment of the live-in housekeeper; budgeting and financial management; and consultation with residents on both an individual and a house level.

Abbeyfield Australia is hopeful that it will be able to help meet the demands for affordable and cost-effective community housing. Abbeyfield believes its expertise and community volunteer commitment, combined with financial support from the Australian government, can deliver good outcomes in an economically responsible way. Once built, there is no need for ongoing financial support from government as all operational costs are met through the rent. The Abbeyfield business model allows for consistent outcomes while maximising local community involvement and ownership.

Each Abbeyfield house has room for 10 residents with each having their own bedroom with ensuite and tea and coffee facilities. Shared areas of the house include lounge and dining areas, a laundry and an outdoor area. When I was at Abbeyfield House in Huonville each room had its own little outdoor area and many of the residents had tables and chairs where they could relax with family. As mentioned, a housekeeper provides nutritious meals and the maintenance and house costs are covered by the local association.

One of the most important things about an Abbeyfield house is that they are designed to feel like a home and not like an institution or facility. Abbeyfield residents experience many benefits, which may include: affordable, supportive, safe and long-term secure accommodation; greater independence for older residents; an opportunity for people with disability to move out from their parents' home; enhanced social relationships and companionship; increased community participation; and the lessening of isolation for those people who live in isolated areas. They also allow people to stay within the area they have grown up in. That was a great benefit at the Huonville home I visited. There is also additional opportunities to access work, especially for residents with disability. It eases the burden on family members who have been previously caring for the resident.

I believe Abbeyfield is a great concept in that it provides affordable housing as well as allowing residents to live independently while still receiving support when needed. Abbeyfield Australia has developed a strategic plan for 2010 to 2015 and it has set a target of having 46 households across the nation by the end of that period. With that
many houses, about 650 people will be living in Abbeyfield accommodation. Further to this, by 2025 it is envisaged Abbeyfield Australia will have more than 100 properties accommodating approximately 1,300 people.

In conclusion, I would point out that Australia has approximately 522 local government areas. If there were just one house in each local government area that would accommodate more than 5,200 people. That is certainly something worth thinking about.

**Citizenship**

Senator BARNETT (Tasmania) (20:12): I stand tonight to speak to a matter of serious concern relating to the professionalism, or lack of it, of the Minister for Immigration and Citizenship, Chris Bowen. On 4 April the minister, on behalf of the Labor Gillard government, caved in to coalition pressure and overturned Labor's ban on the distribution of Bibles and other holy books as gifts at citizenship ceremonies. Labor's changes to the Australian Citizenship Ceremonies Code in 2008 specifically banned the giving of Bibles and other holy books as gifts at citizenship ceremonies. That was confirmed by the Department of Immigration and Citizenship in answers to questions on notice that I put in October last year and again in the Senate in February. The ban was also accepted by the relevant minister in this place, Senator Kim Carr, in answer to a question I asked. He even tried to blame it on the Howard government. But we see that, as of 4 April, Minister Bowen tried to pretend that there was never a ban at all—both ministers directly conflicting with each other.

The serious concern I have relates to the lack of a response from the minister, Chris Bowen, to correspondence I forwarded to him on 28 October seeking clarification of the matter following Senate estimates in October. I wrote:

Dear Minister

I am writing to seek clarification on the current confusion surrounding the status of Bibles as "gifts" under the Australian Citizenship Ceremonies Code. I refer also to recent communications I have had with the Bible Society of Tasmania who have serious concerns. I seek your confirmation that Bibles have not been—and will not be—banned at citizenship ceremonies.

I never received a response to that letter. On 12 January I followed up in a courteous way in another letter. I wrote:

I refer to my previous correspondence dated October 28, 2010 addressing the confusion surrounding the status of Bibles as "gifts" under the current Australian Citizenship Ceremonies Code.

As at the date of this letter no response has been received. Your early response would be greatly appreciated.

And still no response. On 28 March, there was still no response. So what do I do? I write to the Prime Minister, the Honourable Julia Gillard, and ask her to take up the matter with her cabinet colleague Minister Chris Bowen. As of today, Tuesday, 10 May, there is still no response from this government.

If they are treating a senator, a fellow member of the federal parliament, in this way, how are they treating members of the public? With disdain and contempt, no doubt. The lack of a response from this minister is outrageous. It is not only patronising and demeaning; it is condescending, disrespectful and downright insulting. For the minister not to provide any response in any way, shape or form—either via an email, a hard copy letter or a telephone call from his office—is not good enough.
The reason I raise this in the Senate is that this parliament is meant to have some sort of standards. There is meant to be some sort of ethic to the way that they deliberate. Clearly it is not good enough. I raised it with the Prime Minister on 28 March, and here we are early-ish in May and there has still been no response—absolutely nothing. If they are treating a fellow member of the federal parliament in this way, how are they treating members of the public—with the same level of disdain and contemptuous behaviour? That is a question I pose, and it remains to be answered.

Why would the minister not respond? Clearly, there is a conflict in understanding with respect to their views on whether or not there was a ban. Clearly there is a conflict between Senator Kim Carr and the minister. It is on the Senate Hansard. He put out a media release in early April, indicating that they overturned the ban. He did not use those words; members of the public have used those words. Indeed, the Mercury newspaper used those words. Their headline on that day, 5 April, was 'Unholy row ends as bibles stay'. I congratulate Bruce Mounster for writing that report, which read as follows:

AN unholy row over a ban on the issuing of bibles as gifts at citizenship ceremonies has finally ended.

A campaign led by Tasmanian Liberal senator Guy Barnett since last October against "political correctness gone mad" bore fruit yesterday when federal Immigration and Citizenship Minister Chris Bowen overturned the ban.

The row flared after Clarence Council was ordered by Immigration Department officials to stop proffering bibles, supplied to ceremonies by the Bible Society of Australia.

Hobart City Council and others in Tasmania had already stopped the practice.

Clarence Mayor Jock Campbell yesterday said the ban had been foolish.

"It was an attempt at political correctness and in my opinion stupid," Alderman Campbell said.

The Mercury got it right and I thank them for covering that story. But I would like to know whether it is right and appropriate for a minister of this government not to respond to or to communicate in any way with a fellow member of the federal parliament.

Senator Humphries: Typical!

Senator BARNETT: Is it typical, Senator Humphries? If so, that is very disappointing, but I am not surprised. I would ask those on the other side in this chamber to take it up with the minister and ask, 'Why haven't you responded? Are you treating fellow members of parliament with disdain and contempt in the same way you treat members of the public?' That question has been asked. Two letters have been sent. It was raised in Senate estimates. I have raised it a third time in writing to the Prime Minister. Nothing has happened. Be it on your own heads in terms of the manner in which you behave in this place.

Finally, in the few moments I have remaining, I would like to pay a special tribute tonight to the world champion from Launceston, Tasmania, Daniel Geale. He is known as the 'real deal'. He was born and bred in Launceston. He studied at Brooks High School in Launceston. He has stunned the world by becoming a world champion, winning the International Boxing Federation middle-weight crown in Germany, just a few days ago. It was Sunday the 8th, and it was reported widely across the nation and in particular in the Tasmanian media. I thank the media there, including the Launceston Examiner, for giving him the appropriate recognition.

It was against the odds, it was in Germany, it was against a German and it was in front of a parochial crowd. He is only 30 years old and he still has a very long way to
go. He is now a world champion. I say congratulations to Daniel Geale, to his team, to his family. Congratulations and well done.

I particularly note the comments by Graeme George, his trainer, who had trained him as a young boy in Launceston. He said that he would like to make the first defence of his IBF middle-weight crown in Tasmania and has urged the state government to get behind the state's newest world champion to make sure that it happens. I want to support that call and call for the state government, the Labor government in Tasmania, to try and wriggle out of the despair and dismay that it is in at the moment—the wrecking of the Tasmanian economy, the trashing of the budget and the sacking of thousands of Tasmanian public servants and others—and just for a moment to grab hold of this wonderful opportunity, get behind it and support this event, so that the defence of this title can take place in Tasmania. It would do wonders not just for tourism and not just for the people who would attend such an event, but Tasmania would be the eyes of the world. The international media and television would be focusing on Tasmania for such an event. I hope that other members and senators in this place and those in Tasmania as well will get behind this push to make sure that Daniel Geale can defend his IBF title in Tasmania. Wouldn't that be just fantastic? Wouldn't it just be so good?

I also note that it is beamed all around the world. It would be a big confidence boost for Tasmania in terms of the hosting of events. There are a whole range of different sporting events but this would be one of the biggest opportunities, and we should grasp it with both hands. I call on the state government to get behind this call, make it a success and give Daniel Geale the honour that he deserves. I thank the Senate.

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Mothers

Senator JACINTA COLLINS
(Victoria—Parliamentary Secretary for School Education and Workplace Relations)
(20:22): Following Mothers Day, I want to speak this evening about the privilege I had recently to be in a roomful of true 'supermums' while presenting the Victorian Mother of the Year award, hosted by Barnardos. Being a Victorian senator is indeed a privilege and a role that I relish, but being a mum is an even greater privilege and a role I delight in.

I was interested to read in the papers recently about Gail Kelly, the Westpac boss, speaking about how she used to cope when she had four children under the age of three—triplets amongst them. One of Australia's most successful businesswomen, Mrs Ke\ll\y revealed that she briefly checked one of her babies into the paediatric ward of a local hospital so that she could get some sleep. Mrs Kelly admitted to once getting caught up in a business call on her car phone and totally forgetting that she was supposed to be taking her young son to school. She pulled into her work car space only to hear a little voice in the backseat saying, 'Mum, have you forgotten about me?' Another time, neighbours complained about the noise from her little girl, because the girl's screaming was interfering with their plans to have some drinks in their garden. Noting that the noise had actually stopped, Mrs Kelly told them, 'Don't worry, I just killed her.' As we all know, it pays to have a sense of humour as a mum.

It is a great privilege to celebrate the fact that mothering bonds many of us. We may not earn Mrs Kelly's salary and we may not have smashed the glass ceiling in the way that she has, but what we have in common is more powerful than any of that: our kids, our shared experiences as mothers, and doing the
best we can, day in and day out. Whilst Mrs Kelly said she was uncomfortable with the term 'supermum', I am not—particularly when I had the pleasure of being among so many of them at the Barnardos function—and it is these mothers that I think we can and should celebrate. This is the 16th year of Barnardos hosting the Mother of the Year awards, and I am thrilled that they celebrated the achievements of mothers and their contributions to our community. As we all know, there is no way we could put a figure on everything that mothers do. What is important is that we continue to highlight how vital mothers are at every stage of life and that we continue to promote and support motherhood.

I would like to say a few words about a debate—some call it a 'war'—that I had hoped had been settled long ago; but, unfortunately, it is still alive and well today. That is the 'battle' between the stay-at-home mum and the working mum. I noticed recently an article in the Herald Sun with two pictures: one of a stay-at-home mum, surrounded by her kids, and the other of a working mum at her desk. The story revealed that a new survey had found that mums feel stigmatised—whatever they do! Worst of all, other mums are the biggest offenders for making them feel bad about their choices. Almost 60 per cent of working Mums were made to feel that they were not taking parenting seriously enough, while 40 per cent of stay-at-home mums experienced negativity about their decision not to be in the paid workforce.

Recently, radio presenter Jackie O said that debate about her returning to work two months after giving birth made her feel like a second-rate mum. One Melbourne mum set up a parent-support website after other mums called her 'evil' for putting her three-month-old son into child care so that she could return to university study.

What is going on here? Why have mothers declared war on each other? Since when did we rate mums as first class, second class and so on? Why did we go tribal, forming into camps, defending our territory and throwing spears at others who have made decisions different to our own? At the risk of using a cliché, surely we should focus on the things that unite us rather than those that divide us. In fact, many mothers do different things at different stages of their family processes. As I said earlier, our common bond is our kids, and what a powerful bond that is. We need each other's help and support more than ever. Surely we can rise above this divisiveness, because it really is sowing guilt and creating real harm where we should be offering encouragement and support.

I was not particularly interested in whether the three Barnardos finalists in Victoria—Sharon Bailey, Dianne Brown and Shirley Iaconis—were stay-at-home mums or working mums because, really, that does not matter. Having said that, I do believe it is crucial that babies have the opportunity to bond with their parents, particularly their mothers, in those vital first months and years. That is why I am so pleased and proud to be part of this government that has established Australia's first paid parental leave scheme to support that. What matters most of all for our children is their safety, their care and their happiness. What also really matters is whether our mums have received the love and support they have needed along the way, and still need, because the job of mothering never ends.

It is my sincere hope that mums can stop beating up on each other—stop the snide remarks and judgments—and unite under the banner of motherhood, declaring loudly and proudly that we are mothers first. I also hope that we can create a culture where we celebrate and genuinely support all mothers, not just those who fit our personal
definitions. That also means reaching out to other groups of more marginalised mums—like teenage mothers, who are often unfairly judged and treated, like single mothers and any mum you know who is struggling, for whatever reason. Haven't we all struggled at times?

I read with interest the profiles of the three Barnardos Victorian finalists, and one thing they all share is their positive outlook and their selfless, gutsy attitudes as well as their genuine desire to help others and to put others' needs before their own. I really was inspired by their stories. The world is a much better place for having Sharon Bailey, Dianne Brown and Shirley Iaconis in it, and I salute them for their courage and commitment as mothers and carers of a broader family network. I also congratulate Barnardos Australia's 2011 Mother of the Year—Rebecca Healy, from the Northern Territory. At just 25, the mother of two has really turned her life around. After leaving home at 12, Rebecca lived in refuges for seven years and was taken in by friends. At 19, she decided to clean up her act—which included buying her first home and losing 50 kilos. As well as being a single mum to her two boys aged four and three, Rebecca also cares for her 16-year-old sister full time and is an emergency foster parent. She works as an Indigenous economic development officer and is a passionate advocate for local youth. What an inspiration for young woman and mothers. I read recently that children are happiest when their mothers are happy. But, according to the research, when their mothers were unhappy, only 55 per cent of youngsters were satisfied with their home life. Interestingly, the study found that a father's happiness makes no real difference to his offspring. What this tells me—as if we needed research to prove it—is that kids need happy mothers. As Rebecca Healy puts it, 'a happy healthy mum equals happy healthy children.' While on some days as mums we don't feel particularly happy, I know that most of the time mothers make tremendous efforts to be happy for our kids. Everything a mother does is for her kids: to ensure that they are happy and healthy and to ensure that their family life is strong and stable. I was delighted to present the Victorian Mother of the Year Award and to speak about a subject I am passionate about—that is, that we should do more to promote motherhood.

**Dairy Industry**

Senator O'BRIEN (Tasmania) (20:31): Tonight I take the opportunity to speak about the Senate Economics References Committee's recently completed second interim report on its inquiry into the impacts of supermarket price decisions on the dairy industry. Even though I will not be around for the conclusion of that inquiry in the second half of this year, I have been around for a considerable part of the history of the dairy industry's experience of deregulation, including the process of the states agreeing to deregulate their industries back in 1999. It was at that stage a policy was put forward by the leaders of the dairy industry and it was ultimately supported by the government and the opposition, even though there was a Senate inquiry at the time regarding deregulation in the course of which a number of important findings were made. One of the findings was that there was a risk that, in the process of deregulation, the supermarkets might seek to capture more of the value of the dairy industry than they had hitherto, at the expense of the dairy industry. How true that protection turned out to be!

 ARISING from that process, the government, with the support of the opposition and at the request of the industry, implemented a process of levying consumers to supply money which would go to assist in
the restructuring of the dairy industry. So, for every litre of milk that consumers purchased, they paid 11c towards that levy which, until it was abolished in 2008, raised $1.8 billion. Consumers paid $1.8 billion towards the rearrangements in the dairy industry, including payments to farmers to leave the industry and payments which allowed farmers to re-equip their dairy operations.

The price that farmers are paid for milk has often been at issue between farmers and dairy processors of varying sorts. It has often been the subject of conflict and consternation for farmers. Of course, the fresh milk industry was the key focus of the deregulation process because that was the part of the dairy industry that was regulated in states such as New South Wales, Queensland and Western Australia. In those states, the production of milk was much more dependent on regulation than it was in states such as Victoria which, of course, produces over 60 percent of the milk produced in Australia.

It is interesting to note that, well after deregulation had occurred, the Weekly Times recorded in an article of 20 February 2009 that the cost of milk to processors had risen in the previous year by 12c to 15c a litre, yet supermarkets were only paying processors another 9c a litre—less, in fact, for their privately branded product, and this has been the subject of great consternation in recent times. So at all times since deregulation there has been a testy relationship between processors and the supermarkets as to the price processors were paid for their milk, yet at some times dairy farmers have done much better than they have been doing in recent years, particularly as, immediately before the global financial crisis, dairy farmers around the country were being paid much higher prices than they were at the beginning of deregulation.

In the period since deregulation we have seen the emergence of two markets for dairy farmers in this country: the markets—the states of Victoria, Tasman and South Australia—in which the dairy industry relies upon exports for the bulk of their production and the markets—the states of New South Wales, Queensland and Western Australia—in which the dairy industry relies on the production of drinking milk. Over the period since deregulation, a significant difference between those states has emerged in the price paid to dairy farmers for their milk. For example, in the last recorded figures, as set out on page 37 of the committee's recently released draft interim report, the price in Victoria, Tasman and South Australia was 33.9c, 34.6c and 34.6c per litre respectively; whereas in Western Australia it was 42.4c, in New South Wales it was 48.7c and in Queensland it was 55.8c. In Queensland, the differential had gone up to 65 per cent higher than the price in Victoria, which is one of the states producing milk for export.

In the interim report there were dissenting comments by Senators Xenophon, Heffernan, Milne and Williams in which they suggest that a floor price should be implemented for domestic drinking milk supply as an urgent interim measure. Nothing further has been suggested about a price or how that mechanism would work, but essentially what those senators are urging is a return to regulation for the dairy industry after consumers paid $1.8 billion to move away from it, at the urging of the dairy industry and with the support of the states.

I do not believe that this country ought to or will return to a regulated price for milk. The fact is that the bulk of the milk produced in this country is produced in states which predominantly export. Those states' farmers will be paid prices which have regard to the international price. And that is what is happening now, if you look at the figures.
that I just mentioned. In these states, particularly New South Wales and Queensland, the cost of production is higher, and dairy farmers will not remain in the dairy industry if they are only paid the international price when it is low. That is why there has been an emergence of a great differential in prices for milk between those states.

To simply say we should somehow have a floor price does not address that differential. How do we set a floor price which addresses that differential? And how do we justify to the farmers, say, in Victoria, that their floor price would, of necessity, be many cents lower than that in Queensland set by regulation, because the businesses relying on their milk in many circumstances could not survive on the higher price being paid north of the Queensland-New South Wales border? So I am concerned at the trend which has emerged in that dissenting report because the trend indicates to me perhaps an appeal to popularity rather than a regard to the historical circumstances of the industry and its future.

The industry has gone through hard times. It has gone through a period where prices were high, but also in drought. It then went through the global financial crisis when prices fell sharply because of a fall in international prices. And now it is going through a period of uncertainty where supermarkets are seeking to capture more of the value using the price of drinking milk as a major marketing tool, with the Coles 'Down, down' and so-called 'Staying down' campaign, where milk is being valued at around $1 a litre—some say, much less than the price of water in a bottle. So, in other words, the water, having gone through the cow, has been devalued.

Can I suggest that it would be appropriate for the committee, when they consider this matter further—and I am sure that they will—to have regard to all of those circumstances. It would be appropriate for the committee to look at the circumstances in which dairy farmers find themselves bargaining with processors about the price of the milk that they sell every day. That is one thing that dairy farmers have to do: they have to sell their milk every day. They cannot store it and sell it when the price is high; they have to sell it fresh every day. They are dependent on what happens in their bargaining with the processors.

It would also be appropriate for the committee to have a close look at the power of the supermarkets. We have a very powerful supermarket sector in this country. They are able to drive prices down in this and a number of other areas. But we do have to have regard to the consequences for primary producers, and manufacturers and processors of product, that ultimately have to sell their food products to consumers—and we do depend on that. But they should not be placed in circumstances where there is excessive power to the supermarkets in the equation, perhaps delivering lower prices to consumers but making some businesses, farm and manufacturing nonviable.

Identity Theft Legislation

Senator WORTLEY (South Australia) (20:41): Chairing the parliament's Joint Select Committee on Cyber Safety, I have heard from many about their concerns regarding privacy and related issues. One that causes great concern is that of identity theft. It is an achievement of this government that this issue is being addressed in part through the passage of the Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Act 2010. The bill for the act passed quietly, but the reforms that resulted are significant and they touch each and every person.
Identity theft is real, it is epidemic, and its manifestations range from the simple theft of a wallet or purse to elaborate online frauds, all with the aim of using the victim's personal details, without his or her knowledge, to fraudulently obtain goods, services, cash or credit. Many of us know someone whose stolen credit card has subsequently been used without his or her knowledge or authorisation. We know people who have received those emails known as 'phishing', where criminals, posing as legitimate organisations such as banks, use apparently corporate websites to solicit passwords, tax file numbers and the like. Indeed, many of us in this chamber have received those emails, too. Clearly, sufficient numbers of people respond to these emails to make the scams worth continuing.

It would appear that, even if we do not shop or bank or pay bills online, our personal details can still be available to increasingly sophisticated hackers. The majority of information now has some connection to the world wide web, and if we have ever, for example, registered a car, claimed a Centrelink benefit—which, of course, is deposited to a bank account—obtained household insurance or made any other similar transactions, our personal details could eventually be uncovered by way of increasingly sophisticated computer technology. Meanwhile, the plumber, our accountant and many other service providers will happily hand over their BSB and account details for direct deposit of payments.

There are numerous examples of crimes and potential crimes, and most of those I have highlighted are personal crimes. But small businesses and even large corporations are subject to such fraudulent practices. The consequences of these crimes for persons, small businesses and large corporations can be significant. A victim of identity theft can be completely oblivious until he or she finds that their bank account has been emptied, that credit has been obtained in their name, or even that a crime has been committed, allegedly by the victim. Such consequences can take months, sometimes years, to repair. The victim's creditworthiness can be damaged. He or she may unknowingly have a criminal record that comes to light well after the alleged offence, but in time to jeopardise a job offer or a visa application. You can only imagine the shock of finding out any or all of these things, and the effort, time and expense involved in repairing the damage and restoring one's reputation. You can imagine the emotional strain that could ensue, possibly over a very extended period of time.

My research shows that estimates of the financial cost of identity theft in Australia can reach up to $4 billion per year, and that crimes of this nature are growing faster than any other area of criminal endeavour. Of course, identity theft is a transnational crime. It is clear that the instances I have outlined are likely to represent only a tiny part of a more organised and highly sophisticated underlying criminal structure, both here in Australia and overseas. That is why we need to be increasingly vigilant in relation to our personal information and the ways in which we disclose it.

The act to which I refer comprises a number of amendments to do with law enforcement, privacy and related matters. Chief among these is the creation in the Criminal Code of three offences to do with identity theft. They are: dealing in identification information where the perpetrator intends to pass him or herself off as another person—living or dead, real or fictitious—to commit or assist in the commission of an indictable offence under Commonwealth law; the possession of identification information where the perpetrator intends to
use the information to commit or assist in the dealing offence; and the possession of equipment to create identification documentation where the perpetrator or another person intends to use the equipment to create documentation so as to engage in conduct constituting the dealing offence. The act also provides for an extended geographical jurisdiction. As identity theft is a transnational crime, so too the three offences will also be applicable to an Australian citizen or citizens, or an Australian body corporate outside this country.

These provisions represent significant progress in the fight against identity crime, but increased vigilance, as I mentioned earlier, is the key to protecting ourselves against crimes of this nature. It may sound simple, but just on a personal level we can facilitate this by actually checking the transactions on our credit card statements and then disposing of these by shredding them and not just tossing them into the recycling bin. We can cut up expired drivers licences, credit cards and the like instead of disposing of them intact. We can take care when opening emails from an unfamiliar source, and particular care when our personal or financial details are requested by an unknown—or even a known—person or organisation, whether in person, on the telephone or online.

As the 2008 OECD Policy Guidance On Online Identity Theft points out with particular reference to the latter:

Online ID theft is a fraudulent activity which has become increasingly complex, relying on ever changing high-tech methods. Tackling it requires concerted, collaborative efforts by all stakeholders (i.e. government, business, and consumers). Education and awareness are therefore necessary to ensure that both consumers and businesses are aware of the importance of the problem, and knowledgeable about its evolving forms.

Enhancing community and business awareness is key to combating this expanding and constantly evolving global problem, as well as criminal sanctions, such as those encapsulated in the act for those who engage in it.

With those remarks, I take this opportunity to commend our government for its foresight in legislating to combat these 21st century crimes through the Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Act 2010.

**Afghanistan**

**Senator KROGER** (Victoria) (20:49): I seek leave to extend my comments to 20 minutes.

Leave granted.

**Senator KROGER:** I recently had the opportunity to be part of the Australian Defence Force Parliamentary Program that visited Afghanistan, in particular Oruzgan province in the first week of May. This was a unique experience that provided me with a comprehensive insight into the rationale of our operations, along with the scale of the logistics—an opportunity that I wish all Australians could share.

The visit not only gave me an opportunity to assess our involvement in the war on terror but it also brought me into direct contact with our troops of all ranks, and reaffirmed my perceptions and assumptions...
about the men and women of the Australian Defence Force.

Before I make some general observations, I would like to acknowledge Lynton Dixon, Executive Officer of the ADFPP and Major Micah Batt from HQJOC, our escort, guide and mentor, who ensured that our daily schedule worked and kept us busy and safe. He was pivotal to our safekeeping.

We flew to the ADF's theatre headquarters at Al Minhab, the location of the Joint Task Force 633, where we met with the commander of HQJTF633, Major General Angus Campbell. We were given a very thorough and candid overview by the Major General, along with Air Commodore John Oddie. This was an early indication of the open and transparent approach that was taken by all who we met.

The logistical magnitude of the military presence in the Middle East starts at AMAB, where personnel and supplies are sent for demarcation into Afghanistan. The base is currently home to 550 men and women. It can support twice that number, and conditions personnel in climate and hygiene challenges, and equips personnel for their next stage. We received a shortened drill in the diversity and evolving physical manifestations of improvised explosive devices, known as IEDs, the type of terrain and machinery where they had been found and the invidious damage they cause. A session of weapon training at the rifle range demonstrated, however, why we should focus on influence through the power of the word rather than our prowess with the rifle. In retrospect, I realise that this was a bit like a holiday camp before we were embedded with the troops in the multinational base at Tarin Kot.

Tarin Kot is a stark place—flying in over Pakistan into a landscape of jagged mountains chiselled out of a barren, hard baked earth. Along the meandering brown waters of the Helmand River, subsistence farmers have learnt the ways of past centuries, with irrigation channels effectively carved into the baked earth. The romantic illusion of flower beds dotted along the river banks was shattered with the realisation that the pink flowers were the seeds of the heroin trade. We had arrived at the beginning of Nesh, the harvest season of the opium poppies.

Afghanistan accounts for 90 per cent to 92 per cent of the world’s production of heroin—currently a necessary financial imperative for these subsistence farmers. The drug lords demand that the farmers grow the opium poppy as part of their crop, taking 10 per cent of the profits. The sale of opium allows them to invest in seed for wheat or other crops and pays for the fertiliser, so necessary in this desolate part of the world. This continues to be a challenge for the provincial government. The sale of opium delivers a $100 million annual boost to the Afghan economy. To destroy opium crops is to destroy the economic viability of the province. The province needs to be weaned off this dependence with significant support—and, in so doing, breaking the nexus with the drug lords. Some of this manufactured product, as we know, ends up on our streets in Melbourne and Sydney and beyond. It is a socially destructive trade that destroys lives, and its genesis is here in the meandering delta of what is known as the green zone.

In Tarin Kot we were embedded with the troops, where we shared their shipping container accommodation, their mess huts and, more importantly, their views on why they were there, what they were doing and achieving, and the difference they were making on the ground to the lives of the Afghans. There is no Australian equivalent that can be used to describe this backward
province. In the words of the Australian Deputy Commander, Colonel Dennis Malone, it is the Tennant Creek of Afghanistan—and I do not in any way wish to impugn the residents of Tennant Creek. Those who live in the area do so largely because it is their traditional home. Running water and sanitation do not exist and hygiene is a challenge, with malaria ever present. The locals live in qualas—a construction comprising of a baked mud wall that encloses a small room where they sleep with perhaps another room used for an animal or agricultural storage. It is subsistence living at its most basic.

Without the work of our troops, roads would be nothing but hardened dirt tracks and they would remain beholden to the demands of the drug lords. The safety of the people was at the whim of the Taliban, many of them warring tribal clans who received the support and encouragement of al-Qaeda to fund their war against Western civilisation through the sale of the opium poppy. It was places like Oruzgan Province that provided safe havens for the insurgents, home to the al-Qaeda training camps—camps that were nothing more than bases for teaching the killing skills of Islamic fundamentalist terrorists.

The multinational base here has made extraordinary progress in securing so much of the area, restoring stability and enabling the Afghan people to return to a more normal life. We were provided open access to the members of the Combined Team Uruzgan under the command of US Colonel Jim Creighton, who gave us a high-level account of the strategy in securing the province and the impressive military intelligence and hardware tools that they employ. The camp is home to 3,000 troops and most of the Australian deployment. Whilst the senior commanding officers provided us with a great insight, it was the informal discussions with so many of our soldiers that I found so productive.

I have always had a great respect for the men and women of the ADF and their choice to fight for our democratic freedom and the protection of Western civilisation values. My admiration and respect grew exponentially as I moved amongst them, listening to them and observing them. Their professionalism, integrity and courage were carried like a mantle around their shoulders. Never before have I been so proud of my fellow Australians. The leadership skills that they have learnt through their education and training in the ADF were on full display and I was truly humbled to spend time with them.

My experiences demanded that I reflect on the numerous inquiries launched by the Defence minister in response to alleged offences that happened recently in ADFA. Whilst I do not condone stupid, puerile, sexist or immature behaviour of a few undergraduates, it would be a terrible injustice to judge and ascribe unprofessional behaviour to the rest of the ADF. The men and women I saw demonstrated that the recent concerns raised in Australia do not apply to them. The comradeship and mutual respect shown to each other underly the gender equality, integrity and professionalism that they apply to their daily lives. Given the harsh environment of the base, its size, the close proximity of the environment that they share and the military challenges they face, they conduct themselves in an exemplary manner. The Hercules pilot tasked with flying us into Tarin Kot was Liesl, a wonderful example of a capable woman in a demanding job. It was a very symbolic way in which to arrive in Afghanistan.

The advances that have been made and are sustained in the province were implicit in the activities that we participated in. One of the
The most impressive visit, however, was to Patrol Base Wali, where we were briefed
by Intelligence Officers Captain Jim Wallace and Captain Chris Stuart. This visit was
made on a Black Hawk flight located some 30 minutes from the main base, an area that
has been secured in only the last six months. The courage, leadership, strength and
resilience that these men showed was awe inspiring and I salute them. We also had a
flight to Kandahar, meeting with senior Australian embedded staff, including the
Deputy Commander, Brigadier Bruce Scott, and a tour of the Heron Intelligence
Coordination Centre and control centre, amongst many other site visits. These visits
only reinforced my view that our contribution to this war against terror is a
necessary and important one.

The successful covert operation by US forces to remove the head and symbolic face
of the Taliban, Osama bin Laden, the terrorist responsible for the death of
thousands of men, women and children, should only serve to reinforce our resolve to
stay the course and ensure the stability of Afghanistan. We must be resolute in
ensuring that the country does not return to its former status as a safe haven for terrorists,
whose mission in life is to destroy the democratic principles of Western civilisation
and the values that we uphold.

In closing, I would like to acknowledge my appreciation to the ADF for their support
of the program and to the many people who gave their time and provided the logistical
support to ensure our safe keeping. I salute our men and women in Afghanistan who are
fighting on our behalf. They have my unqualified support and admiration.

**Senate adjourned at 21:04**

**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*
Appropriation Act (No. 2) 2004-2005,
Appropriation Act (No. 3) 2005-2006,
Appropriation Act (No. 2) 2007-2008,
Appropriation Act (No. 3) 2007-2008,
Appropriation Act (No. 3) 2008-2009,
Appropriation Act (No. 1) 2009-2010,
Appropriation Act (No. 2) 2009-2010 and
Appropriation Act (No. 3) 2009-2010—
Determination to Reduce Appropriations Upon Request (No. 14 of 2010-2011) [F2011L00710].

Appropriation Act (No. 4) 2005-2006,
Appropriation Act (No. 3) 2007-2008 and
Appropriation Act (No. 3) 2008-2009—
Determination to Reduce Appropriations Upon Request (No. 11 of 2010-2011) [F2011L00583].

Appropriation Act (No. 1) 2009-2010—
Determination to Reduce Appropriations Upon Request—
No. 9 of 2010-2011 [F2011L00521].
No. 10 of 2010-2011 [F2011L00547].
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Determination to Reduce Appropriations Upon Request (No. 12 of 2010-2011) [F2011L00584].

Appropriation Act (No. 3) 2010-2011—
Determination to Reduce Appropriations Upon Request (No. 13 of 2010-2011) [F2011L00708].

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4 of 2011—Agricultural Census.
6 of 2011—Childhood Education and Care Survey.

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Australian Meat and Live-stock Industry Act—
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Australian Passports Act and Australian Passports (Application Fees) Act—Australian Passports Amendment Determination 2010 (No. 2) [F2010L03239]—Explanatory Statement [in substitution for explanatory statement tabled with instrument on 8 February 2011].

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Amendment No. 4 of 2011 [F2011L00613].

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Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2011 (No. 1) [F2011L00671].

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Select Legislative Instrument 2011 No. 56—Building and Construction Industry Improvement Amendment Regulations 2011 (No. 1) [F2011L00646].

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70/11—Direction – number of cabin attendants for Airbus A320 aircraft [F2011L00487].

113/11—Direction – parallel runway operations at Sydney (Kingsford Smith) Airport [F2011L00545].

120/11—Instructions – for approved use of P-RNAV procedures [F2011L00639].

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EX33/11—Exemption – recency requirements for night flying (National Jet Systems Pty Ltd) [F2011L00553].

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EX38/11—Exemption – maximum take-off weight requirements in flight manuals or other documents (agricultural or restricted category aircraft) [F2011L00601].


EX47/11—Exemption – from standard take-off and landing minima – V Australia [F2011L00654].

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EX49/11—Exemption – operating in vicinity of non-controlled aerodrome, VHF radio broadcasts and maintaining a listening watch [F2011L00619].

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MN14-11d of 2011—Migration Agents (Continuing Professional Development—Conference) [F2011L00555].
MN14-11e of 2011—Migration Agents (Continuing Professional Development—Workshops) [F2011L00560].
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Migration Regulations—Instruments IMMI—
11/011—Student visa assessment levels [F2011L00467].
11/012—Classes of persons [F2011L00466].
11/018—Specification of telephone number and times for oral applications for a resident return visa [F2011L00491].
11/022—Specified place [F2011L0057].
Statements for period 1 July to 31 December 2010 under sections—
46A(2) [3].
351.
Military Rehabilitation and Compensation Act—
Military Rehabilitation and Compensation (Non-warlike Service) Determination 2011 (No. 1) [F2011L00514].
Military Rehabilitation and Compensation (Payment into Bank or Foreign Corporation Account) Specification 2011 [F2011L00640].
Military Rehabilitation and Compensation (Warlike Service) Determination 2011 (No. 1) [F2011L00519].
MRCA Treatment Principles (Coordinated Veterans’ Care Program) Determination 2011 [F2011L00528].
National Consumer Credit Protection Act—
Select Legislative Instrument 2011 No. 39—National Consumer Credit Protection Amendment Regulations 2011 (No. 1) [F2011L00474].
National Health Act—Instruments Nos PB—
24 of 2011—National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2011 (No. 4) [F2011L00507].
25 of 2011—National Health (Price and Special Patient Contribution) Amendment Determination 2011 (No. 3) [F2011L00490].
26 of 2011—Amendment determination – conditions [F2011L00509].
27 of 2011—National Health (Listed drugs on F1 or F2) Amendment Determination 2011 (No. 4) [F2011L00544].
28 of 2011—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2011 (No. 3) [F2011L00546].
29 of 2011—National Health (Chemotherapy Pharmaceuticals Access Program) Special Arrangement Amendment Instrument 2011 (No. 3) [F2011L00531].
31 of 2011—National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2011 (No. 5) [F2011L00605].
33 of 2011—National Health (Listed drugs on F1 or F2) Amendment Determination 2011 (No. 5) [F2011L00623].
34 of 2011—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2011 (No. 4) [F2011L00643].
35 of 2011—National Health (Chemotherapy Pharmaceuticals Access Program) Special Arrangement Amendment Instrument 2011 (No. 4) [F2011L00642].
Parliamentary Entitlements Act—
Select Legislative Instrument 2011 No. 55—Parliamentary Entitlements Amendment Regulations 2011 (No. 1) [F2011L00631].

Primary Industries and Energy Research and Development Act—Select Legislative Instrument 2011 No. 43—Rural Industries Research and Development Corporation Amendment Regulations 2011 (No. 1) [F2011L00591].

Primary Industries (Excise) Levies Act—Select Legislative Instrument 2011 No. 41—Primary Industries (Excise) Levies Amendment Regulations 2011 (No. 2) [F2011L00593].

Primary Industries Levies and Charges Collection Act—Select Legislative Instrument 2011 No. 42—Primary Industries Levies and Charges Collection Amendment Regulations 2011 (No. 2) [F2011L00594].

Privacy Act—Select Legislative Instrument 2011 No. 47—Privacy (Private Sector) Amendment Regulations 2011 (No. 1) [F2011L00587].

Private Health Insurance Act—

Private Health Insurance (Complying Product) Amendment Rules 2011 (No. 3) [F2011L00693].

Private Health Insurance (Risk Equalisation Administration) Amendment Rules 2011 (No. 1) [F2011L00518].

Public Lending Right Act—

Public Lending Right Scheme 1997 (Modification No. 1 of 2011) [F2011L00667].

Public Lending Right Scheme 1997 (Modification No. 2 of 2011) [F2011L00669].

Radiocommunications Act—

Radiocommunications (Limitation of Authorisation of Third Party Users) Amendment Determination 2011 (No. 1) [F2011L00559].


Remuneration Tribunal Act—

Determination—


2011/03: Remuneration and Allowances for Holders of Public Office [F2011L00595].


2011/05: Judicial and Related Offices—Remuneration and Allowances [F2011L00655].

Renewable Energy (Electricity) Act—Renewable Energy (Electricity) Regulations—Determination of the method to be used to determine the number of certificates that may be created for a particular model of solar water heater, dated 23 March 2011 [F2011L00486].

Social Security Act—

Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2011 (No. 1) [F2011L00592].


Superannuation Act 1976—Superannuation (CSS) Temporary Employee Approval 2011 (No. 1) [F2011L00661].

Superannuation Act 1990—Superannuation (PSS) Temporary Employee Declaration 2011 (No. 1) [F2011L00662].
Superannuation Act 2005—Superannuation (PSSAP) Public Sector Employees (Amendment) Declaration 2011 (No. 1) [F2011L00663].

Superannuation Industry (Supervision) Act—Request from Minister to APRA under section 230A.

Telecommunications Act—

Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2011 (No. 1) [F2011L00679].


Telecommunications (Carrier Licence Charges) Act—Determinations under paragraphs—
15(1)(b) No. 1 of 2011 [F2011L00469].
Veterans’ Entitlements Act—
Statements of Principles concerning—
Acute Rheumatic Fever No. 23 of 2011 [F2011L00503].
Acute Rheumatic Fever No. 24 of 2011 [F2011L00504].

Dental Malocclusion No. 17 of 2011 [F2011L00489].
Dental Malocclusion No. 18 of 2011 [F2011L00499].
Malignant Neoplasm of the Liver No. 21 of 2011 [F2011L00500].
Malignant Neoplasm of the Liver No. 22 of 2011 [F2011L00502].
Rheumatic Heart Disease No. 19 of 2011 [F2011L00493].
Rheumatic Heart Disease No. 20 of 2011 [F2011L00492].
Veterans’ Entitlements (Treatment Principles – Coordinated Veterans’ Care Program) Instrument 2011 [F2011L00538].

Governor-General’s Proclamation—Commencement of provisions of an Act

Tabling
The following documents were tabled:
Department of the Treasury—Report on the operation of the Guarantee Scheme for Large Deposits and Wholesale Funding, dated 24 March 2011.
Natural Heritage Trust—Report for 2007-08.
Royal Australian Air Force Welfare Recreational Company—Reports for—

2008-09, including financial statements for the RAAF Central Welfare Trust Fund.
2009-10, including financial statements for the RAAF Central Welfare Trust Fund.


Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly reports on the operation of the Government co-contribution scheme for the periods—

2009—
1 July to 30 September.
1 October to 31 December.
2010—
1 April to 30 June, together with the report for 2009-10.
1 January to 31 March.
1 July to 30 September.

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 October to 31 December 2010.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Climate Change and Energy Efficiency: Hospitality**

(Question No. 151)

Senator Abetz asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 29 September 2010:

(1) (a) Can an itemised list be provided of how much the department has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

(2) For each Minister and any associated parliamentary secretary: (a) can an itemised list be provided of how much each office has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

(1) (a) The Department of Climate Change and Energy Efficiency's (and its predecessor the Department of Climate Change) total hospitality spend from 24 November 2007 to 30 June 2010 was $200,138 comprising:

- 295 Australian based events costing $155,390; and
- 19 International events costing $44,748.

The Department is unable to provide further details of each event as it would involve an unreasonable diversion of resources.

(b) Details of the alcohol component of any official hospitality are not recorded separately. Provision of these details would involve an extensive manual process and therefore, in the context of existing workloads, an unreasonable diversion of resources.

(2) (a) Details of events for each Minister to 30 June 2010 are as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister's Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22 July 2009</td>
<td>Parliament House</td>
<td>NGO consultations</td>
<td>$99</td>
</tr>
<tr>
<td>4 August 2009</td>
<td>Parliament House</td>
<td>Meeting with Kreab Gavin Anderson</td>
<td>$33</td>
</tr>
<tr>
<td>21 September 2009</td>
<td>Parliament House</td>
<td>Supplies purchased for catering to thank Ministerial staff</td>
<td>$85</td>
</tr>
<tr>
<td>22 October 2009</td>
<td>Parliament House</td>
<td>NGO Round table</td>
<td>$99</td>
</tr>
<tr>
<td>9 December 2009</td>
<td>Restaurant 98</td>
<td>Media Breakfast</td>
<td>$168</td>
</tr>
<tr>
<td>26 February 2010</td>
<td>Parliament House</td>
<td>Committee meeting and lunch</td>
<td>$25</td>
</tr>
<tr>
<td>10 March 2010</td>
<td>Parliament House</td>
<td>Bilateral meeting with the Indonesian State Minister for the Environment – Professor Gusti Muhammad Hatta</td>
<td>$125</td>
</tr>
<tr>
<td>12 March 2010</td>
<td>Parliament House</td>
<td>NGO Debrief Copenhagen</td>
<td>$87</td>
</tr>
<tr>
<td>3 June 2010</td>
<td>Parliament House</td>
<td>Meeting with Coasts and Climate Change Council</td>
<td>$28</td>
</tr>
<tr>
<td>Minister Assisting's Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 March 2010</td>
<td>Parliament House</td>
<td>Reimbursement of working lunch</td>
<td>$183</td>
</tr>
</tbody>
</table>
(b) Details of the alcohol component of any official hospitality are not recorded separately. Provision of these details would involve an extensive manual process and therefore, in the context of existing workloads, an unreasonable diversion of resources.

**Strategic Indigenous Housing and Infrastructure Program**

(Question No. 213)

**Senator Siewert** asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 29 November 2010:

I would like to clarify the employment and working conditions for Aboriginal workers employed under the Strategic Indigenous Housing and Infrastructure Program (SIHIP), including under what conditions participants in Community Development Employment Projects (CDEP) program, traineeships or work-for-the-dole programs may be employed. I have received some disturbing reports from communities in central Australia of the inconsistent treatment of Aboriginal workers.

The main allegations I have heard are:

- Aboriginal workers on CDEP or on income management being promised top-up pay that they do not receive or fully receive.
- Inconsistent and diminishing rates of top-up pay for workers, so that workers continuously employed to do the same work for the same number of hours a day receive less pay in subsequent pay packets.
- A failure to provide pay slips, employment contracts or other documentation to Aboriginal workers.
- A failure to report on employment outcomes to Job Services Australia (JSA) providers.
- Minimal training (e.g. 1 day) for extended periods of work (e.g. 3 to 4 months).
- Aboriginal contractors being asked to include CDEP places to reduce costs, and receiving less work when they refuse to do so.
- Different workers doing the same work side-by-side, but receiving vastly different pay.
- Over subscription of CDEP workers for the amount of work required (e.g. 15 or 20 put on to do the work of 5 to 6 full-time workers) with the expectation that a number will drop out (and are effectively forced to do so).

I am concerned that, if some or all of these allegations are true, they are undermining the positive employment outcomes that could be achieved by the significant opportunity provided by SIHIP, therefore:

1. What proportion of jobs on SIHIP is made up of CDEP workers.
2. Can a breakdown be provided, by community, of the number of Indigenous SIHIP workers: (a) on grandfathered CDEP payments; (b) in receipt of CDEP via Basics Card; (c) on other work experience programs; (d) being paid real wages; and (e) who received top-up wages, including the amount received.
3. How is it that the promised 'real jobs for real wages' under SIHIP are subject to income management.
4. Which organisations pay CDEP participants who are employed on SIHIP or SIHIP ancillary jobs.
5. (a) Can the accreditation requirements, workplace agreements and remuneration standards that are required by contractors who are providing construction or maintenance services under SIHIP be clarified; and (b) can an explanation be provided as to how these apply to organisations that are providing CDEP placements, traineeships or work-for-the-dole programs.
6. Can Aboriginal organisations or organisations employing Aboriginal workers be required to provide a certain number of CDEP places.
(7) If there are accredited Aboriginal contractors willing and able to do construction or maintenance work, can and should they be excluded in favour of CDEP workers.

(8) What are the arrangements concerning top-up pay for workers who are on income support and having their income managed under the Northern Territory Emergency Response.

(9) Are companies providing training or managing CDEP or work-for-the-dole programs required to clearly inform workers up-front as to how many hours they can work and how much top-up money they will be paid.

(10) Should the amount of top-up pay decrease over time.

(11) If there are changes to top-up arrangements or numbers of hours worked, are organisations required to inform workers beforehand.

(12) What can workers do if they believe they have worked a significant number of hours for which they have not been paid.

(13) (a) What are the contractual obligations of Community Enterprises Australia (CEA) and New Future Alliance under SIHIP; and (b) are they required to report on employment outcomes, number of hours worked, rates of pay etc.

(14) What remedy is there for JSA providers who have referred participants to CEA and/or SIHIP but have not received placement or outcome fees due to a lack of reporting.

(15) Which other communities who are in receipt of SIHIP housing or renovations also have, or will have, CDEP and work experience participants working on them.

(16) What action, if any, is the Government taking to remedy: (a) the underpayment of CDEP workers; (b) the lack of placement or outcome fees for referring JSA providers due to inadequate outcomes reporting by CEA; or (c) the loss of potential wages to Aboriginal contractors paying Aboriginal workers real wages for doing real work, who were overlooked in favour of the cheaper CDEP or work experience option.

(17) In regard to the CDEP program: (a) what proportion of available CDEP positions are now being taken up; and (b) can the latest data be provided on ex-CDEP participants, including: (i) the total number, (ii) how many ex-participants have jobs, and (iii) how many are on income support.

**Senator Arbib:** The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

(1) Employment of CDEP workers in SIHIP is limited to the New Future Alliance 3A package. At 22 November 2010, of the 58 Indigenous people employed in this package 17 were on CDEP. Across SIHIP this represented 4.9 per cent of the total Indigenous employment recorded across the program at that time.

(2) (a) and (b) As of 3 December 2010, there were 24 CDEP participants working on the SIHIP program at three locations:

<table>
<thead>
<tr>
<th>Location</th>
<th>New Participants</th>
<th>Continuing Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kintore</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Titjikala</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Tennant Creek</td>
<td>2</td>
<td>4</td>
</tr>
</tbody>
</table>

Grandfathered CDEP participants, on CDEP wages, are those listed as 'continuing participants'.

New CDEP participants receive income support, are subject to income management and will be issued with a basics card. However, no CDEP participants are paid via the basics card. As at 3 December 2010, there were 19 CDEP participants receiving income support.

(c) Alliance partners do not employ workers under the Work for the Dole or work experience programs. However, in some locations with larger capital works packages, the Alliances assist Job
Services Australia and other employment providers to run work experience or pre-employment programs with provision of tools and materials.

(d) All new participants, noted in (2) (a) above, are paid real wages at award rates for every hour worked.

(e) Continuing participants as noted in (2)(a) above, receive top-up payments for hours worked in excess of the 15 hours (on average) covered by CDEP wages. The actual amount of top-up paid depends on the number of hours worked over and above the first 15 hours (on average). At 3 December 2010, there were five continuing participants involved in SIHIP.

(3) Where a CDEP participant is classified as 'new', that is they commenced on CDEP after 1 July 2009, they participate on the program in receipt of income support. This change was part of the reforms to the CDEP program to ensure that incentive and participation requirements of CDEP participants were aligned with other Indigenous job seekers. As with other income support recipients, all wages earned from employment must be declared to Centrelink. All new participants will have a participation obligation under CDEP, however, this does not preclude them from obtaining part-time employment such as through SIHIP. Payment for all work with SIHIP is paid at or above award rates and is not subject to income management. Continuing participants, that is those on CDEP wages, are not subject to income management.

(4) There are four CDEP provider organisations that are paid by the New Future Alliance for part-time work undertaken on SIHIP. These CDEP providers then pay relevant participants at the award hourly rates. The four providers are: Central Desert Shire Council, Community Enterprises Australia Ltd (Alice Springs), Tangentyere Council Incorporated and Tjuwanpa Outstation Resource Centre Aboriginal Corporation.

(5)(a) Funding for SIHIP works, under NPARIH, requires contracted organisations constructing houses and refurbishment/rebuilds to be compliant with all relevant Australian Government and Northern Territory Government legislation/regulations.

The Australian Government and the Northern Territory Government also requires that all works meet quality standards as described in the Building Code of Australia and that housing design and amenity complies with the Nation Indigenous Housing Guide. Compliance with Federal Safety Commissioner (FSC) is also mandated.

Alliance partners must meet all relevant industrial relations legislation as they are the employer of an individual. They may also contract parts of the work to smaller subcontractors who will have similar employer obligations. In addition, subcontractors working in the building and construction sector in the Northern Territory are also required to be Contractor Accreditation Limited (CAL) compliant. To obtain CAL accreditation contractors must:

- Commit to work to the industry code of practice for the building and construction industry;
- Agree to abide by government requirements in areas such as industrial regulations, work health and training;
- Provide full and accurate information regarding their business structure, resources and past performance;
- Agree to an assessment of their financial capability by an independent financial consultant; and
- Agree to CAL staff obtaining information regarding their business activities from other parties.

CDEP providers must also ensure that work experience employers comply with all relevant laws, industrial agreements and instruments (part of the CDEP Funding Agreement).

(b) Alliance partners do not employ workers under the Work for the Dole or work experience programs. However, in some locations with larger capital works packages, the Alliances assist Job Services Australia and other employment providers to run work experience or pre-employment...
programs with provision of tools and materials. CDEP Work Experience Agreements are not applicable
for periods under 13 weeks. As short-term refurbishment packages are usually two to twelve weeks
CDEP participants were provided under a labour hire arrangement rather than a Work Experience
Agreement.

Where the CDEP participant has been directly employed, safety and workplace requirements are
incorporated into their training. A CDEP participant's wages are consistent with the award under which
they are employed as it is for other non-CDEP employees.

In the case of the labour hire arrangements in package 3A in the Southern Refurbishments,
Community Enterprises Australia are providing the labour to New Future Alliance. New Future
Alliance undertakes training of the participant ensuring that all OH&S and safety requirements are met.
Community Enterprises Australia remains the employer for the participant, ensuring all relevant
industrial requirements are met. In addition, the Department of Families, Housing, Community Service
and Indigenous Affairs (FaHCSIA) monitors compliance of CDEP providers to all aspects of their
funding agreements.

(6) No, there is no requirement to guarantee a certain number of places for CDEP workers.

(7) No, accredited Aboriginal contractors are not excluded in favour of CDEP workers. Accredited
Aboriginal contractors are also able to employ CDEP participants, similar to any other employer.
Alliances have subcontracted work to 13 local Indigenous businesses including –Thamarrurr
Development Corporation, and Groote Eylandt and Bickerton Island Enterprises (GEBIE Civil &
Construction).

(8) New participants (those on income support) on the CDEP program who obtain part-time work
with a SIHIP employer must declare all earnings to Centrelink. Income received from working (wages)
is not income managed but may impact on the participant's income support which is subject to income
management.

(9) Before placing new and continuing participants with a Work Experience Employer, CDEP
providers must execute a Work Experience Agreement with the Work Experience Employer. This Work
Experience Agreement details the pay and conditions on which the CDEP participants are engaged and
must be signed by the CDEP participants. For the short-term placements under the labour hire
arrangement, the hours a participant works are negotiated between the CDEP provider, SIHIP employer
and the individual. All hours worked are paid at or above award rate.

(10) Only continuing CDEP participants are eligible to receive top-up pay. The CDEP provider will
pay CDEP wages to the continuing participant for, on average, the first 15 hours worked per week. Any
additional hours worked must be paid by the employer, in this case New Future Alliance. These hours
will be paid at award rates and would be considered 'top-up'. Pay for 'top-up' is dependent on the hours
per week worked – if hours decrease, top-up pay decreases and if hours increase, top-up pay increases.

(11) Yes.

(12) In the first instance, a worker should raise the query with their local CDEP manager. The
Government will investigate any claim made that workers are not being fairly remunerated.

(13) (a) Community Enterprises Australia is a CDEP provider and has no contractual obligations
under SIHIP. It has an agreement with New Future Alliance to provide labour hire personnel. Their
contracts are commercial-in-confidence but include amounts for workers compensation, superannuation
and administration costs.

(b) Yes, both the CDEP provider and the Alliance Partner have separate reporting requirements with
group to Indigenous employment and keep records of all hours worked and paid for CDEP participants.
As a CDEP provider, Community Enterprises Australia must record and report all participants
against relevant activities. Under their labour hire arrangement, this includes signed time sheets.
Community Enterprises Australia would submit outcome claims for all employment outcomes.
New Future Alliance reports to the Department of Housing, Local Government and Regional Services in the Northern Territory on employment information. This information includes – number of indigenous employees, hours worked and training participation.

(14) It is a requirement under the CDEP funding agreement and JSA deed, that all CDEP and JSA providers must enter into Service Level Agreements (SLA) where they service the same locations. The SLA should outline how the two providers will jointly service their shared participants, including communications and reporting between the two parties. If a JSA provider feels the SLA is not being honoured they can raise the matter with their Department of Education, Employment and Workplace Relations (DEEWR) contract manager who will liaise with the relevant CDEP agreement manager in FaHCSIA.

(15) Please refer to (2)(a).

(16) (a) The Government will investigate any claim made that workers are not being fairly remunerated. FaHCSIA’s investigations have shown that to date CDEP participants working on SIHIP are being remunerated appropriately. In order to address confusion around CDEP participants undertaking short-term employment with a SIHIP employer, FaHCSIA has advised CDEP providers that any placement with a SIHIP employer that is not under a formal Work Experience Agreement, that is for placements of less than 13 weeks, the CDEP participant must be exited from the program.

(b) Please refer to (14).

(c) FaHCSIA is not aware of any specific information about potential losses to Aboriginal contractors. Any complaints should be directed to the Department of Housing, Local Government and Regional Services in the Northern Territory.

(17) (a) At 30 November 2010, a total of 10,400 participants were active on the CDEP program out of the 14,891 available places (69.84 per cent).

(b) (i) The total number of exits from the CDEP program between 1 July 2009 and 30 June 2010 was 12,897. The total number of program exits between 1 July 2010 and 30 Nov 2010 was 6,421. These exits are for multiple reasons and include multiple episodes of participation for the same people.

(ii) Between 1 July 2009 and 30 June 2010:

- 2,253 initial employment outcomes have been claimed;
- 1,822 thirteen week outcomes have been claimed; and
- 1,308 twenty-six week outcomes have been claimed.

Between 1 July 2010 and 30 November 2010:

- 934 initial employment outcomes have been claimed;
- 605 thirteen week outcomes have been claimed;
- 482 twenty-six week outcomes have been claimed; and
- 727 fifty-two week outcomes have been claimed.

(iii) Of the 19,318 exits from the CDEP program since 1 July 2009 it is not possible to report how many of these are currently in employment or on income support.

Climate Change and Energy Efficiency: Green Loans
(Question No. 220)

Senator Birmingham asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 24 November 2010:

With reference to the answer provided on 14 May 2010 through additional estimates that:
‘Green Loans were made available for a range of home improvements. Abatement estimates are not available at this time’, and the answers provided on 17 November 2010 through Budget estimates, months after the 22 March discontinuation of the loans component of the Green Loans Program, that:

‘As at 31 August 2010, the total value of the 7,448 loans for which the Department had paid subsidies and application fees was $67,900,866.00’, and

‘As at 31 August 2010, the total sum of subsidies and application fees paid to all financial institutions participating in the program was $13,553,381. This is based on the 7,448 loans for which payments had been made as at 31 August 2010’:

(1) For what reason are these answers given ‘As at 31 August 2010’.

(2) Is the department expecting to pay, or has the department paid, any subsidies or application fees later than 31 August 2010.

(3) (a) What information has been kept on the home improvements made or planned as a result of the securing by householders of Green Loans; and (b) can an itemised list be provided by eligible action (e.g. fridge, hot water system replacement) of: (i) the number of Green Loans provided, (ii) the total value of Green Loans provided, and (iii) the total number of such eligible actions subsidised (noting that each Green Loan might subsidise more than one eligible action).

(4) What are the estimated emissions reductions resulting from subsidised Green Loans, including:

(a) a total estimate for the loans component of the program;

(b) a total estimate for the entire program if different; and

(c) an itemised listing of emissions reduction by eligible action (e.g. fridge, hot water system replacement).

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

(1) The 31 August 2010 date coincided with the date on which data was collated by the Department to respond to Senator Birmingham’s original question.

(2) One invoice is still to be paid for loans that were approved prior to the 22 March 2010 closure date. The Department is seeking clarification from the relevant financial institution about a number of items included in this invoice. Once the items claimed for payment have been verified, this invoice will be paid as a matter of priority.

(3) Information on improvements planned as a result of the securing by householders of a Green Loan is contained on the loan declaration provided by applicants to the relevant financial institution. The Department has not yet received this information from the financial institutions but will do so as part of the overall audit and evaluation strategy.

To ensure householders have adequate time to see the benefits of both making improvements to their property and sustained behavioural changes, the evaluation and audit of Green Loan recipients is planned to occur in the first quarter of 2011.

As of 14 December 2010, there were 7,774 loans approved, with a total value of $70,930,829.25.

(4) The Department is exploring whether it is possible to provide answers to some or all of these questions.

Prime Minister: Stationery

(Question No. 226)

Senator Humphries asked the Minister representing the Prime Minister, upon notice, on 29 November 2010:
Since 14 September 2010, for each Minister and any Parliamentary Secretaries in their portfolio:
(1) What has been the total amount spent on stationery and publications, including a breakdown of all spending.
(2) What has been the total amount spent on printing ministerial letterhead.
(3) What is the grams per square metre [GSM] of the ministerial letterhead.
(4) Is the letterhead carbon neutral.

**Senator Chris Evans:** The Prime Minister has provided the following answer to the honourable senator's question:

I am advised that the general ongoing practice is that Ministers' letters in the portfolio are printed on plain paper with the 'letterhead' being part of the electronic document. There is however a requirement for some letters from the Prime Minister to be printed on pre-printed letterhead. No expenditure on pre-printed letterhead paper was incurred in the period covered by this question as paper is ordered in bulk and used over an extended period.

The following Ministers use 'Stephen Swiss White' 115gsm A4 paper and matching DL envelopes for ministerial correspondence:

- the Prime Minister, the Honourable Julia Gillard MP;
- the Minister for the Arts, the Honourable Simon Crean MP;
- the Cabinet Secretary, the Honourable Mark Dreyfus MP, and
- the Parliamentary Secretary to the Prime Minister, Senator the Honourable Kate Lundy.

The cost of the Stephen Swiss White paper and envelopes are:
- one ream (500 sheets) is $32.87 or $26.40 per ream if bulk orders (50 reams or more) are placed; and
- DL envelopes are $76.50 per box of 500.

As at 29 November 2010, standard white paper (A4 80gsm) and 'Stephen Swiss White' envelopes were used for ministerial correspondence for the other Ministers in the portfolio, i.e:

- the Minister Assisting the Prime Minister on Digital Productivity, Senator the Honourable Stephen Conroy;
- the Minister for Social Inclusion, the Honourable Tanya Plibersek MP;
- the Minister for Privacy and Freedom of Information, the Honourable Brendan O'Connor MP;
- the Minister for Sport, Senator the Honourable Mark Arbib; and
- the Special Minister for State for the Public Service and Integrity, the Honourable Gary Gray MP.

The cost of one ream (500 sheets) of standard white paper is $4.90.

The 'Stephen Swiss White' product is carbon neutral. The standard white paper used more generally for ministers is not carbon neutral.

The total cost for stationary used by each minister over the period since 14 September 2010 cannot be identified as stationery is ordered in bulk, sometimes for several ministers, and then used over an extended period. The costs have therefore been presented as an amount per ream or batch of stationary.

**Veterans' Affairs: Stationery**

(Question No. 259)

**Senator Humphries** asked the Minister representing the Minister for Veterans' Affairs, upon notice, on 29 November 2010.

Since 14 September 2010, for each Minister and any Parliamentary Secretaries in their portfolio:
(1) What has been the total amount spent on stationery and publications, including a breakdown of all spending.

(2) What has been the total amount spent on printing ministerial letterhead.

(3) What is the grams per square metre [GSM] of the ministerial letterhead.

(4) Is the letterhead carbon neutral.

**Senator Chris Evans:** The Minister for Veterans' Affairs has provided the following answer to the honourable senator's question:

(1) From 14 September 2010 to 28 February 2011 the total amount expended on publications was $1,258.56. Expenditure on stationery is recorded by the Department under a single account code and it would be too resource intensive to identify what proportion was attributed to the Office of the Minister for Veterans' Affairs.

(2) The Minister's Office does not use printed letterhead and instead prints the letter template straight onto blank paper. As expenditure for blank paper supplied by the Department is recorded under a single account code, it would be too resource intensive to identify what proportion was attributed to the Minister's Office.

(3) Until mid-January 2011 the Minister's Office used 50% recycled copy paper that is 80 GSM for correspondence from the Minister for Veterans' Affairs. From mid-January to date the Office has used a paper that is 110 GSM. This was used to exhaust stocks that the Department of Defence had provided to the Office. The Office will shortly transition to a new paper that is 104 GSM.

(4) The 80 GSM and the 110 GSM papers used for ministerial responses were not carbon neutral. The 104 GSM paper that the Office will transition to shortly is carbon neutral.

**Special Minister of State for the Public Service and Integrity: Stationery (Question No. 265)**

**Senator Humphries** asked the Minister representing the Special Minister of State for the Public Service and Integrity, upon notice, on 29 November 2010:

Since 14 September 2010, for each Minister and any Parliamentary Secretaries in their portfolio:

(1) What has been the total amount spent on stationery and publications, including a breakdown of all spending.

(2) What has been the total amount spent on printing ministerial letterhead.

(3) What is the grams per square metre [GSM] of the ministerial letterhead.

(4) Is the letterhead carbon neutral.

**Senator Wong:** The Special Minister of State for the Public Service and Integrity has provided the following answer to the honourable senator's question:

Please refer to the Special Minister of State's answer to Question 266*.

*All figures quoted in the answer to Question 266 are shared between the Department of the Prime Minister and Cabinet and the Department of Finance and Deregulation, in accordance with the SMOS' dual role as Special Minister of State for the Public Service and Integrity and Special Minister of State.

**Finance and Deregulation (Question No. 281)**

**Senator Humphries** asked the Minister for Finance and Deregulation, upon notice, on 29 November 2010:

Since 14 September 2010, for each Minister and any Parliamentary Secretaries within their portfolio:
(1) Do the Minister and Parliamentary Secretaries have access to a departmental credit card; if so, can a copy be provided of all bank statements.

(2) (a) How many mobile devices are provided to the Minister's office; and (b) what is the total spend on mobile devices for each office to date.

(3) At what level is each staff member employed in the office.

(4) What has been the total cost of travel for the Minister and Parliamentary Secretaries.

(5) What has been the total travel for all staff, by office.

Senator Wong: The answer to the honourable senator's question is as follows:

(1) No.

(2) (a) 20, comprising 10 Blackberries and 10 Next G cards. (b) $7,729.44. This figure relates to costs incurred between 14 September 2010 and 29 November 2010.

(3) The employment of staff under the Members of Parliament (Staff) Act 1984 is administered by the Department of Finance and Deregulation. On 19 October 2010, the Department tabled with the Senate Finance and Public Administration Committee a list of Government Personal Staff Positions as at 1 October 2010.

(4) The cost of official travel for Parliamentarians paid by the Department of Finance and Deregulation is reported bi-annually. Travel costs for the period 1 July to 31 December 2010 will be tabled by the Special Minister of State in the last sitting week of June 2011.

In addition, between 14 September 2010 and 29 November 2010, the total cost of short-term transport (such as hire cars and taxis) was $4,587.06.

(5) The Special Minister of State will respond on behalf of other Ministers and Parliamentary Secretaries in relation to the total travel for all staff, by office. Please refer to the answer to Question No. 308.

Special Minister of State for the Public Service and Integrity
(Question No. 307)

Senator Humphries asked the Minister representing the Special Minister of State for the Public Service and Integrity, upon notice, on 29 November 2010:

Since 14 September 2010, for each Minister and any Parliamentary Secretaries within their portfolio:

(1) Do the Minister and Parliamentary Secretaries have access to a departmental credit card; if so, can a copy be provided of all bank statements.

(2) (a) How many mobile devices are provided to the Minister's office; and (b) what is the total spend on mobile devices for each office to date.

(3) At what level is each staff member employed in the office.

(4) What has been the total cost of travel for the Minister and Parliamentary Secretaries.

(5) What has been the total travel for all staff, by office.

Senator Wong: The Special Minister of State for the Public Service and Integrity has provided the following answer to the honourable senator's question:

Please refer to the Special Minister of State's answer to Question 308*.

*All figures quoted in the answer to Question 308 are shared between the Department of the Prime Minister and Cabinet and the Department of Finance and Deregulation, in accordance with the SMOS' dual role as Special Minister of State for the Public Service and Integrity and Special Minister of State.
Special Minister of State
(Question No. 308)

Senator Humphries asked the Minister representing the Special Minister of State, upon notice, on 29 November 2010:

Since 14 September 2010, for each Minister and any Parliamentary Secretaries within their portfolio:

(1) Do the Minister and Parliamentary Secretaries have access to a departmental credit card; if so, can a copy be provided of all bank statements.

(2) (a) How many mobile devices are provided to the Minister's office; and (b) what is the total spend on mobile devices for each office to date.

(3) At what level is each staff member employed in the office.

(4) What has been the total cost of travel for the Minister and Parliamentary Secretaries.

(5) What has been the total travel for all staff, by office.

Senator Wong: The Special Minister of State has provided the following answer to the honourable senator's question:

(1) No.

(2) (a) 18, comprising 8 Blackberries, two mobile phones and eight Next G cards. (b) $10,593.16. This figure relates to costs incurred between 14 September 2010 and 29 November 2010.

(3) The employment of staff under the Members of Parliament (Staff) Act 1984 is administered by the Department of Finance and Deregulation. On 19 October 2010, the Department tabled with the Senate Finance and Public Administration Committee a list of Government Personal Staff Positions as at 1 October 2010.

(4) The cost of official travel for Parliamentarians paid by the Department of Finance and Deregulation is reported bi-annually. Travel costs for the period 1 July to 31 December 2010 will be tabled by the Special Minister of State in the last sitting week of June 2011.

In addition, between 14 September 2010 and 29 November 2010, the total cost of short-term transport (such as hire cars and taxis) was $3,228.23. Similar costs incurred by Departments on behalf of their Portfolio Ministers should be reported separately by each Department.

(5) A table outlining the cost of travel paid by the Department of Finance and Deregulation for the staff of Ministers and Parliamentary Secretaries is at Attachment A. It should be noted that Departments may have incurred additional staff travel costs directly, and if so, these costs will be reported separately by each Department.

Attachment A

Cost of travel paid for by the Department of Finance and Deregulation for employees of Ministers and Parliamentary Secretaries for the period 14 September to 29 November 2010

<table>
<thead>
<tr>
<th>Employing Minister or Parliamentary Secretary</th>
<th>Title</th>
<th>Employee Travel Costs $</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hon Anthony Albanese MP</td>
<td>Minister for Infrastructure and Transport</td>
<td>99,443.33</td>
</tr>
<tr>
<td>Senator the Hon Mark Arbib</td>
<td>Minister for Indigenous Employment and Economic Development Minister for Sport Minister for Social Housing and Homelessness</td>
<td>69,376.43</td>
</tr>
<tr>
<td>Employing Minister or Parliamentary Secretary</td>
<td>Title</td>
<td>Employee Travel Costs $</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>The Hon Chris Bowen MP</td>
<td>Minister for Immigration and Citizenship</td>
<td>75,830.42</td>
</tr>
<tr>
<td></td>
<td>Minister for Human Services*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minister for Financial Services, Superannuation and Corporate Law*</td>
<td></td>
</tr>
<tr>
<td>The Hon David Bradbury MP</td>
<td>Parliamentary Secretary to the Treasurer</td>
<td>6,219.54</td>
</tr>
<tr>
<td>The Hon Tony Burke MP</td>
<td>Minister for Sustainability, Environment, Water, Population and Communities</td>
<td>91,793.85</td>
</tr>
<tr>
<td></td>
<td>Minister for Agriculture, Fisheries and Forestry*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minister for Sustainable Population*</td>
<td></td>
</tr>
<tr>
<td>The Hon Mark Butler MP</td>
<td>Minister for Mental Health and Ageing</td>
<td>43,339.54</td>
</tr>
<tr>
<td></td>
<td>Parliamentary Secretary for Health*</td>
<td></td>
</tr>
<tr>
<td>The Hon Anthony Byrne MP</td>
<td>Parliamentary Secretary for Trade*</td>
<td>2,263.16</td>
</tr>
<tr>
<td></td>
<td>Parliamentary Secretary to the Prime Minister*</td>
<td></td>
</tr>
<tr>
<td>Senator the Hon Kim Carr</td>
<td>Minister for Innovation, Industry, Science and Research</td>
<td>101,070.38</td>
</tr>
<tr>
<td>The Hon Jason Clare MP</td>
<td>Minister for Defence Materiel</td>
<td>43,281.42</td>
</tr>
<tr>
<td></td>
<td>Parliamentary Secretary for Employment*</td>
<td></td>
</tr>
<tr>
<td>Senator the Hon Jacinta Collins</td>
<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>25,313.88</td>
</tr>
<tr>
<td>The Hon Julie Collins MP</td>
<td>Parliamentary Secretary for Community Services</td>
<td>22,959.36</td>
</tr>
<tr>
<td>The Hon Greg Combet AM MP</td>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>54,522.31</td>
</tr>
<tr>
<td>Senator the Hon Stephen Conroy</td>
<td>Minister for Broadband, Communications and the Digital Economy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td></td>
</tr>
<tr>
<td>The Hon Simon Crean MP</td>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>101,149.24</td>
</tr>
<tr>
<td></td>
<td>Minister for the Arts</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minister for Education*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minister for Employment and Workplace Relations*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minister for Social Inclusion*</td>
<td></td>
</tr>
<tr>
<td>The Hon Mark Dreyfus QC MP</td>
<td>Parliamentary Secretary for Climate Change and Energy Efficiency</td>
<td>72,705.99</td>
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<tr>
<td>The Hon Justine Elliot MP</td>
<td>Parliamentary Secretary for Trade</td>
<td>15,357.24</td>
</tr>
<tr>
<td>The Hon Kate Ellis MP</td>
<td>Minister for Employment Participation and Childcare</td>
<td>26,649.91</td>
</tr>
<tr>
<td></td>
<td>Minister for the Status of Women</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minister for Early Childhood Education, Childcare and Youth*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minister for Sport*</td>
<td>58,610.59</td>
</tr>
<tr>
<td>Employing Minister or Parliamentary Secretary</td>
<td>Title</td>
<td>Employee Travel Costs $</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------</td>
</tr>
</tbody>
</table>
| The Hon Dr Craig Emerson MP                  | Minister for Trade  
Minister for Competition Policy and Consumer Affairs  
Minister for Small Business, Independent Contractors and the Service Economy*                                                                 | 48,693.27               |
| Senator the Hon Chris Evans                   | Minister for Tertiary Education, Skills, Jobs and Workplace Relations  
Minister for Immigration and Citizenship*                                                                                                                                                    | 73,035.57               |
| Senator the Hon Don Farrell                   | Parliamentary Secretary for Sustainability and Urban Water                                                                                                                                              | 31,467.17               |
| Senator the Hon John Faulkner                 | Minister for Defence*                                                                                                                                                                                                 | 850.70                  |
| Senator the Hon David Feeney                  | Parliamentary Secretary for Defence                                                                                                                                                                     | 8,133.42                |
| The Hon Martin Ferguson AM MP                 | Minister for Resources and Energy  
Minister for Tourism                                                                                                                                                                                     | 86,315.67               |
| The Hon Peter Garrett AM MP                   | Minister for School Education, Early Childhood and Youth  
Minister for Environment Protection, Heritage and the Arts*                                                                                                                                            | 17,773.02               |
| The Hon Julia Gillard MP                      | Prime Minister                                                                                                                                                                                           | 370,772.04              |
| The Hon Gary Gray AO MP                       | Special Minister of State  
Special Minister of State for the Public Service and Integrity  
Parliamentary Secretary for Western and Northern Australia*                                                                                                                                             | 66,348.31               |
| The Hon Alan Griffin MP                       | Minister for Defence Personnel*  
Minister for Veterans' Affairs*                                                                                                                                                                           | 1,591.73                |
| The Hon Dr Mike Kelly AM MP                   | Parliamentary Secretary for Agriculture, Fisheries and Forestry  
Parliamentary Secretary for Defence Support*  
Parliamentary Secretary for Water*                                                                                                           | 5,593.97                |
| The Hon Catherine King MP                    | Parliamentary Secretary for Health and Ageing  
Parliamentary Secretary for Infrastructure and Transport                                                                                                                                               | 17,949.06               |
| Senator the Hon Joe Ludwig                   | Minister for Agriculture, Fisheries and Forestry  
Special Minister of State*                                                                                                                                                                                | 59,451.60               |
| Senator the Hon Kate Lundy                   | Parliamentary Secretary to the Prime Minister  
Parliamentary Secretary for Immigration and Citizenship                                                                                                                                               | 11,832.36               |
| The Hon Jenny Macklin MP                     | Minister for Families, Housing, Community Services and Indigenous Affairs                                                                                                                               | 63,385.62               |
| The Hon Richard Marles MP                    | Parliamentary Secretary for Pacific Island Affairs  
Parliamentary Secretary for Innovation and Industry*                                                                                                                                                    | 25,714.07               |
<table>
<thead>
<tr>
<th>Employing Minister or Parliamentary Secretary</th>
<th>Title</th>
<th>Employee Travel Costs $</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hon Robert McClelland MP</td>
<td>Attorney-General</td>
<td>46,794.08</td>
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<tr>
<td>Senator the Hon Jan McLucas</td>
<td>Parliamentary Secretary for Disabilities and Carers</td>
<td>17,468.57</td>
</tr>
<tr>
<td>The Hon Brendan O’Connor MP</td>
<td>Minister for Home Affairs, Minister for Justice, Minister for Privacy and Freedom of Information</td>
<td>70,367.31</td>
</tr>
<tr>
<td>The Hon Tanya Plibersek MP</td>
<td>Minister for Human Services, Minister for Social Inclusion, Minister for Housing*, Minister for the Status of Women*</td>
<td>15,268.97</td>
</tr>
<tr>
<td>The Hon Nicola Roxon MP</td>
<td>Minister for Health and Ageing</td>
<td>64,514.54</td>
</tr>
<tr>
<td>The Hon Kevin Rudd MP</td>
<td>Minister for Foreign Affairs</td>
<td>151,650.56</td>
</tr>
<tr>
<td>Senator the Hon Nick Sherry</td>
<td>Minister for Small Business, Minister Assisting on Deregulation, Minister Assisting the Minister for Tourism, Assistant Treasurer*</td>
<td>58,412.57</td>
</tr>
<tr>
<td>The Hon Bill Shorten MP</td>
<td>Minister for Financial Services and Superannuation, Assistant Treasurer, Parliamentary Secretary for Disabilities and Children's Services*, Parliamentary Secretary for Victorian Bushfire Reconstruction*</td>
<td>63,010.69</td>
</tr>
<tr>
<td>The Hon Stephen Smith MP</td>
<td>Minister for Defence, Minister for Foreign Affairs and Trade*</td>
<td>113,195.60</td>
</tr>
<tr>
<td>The Hon Warren Snowdon MP</td>
<td>Minister for Veterans’ Affairs, Minister for Defence Science and Personnel, Minister for Indigenous Health, Minister for Indigenous Health, Rural and Regional Health and Regional Service Delivery*</td>
<td>43,419.02</td>
</tr>
<tr>
<td>Senator the Hon Ursula Stephens</td>
<td>Parliamentary Secretary for Social Inclusion and the Voluntary Sector*</td>
<td>135.72</td>
</tr>
<tr>
<td>The Hon Wayne Swan MP</td>
<td>Treasurer</td>
<td>134,111.41</td>
</tr>
<tr>
<td>The Hon Lindsay Tanner</td>
<td>Minister for Finance and Deregulation*</td>
<td>696.80</td>
</tr>
<tr>
<td>Senator the Hon Penny Wong</td>
<td>Minister for Finance and Deregulation, Minister for Climate Change, Energy Efficiency and Water*</td>
<td>60,246.08</td>
</tr>
</tbody>
</table>

The figures in the above table reflect the cost of travel, including domestic and overseas airfares, car transport and travelling and Motor Vehicle Allowances for all employees of each Minister or Parliamentary Secretary employed under the Members of Parliament (Staff) Act 1984 (MOP(S) ACT), and includes both personal and electorate employees. The figures do not include travel on Special Purpose Aircraft which is administered by the Department of Defence.
As employees are able to lodge claims for Travelling Allowance up to 60 days after completion of the relevant travel, and allowing time for ticket charges and refunds, the total cost of travel may not be reflected in the table above. However, the information provided is correct as at 8 December 2010.

* Role ceased on 14 September 2010 when the new Ministry was sworn in. Please note that a Direction made under the MOP(S) Act defers the termination of staff for a period of two weeks after an Office Holder ceases to hold office. Staff are eligible for limited official travel at Government expense during this period.

**Export Finance and Insurance Corporation**

(Question No. 344)

**Senator Ludlam** asked the Minister representing the Minister for Trade, upon notice, on 13 December 2010:

With reference to the Export Finance and Insurance Corporation (EFIC) and Burma: Has EFIC provided any services, assistance, funding or insurance to Australian companies investing or doing business in Burma; if so, can a detailed explanation be provided of those services.

**Senator Conroy:** The Minister for Trade has provided the following answer to the honourable senator's question:

In the past decade, the Export Finance and Insurance Corporation has not provided finance or insurance to support Australian company investments or contracts in Burma.

**Export Finance and Insurance Corporation**

(Question No. 345)

**Senator Ludlam** asked the Minister representing the Minister for Trade, upon notice, on 13 December 2010:

Given that the Export Finance and Insurance Corporation (EFIC) has provided new loan support to West African mines and according to a media release on its website dated 30 August 2010, EFIC is providing a 4 year loan facility to the Australian business, African Underground Mining Services Pty Ltd (AUMS), for its contract underground mining operations in Ghana and Mali to the value of US$15 million:

(1) On what date did EFIC sign the loan contract and the contract become valid.

(2) Did EFIC apply its environment policy to benchmark the application against International Finance Corporation (IFC) Performance Standards and the Equator Principles before making the decision to approve this loan facility to AUMS.

(3) Does one of the four contract mining agreements that AUMS has entered into relate to Newmont Mining Corporation's Ahafo gold mine in Ghana, located in a farming region northwest of the country's capital Accra.

(4) When EFIC approved this transaction, classifying it as a Category B project (rather than a Category A – significant impacts), was it aware of any controversy surrounding the Ahafo gold mine since its commencement in 2006.

(5) Can comment be provided on the following 'known' controversies associated with the Ahafo gold mine: (a) allegations of human rights abuses by security forces protecting the mine; b) displacement of 10 000 people (95 per cent of whom were subsistence farmers); (c) inadequate compensation; (d) irresponsible practices; and (e) a serious cyanide spill in October 2009.

(6) Was EFIC aware that a ministerial panel of the Government of Ghana has recommended that the Newmont Mining Corporation be fined US$4.9 million for failing to prevent a major cyanide spill in October 2009 at its Ahafo gold mine, and for failing to properly report on and investigate the spill.
**Senator Conroy:** The Minister for Trade has provided the following answer to the honourable senator's question:

1. African Underground Mining Services Ltd (AUMS) is not an Australian business but is an Australian-owned joint venture incorporated in Ghana. The EFIC US$15 million facility relates to AUMS's operations in Ghana and Mali.

   The effective signing date of the Ghana loan contract is 8 April 2010 and the effective signing date of the Mali loan contract is 13 September 2010.

2. EFIC assessed this transaction under its Environment Policy. As required under the Policy EFIC assessed the activity of our client using the IFC Performance Standards as the benchmark.

   The Equator Principles apply only to project finance and were not relevant to this transaction which does not involve project finance as described in the Equator Principles.

3. EFIC provided a loan of $US15 million to AUMS, a Ghanaian joint venture company, owned by two Australian companies. The purpose of the loan was to allow AUMS to purchase mining machinery manufactured in Australia for use in contract mining services provided by the Ghanaian joint venture to its clients in West Africa. Those clients included Newmont Ghana Gold Limited which operates and owns Ahafo Gold Mine.

4. EFIC's assessment included a review of publicly available information (at the time of assessment) on its client's customer, Newmont Ghana Gold Limited and its Ahafo Gold Mine Project. That information indicated that the project was assessed and funded by the commercial arm of the World Bank, the International Finance Corporation (IFC), and that the IFC financing of the project was subject to the mine operator meeting stringent environment and social standards. The IFC also has ongoing monitoring and reporting in place, including assessments by independent consultants. Since the financing was approved by the IFC, the project has publicly reported on its management of environmental and social issues. EFIC's review provided adequate assurance that World Bank Group policies and guidelines had been met at the time of that review.

5. EFIC cannot comment on these issues specifically as they are related to the operator and owner of the Ahafo gold mine, Newmont Ghana Gold Limited, and EFIC has no relationship with that company.

6. EFIC is aware from news reports of payment by Newmont Ghana Gold Limited of an unspecified amount as compensation for an accidental overflow at the Ahafo Gold Mine.

   EFIC cannot comment specifically on this issue as it is the responsibility of the operator and owner of the Ahafo Gold Mine, Newmont Ghana Gold Limited. EFIC has no relationship with that company.

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**Export Finance and Insurance Corporation**

**(Question No. 346)**

**Senator Ludlam** asked the Minister representing the Minister for Trade, upon notice, on 13 December 2010:

With reference to the publication dated 18 August 2010 on the Export Finance and Insurance Corporation (EFIC) website which states that EFIC had signed a 10 year $50 million loan agreement with Australian business Orica Limited, to support the construction of an industrial grade ammonium nitrate plant in Indonesia: Why were the social and environmental impacts of this large scale project not considered to be significant enough to have the project classified as a 'Category A' under the EFIC environment policy.

**Senator Conroy:** The Minister for Trade has provided the following answer to the honourable senator's question:
EFIC assessed this transaction under its Environment Policy. As required under the Policy, EFIC assessed the activity of its client using the IFC Performance Standards as the benchmark. EFIC considered that this project’s social and environmental impacts were few in number, generally site specific, largely reversible and readily addressed through mitigation i.e. the characteristics of a Category B project.

Export Finance and Insurance Corporation
(Question No. 349)

Senator Ludlam asked the Minister representing the Minister for Trade, upon notice, on 13 December 2010:

Has the Export Finance and Insurance Corporation (EFIC) provided any services, assistance, funding or insurance to Australian coal companies or coal projects operating overseas; if so, can details be provided of what has been provided, to which company and to what project; if not, can details be provided clarifying whether there is anything preventing coal projects or companies from accessing EFIC assistance in the future.

Senator Conroy: The Minister for Trade has provided the following answer to the honourable senator’s question:

In the past 12 months, the Export Finance and Insurance Corporation (EFIC) has participated in a trade receivables purchase facility between Westpac and entities of Anglo American Metallurgical Coal Pty Ltd. The receivables relate to purchases of various grades of coking coal by ArcelorMittal, a Luxembourg-registered company.

Under its mandate EFIC has no bias in its support for any specific sector and is reactive to requests for support from any Australian exporter. As such, there is nothing preventing coal projects or companies from seeking EFIC’s assistance. EFIC may provide support to coal projects or companies if they comply with EFIC’s environmental and social requirements; the projects are technically and commercially viable; and there is a ‘market gap’ for the financial support.

Export Finance and Insurance Corporation
(Question No. 350)

Senator Ludlam asked the Minister representing the Minister for Foreign Affairs, upon notice, on 13 December 2010:

With reference to the 5 year environment and social policy review conducted by the Export Finance and Insurance Corporation (EFIC):

(1) What steps have been taken by EFIC to promote the current review.
(2) What kinds of efforts were made by way of consultation and encouraging public submissions.
(3) Has EFIC provided a public document outlining the review process and opportunities for consultation and engagement.
(4) What efforts were made to seek input from EFIC supported projects where communities have been affected, and from other stakeholders in host countries.
(5) In relation to the submissions received by EFIC as part of its review: (a) how many have been received and from whom; (b) will they be made public; (c) will EFIC publish a public response to the submissions and recommendations received during the current review; (d) will EFIC respond to these submissions beyond a letter of acknowledgement; and (e) is there anything in the Export Finance and Insurance Corporation Act 1991 that prevents EFIC from responding to the substance contained in the submissions.
(6) Has EFIC engaged in a public forum or public hearing process during the review; if not, will EFIC hold such a public consultation event before approving the revised policy.

(7) Have the proposed new EFIC Social and Environment Policy and Procedure documents been reviewed by an independent corporate social responsibility expert during the review process.

**Senator Conroy:** The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) EFIC commenced the current review of its Environment Policy more than 18 months ago. Over that time EFIC has consulted its stakeholders through a variety of methods including one-on-one discussions, distribution of a questionnaire to clients, a formal public consultation period (discussed under questions 2 and 3) and a workshop with respondents to the formal consultation (discussed under question 6).

(2) EFIC formally consulted its stakeholders by posting a draft revised Environmental Policy and Procedure on its website and requesting submissions from interested parties. The consultation period was open between 6 August and 1 October, 2010 and was twice extended following the separate requests of two civil society organisations that eventually made submissions.

To encourage submissions EFIC directly emailed details of the consultation period and the consultation documents to those people and organisations registered with EFIC to receive alerts when EFIC’s Category A register is updated. (The Category A register advises stakeholders of EFIC's potential involvement in projects with a potential for significant environmental and social impact).

(5) (a) EFIC received three submissions from civil society organisations (CSOs): Oxfam Australia, Jubilee Australia and the Mineral Policy Institute. (b), (c), (d) and (e) EFIC organised a workshop in December 2010 with the three CSOs that responded to its request for submissions on its Environment Policy Review (discussed under question 6). One of the outcomes of that workshop was an agreement that EFIC will publish on its website:

- copies of the submissions received (subject to the author's consent);
- EFIC's response to the submissions. This comprises an analysis of the submissions that was used as the basis for the workshop discussions; and
- a paper summarising the workshop outcomes. This was prepared by an independent facilitator engaged for the workshop and represents a set of agreed outcomes that will help inform the finalisation of EFIC's revised Policy and associated Procedure.

(6) EFIC organised an independently facilitated one day workshop between EFIC, DFAT and the three CSOs that made submissions on its Environment Policy Review. The workshop's aims were to:

- provide an opportunity for EFIC and the CSOs to discuss the Policy, Procedure and the submissions, and
- identify and develop some consensus views that will inform the Policy and Procedure finalisation.
- An independent facilitator was engaged for the workshop to both facilitate discussions and also to prepare a paper summarising the workshop outcomes.

(7) EFIC has internal expertise in environmental and social impact assessment and management. However EFIC did not engage an independent corporate social responsibility expert. A combination of that expertise and consultation with stakeholders and the other activities noted above has provided a broad basis for the preparation of the new Policy and Procedure.

The preparation of the proposed new Policy and Procedure for EFIC's environmental and social review of transactions has been in progress for about 18 months and was informed by a broad range of activities including:

- direct discussions with stakeholders as outlined in the responses to previous questions;
the participation of EFIC's staff in a variety of external forums. Coincidental to EFIC's Environment Policy review there has been a review by the International Finance Corporation of the Performance Standards (EFIC's benchmark) and a review of the Organisation for Economic Cooperation and Development "Common Approaches" (EFIC's international obligation). EFIC staff have been actively participating in these reviews.

Export Finance and Insurance Corporation
(Question No. 351)

Senator Ludlam asked the Minister representing the Minister for Trade, upon notice, on 13 December 2010:

With reference to the current environment policy and reporting procedures of the Export Finance and Insurance Corporation (EFIC), and drawing on examples of the export credit agencies operating in Canada, the United States of America (US) and Japan:

(1) In terms of establishing international benchmarks for the practice of export credit agencies and their environment policies, is it fair to compare EFIC to other export credit agencies such as Export Development Canada (EDC), Export-Import Bank of the United States (Ex-Im Bank) and the Japan Bank for International Cooperation (JBIC); if not, why not.

(2) Has EFIC adopted an environment policy that is consistent or comparative with the environment policies adopted by EDC, Ex-Im Bank and JBIC.

(3) Is EFIC complying with industry best practice; if so, can a copy of its guidelines, policies or standards outlining industry best practice be provided.

(4) Given that the EDC's implementation and compliance with its Environmental Review Directive is reviewed every 5 years by the Auditor General of Canada: (a) has EFIC's implementation and compliance with its environment policy been independently reviewed and audited by the Australian Auditor-General or an independent third party in the past 5 years; and (b) is there anything in the Export Finance and Insurance Corporation Act 1991 (the Act) that prevents the Australian Auditor-General performing this audit.

(5) Can the Minister confirm that the export credit agencies Ex-Im Bank and JBIC disclose monthly summaries of the minutes of meetings of the Board of Directors, in addition to media releases published, in order to provide a level of public accountability and to keep domestic stakeholders up to date with transactions.

(6) Does EFIC disclose summaries of its Board minutes to the Australian public; if not, is there anything in the Act that prevents EFIC from disclosing these summaries to the Australian public.

(7) Given that the Canadian export credit agency, EDC, has at least one corporate social responsibility (CSR) representative on the Board of Directors, does EFIC have a CSR representative/expert on their Board; if not, is there anything in the Act that prevents the appointment of a CSR representative/expert to the EFIC Board.

(8) With reference to the JBIC and Ex-Im Bank process, where, after receiving submissions on Category A projects, a summary of their benchmarking against International Finance Corporation Performance Standards is published to demonstrate compliance and transparency to domestic stakeholders: (a) how many Category A projects did EFIC disclose in the 2009-10 financial year; (b) does EFIC respond to public submissions on Category A projects beyond a letter of acknowledgement; if not, is there anything in the Act that prevents EFIC from responding to the substance contained in public submissions; and (c) does EFIC publish summaries of project benchmarking; if not, is there anything in the Act that prevents EFIC from disclosing summaries of project benchmarking.
Senator Conroy: The Minister for Trade has provided the following answer to the honourable senator's question:

(1) The Organisation for Economic Co-operation and Development (OECD) export credit agencies (ECAs) have agreed that they will use a common approach for addressing environmental issues relating to officially supported export credits. The agreement is referred to as the OECD Common Approaches. As a result, all OECD ECAs (including EFIC, EDC, Ex-Im Bank and JBIC) apply the same standard for transactions involving officially supported export credits.

However, a number of ECAs provide products and services beyond officially supported export credits that are appropriate to their Government mandate. As an example, US Ex-Im's mandate is largely focussed on the provision of export credits, whilst, in addition to export credits, JBIC provides a broader range of products in fulfilling a development and strategic acquisition role for Japan. EDC in Canada has a very broad mandate and operates more closely to a commercial bank.

Accordingly, the environmental policies of ECAs may need to cover both export credits and other types of business. The variations in mandate and differences in environment policies make direct comparisons somewhat difficult.

(2) As indicated in the response to question 1 it is difficult to directly compare EFIC's Environment Policy with the environmental policies of other ECAs. Some points of difference may further illustrate this:

EFIC has adopted the International Finance Corporation (IFC) Performance Standards as its benchmark for conducting environmental and social reviews of transactions (since the IFC Performance Standards were introduced in 2006 no other benchmark has been used by EFIC for transactions). The other three ECAs referenced in the question nominate and use either the World Bank Safeguard Policies or the IFC Performance Standards depending on the transaction type.

EFIC's Environment Policy applies to all transactions. EFIC understands that this is not the case for EDC and the Ex-Im Bank while JBIC's position is unclear in this respect.

EFIC considers that the standards and procedures nominated in its Environment Policy benchmark well in comparison to that of any other OECD ECA.

(3) The IFC Performance Standards are widely regarded as the best practice benchmark for environmental and social assessment. The Performance Standards and associated Guidelines are applicable to almost any type of activity.

A copy of the Performance Standards and Guidelines can be found at: http://www.ifc.org/ifcext/sustainability.nsf/Content/PerformanceStandards

EFIC occasionally supplements the IFC Performance Standards with other guidelines or standards and this is determined according to the needs of specific transactions. For example, EFIC has referenced the community development toolkit of the International Council on Metals and Mining (ICMM) and has also used the Human Rights Guidance Tool for the Financial Sector developed by the United Nations Environment Programme Finance Initiative (UNEP FI).

(4) (a) There is no legislative requirement that the Australian Auditor-General audit EFIC's Environment Policy. The last external review of EFIC's implementation of its Environment Policy was commissioned by EFIC from PriceWaterhouseCoopers in 2004.

As part of its current Environment Policy review, EFIC is considering a regular independent audit of the application of its Environment Policy. The audit frequency has yet to be determined. EFIC's preference would be to engage a specialised environmental consultancy to undertake the proposed audit so that people with the requisite experience and skills are involved, which would enhance the effectiveness of the audit.

(b) There is nothing in the Export Finance and Insurance Corporation Act 1991 (the EFIC Act) that
prevents the Australian Auditor-General performing this audit. The appointment of the Australian Auditor-General to perform such an audit would be regulated by the Auditor-General Act 1997 (Cth).

(5) The US Ex-Im Bank publishes a brief summary of its Board meetings. The information provided is limited to the names of the parties involved in a transaction, the transaction type, the amount and term of the financial support provided for the transaction, the country where the transaction is located and the Board's decision.

JBIC does not appear to publish summaries of its Board of Directors meetings nor do any other OECD or non-OECD ECA publish information concerning Board meetings.

(6) EFIC complies with the reporting and other obligations of a Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 (Cth)(CAC Act). Those reporting obligations do not include the provision of summaries of its Board minutes. Section 87 of the EFIC Act contains provisions which prohibit the disclosure by EFIC employees, officers and Board members of information relating to EFIC's business under the EFIC Act.

(7) The 2009 EDC Annual Report reveals there are no Board members with responsibility for CSR. EDC has an individual in its Executive whose responsibilities include CSR issues, as does EFIC. Appointments to the EFIC Board (other than the Managing Director) are made by the Minister. Both the EFIC Act and the CAC Act impose obligations and duties on EFIC Board members, including a duty to act in the best interests of EFIC with due care, skill and diligence.

Before an EFIC board position is vacated, depending on the specific position and taking account of the skills required to ensure that the Board has appropriate balanced membership to meet its functions, an extensive list of potential candidates is prepared. This list is then provided to the Minister and a short list of candidates determined. The candidates short listed are contacted and resumes submitted. The Minister then selects a suitable candidate from this list.

(8) (a) EFIC disclosed its potential involvement in three Category A projects during the 2009-2010 financial year. (b) EFIC provides a letter of acknowledgement to those that make a written submission on Category A projects. EFIC incorporates these submissions into its due diligence process prior to making a decision to provide or decline support for a transaction. Section 87 of the EFIC Act contains provisions which prohibit the disclosure by EFIC employees, officers and Board members of information relating to EFIC's business under the EFIC Act. (c) EFIC does not publish summaries of project benchmarking. EFIC is aware of only one ECA that regularly publishes a summary of project benchmarking; JBIC, which publishes a very brief overview of each of its 'Category A' projects. The published summary contains little information on a project's environmental and social impacts and resultant management response. JBIC is also not a directly comparable organisation to EFIC as it also fulfils a development and strategic acquisition role for Japan.

Automotive Industry Structural Adjustment Program

(Question No. 380)

Senator Colbeck asked the Minister for Innovation, Industry, Science and Research, upon notice, on 3 February 2011:

(1) What amount of funding has been spent and/or committed under the Automotive Industry Structural Adjustment Program (AISAP).

(2) How many companies have received funding under the AISAP; of these, how many have merged and with whom have they merged.

(3) How many individuals have received funding under the AISAP.

(4) What amount of funding remains uncommitted under the AISAP for the 2010-11 financial year and for each (if any) subsequent year.
Senator Carr: The answer to the honourable senator's question is as follows:

(1) As at 25 January 2011, $35,213,036 had been committed under the structural adjustment element of AISAP.

The total amount of funding spent under the labour market element of AISAP as at 25 January 2011 is $9 million (this element is the responsibility of the Department of Education, Employment and Workplace Relations (DEEWR)).

(2) As at 25 January 2011, nine companies had received funding under the structural adjustment element of AISAP. Of these, three companies had received funding assistance to undertake mergers and acquisitions. Information regarding mergers and acquisitions is commercial in confidence.

(3) As at 25 January 2011 there were a total of 2,718 job seekers who received support as a result of funding provided under the labour market element of the AISAP (DEEWR).

(4) As at 25 January 2011, $34.495 million remained uncommitted under the structural adjustment element of AISAP for the financial year 2010-11. No funding is appropriated for subsequent years under the structural adjustment element of AISAP.

As at 25 January 2011, there is a total of $27.3 million uncommitted funds under the labour market element of AISAP (DEEWR).

Coal Seam Gas
(Question No. 406)

Senator Bob Brown asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 25 February 2011:

In regard to the extraction of coal seam gas:

(1) What is the average amount of methane released in such operations.

(2) What is the estimated maximum for methane release.

(3) How is such a release measured.

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

Methane emissions from the extraction of coal seam gas are estimated and reported within the National Greenhouse Accounts, as part of the fugitive emissions from natural gas production and processing, venting and flaring. It is not possible to separately identify the emissions associated with the extraction of coal seam gas. According to the National Greenhouse Accounts, fugitive methane emissions from natural gas production and processing (leakage and venting) for Australia in 2008 were 33,335 tonnes.

The National Greenhouse and Energy Reporting (Measurement) Determination 2008 (the Determination) provides methods and criteria for calculating greenhouse gas emissions and energy data under the National Greenhouse and Energy Reporting Act 2007. Methodologies for determining the fugitive methane emissions from the extraction of coal seam gas are provided in the Determination under Divisions 3.3.6 and 3.3.9 for natural gas production and processing.

Permanent Migration Program
(Question No. 412)

Senator Cash asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 1 March 2011:
(1) What formula or formulas are used to calculate: (a) the total annual level of permanent migration targeted over the past 5 years (2006 to 2011); and b) the total annual level of skilled and family permanent migration over the same period.

(2) Has the formula, or its parameters, changed between 2006 and 2011; if so: (a) in what way; and (b) what have been the impacts on the targeted level of migration.

(3) What are the objectives which drive the level of permanent migration in Australia.

(4) What work has been undertaken to assess whether the targeted levels of permanent migration have met these objectives.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) (a) and (b) The Permanent Migration Program is planned and managed on an annual basis through the setting of the annual permanent skill and family intake levels.

In determining the size and composition of the Migration Program, a range of factors are considered, including:

- immediate and forecast long-term social, demographic and economic trends;
- expected demand for skilled labour in key occupations and industries over the medium to long term;
- estimated demand for Migration Program places within categories that are uncapped under existing legislation, in particular the Partner and Child categories;
- specific social, economic and labour market advice and analysis from other Australian Government agencies including Skills Australia, as well as feedback from key industry and business bodies, community groups and state and territory governments through the conduct of annual migration program consultation meetings and receipt of written submissions;
- research and analysis of the current and projected labour demand in Australia;
- an identified need to address critical immediate and emerging longer term labour force skill shortages, that are unable to be met by the domestic labour market or training schemes or through temporary migration programs; and
- the economic and social contribution of the permanent migration program and any adjustment costs and wider considerations which need be balanced against the above considerations.

Annual permanent migration planning levels are indicative and are revised and reviewed regularly by the Government to ensure that they are meeting their aim. The proportion of visa grants in Skill Stream categories can be readjusted in response to changes in economic circumstances.

(2) (a) and (b) The method of determining the size and composition of the annual Migration Program has not changed over the last five years. However, since 2010 the Department analysed temporary migration trends alongside permanent migration program trends. This information has been considered alongside the migration program to ensure that immigration levels are optimal in terms of their economic contribution, and balanced against adjustment costs which flow from resultant population growth.

(3) The Migration Program has the objective of facilitating the entry of migrants who can contribute to economic growth by enhancing the size, skill level and productivity of the Australian labour force; as well as the reunion of immediate family members such as partners and children, and other family members within the extent that the social gain is balanced against the fiscal cost.

(4) The Department consults industry, businesses and community groups on the effectiveness of the Migration Program to meet their critical skill and social needs. Input from these consultations is considered as part of future Migration Program planning. Regular internal and external evaluations and
reviews of migration programs and policies are also undertaken to ensure these are meeting their objectives. For example the Independent category of the Skill Stream was reviewed in 2010, and the Business Skills and Employer Sponsored Category is currently under review, as is the Student Visa program which is a key feeder category for the permanent program.

The Department regularly commissions external research on current and emerging issues associated with immigration, population, multiculturalism and settlement and undertakes evaluations to assess the effectiveness and acceptability of migration priorities, legislation and policy settings.

Longitudinal and continuous surveys of Australia's migrants are conducted to evaluate the labour market and settlement outcomes of migrants. The Department also collects and analyses a range of immigration related statistics to monitor the progress of our programs.

Key research and evaluation reports, findings from surveys on Australia's skilled and family migrants and immigration related statistical publications are available on the Department's website on: http://www.immi.gov.au/media/publications.htm

Indonesia

(Question No. 413)

Senator Hanson-Young asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 2 March 2011:

With reference to the Government's promise to resettle 500 UNHCR registered refugees from Indonesia: Can the Government confirm whether this target has been met; if not (a) how many from the promised 500 have been resettled; and (b) what will be the timeframe for resettling the remaining refugees.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(a) The Australian Government resettles UNHCR mandated refugees from a number of locations globally.

In relation to refugees resettled from Indonesia, in the 2009–10 Program year (which runs from 1 July to 30 June), 109 visas were granted to UNHCR mandated refugees under the Humanitarian Program.

In the 2010–11 Program year to 28 February 2011, 457 visas have been granted to UNHCR mandated refugees in Indonesia under the Humanitarian Program.

(b) Most refugees who are granted visas travel shortly after visa grant, however this is subject to flight availability and ensuring that appropriate settlement services are available in Australia.

Hungary

(Question No. 414)

Senator Boyce asked the Minister representing the Minister for Justice, upon notice, on 3 March 2011:

(1) When the Minister decided on 12 November 2009 that Mr Charles Zentai be extradited to the Republic of Hungary, was the Minister aware of any of the following information that had been provided to the Commonwealth Attorney General's Department and the Minister's office:

(a) that the Commonwealth Director of Public Prosecution (DPP) had advised the Australian Federal Police (AFP) that there was no evidence to support a charge against Mr Zentai of a war crime (or any other crime);

(b) that the DPP and the AFP had therefore decided not to prosecute Mr Zentai for the alleged war crime, although if there had been sufficient evidence to support a charge, (which there was not) it would
have been open to the Australian authorities to charge Mr Zentai and have him tried in Australia, rather than extradite him;

(c) that the Republic of Hungary only wanted Mr Zentai to be extradited to Hungary for interrogation, as no charge has been laid against him.

(2) If the Minister was aware of all or any of that information: (a) what information was he aware of; and

(b) did he give consideration to it before making his extradition determination; if so, what were his reasons for deciding that an Australian citizen, Mr Zentai, be extradited to Hungary.

(3) If the Minister was not aware of any or some of that information before he made the decision to extradite Mr Zentai, was he made aware of it after the decision of Federal Court Justice McKerracher in December 2010; if so, why did the Minister authorise an appeal against Justice McKerracher's decision that had set aside the Minister's determination to extradite Mr Zentai.

(4) Has the Minister ever suggested to the Hungarian authorities that they conduct their 'investigation' and/or 'interrogation' of Mr Zentai in Australia; if so, what was the Republic of Hungary's response; if not, why has the Minister not made that suggestion to the Republic of Hungary, having regard to the age and health of Mr Zentai, the fact that the Hungarian authorities have said they only want him for interrogation and the fact that Mr Zentai has stated that he is prepared to cooperate with investigators and is prepared to answer questions on oath.

(5) To date:

(a) what has been the total cost to the Commonwealth Government (including departmental personnel time and cost) in seeking to extradite Mr Zentai; and

(b) what is the estimated further cost of pursuing the appeal against the decision of Justice McKerracher.

Senator Ludwig: The Minister for Justice has provided the following answer to the honourable senator's question:

(1) As set out in the judgment of His Honour Justice McKerracher in Zentai v Honourable Brendan O'Connor (No 3) [2010] FCA 691, prior to making a surrender determination in respect of Mr Zentai, the Minister was provided with a submission (annexing relevant documentation) prepared by the Attorney-General's Department. The submission discussed advice provided by the Commonwealth Director of Public Prosecutions to the Australian Federal Police on evidentiary issues relating to the allegations against Mr Zentai and also discussed the basis on which the Republic of Hungary sought Mr Zentai's extradition. As the issues raised by Senator Boyce are the subject of proceedings currently before the Full Court of the Federal Court, it is not appropriate to comment further.

(2) The submission prepared by the Attorney-General's Department referred to in response to Question (1) above was before the Minister at the time he determined that Mr Zentai was to be surrendered to Hungary to face prosecution for a war crime. In view of the issues raised in current litigation in this matter, it is not appropriate to comment further.

(3) The decision of Mr Justice McKerracher of 2 July 2010 raises significant and complex issues for the administration of Australia's extradition scheme. It is appropriate that an appeal be pursued.

(4) The Republic of Hungary made a formal request under the Treaty on Extradition between Australia and the Republic of Hungary for the extradition of Mr Zentai to face prosecution for a war crime. Australia has an obligation to consider that request in accordance with the Treaty and the Extradition Act 1988.

(5) (a) The approximate cost to the Commonwealth of litigation in the matter of Mr Zentai's extradition to date is $455,000 (including GST and disbursements). These include costs of approximately $247,000 incurred in earlier proceedings instituted by Mr Zentai challenging various
aspects of the extradition process, including the constitutionality of the Extradition Act 1988. Mr Zentai was unsuccessful in those proceedings. The Australian Central Authority for extradition in the Attorney-General's Department does not maintain records of the time particular officers spend on particular matters. (b) It would be inappropriate to provide an estimate of the costs of the current appeal proceedings in circumstances where the proceedings are ongoing and at a relatively early stage.